

STOPPING "MOTHER SHIPS"—A LOOPHOLE IN
DRUG ENFORCEMENT

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HEARING
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 3437

TO AMEND THE COMPREHENSIVE DRUG ABUSE PREVENTION AND
CONTROL ACT OF 1970 AND OTHER LAWS TO PREVENT THE ILLICIT
IMPORTATION OF CONTROLLED SUBSTANCES INTO THE UNITED
STATES AND FOR OTHER PURPOSES.

AUGUST 22, 1978

Printed for the use of the Committee on the Judiciary



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STOPPING "MOTHER SHIPS"—A LOOPHOLE IN DRUG ENFORCEMENT

TUESDAY, AUGUST 22, 1978

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

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 424, Russell Senate Office Building, Senator John C. Culver (chairman of the subcommittee) presiding.

Present: Senators Culver and Thurmond.

Staff present: Steve Rapp, staff director; Josephine Gittler, chief counsel; Richard W. Velde, chief minority counsel, Senate Committee on the Judiciary; and Cliff Vaupel, staff counsel for the subcommittee.

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

Senator CULVER. The subcommittee will please come to order in order that we might begin the hearing.

Today the Senate Subcommittee To Investigate Juvenile Delinquency begins hearings on Federal efforts to control drug smuggling across our borders. We will also focus on legislation which I introduced last week—S. 3437, the Drug Trafficking Control Act of 1978—to enhance our ability to combat this smuggling.

Recently we have been witnessing an enormous increase in smuggling of cocaine and marihuana into our country from South America. Most of this smuggling is carried on by large "mother ship" operations. These mother ships, which frequently carry huge amounts of illegal drugs, proceed to points near the U.S. coast but beyond the 12-mile limit. From this position of safety the crews of the mother ships transfer their loads to smaller boats for shipment to the mainland.

In the first 7 months of this year, the Coast Guard has seized 101 such vessels, arrested 494 persons, and confiscated over \$700 million in drugs.

The overall impact of this smuggling is enormous. Hundreds of millions of dollars of profits are being generated, laundered, and funneled into other criminal enterprises or into legitimate businesses—creating the potential for a major expansion of organized crime and corruption.

Unfortunately, current law requires that U.S. authorities often must witness the distribution of the drugs from the mother ships to the smaller boats. Mere possession of illegal drugs on the high seas in

itself is not a crime. As a result, of those arrested, some 60 percent cannot be prosecuted, and they are being released or deported, free to smuggle again.

S. 3437 would close this loophole as well as several others which hamper U.S. drug enforcement. Specifically it would prohibit the possession of a controlled substance on the high seas with the intention of illegally bringing it into the United States. It would make it a crime to fail to file a customs declaration if one intends to export more than \$5,000 in cash or negotiable instruments. And finally, it would require the prompt reporting of vessels arriving from foreign countries.

I am looking forward to hearing the testimony this morning of our witnesses on the provisions of this legislation and from agency witnesses on their efforts to develop a coordinated response to stem the tide of drug smuggling. At this time I would like to yield to Senator Thurmond for his statement. Senator Thurmond is the ranking minority member on the full Senate Judiciary Committee, and though he is not a member of this subcommittee, he has been quite supportive of our efforts in the field of drug enforcement, and is a cosponsor of S. 3437. It is a pleasure, Senator Thurmond, to welcome you here this morning.

**STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM
SOUTH CAROLINA**

Senator THURMOND. Mr. Chairman, thank you for the opportunity of submitting this statement on S. 3437, the proposed Drug Trafficking Control Act of 1978. I have been pleased to cosponsor this important legislation. The bill, if enacted, would plug three "loopholes" that have developed in Federal attempts to enforce the Comprehensive Drug Abuse Prevention and Control Act of 1970. From my perspective, the most important provision of the bill is its title I. This title attempts to get at the so-called mother ships, those ships operating just outside the U.S. territorial 12-mile limit, which are large ships often bulging with huge quantities of illicit drugs. The mother ships serve as a source of supply for scores of smaller vessels, such as fishing trawlers, yachts, and other small boats. These boats ply off our coastal shores, smuggling illicit drugs into the mainland of the United States.

Just this past week, such a ship was discovered off the Florida coast and over 300 tons of marihuana were seized.

Until recently, this traffic on the east coast has been centered primarily off the Florida coast. However, concentrated enforcement activity by the Drug Enforcement Administration, the U.S. Coast Guard, and the U.S. Customs Service in that territory, has driven many of these operations farther up the east coast. Regrettably, one of the primary areas where this trafficking now occurs is off the coast of my own State of South Carolina.

I find this to be a truly shocking turn of events. If these reports are true, then immediate corrective action is essential to provide our enforcement agencies with the needed legal tools to stop these intrusions. Mr. Peter Bensinger, the Director of the Drug Enforcement Administration, has told me of this situation. We look forward to building a record during this hearing.

Mr. Chairman, be assured that this Senator will do all that he can to assist you in your efforts to secure speedy passage of this vital legislation.

And again, I want to commend you for your leadership in this important matter which is so vital to our country.

Senator CULVER. Thank you very much, Senator Thurmond.

Our first witness is Senator Chafee of Rhode Island.

Senator THURMOND. And Mr. Chairman, if you will excuse me just a second, I have an Armed Services Committee hearing on a very important matter. I want to thank Senator Chafee for coming; I am sure he will understand my having to depart to go to the Armed Services Committee. I will take pleasure, Senator, in reading your statement, as I will Mr. Bensinger's and all these other witnesses who are so important to this hearing.

Thank you very much. I have a few questions here, if you will propound them to Mr. Bensinger.

Senator CULVER. All right.

Our first witness this morning is Senator Chafee of Rhode Island. Senator Chafee is a cosponsor of S. 3437, and yesterday introduced another proposal, S. 3439, with somewhat different provisions, asserting U.S. jurisdiction over drug smugglers on the high seas. It is a great pleasure to welcome you here this morning, Senator Chafee. I look forward to not only hearing your statement, but working with you on possible legislation to help try to halt this smuggling of dangerous drugs into the United States.

STATEMENT OF HON. JOHN CHAFEE, A U.S. SENATOR FROM RHODE ISLAND ¹

Senator CHAFEE. Thank you very much, Mr. Chairman, and I would like to thank Senator Thurmond also. I certainly can understand his prior commitment.

Mr. Chairman, I would like to congratulate you on your bill, S. 3437, which I think takes a major step forward. As you mentioned, yesterday, I introduced a bill which works along the same lines, has some slightly different provisions, and I would commend it to you and your staff to take a look at, and perhaps you will find something there that would be helpful to you in your S. 3437, of which as you mention, I am a cosponsor.

Mr. Chairman, I was astonished to discover that loopholes in U.S. drug laws have prevented U.S. authorities from prosecuting nearly all drug smugglers apprehended beyond the territorial waters—outside the 3-mile limit of the United States. This has opened the door to the safest and most lucrative smuggling techniques now used by international drugrunners. In other words, we have got now a fail-safe system for foreign nationals as far as smuggling drugs into the United States is concerned. It's not only safe, but it's tremendously lucrative.

One of the primary reasons we find ourselves in this predicament is that when Congress passed the Controlled Substances Import and Export Act in 1970, they left some gaps in it. And under that law, which we are concerned with amending, the United States has author-

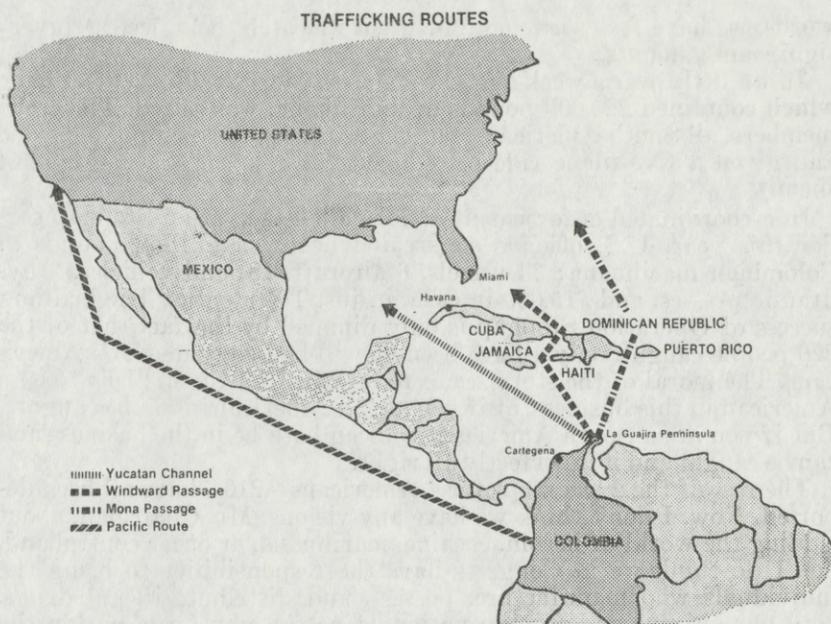
¹ See p. 33 for Senator Chafee's prepared statement.

ity over any individual caught within the U.S. territorial waters. We also have criminal jurisdiction over American citizens, or anyone aboard an American-owned vessel, if it can be proved there is an intent to smuggle contraband into the United States.

But as you know, Mr. Chairman, trying to prove intent in a court of law is extremely difficult, and you also have the situation where it is not an American citizen, or it is not an American-owned vessel, and there we can't do anything about it.

Mr. Chairman, yesterday, as you mentioned, I introduced S. 3439, Controlled Substances Import and Export Act Amendment of 1978, a bill which would bring many of these international smugglers under jurisdiction of the U.S. Criminal Code law for the first time. No longer will the drugrunners be able to lurk outside the arbitrary 3-mile or 12-mile limit. And I must say, Mr. Chairman, there is a little bit of confusion about our criminal jurisdiction between the 3-mile limit and the 12-mile limit, in that 9-mile space. However, the smugglers are smart enough to not get caught in that web, and they stay outside the 12-mile limit.

I think most Americans would be amazed to know the magnitude of these smuggling operations. There is a well-organized, well-financed, multibillion-dollar-a-year industry in the import of illicit drugs, and I know your committee has looked into this. These pictures taken in Colombia illustrate well the extent of this mammoth operation. We are not talking any more about some kids coming across the border from Mexico with some marihuana or a few ounces of cocaine stuffed under the floorboards of their van; we are talking about a new kind of smuggling operation involving full-scale, commercial freighters known as mother ships. They range from 100 to 300 feet long. Their primary cargo, loaded in Colombia, is usually 50 to 60 tons of marihuana and smaller, though just as valuable, quantities of cocaine. The vessels are usually registered, if they are registered at all, in a foreign country, and some of them, while not officially registered, fly the flags of foreign nations. The crews are typically of South American nationality.



Typically, they take the route as you have illustrated in your chart. They remain carefully outside the 12-mile customs enforcement zone, and at various designated points along the coast, anywhere from Brownsville, Tex., to the tip of Maine, they rendezvous with the smaller ships that come out. The highest point of excitement we had in our State last summer, Mr. Chairman, was one of these vessels showed up in Narragansett Bay. Very mysterious. Soon people became suspicious, and they were unloading right there, brazen enough to unload right in the bay. They unloaded several thousand pounds of marihuana and steamed off.

I might say that those people were caught, but we couldn't prosecute the members of the crew.

Obviously, Mr. Chairman, the slim risk of being caught and prosecuted doesn't deter many individuals from the enormous profits that result from a successful operation. Despite the fact that U.S. drug enforcement officials have confiscated more than 3.1 million pounds of marihuana since last October, twice as much as was seized all last year, there is no noticeable effect on the retail price.

U.S. officials estimate that they have only seized about 10 percent of the flow. It is interesting to note, Mr. Chairman, that as recently as 1976, marihuana seizures along the Mexican border accounted for 60 percent of the total seizures by Customs. In 1978, the Mexican imports had dropped to a mere 7 percent—that is, the seizures—while seizures in the gulf and southeastern Atlantic equaled 89 percent of the national total.

It is also interesting that while the actual number of seizures of heroin, cocaine, and marihuana have decreased in the first 3 quarters of this fiscal year, the quantities have increased dramatically. In other

words, we have fewer catches, but when we catch them, we catch very significant amounts.

Just a little over a week ago, the stateless vessel *Heidi*, 165 feet long, which contained 225,000 pounds of marihuana, was seized. The crewmembers, all South Americans, not U.S. citizens, were simply deported and given a free plane ride back home. So it is a riskless thing for them.

In a coordinated enforcement action called Operation Stopgap earlier this year, U.S. officials confiscated nearly a million pounds of Colombian marihuana; 33 vessels, 6 aircraft, 18 land vehicles, 3 hydraulic presses, and \$15,000 in cash, in just 1½ months. The brilliant success of Operation Stopgap is only dimmed by the fact that of the 220 people caught, only 4 have been or will be prosecuted. All Americans. The moral of the story seems to be, Mr. Chairman, "Don't be an American in this business, or if you are an American, don't be caught." But if you are a South American, you can both be in the business and can be caught and it is perfectly all right.

The rest of the 220, except for 4 Americans—216—have all been deported. Now, I don't think we have any visions, Mr. Chairman, about ridding the world of heroin, cocaine, marihuana, or other contraband, but I do think we in Congress have the responsibility to bring the individuals who manufacture, possess, and distribute illegal drugs, both our citizens and foreign nationals, as far as we can, within the grasp of U.S. criminal law. And the legislation that I introduced yesterday and your legislation also will accomplish a large part of that objective.

My bill has been carefully worked out over the past 6 weeks with officials of the Customs Service and with the Senate Legislative Counsel, and I would just briefly like to outline some of the provisions in it. It would bring under U.S. jurisdiction the following: Any vessel documented under the laws of the United States, or owned in whole or in part by a U.S. corporation.

It would bring under jurisdiction of the United States any vessel on the high seas registered in a foreign country, if that country authorizes the United States to assert jurisdiction.

It would bring under jurisdiction of the United States any vessel without nationality. Now, that's a big step, because many of these vessels just seem to have no nationality.

Any vessel within U.S. customs waters, which currently extend 12 miles offshore, or within a U.S. customs enforcement area which may be established pursuant to the Anti-Smuggling Act of 1935.

Any vessel which is a hovering vessel, described in the Tariff Act of 1930 as a vessel which is kept off the U.S. coast, either inside or outside customs waters, if it's reasonable to believe that it may be or is being used for smuggling.

And any vessel which flies more than one flag and thereby loses the right to claim any nationality under article 6 of the Convention on the High Seas.

My bill will tighten the Controlled Substances Import and Export Act by adding a prohibition against transporting illegal drugs into or within the U.S. customs waters.

Section 4 of it is perhaps the key provision. For the first time, it makes possession of illicit drugs on board any vessel, aircraft, or vehicle that is subject to the jurisdiction of the United States a Federal offense, regardless of where it may be located.

Now, this, I admit, is taking a big step forward. I suppose other nations could say that they don't agree with our definition of what's an illicit drug. But I believe in the question of marihuana or cocaine, there would be no question internationally. I believe all nations want to crack down on these drugs.

Section 5 makes it unlawful for any person to transfer a controlled substance to any vessel under jurisdiction of the United States. That would catch the mother ship transferring to the smaller, speedier vessels bringing it into the United States.

Section 6 makes it illegal to manufacture, possess—the work word there is “possess”—or distribute any controlled substance intending or knowing that it would be illegally imported into the United States.

Section 7 brings the new factors, transportation, transfer from one vessel to another, and possession of controlled substances, under the penalties of existing law.

Mr. Chairman, I believe my bill provides the most complete set of amendments to the Controlled Substances Import and Export Act yet devised for the purpose of closing loopholes in the law. I would urge your committee to examine it carefully if they might, along with the excellent bill which you have introduced, and hopefully, some good ideas can come out of it which can be synthesized within your bill—or in the other bill, either way—to bring the most coordinated approach to this growing problem of international drug trafficking which is of such concern to you and to the committee and, indeed, to all of us in the Congress. Thank you very much.

Senator CULVER. Thank you very much, Senator Chafee.

I have one question. As you properly suggested in the course of your description of your legislation, we are dealing in an area where there is a lot of gray and vagueness as to the reach and the writ of U.S. legal authority to impose itself on the matters of essentially international character. Your bill would make it a crime to simply possess controlled substances on the high seas, without showing intent to illegally bring the drugs into the United States. As I understand it, it would apply not only to U.S. vessels, but those with no national designation, or where the flag country authorizes the United States to assert jurisdiction.

What is your best judgment as to whether under international law the United States can extend its jurisdiction in this way beyond its borders and waters without showing intent to import?

Senator CHAFEE. Well, Mr. Chairman, I think you have touched on the most difficult part here. We are extending the reach of the U.S. law. For instance, suppose we should say something was an illegal substance that another country felt wasn't. Take during prohibition, for example. We decided it was illegal to have Scotch. The other nations of the world, most of the other nations of the world, didn't think it was. So being realists, we never tried to extend our jurisdiction that far in the case of that substance. I do have some concerns, Mr. Chairman, as I mentioned in my testimony. However, I think we can do it.

I believe that we do have a right to define by law our jurisdiction. The legislative people, the legal people from the Customs Services, and so forth, have indicated this is all right. I think in the course of your

hearings, it would be well to get some further testimony in on that point. Because we would hate to get all set and feel we could do something and then have it thrown down on a case of our overreaching.

The other side of the coin, Mr. Chairman, is, as you well know, the difficulty of proving intent to import into the United States. These vessels are off there, and they say, "We are just on our way to Canada," or some other place, and it makes it far more difficult. But I think it can be done. But as you proceed, I think it might be well to get some further testimony on it.

Senator CULVER. All right. I want to thank you very much, Senator Chafee, for your appearance here today, and I think a number of your suggestions are most meritorious. We will be working as you suggest, over the next few weeks, in getting the best expert judgment on a number of these rather difficult questions, and then I hope that we'll be able to keep an ongoing discussion with you in the course of the markup as to what some of our thinking is when it starts to crystallize.

Senator CHAFEE. Thank you. Thank you very much.

Senator CULVER. Our next witness is Mr. Lee Dogoloff. Mr. Dogoloff is the Associate Director of the Domestic Policy Staff at the White House. He heads the drug policy staff there, and is responsible for providing overall coordination to our Nation's drug enforcement efforts.

It's my understanding that your office has recently completed a study, Mr. Dogoloff, of illegal drug trafficking into the southeastern United States; is that correct?

Mr. DOGOLOFF. That is correct.

Senator CULVER. It's a pleasure to welcome you here this morning. I understand you have submitted a full statement. We will include that in the record. Since we will be hearing from a large number of witnesses today, and we have got some competition on the floor, I wonder if you could simply summarize your statement for us, and then perhaps we could proceed to a couple of questions.

STATEMENT OF LEE I. DOGOLOFF, ASSOCIATE DIRECTOR, DOMESTIC POLICY STAFF, WHITE HOUSE

Mr. DOGOLOFF. Right. Thank you, Mr. Chairman. It is a pleasure to be here today, to work with you on the difficult problem of the smuggling of illegal substances into the United States—particularly in the southeast. We appreciate all the efforts on your part in the last year, in dealing with drug abuse, including the Senate passage of the Psychotropic Convention, work on PCP amendments, and your support of the opium poppy eradication program in Mexico. So we welcome this as a further opportunity to work together.

I won't review the difficulty of the situation since it has already been discussed here this morning.

In the spring of last year, I traveled to Florida and met briefly with the Governor, and local, State, and Federal law enforcement officials throughout the State, and learned firsthand of the—

Senator CULVER. Where did you travel to? I'm sorry. I couldn't hear you.

Mr. DOGOLOFF. To Florida. I met with the Governor at the State capital, as well as people at the State, local, and Federal levels, who are involved in drug law enforcement, and found that drug dealing and smuggling is a multibillion-dollar industry in southern Florida.

To give you a couple of examples, I met with a person who ran a marina in Miami. He told of someone coming in to purchase a boat. The customer did not quibble over price, but came in with literally a shopping bag full of money—5's, 10's, and 20's—left the shopping bag, and said, "Count out the amount that the boat will cost. I'll pick up the change when I pick up my boat."

Local law enforcement officials told me that the current going rate for transporting a van full of marihuana from the shoreline about 12 to 20 miles to a stash house is \$30,000 per run. That gives you some idea of the magnitude of the dollars involved, particularly when you consider that this person probably has the least amount of involvement in the whole operation.

We have heard reports about drug-sponsored corporations who purchase businesses and/or large properties, to wash their illegal profits. The potential for expansion of organized crime and corruption is obvious.

We have launched a governmentwide attack to deal with this problem. We have assessed both the sources and trafficking routes, and have participated in diplomatic initiatives and negotiations with the primary source country of Colombia. We have also increased our law enforcement liaison in those source countries.

DEA, Customs, and the Coast Guard coordination have increased. We formulated a working group, which looks at those things they were now doing from their own agency perspectives. In this way they can see things that could be increased, and establish better opportunities for working together.

The example given by the previous witness regarding the *Heidi* is a good illustration of that increased cooperation. By taking information initially developed by the Drug Enforcement Administration, and transmitting it to the Coast Guard and Customs, all three of these agencies can work together.

The other initiative has been a currency investigation test for Miami, which we hope will yield real results. We have worked to develop the appropriate involvement of the military in support of Federal border management surveillance, and have sought the loan of military equipment for the customs air interdiction program. We have been working with Congress to pass legislation. I think we have made some real progress. The draft intelligence report on sources and trafficking routes is expected to be completed by the end of this month, and that should certainly assist in prediction, interdiction, and cooperation with foreign law enforcement officials.

Senator CULVER. Are we summarizing the statement now?

Mr. DOGOLOFF. Yes. In Colombia—

Senator CULVER. Or are we just reading the whole statement?

Mr. DOGOLOFF. No, I am not reading the statement; I am summarizing it.

Federal officials have visited Colombia, and met with prosecutors there to increase prosecution of Colombian citizens with information

developed here. At the Federal, State, and local level, there have been a number of joint Customs-Coast Guard operations, including increased personnel, the opening of new offices, and places in Florida where the Coast Guard has substantially increased hours from 80 to 200—number of hours its cutters stay on the waters. In addition to this, in October DEA is planning to conduct a law enforcement seminar with local officials in the State of Florida.

We have asked the State Department to consider means by which the Single Convention on Narcotic Drugs, can be amended to make possession of sufficient quantities of abusable narcotic drugs on the high seas, a violation in and of itself. That is not currently the case, and the jurisdiction over such vessels would be gained by agreement with the country registering such ships.

This violation would be prosecutable by parties to the Single Convention, without the need of proof or intended distribution in any specific country.

Regarding the specific legislation under consideration at this hearing, we have reviewed it, and we are very pleased to give it our full support. We think it begins to get at some of the loopholes that have been bothering us for quite a while, and we wholeheartedly support this legislation.

I will be glad to answer any questions you might have.

Senator CULVER. Without objection, your written statement will be inserted in the record.¹

Mr. Dogoloff, I wish to commend you for your efforts in trying to achieve as close a coordination as we can. When do you expect this plan to be fully operational? You have talked about all these elements of increased personnel, by DEA, and Customs and Coast Guard, and efforts by Colombians, use of military resources, AWACS, and negotiating treaties with Latin American countries. It's a great master plan, but what kind of due date are we looking at?

Mr. DOGOLOFF. We are moving as quickly as we can on each specific item, and each is obviously on a different timetable. For example, the DEA personnel are already in place on a temporary basis, and recruitment is now going on to fill those slots permanently. Customs has opened some new conferences in their new recruiting process. We will be talking with the State Department, and with International Convention people.

We are moving on each one as quickly as possible, and the thrust is to do as much as we can as quickly as we can. For example, the loan aircraft to Customs has already been approved by the Department of Defense. The reconfiguration is proceeding on that. We are also working with Department of Defense to study other opportunities for using defense equipment. So there is obviously a different timetable for each of these initiatives but many of the things have either happened or are already in progress. We will continue to update this.

Senator CULVER. What about amending the Single Convention on Narcotic Drugs? What kind of problems does that represent?

Mr. DOGOLOFF. I think that we can and will bring it up in the normal meetings which occur in February in Geneva. We will be laying the groundwork for that immediately, as we begin to discuss it with other

¹ See p. 35 for Mr. Dogoloff's prepared statement.

countries. I don't see any major difficulties with that, other than the normal problems associated with amending any international treaty.

Senator CULVER. What about our negotiations with various Latin American countries? Are you going through the OAS? Are you doing it on an ad hoc unilateral basis?

Mr. DOGOLOFF. Well, there are really three. One of the amendments of the convention would deal with the issue worldwide. We are also having negotiations under the aegis of the State Department to consider some regional cooperation within the Caribbean, which may be easier to achieve. There is also the possibility of individual agreements with countries like Colombia, to speed up the approval of jurisdiction over its under flag vessels or boats with Colombian registry.

Senator CULVER. Thank you very much.

Our next witnesses will appear as a panel, representing the Federal agencies that are primarily responsible for interdicting the flow of illegal drugs from South America to the United States. The panel consists of Mr. Peter Bensinger, the Administrator of the Drug Enforcement Agency or Administration, Mr. G. R. Dickerson, the Deputy Commissioner of the U.S. Customs Service, and Capt. Robert Overton III, the Chief of Ocean Operations of the U.S. Coast Guard.

Gentlemen it is a pleasure to welcome you here this morning. Each of you have prepared a written statement, which will be entered into the record of this hearing, and I have a number of questions that I would like to ask you, so I wonder if each of you could briefly summarize your testimony, and then we'll get on to those questions.

We will begin with you, Mr. Bensinger.

STATEMENT OF PETER BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

Mr. BENSINGER. Mr. Chairman, I am pleased to appear with Bob Dickerson and Captain Overton of the Coast Guard. My comments will be brief.¹

You and your committee have, I think, been extremely dedicated in addressing yourselves to serious problems, and energies and efforts that we need to put forth, both in terms of administrative action and laws.

I support Senate bill S. 3437 fully. It focuses on the need to track and seize money from illegal drug traffickers, to provide the penalties for drug traffickers who are operating on the high seas, and provides for tightening of the customs laws with respect to reporting of cash and reporting small vessels upon the arrival in the United States.

I also feel that Senator Chafee's comments with respect to foreign nationals and foreign vessels are significant. Maybe the definition which you were talking with Senator Chafee, with respect to what drugs would be clearly illegal, if termed to be possessed by a foreign national or in large enough quantities or by a foreign vessel, could be the definitions which are used by the countries who have signed the Single Convention for Narcotic Drugs of 1961, and there are some 108 countries. That would be a definition I would commend to you and to his consideration.

Other than that, Senator, I will be happy to respond to any questions you have this morning, and defer to my colleagues.

¹ See p. 40 for Mr. Bensinger's prepared statement.

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

Why don't we go to you, Mr. Dickerson?

**STATEMENT OF G. R. DICKERSON, DEPUTY COMMISSIONER,
U.S. CUSTOMS SERVICE**

Mr. DICKERSON. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you today to talk about the problem that we have with drugs in the Southeast area. I think we have heard quite a bit which described the problem, the volume of it, and the nature of the problem we have there, and I would like to confine my comments primarily to all of the areas in which we at Customs are particularly interested. One, we have an old law which exists on the books relating to the recording requirements for vessels. This law was designed primarily for cargo vessels, but it meets a serious situation now facing our attempts to control small private vessels coming into the United States. We believe that your proposal, which would permit the Secretary of the Treasury, in those high intensive areas where we have enforcement problems, to require immediate reporting of small private vessels, would be a very, very desirable change.

In addition, Senator, involved in all of this narcotic trafficking is one piece of glue that sort of holds it together; that is, the currency flow which comes about as a result of this type of traffic. The current law that we have—the currency reporting law—has proven to be very effective both in number of outstanding narcotic cases and in other types of felonies.

It does have two serious weaknesses which your proposed legislation recognizes: A weakness of the need to prove intent, in the case of a person who is actually departing the United States with currency, and a need for relief from the requirement in the current law that a warrant be obtained in every instance.

Senator, we believe that the proposed legislation also relating to actions on the high seas would be very helpful in closing a serious weakness that currently exists in our efforts to deal with this problem.

I think, Senator, that is pretty much what I would like to say. I would certainly be glad to answer any question.

Senator CULVER. Without objection, your written statement will be inserted in the record.¹

Captain Overton?

**STATEMENT OF CAPT. ROBERT H. OVERTON III, CHIEF OF OCEAN
OPERATIONS, U.S. COAST GUARD**

Captain OVERTON. Thank you, Mr. Chairman. The Coast Guard supports the purpose of legislation along these lines. Such legislation would increase our ability to take law enforcement action against U.S. vessels, and persons aboard them, who are engaged in illicit drug traf-

¹ See p. 43 for Mr. Dickerson's prepared statement.

ficking on the high seas. As far as persons aboard U.S. vessels are concerned, we close one significant loophole in our enforcement scheme.

We are still reviewing the bill within the administration with a view toward possibly recommending amendments which we believe will make it a more effective vehicle for countering maritime drug smuggling.

Specific language to accomplish such changes will be provided to the committee by separate correspondence after our review is complete.

The Coast Guard's vessel boarding program is governed primarily by our jurisdictional limitations. In the case of U.S. vessels, we are authorized to board and search at any time for enforcement of U.S. laws, regardless of the location of the U.S. vessel. This includes the high seas environment as well as waters of our own country. A significant problem we face in boarding and seizing of U.S. vessels is the necessity to prove conspiracy to import, should a large cargo of controlled substances be discovered aboard a U.S. vessel on the high seas.

Foreign vessels, on the other hand, are normally immune to boarding and search by Coast Guard units except in special circumstances.

Generally, foreign vessels operating within 12 miles of the United States are subject to our jurisdiction and may be boarded and seized for violation of smuggling or customs laws with the concurrence of the Department of State. Similarly, a stateless vessel—that is, a vessel which is not registered in any country, or a vessel which can be assimilated to statelessness by its claiming of the protection of more than one country—can be boarded and seized with Department of State concurrence.

“Constructive presence” may also be used to obtain jurisdiction over a foreign vessel on the high seas, if three elements exist. First, the foreign vessel must be adjacent to the waters of the United States. Second, it must be acting as part of a team with another vessel in an attempt to violate U.S. law, and, third, the “teammate” must have engaged in a violation of U.S. law within U.S. waters, and once these elements have been established, the foreign vessel may be boarded and seized as though it were actually within the waters of the United States.

Foreign vessels which do not fall within the preceding exceptions and enjoy the legitimate protection of their flag state may not routinely be boarded or searched. The alternative used by the Coast Guard to pursue law enforcement action against suspect vessels in this category is to seek the permission of the flag state, through the State Department, to board and search the vessel.

In the event contraband is found, we may, with the concurrence of the flag state, prosecute any violations of U.S. law discovered, or failing this, we may detain the vessel for further enforcement action by the flag state.

As a practical matter, the impact of the delays encountered while attempting to obtain flag state permission for boarding and seizures of a foreign vessel on the high seas leads to a significant reduction in enforcement capability. Generally, the unit seeking authorization to board is faced with maintaining overt surveillance of the suspect, often for several days, as negotiations continue.

The object of the boarding invariably continues on course during this period, drawing the Coast Guard unit away from the patrol area.

It is conceivable that during this evolution, other trafficking vessels may transit the patrol area and remain undetected.

Mr. Chairman, that concludes my summarized statement. I will be happy to respond to any questions.

Senator CULVER. Without objection, your written statement will be inserted in the record.¹

I want to thank you very much, gentleman. I see we have a vote on over on the floor, but I want to ask you to comment on the situation with regard to mother ships: Let us assume that the Coast Guard does seize a foreign-flag vessel, on the high seas, and escorts it to a U.S. port. At that point, what happens to the illegal drugs?

Mr. DICKERSON. The drugs are formally seized by Customs and are destroyed or turned over to DEA.

Senator CULVER. Can you speak into the mike?

Mr. DICKERSON. I am sorry. Maybe this mike is off. The drugs are normally turned over to the Customs Service and seized by Customs. They are then made available to DEA for prosecution purposes. What drugs that are not needed for prosecution purposes are destroyed.

Senator CULVER. And what happens to the ship?

Mr. DICKERSON. If the ship is a ship which the Coast Guard boarded as an agent of a foreign country, the ship is seized also, but it may be later returned to that foreign country, if requested. If it is a U.S. ship, it would be seized by Customs; it would be judicially forfeited, and ultimately sold.

Senator CULVER. And what about the crew of the ship?

Mr. DICKERSON. This is the problem that we have. I think Mr. Bensinger could address that.

Mr. BENSINGER. If there is a method by which, for example, the Drug Enforcement Administration would have an undercover agent negotiating with the ship and the crew, and we could prove intent to distribute on a conspiracy basis within the United States, then the crew could be held for prosecution.

But that does not always happen. In fact, probably it is the exception. Several of these mother ships are apprehended on the basis of sightings or intelligence, without a clear demonstration that the prosecution would be willing to accept and try in court. So, the individual crew members, who are basically Colombian nationals, are held and deported back to their own country, without prosecution in the United States. It is a serious problem.

Senator CULVER. How difficult, Mr. Bensinger, do you believe it would be under S. 3437 to prove that drugs on the mother ship were intended for the United States? Take this case of a ship boarded by U.S. Coast Guard off the U.S. coast or a ship boarded in the Caribbean. What kind of indicia do we—can we point to, to establish the requisite intent?

Mr. BENSINGER. I think it is a gray area, Senator, with a hovering vessel, that in its hold has cargo clearly destined for a market in the United States. If at the time of seizure, certain records, information, addresses were available, you might be able to make a prosecutable case; but if it's a foreign national, and a foreign vessel, it is a lot harder. If it's a U.S. citizen or a U.S. vessel, that clearly, I think, does

¹ See p. 46 for Captain Overton's prepared statement.

not present the same degree of difficulty. I think the bill that you propose provides for a closing of a key loophole for U.S. vessels, which surprisingly, and looking over our list, do occur in regular numbers, and in varying sizes. But the citizens generally are foreign—Colombian nationals.

The present law covers only substantive offenses. Manufacture, distribution with intent. Possession with intent is not covered, and that's the loophole being used. With several tons on board, it would be hard to claim possession for personal use only. A provision for a prosecutable offense would be a grade A. All we do now really is deport the violators; at present, the foreign national returns to source country and advertises that if caught, the only penalty is deportation, not prosecution.

Senator CULVER. Gentlemen, I am going to have to go for this vote, and then I'll come back. During my absence, I would like to ask the subcommittee's staff director to pose some questions to you.

Mr. RAPP. Gentlemen, first of all, I would like to ask a question of Captain Overton. How difficult is it to locate these drug boats that are sailing off the U.S. coast?

Captain OVERTON. Well, I think that depends. We don't know the full magnitude of how many vessels are out here. Some vessels we have prior intelligence on; some vessels we locate because we know there are known hot spots which they will go to. Other vessels, we would be able to locate as they come through the choke points which are the Yucatan, the Windward, and the Mona Passage. And in addition to that, we normally have patrols out which will cover areas which we feel probably contain vessels engaged in unloading operations to contact boats to take the marihuana in to the beach.

Mr. RAPP. How many vessels would you have assigned in places like the Yucatan Passage or the Mona Passage, or the other choke points?

Captain OVERTON. Well, our usual procedure there is to have a medium-endurance or high-endurance cutter, and normally, when we do have a vessel in those areas, we try to employ a helicopter-equipped vessel, so as to extend our capabilities in this area.

Mr. RAPP. I understand that the Navy agreed on June 21 of this year to a Coast Guard request to report sightings of known or suspected drug smuggling vessels to the Coast Guard. How successful has that arrangement been?

Captain OVERTON. Well, we have just started it, so I would be hesitant to give you any qualifications on it as yet, sir.

Mr. RAPP. In your view, is there any problem under the Posse Comitatus section of the United States Code of that kind of involvement of the U.S. Navy?

Captain OVERTON. No, sir.

Mr. RAPP. In a sense their role is secondary to their military role there.

Captain OVERTON. That's correct. When we have asked them to provide us with sighting data, as they have and are doing.

Mr. RAPP. A question for Mr. Bensinger. Obviously, a great deal of our ability to stop ships like this depends upon our intelligence capacity, our work with Colombian Government and with other governments. Could you describe that to us, please?

Mr. BENSINGER. Yes, I certainly could, Mr. Rapp. It is, of course, essential that the cooperative efforts that exist in source countries are fully taken advantage of. By that I mean not only information which is readily available by sight, but also the development of informants and other bases of information in Colombia and other countries. The Drug Enforcement Administration has an office in Bogota, under the direction of the U.S. Ambassador. I believe the U.S. Ambassador, Diego Asensio, is particularly committed to a strong, effective narcotic enforcement program. We work with Customs and Coast Guard, sharing intelligence through the El Paso Intelligence Center, or directly out of Miami, on the movement of vessels and aircraft which we have reason to believe, by virtue of our presence in Colombia, is actually taking place.

This photo on my left depicts the loading of vessels in the Guajira Peninsula for the high seas transportation of tonnage quantities of marihuana, as well as some clandestine airstrips which are very readily located in the Guajira. The intelligence that is provided can be acted upon operationally by the Coast Guard and the U.S. Customs Service, as received, or in conjunction with more long-range programs such as Operation Stoppap from the Florida area, Operation Atlantis in New England, or other operations in the Pacific area.

We do think, in conclusion, that the most effective way to stop the drugs, of course, is for the source itself to be identified and enforced and moved against in the host country. We have seen in Mexico where the opium poppy fields were destroyed, the purity level of heroin decreased. With the availability of heroin decreasing, the job of interdiction is reduced substantially. It still exists. It still is a problem, but it is substantially reduced.

With respect to marihuana, we don't see that having taken place as of yet, certainly with respect to Colombia.

Mr. RAPP. I understand these pictures were taken by DEA aircraft flying off the Guajira Peninsula. Is that correct?

Mr. BENSINGER. There were aircraft with the Colombian Government authorities and U.S. Customs and DEA personnel.

Mr. RAPP. I see, but whatever the case is, you have got quite a visible operation here, and I am interested in knowing what the Colombian Government is doing to stop these multiton shipments being loaded in the Guajira Peninsula or at other points.

Mr. BENSINGER. Well, I just returned from Colombia. In fact, I was joined by Vern Hann, the Assistant Commissioner from U.S. Customs, and can give you a more encouraging report, I think, based on recent cables that I received from the U.S. Ambassador last week, than I expected to.

When we were there, we saw at the Guajira Peninsula, within a 25-mile distance from the coast inland, up to some hills, where substantial marihuana plantations are grown, at least 20 to 40 clandestine airstrips, bulldozed out, just as appear here, readily accessible to any aircraft, DC-7's, DC-6, or twin-engine planes that want to come in from anywhere in the world—but the United States particularly—could land and take off. At these landing strips, you will find not only empty fuel cans, but also a variety of foods as well as local Bogota hydraulic fluid.

We fortunately were on this visit with the Director of Customs of the Government of Colombia, Dr. Franco, and the Attorney General, Dr. Jaime Serrano—I think a law enforcement officer of tremendous caliber and commitment—as well as Rodolfo Garcia, the head of its anti-narcotics operation.

It is my understanding on August 4, we have made a formal report to the new president, President Turbay, who in his speeches and his representations to our Ambassador, has declared a war on drugs in Colombia and in the Guajira, and has indicated that he intends to involve all forces of the Colombian law enforcement community, including the military, to move against both the clandestine airstrips and the growing of marihuana, which is extensive and flagrant and very open.

The Government of Colombia, in addition, has moved to establish five separate field offices for their antinarcotic units of the Attorney General's office—in Barranquilla, which is a key shipping point up to the north, in Medellin and Cali, which are cocaine laboratory areas, in Popayan and Pasto, which are down in the southern part of the country. The effort that is going to be required by Colombia is a very large one. It is an enormous problem. The attitude of the principal law enforcement officials that Vern Hann and I talked with was a committed attitude. From what I have heard of the new president, he also views this as a serious major national and international problem.

Our agency, and I believe I can speak for Coast Guard and Customs who have had agents and visits down to that country, are committed to providing to the Colombians whatever cooperation, assistance, and intelligence and enforcement as we can.

Mr. RAPP. Captain Overton, let us move on up through the passages, and discuss again the particular problems involved in foreign-flag vessels. When you come upon a foreign-flag vessel and suspect it's carrying illegal drugs, could you describe the procedures that you follow? How do you go about getting the permission of the foreign-flag state to board that vessel?

Captain OVERTON. As you well know, most of these mother ships have a general profile of a vessel 50 feet to 300 feet in length. Our normal procedure when we sight a vessel which is the small coastal freighter type, we would go alongside the vessel, try to get a hailing port on its stern, or see what nationality they have.

If we are able to determine the nationality, and we have either prior intelligence or a strong suspicion to believe that the vessel could be carrying controlled substances, we will then advise the operational commander, which in most cases is the Seventh Coast Guard District, of what the situation is on scene, where the vessel is located, and what nationality or lack of nationality the vessel possesses, whereupon the operational commander will advise our flag plot in headquarters, we will go to the State Department, who will ask the parent nation if we can board the vessel. We board the vessel and find a controlled substance aboard, we will ask to take law enforcement on that.

Mr. RAPP. Has any foreign nation ever refused a request to board a vessel?

Captain OVERTON. Yes, sir, and in some cases a great deal of time and effort has been required to overcome initial reluctance to grant that authority.

[At this point Senator Culver returned to the chair.]

Senator CULVER. Gentlemen, I apologize for any delay that might have been caused by my going to the Senate floor to vote. It is quite likely, however, that I will be called to the floor for other votes this morning. Therefore I would like to change the subject for a moment to insure that I have an opportunity to ask certain questions about title II of S. 3437. This title would require anyone leaving the country with monetary instruments in excess of \$5,000 to file a report with the Customs Service. Mr. Dickerson, would you describe for us the type of information that must be filed on such transactions under current law?

Mr. DICKERSON. The information required to be filed is the name of the person that is taking the money out, and the amount of money that he actually takes out of the United States. He is only required to file that report if the amount of money exceeds \$5,000.

Senator CULVER. How does this information assist Federal authorities investigating drug trafficking and other illegal activities? How will this be helpful to you?

Mr. DICKERSON. The major purpose for the currency reporting acts is to try and identify money which is moving in connection with a commission of some other type of felony.

Senator CULVER. I can't hear you. I'm sorry. Could you speak into the mike?

Mr. DICKERSON. The major purpose for the currency reporting acts is to identify the flow of currency in relation to the commission of some other type of felony, and what we are able to do is to take these reports, we are building a data base, which could then be checked against known violators to establish a pattern of flow on currency, and this in itself may be the basis for initiation of an investigation.

Senator CULVER. What's wrong with the law as it exists? Give us an example.

Mr. DICKERSON. We have an actual instance where an individual was departing the United States with a tremendous amount of currency. I forget the amount now.

Senator CULVER. Why do you forget it?

Mr. BENSINGER. \$250,000.

Mr. DICKERSON. I can look in the record.

Senator CULVER. You are dealing with that every day. I tell you this: If I was living with one subject every day, and you had one figure like that, and you are coming up here to testify on this amendment, I wouldn't forget that figure. What's the magnitude of the problem you are talking about? Come on.

I'm going to tell you something: If we have to milk you to justify this amendment, I'm going to lose enthusiasm for this amendment.

Mr. DICKERSON. In this particular instance on October 30, 1975, Juan Manuel Centeno attempted to leave the United States from Miami International Airport with \$250,000 in U.S. currency without filing a report of international transportation.

Senator CULVER. I don't need the whole record, either. I want you to just tell me in simple language why you need it, why it isn't working under the present situation, and why the reach of that additional statutory authority will make a substantial difference. Just speak to that.

Mr. DICKERSON. In this instance, Centeno was arrested; he went on trial before the U.S. district judge, and the judge in his decision stated he felt that the law had not been violated. No law had been violated until the money had crossed the actual borders of the United States.

Now, obviously, it is impossible for us to act on an individual after he already had left the United States and there was acquittal in this case. So we consider this to be a loophole in the law, where we have an individual who is in the process of leaving the United States, that we should have the authority to arrest that individual and make that prosecution.

Senator CULVER. You mean if you could demonstrate intent to leave.

Mr. DICKERSON. If we can demonstrate intent, which would be, in most instances when the person has purchased a ticket, he has checked his bags on an airline, with intent of leaving the United States, and at this point in time, we feel that this should be a violation of the reporting requirement.

Senator CULVER. Do you want to speak to this, Mr. Bensinger? This issue?

Mr. BENSINGER. Yes, I certainly do, Mr. Chairman. I think it is an important, very important initiative, that these steps need to be taken, not just because of the one that is decided in Miami, but because the drug traffickers, if they knowingly, and by virtue of a court decision in March in the southern district of Florida, can take moneys in suitcases or in their pockets, and physically get to the point of getting on board a plane; if a law enforcement officer stops them and they haven't left, they are not in violation of the law. And that's just telling them, "Look, keep your money flow between countries going because the U.S. Government doesn't feel seriously enough about the money to take action."

A person buys a ticket, goes and gets a gate pass, and is ready to leave the country with the kind of money we have seen people arrested with. For example, in San Juan, Puerto Rico this year, a man named Avila came through that airport with \$5 million in his right shoe; 10 checks of \$500,000 each. There was no reporting.

According to the amendment that you and Senator Nunn sponsored in the Senate, money and proceeds from illegal drug traffic, can be seized. This ties in together with initiatives that the Senate has already taken.

Senator CULVER. You want to speak to that, Captain Overton?

Captain OVERTON. No, sir.

Senator CULVER. Returning to title I of the bill, which concerns drug trafficking on the oceans, what kind of problems do you have boarding these foreign nationals? They aren't overjoyed to see you roll up next to them, are they? What kind of problems do you have? And what kind of legal opportunities do we realistically have through international law and covenants, to strengthen our enforcement efforts?

Captain OVERTON. Taking the case of a vessel which claims nationality, the biggest problem is the delay in getting word back from the country in which the vessel is claiming to have nationality. What this, in effect, does, it draws our patrol units—

Senator CULVER. Do you find that many of these flag ships are just out under charter, and when you call the home port, they don't even find it on the inventory, much less know what the ship is doing or where it is going?

Captain OVERTON. Not quite, sir. Most of these vessels that we found are bringing marihuana in are vessels out of some country which would be in the Caribbean. Essentially, Colombia, Panama, Venezuela, and Honduras. For the large part.

Our biggest problem, and again I am going back to the delay issue, of the nation in coming back to us and saying, "Yes, that is one of ours," or "No, it is not one of ours." This becomes a tedious overt surveillance situation. Depending on the character of the crew at the time and if we could go aboard rapidly after we discover the vessel, you can process the case a heck of a lot faster, and certainly without any ramifications of people becoming hostile.

Senator CULVER. Is almost all this offloading onto these smaller ships done at night?

Captain OVERTON. Not necessarily. I think it is a case of the mother ship and whatever runners coming out to them, how comfortable they feel.

Senator CULVER. How can they feel comfortable? I mean, it doesn't suggest to me that they have any real serious respect for the effectiveness of our surveillance activities, if they can be all that bold. I mean, I realize there is a limitation on resources, and that we don't want AWACS up there doing it all, but they still can't be too cocky, can they?

How do they get so high a degree of confidence that they can be bold enough to do it at high noon?

Captain OVERTON. Well, not all do it at high noon. They do it both during the day and at night. Obviously, those few that we have been able to detect, the vessels have gone to prearranged drop points, and in some cases, we have evidence where planes have come out and dropped a message block on the mother ship's deck.

Senator CULVER. That's alerting them to the pattern of your surveillance activities?

Captain OVERTON. A plane will come out; a mother ship is proceeding, let's say, off the Florida coast. A plane will come out and drop a block on the deck and say, "Go to point X," and they will go to point X, and at that point, a runner boat will come out and pick up a small load of contraband from the mother ship.

Senator CULVER. And they are confident that they can effect this transaction with such alacrity that unless you happen to just coincidentally be right there on the spot, that it's over and done with before you can locate them?

Captain OVERTON. Yes, sir.

Senator CULVER. How much of it is done at night? What percent? Do you know?

Captain OVERTON. I can't answer that, sir.

Senator CULVER. What is your assumption?

Captain OVERTON. My assumption would be that most of it is done at night.

Senator CULVER. Most of it is done at night, you think.

Captain OVERTON. Yes, sir.

Senator CULVER. Are most of the small boats owned by local fishermen and such who know the coves and know the coast?

Captain OVERTON. I think some of it is done by that. I think some of it is done by vessels that are particularly purchased for this, high-speed vessels which can take a small amount of marihuana in to the beach; some of it is done by pleasure vessels. Of course, I don't think you can zero in on any one type of vessel.

Senator CULVER. What kind of legal opportunities do you have for onsite spot inspection of vessels in port that you might suspect of being utilized for this kind of traffic?

Captain OVERTON. Well, we can board U.S. vessels.

Senator CULVER. How much of that do you do? I mean, I realize they clean it out and it is clean as a whistle, when it's all done, but is there any way that you can pick up useful information or possible leads by spot, surprise inspections?

Captain OVERTON. Yes, sir. That is our problem. In fact, we had a case last night, a vessel that broke down; one of our smaller patrol utility boats went out to tow him in; when he finished towing him in, he went aboard to make a motorboat inspection of him and discovered 750 pounds of marihuana aboard. The vessel was subsequently seized.

So I mean, in our enforcing all the many various laws the Coast Guard is charged with, this is not a problem to the Coast Guard.

Senator CULVER. Do you want to speak to that, Mr. Bensinger?

Mr. BENSINGER. Mr. Chairman, I would like to. It seems to me the traffickers have got an opportunity to do three things, which our laws somehow don't reach out and grab them for. One, leaving the country with large amounts of money, with which they can buy drugs, which eventually gets back to the United States, and you spoke directly in the amendment; an issue with respect to the title of this proposed bill speaks to that.

The second is foreign nationals and foreign citizens trafficking on the high seas. The third is these small runner ships, which because they are private yachts or small boats don't have to report to customs until after 24 hours of their arrival in the United States. And what happens is a large mother ship goes off on the Bahamas, off of the immediate U.S. Customs waters, offloads to a small ship, which isn't legally required to be reported to the U.S. Customs Service until 24 hours after it arrives in the territorial waters of the United States. So we have said, and advertised:

Look, you can take your money out of the country; you can bring drugs from another location, take another vessel offshore, offload it to a small boat, and our customs and reporting and money requirements are such that we are not going to lay a glove on you.

Senator CULVER. Are you satisfied with the bail that is being set on narcotics traffickers? By Federal magistrates?

Mr. BENSINGER. I am certainly not, Mr. Chairman. I haven't been since I have occupied this position. I think our bail is contributing to the drug problems in the United States. In Florida, specifically out of 147 violators, 96 of whom were foreign nationals, only 8 showed up in court at their first hearings, and all have fled the jurisdiction of the court now.

Senator CULVER. What kind of statutory response can we make there?

Mr. BENSINGER. There is obviously, you know, traditional discretion in this area, and so on and so forth. I candidly think, Senator, that the Congress should direct the judiciary and magistrates to deny bail to major narcotic traffickers, if they have reason to believe that that trafficker was going to flee the jurisdiction of the court, continue to represent a danger to the community, or endanger a witness or the evidence.

Senator CULVER. Have you figured out a way to do that and still avoid the eighth amendment?

Mr. BENSINGER. Well, the Senate has, through an amendment, adopted in the major Criminal Code revision, I think it is 1437; an amendment was provided that it would do that for opiate derivatives and continuing criminal enterprise in cocaine. The House has not appeared to be moving this session very rapidly with that particular bill.

Senator CULVER. What about the constitutionality of that? Do your best legal experts believe it will survive constitutional muster?

Mr. BENSINGER. I think they feel that that's the case, sir, but I'm not a constitutional lawyer, nor would I represent to have personal expertise.

I know most countries, England, other countries, and drug authorities that I talk to, they have for bail broader considerations than just if this person will appear the next time in court. They consider what's going to happen to the evidence. They consider whether that defendant is going to commit additional crimes; they consider the seriousness of the offense. So I'm not sure that our law is, as it has been interpreted and in practice—

Senator CULVER. Is the Shah in Iran going to let us borrow any of those AWACS? [Laughter.]

Mr. BENSINGER. You had better ask him.

Mr. DICKERSON. I am not aware of what the situation is with regard to the Shah.

Senator CULVER. I am sorry?

Mr. DICKERSON. I say I am not aware of what the situation is with regard to the Shah, but the Air Force is making available to the U.S. Customs Service space on board their flights where we have an interest in that, and they are making available to us radar screens, with the result that we hope that eventually we will be able to close down a lot of the smuggling by aircraft coming into the United States.

Senator CULVER. Yes. Well, you know, Mr. Dickerson, I have been somewhat involved in that issue, in another way. What is your understanding as to the availability of AWACS for this purpose? What kind of arrangements do you have? How many AWACS assets do they really have operational now?

I remember I went out to Tinker Air Force Base to see one of them, it was grounded.

Because the systems were down and so on and so forth. They have had a lot of problems. Now they are getting the kinks out of it, but how many do they really have that they can dedicate to this role?

Mr. DICKERSON. I was at Tinker a couple of months ago. At that time, they had, I believe, eight operational aircraft and they were adding on additional operational aircraft every month. They have estimated for us that for the remainder of this year, that there will be 22 flights, which will be in areas that will be of interest to us.

Senator CULVER. The rest of this year.

Mr. DICKERSON. Let me say from July to the end of the fiscal year.

Senator CULVER. The last 4 months, you mean; 22 flights?

Is that 22 flights in your area?

Mr. DICKERSON. Where you can have somebody, I mean, they will be carrying on other missions, general missions. As you know, most of these are training missions.

Senator CULVER. Yes.

Mr. DICKERSON. And they fly in areas where they can support other Air Force activities. Some of those areas—for example, along the Mexican border, the gulf area—will be of vital importance to us.

Senator CULVER. How many days a month would that break out to, Mr. Dickerson, that AWACS would be available to you? Do you have any—

Mr. DICKERSON. There are five flights this month, which will be available to us, training flights, but they will be in areas that we are interested in.

Senator CULVER. And you can put personnel on there and exercise your activities.

Mr. DICKERSON. We have a flight that left this morning, 6 a.m.; we have a man on board the flight, that will be in the New Orleans area. and it, of course, will be, at this time primarily for training; we don't expect a lot of good to come out of this at this stage.

Senator CULVER. Right.

Mr. DICKERSON. But ultimately, we hope that that is going to be very, very helpful.

Senator CULVER. How will you be able to distinguish smuggling craft?

Mr. DICKERSON. By process of weeding out those aircraft that are legitimate. I have a chart up there, which shows an AWACS flight; the green sort of rectangular area was the pattern of the AWACS, that was flying west of Florida. The area above that was the military area that they were interested in. But the lines to the right of coastal Florida, or the Bahamas, are flights that were identified in that area.

Now, you can identify commercial flights, because they have on board a beeper, or something that reflects back on the radar situation. I can identify a lot of other flights because AWACS puts into its computer data base, you know, patterns that they have. So it becomes a matter of excluding out, let's say, military aircraft, for example. Our own aircraft will carry a beeper device, a transponder device; Coast Guard aircraft will carry a transponder device. What's left then becomes of interest to us. In addition, any aircraft coming into the United States is supposed to advise us at Customs in advance before it comes in, so if we don't have that advice, if it's not a commercial aircraft, it then becomes of interest to us. It becomes of particular interest if it's in a profile or pattern which we would normally expect a smuggling aircraft to fly.

Two of those, I can't quite see the numbers from here, but two of those aircraft right outside of Florida were never identified, and we suspect very strongly they were smuggling aircraft, for the simple reason they are in a pattern of flying up on the outside of your ADIZ radar Air Force detection, and the normal pattern is to fly up that area, then in northern Florida, or into Georgia, and dart in where they

will not be subjected to any ground-type radar. And that is the beauty of AWACS. It looks down, it has the range; it can't identify everything going over—

Senator CULVER. What type of air flights would they use—I realize probably all types, but what are the known smuggling patterns?

Mr. DICKERSON. It depends on the part of the country. In the Far West, in Arizona, for instance, they will use landing strips, deserted roads, little deserted roads, little deserted airfields.

Senator CULVER. How about over other areas, which have more clutter and ground cover?

Mr. DICKERSON. They will use damn near anything. You know, a number of them have wrecked trying to get into little landing strips, but they are so sure in many instances that they will not be detected, and that happens right in the State of Virginia, that they will land in a commercial airfield, just announce that they came from some other place domestically in the United States, and start unloading bails of marihuana. It happened several times.

Senator CULVER. There is no requirement in terms of our capability to detect an authentic filing of a flight plan, to alert us. I mean, there is no way to doublecheck it?

Mr. DICKERSON. Yes, indeed, we have a computer data base, which can be used. We also have FAA located at Tinker Air Force Base. We work very closely with them.

The trouble is, the smuggler doesn't file a flight plan, a legitimate flight plan.

Senator CULVER. I realize that, but can you ascertain that when this fellow is coming in?

Mr. DICKERSON. If there is an FAA control tower there, and so it has sometimes happened, FAA will alert us, if they feel that the flight plan or his actions are such that it isn't really a legitimate flight.

Senator CULVER. But technically, there is no way for us to realistically contemplate strengthening that to detect smugglers. It is just really almost an accident.

Mr. DICKERSON. The total system, when we get AWACS, will provide that type of capability for the period of time when AWACS is operational. Because together with FAA, with the flight plan information, with what we have in our computer's data base, we can pretty well glean it out and determine for that period of time. Ultimately, I am very hopeful that AWACS will make available to us missions strictly devoted to be in areas that we are interested in. For, say, a 72-hour period of time, where we can really see what's going on in that period of time, and probably deal effectively with most of the illicit air traffic in that period of time.

Mr. BENSINGER. I think also, Mr. Chairman, a lot of the light planes would fly in and land at unlighted fields, fields which may be operated during the day, but which at 6 o'clock, the operational FAA and other personnel leave, and a couple of trucks turn on their headlights and in comes the plane.

Senator CULVER. I remember I had occasion to fly in a small plane a number of years ago. Some local farmers wanted me to look over a potential Corps of Engineers project. I got in this plane that looked like the Wright brothers' original plane, and the pilots didn't really look like they had been part of the space program. I remember we

were taxied to the end of the runway, and this happened to be the Cedar Rapids Airport, which is a pretty good airport—suddenly a gust of wind came up and spun the plane around, and we were headed the other way. I looked at the door, the door was ajar, and I said, "Pardon me. I don't want to get hung up on technicalities, but does this door close?"

He said, "No. It doesn't. You won't fall out. It hasn't closed for a long time."

I said, "all right," so we took off.

He circled this area and then he said, "I think I'll land now," and I said, "all right." All of a sudden we started our descent, and I couldn't see any airstrip at all, and I said, "Where are you going to land?" He said "at my place."

I said, "Which one?" You know, "Which prospective crash landing site is your place?"

And he said, "Right over there," and we came in over these wires, and then there was a corn row and a fence on one side, and a corn row on the other side with about 4 feet on each end of the wingtips to clear. We hit this landing strip, and suddenly there was another cornfield right in front of us. He did a sudden dogleg left turn, taxied up into his front yard. I observed that was quite an experience and asked "Do you do that very often?" He said, "Oh, yes all the time."

I said, "Don't you find it sort of challenging?" He said, "Well, it's a lot worse at night." [Laughter.]

And I said, "Well, you don't mind if I take your word for it? Just out of curiosity, how do you do it at night?" And he said, "Well, it is tough, because you have to wait until the cars come down the highway and light up those telephone wires for you."

So I guess I see how it could be done.

Anyway, thank you very much for your appearance here today, and we will look forward to working with you as we go forward.

Mr. BENSINGER. Thank you.

Senator CULVER. I must say, I hitchhiked home.

Mr. BENSINGER. I don't blame you.

Senator CULVER. Our final witnesses this morning are Mr. Busby and Mr. Linnemann from the Department of State. We are anxious to visit with you this morning about the role of international cooperation and international law in preventing this illegal drug trafficking. It is a pleasure to welcome you here. Again you have prepared statements, and I would like you to submit those for the record. I see we have another vote on the floor, and maybe we could get at least through some of your prepared statements before I have to go vote.

**STATEMENT OF JOSEPH H. LINNEMANN, DEPUTY SENIOR ADVISOR
TO THE SECRETARY AND DEPUTY DIRECTOR FOR INTERNA-
TIONAL NARCOTICS CONTROL MATTERS, DEPARTMENT OF STATE**

Mr. LINNEMANN. Thank you, Mr. Chairman. The Office of International Narcotics Control has approximately \$40 million annually, which is appropriated by the Congress, for bilateral initiatives with various countries. This money is used as a catalyst, for institution

building, with various countries. We now have bilateral programs with approximately 14 producing or transit countries. In this effort we work closely with the Drug Enforcement Administration, the U.S. Customs Service, as well as the Coast Guard, in implementing these programs. A particular case in point is the Government of Colombia, and the problems and the successes which we have encountered there during the last 6 months.

The principal objective of the program is to create an awareness and gain the commitment of the host government to take action against illicit drug cultivation and trafficking. Most of the governments with which we deal are, of course, very poor, and their economies are somewhat unstable. Drug trafficking and or production operations provide revenues which these countries would not normally have. In the case of Colombia, it has been estimated by the Drug Enforcement Administration that the profits derived from trafficking in cocaine alone probably exceed the coffee export value of their annual crop.

Basically, the Department of State's international narcotics control funds act as a catalyst to illicit drug producing and transit nations to begin supply reduction and enforcement operations, and to sustain a very complex program initiative involving the various organizational components of the U.S. Government under the diplomatic umbrella. Thank you, sir.

Senator CULVER. Your agency's statement will be included in the record.¹

STATEMENT OF MORRIS BUSBY, DIRECTOR OF THE OFFICE OF OCEAN AFFAIRS, DEPARTMENT OF STATE,² ACCOMPANIED BY MARY McLEOD, ESQ., OFFICE OF THE LEGAL ADVISER, DEPARTMENT OF STATE

Mr. BUSBY. Thank you, sir. Mr. Chairman, it is a pleasure to be here, I would like also to introduce Mary McLeod, from the legal adviser's office in the State Department.

Senator CULVER. McLeod?

Ms. McLEOD. McLeod.

Mr. BUSBY. Yes, sir. Ms. McLeod offers legal advice not only to my Bureau, but to Mr. Linnemann's office as well.

Senator CULVER. Excuse me. Miss McLeod, which particular section of the State Department's legal office do you represent?

Ms. McLEOD. Well, Oceans, Environment and Science.

Mr. BUSBY. Mr. Chairman, I am here representing the Bureau of Oceans, International Environment and Science. My particular office, the Office of Ocean Affairs, is a part of the division within the Bureau which is the local point for ocean matters. In particular, we have certain responsibility for seizures of foreign-flag vessels on the high seas.

A concern of the Bureau at the present time is to devise a means that is consistent with U.S. obligations under international treaties to further U.S. efforts to interdict narcotics trafficking into the United States using foreign-flag vessels. It is clear that the Convention on the High Seas of 1958, which has been signed by 56 countries, was intended to be considerably more protective of exclusive flag state

¹ See p. 49 for Ms. Falco's prepared statement.

² See p. 52 for Mr. Busby's prepared statement.

jurisdiction over their vessels, than to provide exceptions to that jurisdiction. There are, however, some exceptions provided—piracy, slavery, and some instances—but those are the only ones. The convention itself, and what we view as the generally accepted international rules governing behavior on the high seas, are for the most part very protective of flag state prerogatives and freedom of navigation. We ourselves have an interest in protecting U.S. vessels from interference by foreign governments on the high seas, and for this reason have strictly adhered to these international obligations in developing procedures to follow for the interdiction of drug traffickers on the high seas.

These procedures are outlined in some detail in my prepared statement, and for the most part they have worked rather smoothly, although there are admittedly some problems. In particular, the United Kingdom has expressed some concern that the U.K. Government does not have authority under their own domestic law to allow us to board their vessels. They have never allowed us to act as their agent, and in fact, I believe there was one case in which we were flatly refused permission to board a vessel of the United Kingdom.

Senator CULVER. What's the amendment you are proposing?

Mr. BUSBY. There are several ways that we could attack this problem.

One is to address the issue as a narcotics problem, and to amend the Single Convention to allow what we call as term of art "all-flag enforcement." This would mean that any warship on the high seas could board any vessel, regardless of the flag of the vessels, if it were reasonably suspected that that vessel was engaged in narcotics trafficking.

Although we think this proposal is worthy of some consideration, it could give us some problems. A more negotiable proposition might be to amend the single convention to allow for "all-flag prosecution." Under this scheme, once you have gotten permission to board the vessel, and narcotics violations are found, the case would be handled under the laws of the boarding nation, regardless of the nationality of the crew or flag of the vessel. This is something that has been referred to by some of the earlier witnesses.

Senator CULVER. Would mere possession of certain quantities of drugs raise an adequate presumption of an intent to distribute?

Mr. BUSBY. The real difficulty, as I see it, Mr. Chairman, is in reciprocity that would be required. If we are asking other countries to allow us to prosecute their nationals—

Senator CULVER. But by our definition, would that really constitute enough of a presumption? That's a more technical legal question.

Ms. McLEOD. Well, I think that probably an offense of possession with intent to distribute, without specifying where, would be satisfactory, because although I don't deal with these cases, I understand that possession of several pounds or so is taken to be enough evidence of intent to distribute.

Senator CULVER. Then you are saying that any party to the Single Convention on Narcotic Drugs could prosecute? And you would not have to prove that drugs were actually distributed in a particular country?

Ms. McLEOD. Yes.

Senator CULVER. But you would of course still need permission of the flag state to board a foreign-flag vessel?

Mr. BUSBY. Yes, sir.

Senator CULVER. Do you believe other nations would support such a proviso?

Mr. BUSBY. It is certainly a proposition which we would be willing to put forward. Another alternative that has been suggested is to negotiate bilateral or limited multilateral regional agreements. I believe the prospects for achieving our objectives would probably be increased by negotiating on a limited basis rather than trying to amend the Single Convention, with all of the negotiating problems that that might entail. Substantively, the prosecutorial aspect is a more approachable problem than trying to negotiate prior consent for boarding, although we are taking a look at that as well.

Senator CULVER. Well, it has been suggested that while you are considering such international agreements that we go ahead unilaterally and enact legislation making it a crime to possess drugs on the high seas with an intent to distribute, whether or not the intent was to distribute these drugs in the United States. What's your thoughts on that?

Mr. BUSBY. Mr. Chairman, unilateral assertions are essentially an uncontrolled process, and while we can define our own interests, and unilaterally assert our jurisdiction directly over foreign-flag vessels, what we have to expect is that other countries will do the same.

Senator CULVER. So you really have a high degree of uncertainty as to how much cooperation you will actually receive. Is that right?

Mr. BUSBY. Yes, sir.

Senator CULVER. But you think that perhaps even granting that, it's worth going ahead.

Mr. BUSBY. Yes.

Senator CULVER. And testing it, to the extent to which you do get the necessary cooperation, could be useful?

Mr. BUSBY. Yes, sir. We are prepared to begin negotiations on a bilateral and limited regional basis.

Senator CULVER. What about the fact situation where you have a ship without any nationality on the high seas?

Mr. BUSBY. That is an exception which currently exists in the Convention on the High Seas. You can assimilate a vessel to statelessness, under article 6 of that convention, and I don't think there is any disagreement that we can seize vessels using that procedure. The problem we have come up against is in prosecuting the crew members, who are usually foreign nationals. As I understand it under existing law, you have to prove a direct tie with the United States in order to assert our jurisdiction.

Senator CULVER. My question is this: Do you believe that this provision as I have described it would comport with international law?

Ms. McLEOD. Yes, sir, I do.

Senator CULVER. How difficult will it be, in your judgment, to prove and establish the indicia of intent to unlawfully import the drugs into the United States? Take the case of a ship off the U.S. coast, or for a ship stopped in the Caribbean.

Ms. McLEOD. I am afraid that I really can't deliver a very informed judgment on that question. I have not been directly involved in the

prosecution of any cases under our present conspiracy law, for instance, and I frankly—

Senator CULVER. Was there anybody who does have any cases that can see to that? It doesn't seem to make any sense to pass a law, if you can't prosecute under it, or if it's unenforceable, or where the elements of proof are too difficult to ascertain and establish for purposes of the prosecution.

Mr. BUSBY. I believe that might be a question to be directed to the Department of Justice. They are more qualified to answer.

Senator CULVER. Would you find out, Ms. McLeod, and submit it for the record?

Ms. McLEOD. Yes, I would be happy to do that.

[The material supplied follows:]

In the judgment of several attorneys at the Department of Justice who are experienced in the prosecution of drug cases, it should be possible to prove the element of intent to import a controlled substance into the United States or knowledge that the substance will be imported into the United States, in a substantial number of cases. The most probative types of evidence on the issue of intent or knowledge would be admissions by crew members, testimony by a crew member offered in exchange for immunity from prosecution, navigational charts found on board the vessel, and any evidence linking the seized vessel with vessels or persons within the territory of the United States. The Department of Justice has indicated that they would be pleased to supply any further explanations or information needed.

Senator CULVER. I guess it is too premature to have any real feel for how much cooperation you can anticipate as far as other nations supporting such a provision. Do you have any feel for that yet?

Mr. BUSBY. No, sir, not really, since we haven't approached them about these particular matters. Certainly, however, each signatory to the Single Convention has an obligation to cooperate in these matters, and I think if we are able to phrase our proposal correctly and protect the concerns of most countries in the maintenance of high seas freedoms, we might be successful.

Senator CULVER. How many nations would have to ratify this provision in order to amend the Single Convention on Narcotic Drugs?

Mr. BUSBY. I'm not sure offhand, Mr. Chairman. If it's a three-fourths rule, which is normal in international conventions; it would be 70 or 80 countries.

Senator CULVER. Could you provide that for the record?

Mr. BUSBY. Yes.

[The material supplied follows:]

No definite answer can be given as to how many nations would have to ratify an amendment to the Single Convention on Narcotic Drugs to bring that amendment into force. Under Article 47 of the Convention, any Party is entitled to propose an amendment to the Convention. The text of any proposed amendment and the reasons for proposing the amendment are sent first to the Secretary-General of the United Nations, who then transmits them to the Parties and to the Economic and Social Council of the United Nations (ECOSOC). ECOSOC may decide either to call a conference of countries to consider the proposed amendment or to ask the Parties whether they accept the proposed amendment and to submit any comments they may have to ECOSOC. Under the first procedure, the conference would establish its own rules on referral to governments and entry into force of the proposed amendment. For instance, the conference might decide to refer the amendment to governments if two-thirds of the representatives at the conference voted to do so; the conference might further decide that the amendment would enter into force when ratified by forty countries.

Under the second procedure, Article 47 of the Convention provides that the amendment would enter into force 18 months after it had been circulated, unless any Party rejected it within the eighteen-month period. If any Party did reject the amendment within that time, ECOSOC would decide whether or not to hold a conference to consider the amendment. If a conference were held, the first procedure would be followed, i.e., the conference would determine its own rules.

Senator CULVER. How long do you think this ratification process would conceivably take?

Mr. BUSBY. It almost always takes several years, when we are talking about that many countries. I couldn't offer an informed judgment in this particular instance.

Senator CULVER. Mr. Dogoloff suggested that as an alternative, the United States could negotiate independent multilateral agreements with certain Latin American and Caribbean countries, make international trafficking on the high seas in drugs an international crime. Would you explain how these amendments might operate?

Mr. BUSBY. We are certainly prepared to approach, on a bilateral basis, the countries that are most directly involved in these particular matters. I think we could go a bit further in our positions by negotiating bilateral agreements, since we can more narrowly define the particular problems. We can approach the problem on a more realistic basis, and I think we might be able to propose some things we might not be willing to agree to ourselves in an amendment to a convention such as the Convention on the High Seas, or the Single Convention on Narcotics, because of our worldwide interests.

Mr. LINNEMANN. Mr. Chairman, if I could just expand on that for a moment, I think what Mr. Dogoloff was referring to was an extension of a project called the Janus program, which the U.S. Government has in conjunction with the Government of Mexico. We are currently attempting to negotiate a similar arrangement with the Government of Colombia, whereby it provides for joint prosecutions under very set criteria of an evidentiary nature. That evidence, let's say it is collected in the United States or in some other country, would be admissible into a court of, for example, Mexico, or vice versa, in the U.S. courts. It's along those lines, sir, that we are proceeding.

Senator CULVER. What countries other than Mexico would be the most likely to be congenial to something on a bilateral basis? Can you speculate on that?

Mr. LINNEMANN. It would be considerable speculation, sir. I believe the Government of Colombia is basically receptive at this point to proceeding with joint initiatives in many different areas. We are currently exploring similar arrangements with the Government of the Bahamas as well as a couple of other nations. I believe, though, that because Colombia is the primary transit country for cocaine, as well as a primary producer of marihuana, that it is our highest priority.

Senator CULVER. Did you want to add anything, Ms. McLeod?

Ms. McLEOD. No, sir.

Senator CULVER. Well, I wish to thank all the witnesses that have appeared at the hearing this morning. I think that the testimony has shown that there is extensive use of mother ships and high-speed aircraft, and other sophisticated techniques by drug traffickers to invade the integrity of this country's coastlines, and this poses a very real serious challenge to our current law enforcement capabilities. I am

encouraged with some of the initiatives Mr. Dogoloff has referred to, to try to get better coordination on a number of different fronts to combat this. The subcommittee will continue to monitor the progress of the implementation and the accomplishment of some of these goals, schedules, and objectives.

It is disturbing, I think, to learn that to a large degree, the techniques that are currently used by drug smugglers are designed to exploit certain loopholes in our existing legal framework. I don't think we can sit idly by and permit this to continue. But we also have to be careful to fashion laws that are constitutional and comport with the international laws and covenants. We can't continue a situation where drug traffickers can flood this country with illegal drugs and we are incapable of effectively arresting or prosecuting such traffickers.

I would like to find out, though, if we are going to change the law, whether it really is going to change the effectiveness of our prosecutorial effort.

My bill, S. 3437, is intended to suggest ways that we might consider closing some of these loopholes and permit a more effective prosecution of drug traffickers. I intend to work as expeditiously as possible to try to perfect and enact this legislation, and I would hope that you would be as cooperative as possible in getting answers back to us on some of the questions that we have raised here.

Once again, let me thank all of you for appearing here this morning, and we are sorry that Miss Falco was unable to be with us. I hope she is feeling better.

Mr. LINNEMANN. She would very much have liked to have attended, sir, but unfortunately, laryngitis prevented her from being here.

Senator CULVER. I hope she is feeling better, and we look forward to working with her and the rest of you on this matter.

The subcommittee will now stand in recess until further call of the Chair.

[Whereupon, at 11:35 a.m., the subcommittee recessed, subject to call of the Chair.]

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document focuses on the interpretation and analysis of the collected data. It discusses the various statistical tools and techniques used to draw meaningful conclusions from the information.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes the need for clear and concise communication of the findings and conclusions to the relevant stakeholders.

5. The fifth part of the document discusses the importance of ethical considerations in the collection and analysis of data. It highlights the need for transparency, honesty, and respect for the privacy and rights of individuals.

6. The sixth part of the document discusses the importance of ongoing monitoring and evaluation. It emphasizes the need for regular review and assessment of the data collection and analysis process to ensure its effectiveness and relevance.

7. The seventh part of the document discusses the importance of documentation and archiving. It emphasizes the need for maintaining accurate and up-to-date records of all data collection and analysis activities for future reference and audit purposes.

8. The eighth part of the document discusses the importance of collaboration and teamwork. It emphasizes the need for effective communication and coordination among all team members involved in the data collection and analysis process.

9. The ninth part of the document discusses the importance of staying up-to-date with the latest developments and trends in the field of data collection and analysis. It emphasizes the need for continuous learning and professional development.

10. The tenth part of the document discusses the importance of maintaining a high level of integrity and ethical standards throughout the entire data collection and analysis process. It emphasizes the need for honesty, transparency, and respect for the rights and privacy of individuals.

APPENDIX

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

STATEMENT OF JOHN H. CHAFEE, A U.S. SENATOR FROM RHODE ISLAND

I thank the Chairman for permitting me the opportunity to appear before the Subcommittee on Juvenile Delinquency this morning. We are together here to seek some answers to the escalating problem of illegal drug imports into our country.

Mr. Chairman, I was astounded to discover that loopholes in U.S. drug laws have prevented U.S. authorities from prosecuting nearly all drug smugglers apprehended beyond the territorial waters of the United States. This has opened the door to the safest and most lucrative smuggling techniques now used by international drug runners.

One of the primary reasons we find ourselves in this situation is that Congress left some gaps in the law when it passed the Controlled Substances Import and Export Act as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513.

Currently, the law gives the United States authority over any individual apprehended within the U.S. territorial waters which extend three miles off our coast. It also gives us criminal jurisdiction over American citizens or anyone aboard an American-owned vessel on the high seas if it can be proved that there was intent to smuggle contraband into the U.S.

We do not, however, have jurisdiction over U.S. citizens or foreign nationals who simply possess drugs in international waters. The law permits seizure of contraband and seizure of the vessel transporting it. But because it is so difficult to prove someone's intent in a court of law, there are virtually no prosecutions of individuals apprehended for smuggling on the high seas.

Mr. Chairman, yesterday I introduced S. 3439, the Controlled Substances Import and Export Act Amendments of 1978, a bill which will bring many of these international smugglers under jurisdiction of U.S. criminal law for the first time.

I think most Americans would be amazed to know the magnitude of these smuggling operations. There is a well-organized, well-financed multi-billion dollar a year industry in the import of illicit drugs. We're not talking any more about kids who run across the boarder to Mexico and come back with a few pounds of marijuana and cocaine stuffed under the floor boards of their van.

We are now seeing a new kind of smuggling operation involving full scale, commercial freighters known as "motherships". These vessels range from 100 to 300 feet in length. Their primary cargo, loaded on the coast of Colombia, is commonly 50 to 60 tons of marijuana and smaller, though valuable, quantities of cocaine. The vessels are usually registered in a foreign country, and some of them, while not officially registered, fly the flags of a number of nations. The crews are usually of South American nationality.

Typically, these "motherships" take one of several routes from Colombia, between or around the Carribean Islands, to the United States. They remain carefully outside the 12 mile Customs enforcement zone, and thereby, outside U.S. criminal jurisdiction. At various designated points along the coast, anywhere from Brownsville, Texas to the tip of Maine, the "motherships" rendezvous with smaller, faster boats which pick up portions of the cargo and run it back to shore. The runner boats are usually owned and operated by U.S. citizens and easily blend in with the thousands of pleasure craft and fishing boats along our coastline.

Obviously, Mr. Chairman, the slim risk of being caught and prosecuted does not deter many individuals from the enormous profits that are made from a successful operation. Despite the fact that U.S. drug enforcement officials have confiscated more than 3.1 million pounds of marijuana during the first three quarters of Fiscal Year 1978—twice as much as was seized all last year—there has been no noticeable effect on its price at the retail level. U.S. officials estimate that they intercept only about 10 percent of the flow.

In testimony presented before a House Subcommittee on July 27, 1978, Stuart Seidel, Assistant Chief Counsel for the U.S. Customs Service, commented on the new style of operation :

"There are several factors accounting for this new trend by the marijuana smuggled—the continuing Mexican eradication program has made the Colombian marijuana more attractive, the use of large vessels enable the smuggler to transport vast quantities of the bulky marijuana relatively cheaply, the extensive Southeastern coastline offers easy, undetected access to the United States, and gaps and inadequacies in our present law make successful prosecutions difficult. Thus, smuggling by vessel has become the new *modus operandi* of the drug smuggler."

It is interesting to note that as recently as 1976, marijuana seizures along our Mexican border accounted for 60% of the total seizures made by Customs in the United States. By 1978, however, that figure dropped to a mere 7 percent, while seizures in the Gulf and Southeastern Atlantic equaled 89% of the national total. It is also interesting that, while the actual number of seizures of heroin, cocaine and marijuana have decreased in the first three quarters of FY 1978 from the same time a year ago, the quantities seized have increased dramatically.

No other single incident has illustrated this trend more vividly than the August 6, 1978 seizure of a stateless vessel called the "Heidi". The vessel, 165 feet in length, contained a record 225,469 pounds of marijuana. The crew members, all South Americans, will simply be deported and given a free plane ride back home.

In a coordinated enforcement action called Operation Stopgap earlier this year, the U.S. officials confiscated 900,000 pounds of Colombian marijuana, 33 vessels, 6 aircraft, 18 land vehicles, 3 hydraulic presses and \$15,000 in cash in a 45-day period. The brilliant success of Operation Stopgap is only dimmed by the fact that of the 220 persons apprehended, only four have been or will be prosecuted—all Americans arrested in U.S. territory. The rest have been deported. Some of these individuals, Mr. Chairman, have been apprehended five times before under similar circumstances. They're sent home and they're back up here on the next boat.

So, what does all of this mean? What are we being called upon to do about it?

I don't have any visions about ridding the world of heroin, cocaine, marijuana and other contraband. But I do think that we in Congress have the responsibility to bring the individuals who manufacture, possess or distribute illegal drugs for import to the United States, both our citizens and foreign nationals, as far within the grasp of U.S. criminal law as possible.

The legislation I have introduced will accomplish a large part of that objective. I am also happy to be cosponsor of a bill by Senator Culver which takes other important steps in that direction.

My bill has been carefully worked out over the past six weeks with officials of the U.S. Customs Service and with the Senate Legislative Counsel, and I would like to take a moment to outline its provisions for the Subcommittee.

DEFINITIONS

My bill first adds new definitions to the opening section of the Controlled Substances Import and Export Act. In its current form, the Act fails to include the broadest possible definition of a "vessel under the jurisdiction of the United States", and herein lies one of its major weaknesses.

My language would bring under U.S. jurisdiction the following :

1. Any vessel documented under laws of the United States, or owned in whole or in part by a citizen or corporation of the United States ;

2. Any vessel on the high seas registered in a foreign country if that country authorizes the United States to assert jurisdiction ;

3. Any vessel without nationality ;

4. Any vessel within U.S. customs waters, which currently extend 12 miles off shore, or within a U.S. customs enforcement area which may be established pursuant to the Anti-Smuggling Act of 1935 (49 Stat. 517) ;

5. Any vessel which is a hovering vessel, described in the Tariff Act of 1930 as a vessel which is kept off the U.S. coast, either inside or outside customs waters, if it is reasonable to believe that it is being or may be used for smuggling ; and

6. Any vessel which flies more than one flag and thereby loses the right to claim any nationality under Article 6 of the Convention on the High Seas.

TRANSPORTATION

Section 3 of my bill tightens the Controlled Substances Import and Export Act by adding a prohibition against transporting illegal drugs into or within U.S. customs waters. This accompanies the current provision against importing contraband into U.S. territory.

POSSESSION

Section 4 of my bill is perhaps the key provision. For the first time, it makes possession of illicit drugs on board any vessel, aircraft or vehicle that is subject to jurisdiction of the United States a federal offense, regardless of where it may be located.

UNLAWFUL TRANSFER

Section 5 makes it unlawful for any person to transfer a controlled substance to any vessel under jurisdiction of the United States or any vessel bound for the United States.

UNLAWFUL IMPORTATION

Section 6 makes it illegal to manufacture, possess or distribute any controlled substance intending or knowing that it will be unlawfully imported into the United States.

PENALTIES

Section 7 simply brings the new factors introduced by my bill—the transportation, the transfer from one vessel to another, and the possession of controlled substances—under the penalties of the existing law. In the case of narcotic substances, it calls for the person committing a violation to be imprisoned up to 15 years, or fined \$25,000, or both.

Mr. Chairman, I believe my bill presents the most complete set of amendments to the Controlled Substances Import and Export Act yet devised for the purpose of closing loopholes in the law which inhibit the prosecution of professional, large-scale drug smugglers. I strongly urge the Subcommittee to study and adopt my proposal along with others which are being developed for a coordinated approach to the growing problem of international drug trafficking.

Thank you.

STATEMENT OF LEE I. DOGOLOFF, ASSOCIATE DIRECTOR, DRUG POLICY STAFF

Mr. Chairman and Members of the Committee, I welcome the opportunity to give you an update on our efforts to reduce the drug trafficking in the Southeastern United States. We have been monitoring the situation, in conjunction with the Congress, for several months because of our concern over the illegal drug trafficking in marijuana and cocaine into and through Florida and other States along the Eastern seaboard and Gulf Coast. Originating in South America and Caribbean countries, huge quantities of marijuana are being smuggled by sea and air into the United States. Statistics indicate that over 2.5 million pounds have been seized through May of this fiscal year compared to less than 950,000 pounds during the same period last year. Seizure of multi-ton loads is commonplace. The amount of cocaine seized also has increased significantly. Federal, State and local law enforcement agencies and prosecutors in Florida report being overloaded with pending drug cases.

The U.S. economy is directly affected by the hundreds of millions of dollars paid to drug traffickers. The financial dealings connected with the illegal drug traffic through South Florida alone are estimated at several billion dollars a year. It is reported that corporations, sponsored by illegal drug profits, have been set up to purchase businesses to provide the mechanism for placing the illegal profits back into legitimate channels. The potential for major expansion of organized crime and for all forms of corruption is obvious.

In mid-July of this year, we launched a government-wide attack on the problem. Our press release and an outline of the actions initiated then is attached. To summarize briefly, this comprehensive program included:

Assessment of drug sources and trafficking routes, diplomatic negotiations, and law enforcement liaison in the source countries.

Increases in DEA, Customs, and Coast Guard coordination, resources, and vigilance in the Florida area, including the formation of a Currency Investigation Task Force in Miami.

Developing an appropriate level of involvement of the military in support of Federal border enforcement; surveillance, and loan of military equipment for the Customs air interdiction program.

Working with the Congress to pass legislation that will increase our ability to enforce drug trafficking laws on the high seas.

We have made significant progress in each of these areas. First, regarding efforts in the source countries, an intelligence report on the current drug sources and trafficking routes is expected to be drafted by the end of August. This comprehensive assessment of the illegal networks should contribute greatly to the ability of our law enforcement agencies to predict and interdict illegal drugs as they enter the United States and to enhance our working with foreign law enforcement officials in our cooperative efforts.

Liaison and cooperation with South American countries is also increasing. In late July, Administration officials visited Colombia and other South American countries to confer about the drug trafficking situation. One important topic was the problem of developing prosecutions in Colombia based on evidence jointly developed by United States and Colombian law enforcement officials. The U.S. Coast Guard has also stepped up its efforts off the coast of Colombia. Recently the Coast Guard was following a Colombia vessel into Colombian waters and took the opportunity to stay and conduct a 3-day law enforcement patrol off the Colombian coast. Planning is continuing for a longer patrol in the area to be conducted in September. Such initiatives demonstrate the high priority that we have put on interdicting the traffic in cocaine and marijuana.

In the area of increased Federal and State and local law enforcement coordination, research and vigilance, we also have made progress. The U.S. Coast Guard reports that planning for a joint Customs/U.S. Coast Guard operation is nearly complete. Customs and the Coast Guard are continuing to work on the problem of storage space for seized vessels. Customs has opened the new patrol station in Ft. Myers and is in the process of selecting personnel for the increased staff at Key West and Ft. Lauderdale. Customs and the Coast Guard are both maximizing the use of their available equipment. Customs is transferring a S-2 type sensor aircraft from San Diego to Miami and Admiral Hayes reports that the Coast Guard has increased the number of hours their boats stay out from 80 to 200 hours and that they are now operating at peak level.

DEA is finalizing plans to conduct a training program for Florida law enforcement officials, focusing on drug smuggling by air and sea, as well as conspiracy and financial flow investigations. In addition, DEA is in the process of selecting 13 special agents for permanent assignment to Florida to replace those currently on temporary assignment.

We are establishing a coordinating committee to develop mutually agreeable ways in which DOD capabilities can assist in identifying illegal air and sea traffic penetrating our borders. The committee will have representation from the White House, Office of the Secretary of Defense, the military services and the Federal law enforcement agencies. Also, Customs and DOD have signed a loan agreement and four T-39A jet aircraft have been selected. Customs is negotiating for the modification to install the necessary sensor equipment.

Finally, we are working with the Federal agencies and the Congress to address some of the deficiencies which currently exist in our laws regarding trafficking on the high seas. One of the major problems has been that possession of illegal drugs for distribution by foreign nationals on the high seas is not a crime under international law.

We have asked the State Department to consider means of amending the Single Convention in Narcotic Drugs to make the possession on the high seas of sufficient quantities of abusable narcotic drugs for distribution a violation of international law. Jurisdiction over the vessel would be gained through the agreement of the country where the ship is registered. This violation should be prosecutable by parties to the Single Convention without need for proof or intended distribution in their particular country.

Another alternative would be an independent multilateral agreement for this purpose among countries in Latin American and Caribbean area.

The committee has requested our comments on proposed legislation which would tighten controls over illicit drug traffickers. The other agencies who will be testifying today will deal with specific provisions. However, I would like to express the Administration's strong support for legislation which would make it more difficult for traffickers on the high seas to escape punishment. In addition,

we support the concept of facilitating law enforcement official's ability to arrest and prosecute traffickers who export large amounts of illicitly-gained capital. We will provide specific comments regarding the proposed legislation at an appropriate time.

Thank you. I will be happy to answer any questions.

Embargoed for Release Until 4:30 p.m., July 18, 1978

THE WHITE HOUSE,
Washington, July 18, 1978.

DRUG TRAFFICKING IN THE SOUTHEASTERN UNITED STATES

There is growing concern over the illegal drug trafficking in marihuana and cocaine into and through Florida and other States along the Eastern seaboard and Gulf Coast. Originating in South American and Caribbean countries, huge quantities of marihuana are being smuggled by sea and air into the United States. Statistics indicate that over 2.5 million pounds have been seized through May of this fiscal year compared to less than 950,000 pounds during the same period last year. Seizure of multi-ton loads is commonplace. The amount of cocaine seized also has increased significantly. Federal, State and local law enforcement agencies and prosecutors in Florida report being overloaded with pending drug cases.

The U.S. economy is directly affected by the hundreds of millions of dollars paid to the sources of the drugs. The financial dealings connected with the illegal drug traffic through South Florida alone are estimated at several billion dollars a year. It is reported that corporations, sponsored by illegal drug profits, have been set up to purchase businesses to provide the mechanism for placing the illegal profits back into legitimate channels. The potential for major expansion of organized crime and for all forms of corruption is obvious.

The Executive Branch, the Congress, and State and local officials have indicated concern over this situation. To provide an effective and timely response, a White House review has been initiated under the direction of Dr. Peter Bourne, Special Assistant to the President. The principal Federal agencies involved (DEA, Customs, Coast Guard, and the State Department) are participating in the review.

The initial intent is to develop a more comprehensive response to this situation which capitalizes on the full capabilities of the Federal, State, and local law enforcement authorities. Investigations are targeting on the illegitimate profit associated with the traffic and the effect of these large amounts of money on business and government. There will be a continuing emphasis on seeking longer term solutions through legislative, judicial and diplomatic initiatives.

The preliminary actions which have been initiated or are planned are based on attacking the entire chain. All Federal capabilities for air and sea surveillance are being reviewed for potential support of the anti-smuggling effort. The State Department will coordinate with foreign governments. Special joint law enforcement operations are being planned. The Federal agencies will open new offices in areas which are not currently covered. Support of State and local law enforcement will be expanded.

The following actions have been initiated or are planned in response to the need to stem the growing drug traffic in the Southeastern United States. Legislative needs are included. The White House review team will continue to monitor the situation, coordinate the efforts and provide follow-up recommendations.

I. SOURCE AND TRANSIT COUNTRIES

An intensive assessment of the drug sources and traffic routes has been initiated by the interagency narcotics intelligence committee. This report will address the South American and Central American countries, as well as the Caribbean and will be completed in mid-July.

Customs will conduct an intensified operation in the Virgin Islands in the near future. DEA has scheduled a seminar on conspiracy investigation in October 1978 for law enforcement officials in the Virgin Islands.

A Department of Justice team will travel to Colombia to discuss how Colombian nationals can be prosecuted under Colombian law either in the U.S. or Colombia if it can be shown directly or indirectly that they possess or have facilitated the possession of huge sums of money, largely using international banking facilities, where the assets can be directly linked with illicit drug trafficking.

The team will also discuss twelve cases where major Colombian traffickers are currently under indictment in the United States or scheduled for indictment in the near future. The Colombian Attorney General has indicated that he will prosecute these violators in Colombia if presented with sufficient evidence.

A proposal is under study which would turn over approximately twelve small ships (previously seized by U.S. authorities) to the Government of the Bahamas for maritime drug enforcement.

A Coast Guard and Customs team visited Colombia in May 1978 to evaluate and develop increased Colombian cooperation in coastal maritime interdiction. As a result of this visit, assistance is being furnished to the Colombians in developing an effective maritime drug interdiction force and for establishing a mutually beneficial exchange of intelligence information. An orientation visit to the United States by the Commandant of the Colombian Coast Guard is planned for this fall. A Colombian naval officer will accompany a U.S. Coast Guard interdiction patrol in the near future to observe our patrol strategy.

The U.S. delegation to the current General Assembly of the Organization of American States (OAS) is pressing for general recognition of drug trafficking as a hemisphere-wide problem requiring cooperative action by OAS members.

The Colombian Government will be encouraged to take aggressive steps to discourage the growth of marihuana.

II. FLORIDA

DEA, Customs and the Coast Guard will expand their cooperation, coordination, intelligence exchange, and training activities with State and local law enforcement officials in the Florida area. Specific coordination responsibilities will be assigned and an expanded drug training effort will begin in late summer of 1978.

DEA has detailed 15 additional special agents to Florida to assist in handling the heavy case load and to assist in developing conspiracy cases.

DEA will open new offices in Panama City and Ft. Meyers, Florida and increase the permanent staff in Miami.

Customs will open a patrol station in Ft. Meyers and increase staffing at Key West and Ft. Lauderdale. New patrol stations at Crystal River and Ft. Pierce are under consideration.

A Currency Investigation Task Force is being formed in Miami by Customs. This group of investigators will seek to expand upon violations of the Bank Secrecy Act, applying them in concert with other violations of Customs statutes, and laws enforced by Customs. The group will coordinate with the DEA in all violations of the currency laws that involve smuggling or trafficking in narcotics.

The trend toward low bail and low sentencing in South Florida is a significant factor in reducing the deterrent effect of arrest and conviction. An example given was that of 73 defendants released on bond, only eight reappeared to be tried and sentenced, and these eight are now fugitives. The Attorney General has been informed of this problem and asked to take action to encourage more aggressive bail and sentencing policies. Steps are being taken to ensure that adequate information is furnished to the judges so that appropriate bail is set and adequate sentences are meted out.

DEA and the FBI established a joint task force in Miami in October 1977 to investigate the financial aspects of drug trafficking and the use of U.S. banks to facilitate payments for drug shipments. This investigation includes the manner in which illegal drug profits are converted into apparently legitimate monetary transactions. More arrests are expected as this program continues.

DEA will continue to participate in the Federal/State and local task force in Orlando, Florida.

DEA is finalizing negotiations with the Florida Department of Criminal Law Enforcement regarding the possibility of that agency serving as a statewide clearinghouse for information and an interface with the El Paso Intelligence Center (EPIC) for other non-Federal agencies within the State. DEA is negotiating similar initiatives with Georgia and South Carolina.

III. MARITIME AND AIR

Discussions have begun with DOD to determine the feasibility of increased involvement of U.S. military resources, in conjunction with normal National Defense missions, to assist in surveillance and communications support of Federal law enforcement efforts against drug traffickers penetrating our sea and air borders.

Coast Guard maritime drug interdiction efforts will be increased in proximity to Florida coastal areas, through expanded WPB class vessel patrols, participation of small utility boats in coastal anti-drug activity, and increased surveillance by major surface and air units.

On June 21, the Navy agreed to a Coast Guard request that Navy vessels would report sightings of known or suspected drug smuggling vessels to the Coast Guard.

This activity is part of the normal Navy maritime surveillance and is not to interfere with normal Navy operations.

DEA, Customs, and Coast Guard will plan special operations for early fall 1978.

The Coast Guard will continue to support DEA and Customs with available drug interdiction resources, both surface and air.

Customs has been negotiating with DOD to furnish four T-39 jet aircraft for the Customs air interdiction program. While DOD has indicated agreement to the long term loan of these aircraft, it will require at least another 18 months to modify them with suitable radar and sensor equipment. Discussions will be undertaken with DOD to determine if suitably equipped aircraft could be loaned to Customs on a short term basis until the T-39's are modified and available for use.

IV. OTHER ACTIONS

The Attorney General has been asked to give special consideration to requests for LEAA grants which have the potential for significant impact on the drug trafficking originating in or transiting the Caribbean area. Particularly useful would be funding assistance to the Florida Statewide Grand Jury and to other prosecutorial areas. On June 30, the Attorney General announced award of a \$360,000 grant in support of a Joint Organized Crime Investigation Program requested by the Dade County Department of Public Safety in Florida.

The Coast Guard is expanding, in coordination with Customs, their PADIE (Prevention and Detection of Illegal Entry) Program. This Program was created for National Security purposes to detect and deter smuggling and illegal entry into the United States from the sea. It should help solve one of the major problems—the lack of capability to monitor the vast coastline vulnerable to smuggling operations.

"PADIE" provides an organized way to make use of all agencies, organizations and individuals in reporting any unusual activity taking place along the waterfront or beach. It has significant potential for collection of information on smuggling when coordinated with similar on-going activities of Customs.

Coordination at the Federal level between the U.S. Attorneys and DEA is being increased. In addition, the staff of the U.S. Attorneys has been augmented by temporary assignment of three attorneys from the Narcotics and Dangerous Drugs Section of the Criminal Division of the Department of Justice, and additional assignments are under consideration. The Executive Office of the U.S. Attorneys is reviewing the possible assignment of additional Federal prosecutors to Miami and Puerto Rico.

White House representatives will discuss the proposed initiatives with the Governor of Florida and other officials to ensure that the efforts of the Federal Government and the State Government are working in concert to reduce drug traffic into and through their jurisdictions.

The White House review team will continue to monitor, coordinate and follow-up on these initiatives.

V. LEGISLATIVE INITIATIVES

On June 12, 1978, the Department of Justice sent to Congress the "Controlled Substances Seizure and Forfeiture Act of 1978". This proposal would: (1) provide for the forfeiture of proceeds and funds used or intended for use in connection with a violation of the Controlled Substances Act; (2) require the reporting of monetary instruments leaving the United States, or intended to do so; (3) require the prompt reporting of vessels carrying foreign cargo arriving in the United States; and (4) increase the administrative forfeiture amount from \$2,500 to \$10,000. Early passage of this proposed legislation will greatly facilitate the ability of Federal agencies to attack the economic base supporting the illegal drug traffic.

Current legislation does not allow the arrest of a person on board a United States vessel on the high seas or a United States citizen on board a foreign vessel on the high seas who is in possession of large amounts of illegal drugs. The Administration is currently preparing comments on H.R. 10371, which will amend

the Controlled Substances Act. A pending amendment to the Criminal Code Reform (S. 1437) also addresses this issue. The Administration will support enactment of legislation to strengthen enforcement activities in this area.

Other proposals are under study.

Below is a summary of the White House proposed and pending initiatives with respect to drug trafficking in Florida:

I. SOURCE AND TRANSIT COUNTRIES

A. An intensive assessment of the drug sources and traffic routes has been initiated by the interagency narcotics intelligence committee.

B. A Department of Justice team has traveled to Colombia to discuss prosecution of Colombian nationals under Colombian law based on mutually developed evidence.

C. A Coast Guard and Customs team visited Colombia in May 1978 to help develop increased Colombian cooperation in coastal maritime interdiction.

II. FLORIDA

A. DEA has detailed 15 additional Special Agents to Florida to assist in the heavy case load.

B. DEA will open new offices in Panama City and Ft. Myers, Florida and increase the permanent staff in Miami.

C. Customs will open a patrol station in Ft. Myers and increase staffing at Key West and Ft. Lauderdale.

D. DEA is negotiating with the State governments of Florida, Georgia and South Carolina for their participation in the El Paso Intelligence Center.

E. The Coast Guard will intensify its patrol activities in the Florida area.

III. MARITIME AND AIR

A. The Navy will report sightings of known or suspected drug smuggling vessels to the Coast Guard.

B. Customs has been granted the use of four T-39 jet aircraft for its air interdiction programs by DOD.

IV. OTHER ACTIONS

A. On June 30, 1978, the Attorney General announced the award of a \$360,000 grant to the Dade County Department of Public Safety for a Joint Organized Crime Investigation Program.

B. White House representatives have discussed these initiatives with state officials of Florida to ensure that federal and state governments are working in concert.

V. LEGISLATIVE INITIATIVES

A. In June, the Department of Justice sent to Congress the Controlled Substances Seizure and Forfeiture Act of 1978, providing for (1) forfeiture of proceeds and funds used in connection with controlled substances violations, (2) reporting of monetary instruments leaving the U.S., (3) prompt reporting of vessels carrying foreign cargo into the U.S., and (4) the increase of the administrative forfeiture from \$2,500 to \$10,000.

B. H.R. 10371 to allow the arrest of a person on board a U.S. vessel on the high seas or a U.S. citizen on the high seas in possession of a large amount of illegal drugs.

STATEMENT OF PETER B. BENSINGER, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Chairman Culver, Gentlemen, it is a pleasure to appear here this morning before the Subcommittee to Investigate Juvenile Delinquency to discuss the Drug Enforcement Administration's role in the Federal effort to stem the flow of drugs from South and Central America to this country.

A serious situation facing the law enforcement community today is the recent surge of drug trafficking into the Southeast sector of the United States. Nearly all the cocaine distributed in the U.S. and a substantial amount of the marihuana originates from source countries in South America. An estimated 65 percent of worldwide illicit cocaine is processed in Colombia. Colombia is also a major source of supply for marihuana.

In transporting the contraband from South America to the United States, the traffickers use various routes by private and commercial aircraft. Drug smuggling on commercial air carriers has been limited to quantities which can be carried by individuals on their person or in their luggage. Private aircraft take advantage of Florida's many natural landing strips and heavy legal air traffic. Some fly directly into the United States from South America; while others involve stopovers on any of the major Caribbean Islands or in the Central American countries for refueling or cargo drop-offs. To a lesser extent, the traffickers also traverse an overland route through Central America.

Because the Caribbean Sea and the Gulf of Mexico are natural paths for the traffickers, narcotics interdiction on the high seas plays an important part in the United States' enforcement program. There are four "established" maritime routes. They are through the Yucatan, Windward, and Mona Passages in the Caribbean and up the Pacific Coasts of the South and North American continents.

A variety of vessel types and methods of operations are employed by maritime smugglers. There appear to be several basic trafficking patterns:

The first involves smugglers who use relatively small vessels such as fishing and pleasure craft, which are privately owned and/or operated by the traffickers themselves.

The second category involves larger commercial vessels such as freighters and passenger liners. The contraband is carried onboard in addition to the regular cargo. As a rule, the management of these vessels are not involved in the smuggling activity.

A third type of smuggling operation involves a "mother ship" and several contact vessels. The typical "mother ship" is usually a vessel which, by size and registration, may be regarded as a commercial vessel, generally ranging from 100 to 300 feet in length. Usually the entire crew, captain and owners are involved. It appears that the "mother ships" are principally owned and operated by traffickers located in source countries rather than in the United States. They are also generally manned entirely by foreign nationals. The entire ship is loaded with contraband. Those vessels then proceed to areas off the U.S. coasts, where they eventually transship their loads to smaller high-speed vessels, fishing boats, cabin cruisers and yachts. These smaller vessels quickly become assimilated with legitimate vessel traffic, making enforcement action difficult.

To meet this challenge presented to law enforcement by the maritime smugglers, a multi-faceted approach is required. Within DEA, we have implemented several measures that are designed to have an impact on the Southeastern area. Specifically, DEA has established two new Resident Offices and opened Airport Offices in two major cities in Florida. Furthermore, additional Special Agents have been assigned to Florida, as has an element of the DEA Airwing. Because the Bahamas are a significant transit point, we are establishing an office there pending approval from the Department of State. Manpower has been redistributed among the South American posts so that the majority are now stationed in drug source countries. DEA is also working with State and local enforcement agencies to improve the coordination and intelligence collection/exchange activities.

Interagency cooperation is essential if we are to realize any successes in immobilizing narcotics traffickers. A White House review team, with the participation of DEA, U.S. Customs, U.S. Coast Guard and the State Department, has been examining action initiatives that will have a lasting impact on drug trafficking in the Southeastern United States. Briefly, these measures are designed to disrupt the entire chain of drug smuggling from the source and transit countries through the distribution systems in our nation.

In addition to monitoring these programs, the White House review team will be seeking longer term solutions through legislative, judicial, and diplomatic initiatives.

One such model for interagency joint efforts was Operation Stopgap, a 45-day program initiated by DEA to coordinate its efforts with those of the United States Customs Service, the United States Coast Guard and the Immigration and Naturalization Service. Stopgap's objective was to decrease the availability of marihuana in the United States by seizing multi-ton quantities and the vessels transporting the marihuana; by arresting and prosecuting entire crews aboard the vessels; thus ultimately disrupting the operations of large-scale Colombian marihuana smuggling operations. Intelligence on suspect aircraft and vessels, primarily "mother ships", was relayed thru the EL Paso Intelligence Center (EPIC) to the U.S. Coast Guard for appropriate enforcement action.

The U.S. Coast Guard, in particular, is to be commended for their contributions to Operation Stopgap. In all, 900,000 pounds of marihuana were seized, as were 33 vessels (4 of which were sunk or scuttled), 6 aircraft, 18 land vehicles, 3 hydraulic presses and \$15,000 in cash. Furthermore, approximately 220 persons were arrested and/or detained and deported. A similar program is going on in the North Atlantic/New England area and another is being developed for the Pacific/West Coast region.

For the present, we are monitoring several trends in maritime vessel smuggling. There has been a rapid expansion in both number of and sophistication of "mother ships" operations, especially between Colombia and the East Coast and Gulf Coast of the U.S. DEA expects that the growth in vessel traffic will continue. We anticipate the increased law enforcement pressure will displace the traffic to some extent, forcing it to the Colombian Pacific coast or causing the "mother ships" to divert eastward around the island chains in order to avoid the three passages where the U.S. Coast Guard has concentrated its efforts. Expanded use of aircraft for smuggling is anticipated.

We recognize that the conviction and incarceration of top-level traffickers does not necessarily disrupt trafficking organizations; the acquisition of vast capital permits regrouping and the incarcerated trafficker can continue to direct operations. Therefore, it is essential to attack the finances that are the back bone of organized drug traffickers. Vast profits, generated by the sale of drugs, leave the United States. Valuable intelligence drug trafficking organizations can be realized from monitoring the flow of currency and monetary instruments. Existing statutes provide us with one investigative tool.

One section of the Bank Secrecy Act requires every domestic financial institution to report to the Internal Revenue Service (Form 4789) the identity of persons involved in currency transactions exceeding \$10,000. Since October 1977, a DEA/FBI Joint Task Force has been conducting just such an investigation into the utilization of U.S. financial institutions to facilitate payments for drug shipments and other financial aspects of drug trafficking. While this type of investigative endeavor is time consuming, it can be very effective. The financial evidence which is being developed will enable U.S. enforcement officials to attack the profits and operating funds of narcotics traffickers.

Unfortunately, there are gaps in the existing statutes which unintentionally aid the cause of the traffickers. Therefore, as I mentioned earlier, legislative initiatives will provide law enforcement with needed tools to cope with drug smuggler's tactics.

The Comprehensive Drug Abuse, Prevention and Control Act of 1970 replaced an earlier act (the Act of July 11, 1941, 55 Stat. 584), but in the process inadvertently omitted the prohibition against possession of controlled substances on vessels engaged on a foreign voyage. The extant act prohibits possession of a controlled substance "* * * (only if it) was arriving in or departing from the U.S. or the Customs territory of the U.S."

Thus, there is a significant gap in the present law regarding the commission of substantive controlled substance offenses on American owned or registered vessels on the high seas.

Specifically, the United States Code (Section 959, Title 21) has extraterritorial application only if a controlled substance is manufactured or distributed outside of the United States with the intent of smuggling it into this country. This section does not, however, include possession with intent to smuggle as an extraterritorial offense.

Several cases have arisen at the United States District Court level in which ships registered in the United States, carrying large amounts of marihuana, were intercepted outside the territorial waters of the United States. The District Court held that the Government lacked jurisdiction to proscribe the individuals on board for possession of marihuana even though the evidence showed the marihuana was possessed with the knowledge that it would be unlawfully imported into the United States.

Thus, a legislative proposal that would cure this defect would be strongly supported by the Drug Enforcement Administration.

The same statute to which I referred earlier, the Bank Secrecy Act, requires an individual to file a report (Form 4790) if he knowingly transports monetary instruments in excess of \$5,000 in or out of the United States. The law, as written, is inadequate in that it does not provide for attempted or intended violations of existing reporting requirements. And, in fact, in March 1976, the United States District Court for the Southern District of Florida dismissed a criminal proceed-

ing against a defendant who was discovered departing the United States with \$250,000 of unreported currency. The Drug Enforcement Administration endorses legislation that would close this gap in existing law by requiring this report to be filed prior to departure from the United States.

At present, a search warrant is required in all instances in order to seize monetary instruments being taken from the United States in violation of the Bank Secrecy Act. In many cases, it is impossible to obtain a search warrant in time to search individuals thought to be in possession of monetary instruments or currency who have not reported them or have filed a false report. As such, DEA would also support a proposition that would strengthen the existing statute and allow U.S. Customs officials to search persons under exigent circumstances, as they do now in other searches.

There is another loophole in existing law which affords shelter for traffickers. The present law allows the master of any vessel carrying foreign merchandise 24 hours in which to report his arrival to U.S. Customs. The smaller boats that transport the drugs from the "mothership" cannot be readily distinguished from the many legitimate private vessels of the Southeastern coastal area. Under this cover, there have been cases where vessels have arrived in the United States, unloaded their illicit cargo, and departed, all within 24 hours, thereby circumventing the intent of the law. A legislative proposal that would require immediate reporting of such a vessel's arrival would greatly assist the U.S. Customs Service and the Federal drug enforcement effort.

Legislative proposals, such as the ones presently under consideration by this Committee, would give to the Federal drug enforcement effort much needed support. Based on intelligence and interdiction data, we believe that drug smuggling on the high seas and smuggling by air is escalating.

Chairman Culver, on behalf of the Drug Enforcement Administration, I would like to thank you for initiatives with respect to this serious problem. I look forward to working with you and the Congress on this vital agenda directed to help disrupt the flow of illicit drugs from South America.

STATEMENT OF G. R. DICKERSON, DEPUTY COMMISSIONER, U.S. CUSTOMS SERVICE

Mr. Chairman, and members of the Committee, I appreciate the opportunity to appear before you today to discuss the need for new legislation to tighten the laws relating to drug smuggling by vessels and the exportation of currency. I understand that your committee is considering introducing new legislation on these subjects. We welcome your interest and believe that now is the time to address the problems created by our present law.

We are presently facing a new wave of drug-smuggling into the United States, particularly by vessels and aircraft in the Gulf and Southeastern Atlantic areas. Fortunately, present law is adequate with respect to smuggling by aircraft. However, we have encountered many problems with respect to smuggling by vessels which are magnified due to the scope of the problem.

What limited success we have realized is due primarily to the excellent cooperation which exists among DEA, the Coast Guard, and Customs. Last month, Coast Guard and Customs signed an agreement which solidifies our strong present working relationship. In fact, most of the seizures recorded by Customs are a direct result of this relationship.

Statistics indicate that over 3.5 million pounds of marihuana have been seized through July of this fiscal year compared to 1.2 million pounds during the same period last year. An additional measure of the size of the smuggling problem facing us in the Southeast border is the changing seizure rate as compared to other significant smuggling areas. As recently as 1976, Mexican border districts averaged 60 percent of the national total of marihuana seized. Today seizures of marihuana in the Gulf and Southeastern Atlantic, almost all multi-ton loads, now account for 87 percent of a much increased total.

Cocaine seizures have also increased. For the first half of this fiscal year, the amount of cocaine seized has nearly surpassed the amount that had been seized for the entire preceding fiscal year. The Miami region has accounted for approximately 60 percent of the total amount of cocaine seized, while making only 25 percent of the total seizures. These figures indicate that the bulk shipments of cocaine are also being smuggled into the United States along the Southeastern coastline. We believe that the cocaine, which is more easily hidden, is smuggled via commercial vessels, very often in banana boats originating out of Turbo, Colombia, which land at our Southeastern ports.

Another measure of the problem of drug smuggling in this region is the number of vessels seized. Through July of this fiscal year, 190 vessels have been seized in this area out of a national total of 269, while for the entire preceding fiscal year only 122 vessels were seized in this area.

We believe that several factors account for the increasing use of vessels by the drug smuggler—the continuing Mexican eradication program has made Colombia marihuana more attractive, the use of large vessels provides a relatively cheap method of transporting vast quantities of the bulky marihuana, the extensive coastline offers easy, undetected access to the United States, and gaps and inadequacies in our present law make successful prosecutions difficult. Thus, smuggling by vessel has become the new *modus operandi* of the drug smuggler.

To take full advantage of all of these factors, smuggling by vessel is primarily achieved by the use of “motherships.” By this method, freighters, sometimes 300 feet in length, are loaded with large quantities of marihuana—50 to 60 tons is common—in Colombia and then set their course for the United States. These motherships, most often under foreign registry, will remain on the high seas outside the 3 mile territorial or 12 mile Customs waters, thus effectively beyond the United States jurisdiction, where they rendezvous with smaller high-speed craft generally owned by or registered to United States citizens. It is these smaller craft which then transport the contraband into the thousands of bays and inlets which line our coast.

Consequently, it is evident that two types of vessels are involved: the large motherships often flying under foreign flag, and the smaller “runners” which ferry the marihuana to shore. We face different problems with respect to each.

Once a vessel laden with marihuana is seized, loopholes in our present law create prosecutorial problems which often result in the individuals gaining their freedom to once again make another smuggling attempt. Under present law, the smuggler has committed no substantive crime by possessing narcotics on the high seas, even though he is an American citizen or aboard a vessel of the United States. This is so despite our obligation under the Single Convention on Narcotic Drugs to suppress drug trafficking by our vessels and citizens. Additionally, under present law it is extremely difficult to prosecute foreign nationals engaged in smuggling efforts aimed at the United States so long as they remain on the high seas. Consequently, the high seas remains a smuggler's paradise.

More importantly, international law presents many of the same obstacles. Since most of the motherships found on the high seas are of foreign registry, except under limited circumstances, permission must be requested and received from the country in which the vessel is registered before any enforcement action can be taken, even when there is proof that the particular vessel has a load of contraband destined for the United States. While most nations have been cooperative, the time required to notify the country of registry and to receive the proper authorization has caused some problems. The time may vary from several hours to two days, depending upon the hour or day of the week when the request is made. During this time delay, the suspect vessel may take evasive action or may have sufficient time to jettison its contraband cargo. However, once permission is received to take enforcement action, either the gaps in our own law create prosecutorial difficulties or the foreign government will be reluctant to prosecute their nationals because of what they believe to be evidentiary problems created by a seizure and arrest by United States officials.

The small “runners” take advantage of our vast coastline with its numerous harbors and inlets and can easily mingle with the thousands of legitimate craft which sail in these same waters. Present law provides twenty-four hours from the time of arrival that a report must be made to Customs of such arrival. As a result, it is extremely difficult for Customs to intercept the few smugglers from among the thousands of legitimate vessels.

To begin to solve all of these problems, we believe that legislation which would tighten the conspiracy, transshipment, and extraterritorial provisions of the present law must be addressed. Further, legislation which would clearly delineate which vessels are subject to the jurisdiction of the United States would greatly enhance our enforcement effort aimed at the mother vessels flying foreign flags.

With respect to smuggling by private pleasure vessels, we strongly believe that immediate reporting at designated places should be required. While we do not foresee the smuggler dutifully reporting immediately upon his arrival, nonetheless such a requirement would enable us to establish designated reporting stations for vessels just as we now require for vehicles and aircraft. Then, assuming that a great majority of the legitimate vessel traffic would comply with the

immediate reporting requirement, it would become a far easier task to sort the legitimate traffic from the illicit traffic. Thus, we can exert our enforcement efforts more judiciously. We are pleased to learn that your Committee is considering legislation to require immediate reporting.

I would like to relate to the Committee a very recent seizure which illustrates the nature of the problem and the process we must go through.

On August 5, 1978, based on information supplied by DEA, a Customs patrol aircraft established a search pattern 40-miles from the Bahamas. While the Customs aircraft was attempting to locate a particular vessel for DEA and after flying for several hours, our aircraft sighted two maneuvering in small slow circles and lying heavy in the water approximately 38-miles north northeast of Walkers Cay in the Bahamas, some 360 miles east of Florida. The other, the "Rio Chico" was a 70' shrimper without its proper riggings. Since both vessels appeared quite suspicious, the air crew notified the Coast Guard.

The aircraft continued the surveillance, departed for refueling, returned and completed over seven hours of surveillance, four being on the suspect vessels. While the Coast Guard had been notified and the Cape Knox responded, stormy weather that appeared and loss of its radar required that all vectoring of the cutter to the suspect vessels be accomplished by the air crew.

The larger vessel, whose stern bore the name "Hiedi", failed to display any flag but claimed to be registered in the Netherlands Antilles. A check with that country revealed that the claimed registry was false. We understand that other countries were also queried without any records being located. The Coast Guard then boarded the "Hiedi" as a stateless vessel.

The boarding officers found the vessel fully loaded with marihuana. The vessel was taken into Jacksonville, where Customs officers have already unloaded 225,469 pounds (113 tons) of marihuana. I might add that it took 57 hours to incinerate the marihuana which will not be needed for trial.

The other vessel, the Rio Chico, was also boarded and discovered to have 44,000 pounds of marihuana which is believed to have been off-loaded from the Hiedi. Two other vessels which were expected to rendezvous with the Hiedi are believed to have broken-up in the stormy seas.

Fortunately, there will be a trial in this case. The 22 Colombians and 1 Chilean on board have been linked to a conspiracy developed by DEA involving several U.S. citizens—seven of whom have since been arrested pursuant to federal warrants.

I say fortunately there will be a trial, because very often there is no evidence to link the foreign crewmembers with any conspiracy to smuggle the marihuana. As a result, the foreign crewmembers are deported. Also, we were fortunate that the concerned agencies had sufficient prior information so that we could detect the mothership before all of its contraband cargo was offloaded to smaller "runner" vessels, such as the shrimper, Rio Chico. Additionally, the determination of foreign registry, or lack thereof, was made relatively quickly.

While this particular seizure did proceed smoothly with expected successful prosecutions, it is illustrative of the types of problems we face.

In response to the noticeably growing smuggling problem by both vessels and aircraft, Customs has undertaken the following steps to improve our interdiction program. We have surveyed potential smuggling locations for additional resource needs. At this time, we are planning to establish a new patrol station at Fort Myers, and to increase the staff presently serving the stations at Key West and Port Everglades. In the future we expect to establish a patrol station at Fort Pierce. To insure a rapid deployment, a number of patrol officer positions will be transferred from other border stations. When the survey is completed and all resource requirements are identified, Customs will make every effort, within budget constraints, to meet these needs.

With respect to our efforts aimed at the problem of smuggling by aircraft, a significant improvement in our radar detection capability has recently come about as a result of a DOD agreement to use the newly operating AWACS radar system for detecting smuggler aircraft along the entire southern border. As reported in recent media accounts, AWACS radars operate from aircraft which fly along the border. Its radar can observe a larger area with a very high probability of detection.

At this time, we are staffing sufficient personnel to accompany the AWACS flights. Our personnel currently are in training to better operate with the Air Force. Customs personnel have already accompanied the AWACS aircraft on familiarization flights, and additional flights are scheduled for the future.

Several problems must still be overcome before the system can be truly operational. Of immediate concern is improved communication and logistics. Customs currently has one sensor-equipped high performance aircraft and is in the process of procuring another.

Customs has received approval from DOD for the loan of four Air Force T-39A aircraft. Since these aircraft are not equipped with radar, Customs is negotiating to modify and install appropriate radars. From this point, the first aircraft will be operationally available in 8 months and the remainder within 12 months.

Unfortunately, the actual smuggling of the contraband into the United States is just a piece of the puzzle. The glue to this puzzle is the vast amount of currency which is necessary to finance these transactions. The sale of narcotics and dangerous drugs in the United States produces vast sums of money, much of which leaves the United States, often to finance other smuggling attempts. By monitoring the flow of currency and monetary instruments, significant information about narcotics trafficking can be developed. While present law does require that reports be filed with the Customs Service by persons transporting or causing to be transported monetary instruments in excess of \$5,000 out of the United States, various courts have interpreted this law to mean that no violation can occur until the person has actually left the United States without filing the required report. Needless to say, effective enforcement of this reporting requirement has been significantly impaired.

To remedy this defect in the law, we believe that the Committee should consider legislation which would require that a report be filed prior to departure by any person who wishes to transport or have transported out of the United States any amount exceeding \$5,000. The Secretary of the Treasury could then, by regulation, determine the time and manner in which such reports should be filed. For example, the regulation could provide that a person departing by aircraft or vessel would have to file the report prior to boarding the outbound carrier.

Currently, Section 235 of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 1105) states that application may be made for a search warrant authorizing the search of any person, place, vehicle, or physical object when the Secretary has reason to believe that there will be a violation of certain reporting provisions of the Act. The implication is that if there is reason to believe, for example, that there will be an attempt to transport a substantial amount of currency out of the country without filing the required report, a search may be conducted only after a search warrant is obtained. Decisions of the U.S. Supreme Court, however, have made it clear that in certain "exigent circumstances" warrantless searches can be conducted where there is probable cause to believe that a law has been violated. We believe that the Committee should consider legislation which would remove any doubt as to the application of the "exigent circumstances" exception to currency reporting cases by authorizing warrantless searches to be made for violations of the Reporting Act where exigent circumstances can be shown. In many instances, this may prove critical. Frequently, circumstances leading to probable cause do not surface until just before the departure of an aircraft or boat, and subsequent enforcement action by the Federal Government is severely restricted.

Under such legislation, Customs would still have to show that probable cause as well as exigent circumstances existed at the time of any warrantless search.

While Customs continually is striving to develop new procedures and new working arrangements with other agencies which will result in a more effective interdiction effort, it is evident that there exist many problems which need solving. We appreciate the Committee's concern and interest, and we remain willing to work closely with you to solve these problems.

I will be happy at this time to answer any questions.

Thank you.

STATEMENT OF CAPT. ROBERT H. OVERTON III, CHIEF, OCEAN OPERATIONS DIVISION,
DEPARTMENT OF TRANSPORTATION, U.S. COAST GUARD

Mr. Chairman and members of the Committee, I am Captain Robert H. Overton, Chief of the Coast Guard's Ocean Operations Division, and Manager of the Enforcement of Laws and Treaties Program. I thank you for this opportunity to testify concerning the proposed bill, the "Drug Trafficking Control Act of 1978," and the Coast Guard's maritime drug interdiction effort. With me here today are Cdr. John E. Streeper, USCG and Lt. Cdr. E. Alex Blanton, USCG who are members of my staff.

The Coast Guard supports the purposes of legislation along these lines. Such legislation would increase our ability to take law enforcement action against U.S. vessels, and persons aboard them who are engaged in illicit drug trafficking on the high seas. As written, the bill overcomes the current necessity for proving intent to import controlled substances into the United States, by making mere possession of these substances, aboard U.S. vessels, a crime. Insofar as persons aboard U.S. vessels are concerned, it would close one significant loophole in our enforcement scheme.

We are still reviewing the Bill within the administration with a view towards possibly recommending amendments which we believe will make it a more effective vehicle for countering maritime drug smuggling.

Specific language to accomplish such changes will be provided to the Committee by separate correspondence after our review is completed.

The Coast Guard's drug interdiction effort is based upon continuing surface and aircraft patrols of known or suspected smuggling areas, and a vigorous boarding program. Our major cutters may be assigned to conduct surveillance of a geographic area, patrol a known smuggling route, blockade a passage or "choke point," or pursue a specific target identified by intelligence information. A helicopter is normally embarked on flight-deck-equipped cutters, to extend the range and detection capability of the cutter and to improve patrol efficiency. These patrols by our larger cutters are normally from three weeks to one month in duration. Cutters may be deployed between districts during these operations to permit expanded coverage of a "hot" area or to provide flexibility, should the traffickers shift their activity to avoid enforcement pressure.

Supplementing the patrol activity of our high and medium endurance cutters are our 82 and 95 foot patrol boats. These small cutters are used in a similar manner, however their habitability and endurance limits patrol length during independent operations to approximately one week. Multi-unit operations are conducted as a means to overcome this limitation. This concept consists of a high or medium endurance cutter acting as a refueling and reprovisioning "base" for one or more WPB class vessels in company, and has the advantages of providing expanded patrol area coverage in addition to extending the WPB's endurance.

A concept vital to our operations that should be clearly understood is that of "multi-mission" operations. It is this concept which allows us to accomplish our many duties simultaneously in an effective manner, with a minimum number of resources and personnel. Simply stated, many of our tasks are performed in a common environment—at sea. Attendant to these tasks are three elements: First, surveillance—to determine the activity in a given area of ocean; Second, detection—to discover violations of applicable U.S. laws, marine casualties, or pollution incidents; and third, apprehension or recovery—to arrest the law violator or rescue casualty victims. It is our contention that the factor necessary to accomplish these tasks, regardless of the label applied to the individual mission, is the continuing presence of a suitable maritime unit, capable of response in a given time. Thus, because of their capabilities to surveil, detect and apprehend any of our cutters and aircraft may respond to the demands of the drug interdiction effort at any time during their operations.

The Coast Guard's vessel boarding program is governed primarily by our jurisdictional limitations. In the case of United States vessels, we are authorized to board and search at any time, for the enforcement of U.S. law, regardless of the location of the U.S. vessel. This includes the high seas environment as well as the waters of our country. A significant problem we face in the boarding and seizing of U.S. vessels is the necessity to prove conspiracy to import should a large cargo of controlled substances be discovered aboard a U.S. vessel on the high seas.

Foreign vessels, on the other hand, are normally immune to boarding and search by Coast Guard units except in special circumstances. Such special circumstances include foreign vessels in U.S. waters, stateless or assimilated stateless vessels, and foreign vessels "constructively present" in U.S. waters by virtue of their acts.

Generally, foreign vessels operating within 12 miles of the United States are subject to our jurisdiction, and may be boarded and seized for violations of smuggling or customs laws with the concurrence of the Department of State. Similarly, a stateless vessel, that is, a vessel which is not registered in any country, or a vessel which can be assimilated to statelessness by its claiming of the protection of more than one country, can be boarded and seized with De-

partment of State concurrence. Since such vessels are not entitled to the protection of any flag, any nation may exert jurisdiction over them for enforcement purposes on the high seas.

"Constructive presence," may also be used to obtain jurisdiction over a foreign vessel on the high seas, if three elements exist. First the foreign vessel must be "adjacent" to the waters of the United States. Second, it must be acting as part of a team with another vessel in an attempt to violate U.S. law. Third, the "teammate" must have engaged in a violation of U.S. law, within U.S. waters. Once these elements have been established, the foreign vessel may be boarded and seized as though it were actually within the waters of the United States. This concept has proven effective in combatting "mothership" operations, where foreign vessels with multi-ton loads of marijuana hover offshore to effect the transfer of illicit cargo to smaller "contact boats," which then introduce the contraband into the U.S.

Foreign vessels which do not fall within the preceding exceptions and enjoy the legitimate protection of their flag state may not routinely be boarded or searched. The alternative used by the Coast Guard to pursue law enforcement action against suspect vessels in this category is to seek the permission of the flag state, through the State Department, to board and search the vessel. In the event contraband is found, we may, with the concurrence of the flag state, prosecute any violations of U.S. law discovered, or failing this, we may detain the vessel for further enforcement action by the flag state. The success of this approach varies with the flag state queried, and cooperation ranges from excellent to very poor. There are indications that some countries are becoming increasingly reluctant to grant this intrusion on their sovereignty, particularly if the laws of the nation involved do not contain appropriate provision for doing so.

As a practical matter, the impact of delays encountered while attempting to obtain flag state permission for boarding and seizure of a foreign vessel on the high seas leads to a significant reduction in enforcement capability. Generally, the unit seeking authorization to board is faced with maintaining overt surveillance of the suspect, often for several days, as negotiation continues. The object of the boarding invariably continues on course during this period, drawing the Coast Guard unit away from the patrol area. It is conceivable that during this evolution, other trafficking vessels may transit the patrol area and remain undetected. The Department of State and the Coast Guard are investigating the possibility of establishing pre-seizure agreements with foreign governments which may reduce the time required to obtain the appropriate authorizations.

In response to direction from the President and Congress to place increased emphasis on drug interdiction, the Coast Guard has focused on four positive actions:

First, we are continuing to expand our interdiction program through the increased use of our 82 ft and 95 ft patrol boats for dedicated law enforcement patrols. Approximately 54,800 hours of additional WPB patrol time will be expended for this purpose in FY 1979. Additionally, our Groups and Stations are using smaller utility boats to conduct more frequent surveillance of inshore areas. Our major cutters, augmented by the WPB's, continue to conduct frequent patrols of the Yucatan, Windward and Mona Passage "choke points," and we are directing more attention to the Northern Bahama area which has developed into a hotbed for illicit at-sea transfer of drugs.

Second, we are committed to improving the quality and quantity of Coast Guard law enforcement training, to promote increased professionalism among enforcement personnel. Judgmental weapons training, jurisdictional issues and limitations, search and arrest procedures, and boarding techniques are areas which require concentrated instruction.

Third, we are continuing our efforts in conjunction with the Customs Service, the Drug Enforcement Administration, and the Department of Defense, to improve and expand our intelligence capability. A Maritime Information Team with representation from the Coast Guard, the Customs Service, and the Drug Enforcement Administration has been formed to centrally collect and analyze post-seizure information. Through close cooperation with the Department of Defense, and in particular with the Navy, the number of at-sea intelligence collectors has recently been significantly increased. Naval units will furnish sighting data accumulated during their routine operations to the Coast Guard. This information may consist of specific reports concerning previously targeted suspect vessels, or data of a more general nature based on "profiles" of smuggling activity furnished by the

Coast Guard. Information collected by Naval units reaches us through the Naval Ocean Surveillance Information Center, where a Coast Guard liaison officer is assigned. Efforts to further expand and refine this vital program within the limitations of the "Posse Comitatus" Act and the availability of DOD resources are continuing.

Finally, we are accumulating data from all available sources to better define the trafficking problem, evaluate our interdiction effectiveness and determine the appropriate level of law enforcement activity. This quantification must be obtained if we are to adequately justify expansion beyond the limits of existing resources.

As we increase our participation in the overall federal effort to control the flow of illegal drugs, we are seeing improvements in several areas. The recent success of joint enforcement operations directed against specific trafficking operations, and the increasing number of seizures resulting from exchanges of information between agencies lead us to conclude that cooperation between federal entities involved in anti-drug activity is improving. Memoranda of understanding have been executed with the Drug Enforcement Administration and the Customs Service. This is particularly important and we will continue our attempts to foster these productive relationships in any way possible.

Mr. Chairman, this concludes my formal statement. I will be happy to respond to any questions that you may have at this time.

STATEMENT OF MATHEA FALCO, SENIOR ADVISOR TO THE SECRETARY OF STATE AND
DIRECTOR FOR INTERNATIONAL NARCOTICS CONTROL MATTERS

Mr. Chairman, Members of the Senate Subcommittee to Investigate Juvenile Delinquency, I am pleased to be with you today to discuss international narcotics control efforts. Since Acting Deputy Assistant Secretary Busby's testimony addresses specific issues relative to the proposed legislation, I shall proceed directly to the problems of narcotics smuggling in the Caribbean and Central America.

The use of the Caribbean islands as a transit route for illicit drugs reaching the United States is increasing. In particular, Jamaica and the Bahamas are becoming major transshipment points, both by air and sea. The Drug Enforcement Administration (DEA) estimates that from July 1975 through March 1978, approximately 250 tons of marijuana entered the U.S. from Jamaica. Recent DEA reports also indicate an increase in cocaine trafficking through Jamaica to distribution networks in Florida and the eastern United States.

The increasing importance of the Bahamas as a transshipment point is evidenced by the arrests of eleven Latin Americans during the first five months of 1978, each carrying at least one kilo of cocaine. Narcotics move easily to the U.S. through the Bahamas area because of a number of factors, such as: the large number of commercial air flights to the Bahamas from Latin America; the ease of smuggling via private boats and cruise ships to Florida and the east coast of the U.S.; less rigid Bahamian Customs examination of tourists returning from Latin America; and relatively lower risks of prosecution, conviction, and lengthy incarceration.

Central America also appears to be gaining in importance as an illicit drug trafficking area. Traffickers utilize both private and commercial air and vessel transport to facilitate smuggling operations. The governments of Guatemala, Honduras, and Costa Rica have expressed concern over the growing problem of illicit narcotics traffic. In response, the U.S. government has undertaken a number of initiatives designed to help curtail narcotics smuggling through the Caribbean and Central America, which I shall briefly describe.

Special, closely coordinated Coast Guard, DEA, and Customs operations to monitor the various sea passages in the Caribbean and the Gulf of Mexico have resulted in large seizures of marijuana and cocaine. The Department of State has assisted these operations by consultations with the governments of Colombia, the Bahamas, Jamaica, and Honduras to effect their cooperation in interdiction activities. In May, 1978, a joint Coast Guard and Customs team visited Colombia to evaluate and develop increased Colombian cooperation in coastal maritime interdiction.

In the area of international agreements, the Department is expediting negotiations to conclude a Judicial Assistance Agreement with the Government of the Bahamas. A model treaty on Mutual Assistance in Law Enforcement Matters has

been drafted by the Departments of State, Justice, and Treasury. We are requesting blanket authority to negotiate such bilateral agreements with a number of states. The treaty provides for mutual assistance at both the investigative and prosecutive stages. The Department of State is also supporting the development of bilateral projects with key Latin American countries for improved exchange of prosecutorial information. A Department of Justice team visited Colombia in June to discuss specific cases with the Colombian Attorney General. Other countries will be selected in the future and plans made for visits of similar Justice-DEA teams.

An interagency committee for coordination of maritime drug interdiction was formed in February 1978 under the auspices of the Department of State to coordinate the activities of the various U.S. agencies responsible for improving maritime drug interdiction efforts. The membership consists of representatives of the Departments of Justice and State; Coast Guard; the U.S. Customs Service; DEA; and the Immigration and Naturalization Service. Working through this Committee, we are trying to regularize our own domestic procedures through a series of agreements with those countries whose vessels are most often involved in trafficking operations. Mr. Busby's testimony further delineates these efforts by the Department.

The Legal Subcommittee of the Strategy Council's Narcotics Working Group is also developing plans for assessing the narcotics laws of the countries covered and, where appropriate, working with foreign governments in drafting effective and uniform legislation.

The State Department is also working closely with the Departments of Treasury and Justice to develop a concerted attack on the financial aspects of the narcotics traffic. The objectives of this plan are to facilitate negotiations with foreign governments for exchange of financial information regarding narcotics trafficking and currency transport status to assist U.S. efforts to prosecute violations in this area. We also hope to obtain the cooperation of foreign governments in freezing or seizure of narcotics-derived assets abroad.

DEA, at the request of the Department of State, recently completed a special intelligence assessment of the narcotics problem in Central America and the Caribbean, in order to provide a sound basis for the development of appropriate country and regional narcotics control programs in the area. As a result, an international narcotics control program evaluation officer is currently in the Bahamas to begin a needs assessment of the drug trafficking situation. Based on his findings a survey team will visit the Bahamas to design the parameters of a project in conjunction with Bahamian officials. A special study mission is also being directed toward analyzing solutions to the growing illicit narcotics trafficking in Honduras.

We are also encouraging more effective regional narcotics control efforts, such as the May meeting in Lima of top narcotics enforcement officials from Peru, Ecuador, Bolivia, and Colombia. With U.S. Government technical advice and possible assistance in the future, Mexico and Guatemala are developing more effective joint border control of narcotics. Cooperation is also underway in all Central American countries and Mexico in which the enforcement elements in each country will be linked to narcotics intelligence operations in the U.S. More effective use of existing narcotics information in the U.S. and direct international communications networks for the area will be very helpful in identifying suspect aircraft and traffickers.

The Office of International Narcotics Control held its annual Latin American Narcotics Conference in Miami in November 1977, bringing together representatives of appropriate Federal, State, and regional agencies. Embassy officers involved in narcotics control from all Latin American posts attended the Conference, and developed a new understanding of the complexities of the problem and the need for increased cooperation.

The Department included narcotics as an issue for discussion during the Organization of American States annual conference. Particular emphasis was placed on narcotics during the bilateral substantive talks between the Secretary of State and Latin American Foreign Ministers.

We have prepared for the record a brief overview of our bilateral narcotics control programs with key South American producing countries. These programs are intended to reduce the supply of illicit narcotics drugs as close to the source as possible. Our law enforcement agencies believe that without these supply reduction efforts in other countries, effective interdiction of these drugs would be rendered even more difficult.

Mr. Chairman, the social, economic and political costs to this Nation and to the countries involved associated with illicit narcotics production and trafficking are extremely serious. We welcome the interest of the Subcommittee and its support of our efforts to curtail the flow of illicit drugs into the United States.

BILATERAL COUNTRY PROGRAMS

Bolivia's production of coca leaves and to a lesser extent of cocaine hydrochloride (HCL) places Bolivia near the top as a supplier of cocaine. An improving enforcement capability, increasing seizures of cocaine base and HCL, and the destruction of numerous laboratories indicate progress in Bolivia's enforcement effort. Following a registration of all coca growers on November 30, 1977, the Bolivian Government decreed a ban on new coca plantings. However, delays in implementing a program to enforce this ban has resulted in increased coca production. The Agricultural Development Project in the coca growing regions of the Yungas and the Chapare are progressing with active programs in improving coffee production and the initiation of marketing studies for citrus and tropical fruits.

An estimated seventy percent of the illicit cocaine worldwide passes through Colombia, including that destined for the United States. Little coca is known to be grown in Colombia, but the basic ingredient in various states of refinement comes from Peru and Bolivia, frequently passing through Ecuador, to Colombia for final processing into cocaine hydrochloride and distribution throughout the world. In addition, Colombia has become a major supplier to the U.S. of marijuana. Following a long planning period, the Colombian Government reorganized the structure of its overall anti-narcotics effort and created a new entity in the Attorney General's Office on March 28, 1978. This is a very promising development.

The U.S.-contributed helicopters made possible two dramatically successful assaults against large-scale trafficking operations. The first, in early October, resulted in the seizure of 431 kilos of cocaine base as was mentioned in the previous semi-annual report. The second, in February, resulted in the seizure of 165 tons of marijuana, an aircraft, several vehicles, and other equipment, as well as the arrest of 13 persons.

Ecuador is a transit zone for coca derivatives produced in neighboring countries. Coca derivatives enter Ecuador principally from Peru. Approximately one-quarter of this paste is converted to cocaine hydrochloride in Ecuador from where it is smuggled to the United States, either directly or via Mexico and Central America. The remaining 75% of the paste passes through Ecuador to Colombia for conversion into cocaine hydrochloride. Organized trafficking organizations are located along the country's Pacific coast, particularly in the city of Guayaquil.

The National Police and the Customs Military Police are both actively involved in interdiction. With U.S. assistance, the Ecuadorian Government has created the capability to do a relatively good job of narcotics enforcement. Both the Police and Customs have narcotics enforcement units operating in most cities in Ecuador, as well as at airports and seaports. Despite problems, there has been some effect on the amount of cocaine reaching the United States. For example, during the reporting period, the National Police seized 180 pounds of cocaine sulfate. Recent encouraging reports from the Embassy indicate that the efforts to combat narcotics corruption are succeeding.

Peru continued to be the world's major source of the raw material for illicit cocaine. The cultivation of the coca plant, which greatly exceeds Peru's legitimate needs, remains unchecked. The major Colombian trafficking networks, with the assistance of Peruvian traffickers, continue to export the cocaine base and paste in multi-hundred kilo lots.

A new U.S. narcotics control program for Peru has been developed by the U.S. Embassy and approved by the Department. Project Agreements are being negotiated with the Peruvian Investigative Police and the Guardia Civil. Smaller projects in education and judicial reform will be handled by exchange of letters with the appropriate ministries. Completed negotiations and in-country approval are expected within the near future.

Cooperation between the host country and the U.S. Embassy continues to be excellent. This is exemplified by the ever-increasing number of seizures and arrests of international trafficking organizations in Peru. Since October 1977, 10 major traffickers have been arrested and 764.5 kilos of cocaine have been seized, with 6 HCL laboratories dismantled.

The promulgation of the strict new Peruvian drug law, approved by the Council of Ministers on February 21, 1978, and published on March 2, 1978, which increases sentences for traffickers and schedules a reduction in coca cultivation demonstrates increasing Peruvian commitment to narcotics control.

Special study missions directed toward helping Honduras and the Bahamas deal with the growing illicit narcotics trafficking are currently in the field. We look forward to working with these countries in the development of a more effective cooperative effort in the narcotics control field.

STATEMENT OF MORRIS BUSBY, ACTING DEPUTY ASSISTANT SECRETARY OF STATE
FOR OCEANS AND FISHERIES AFFAIRS

It is a pleasure to appear before you today to testify in regard to narcotics trafficking upon the high seas. In my testimony today, I will discuss the principles of international law governing interdiction of foreign flag vessels upon the high seas and will describe the procedures currently used by the Executive Branch in the interdiction of such vessels. In addition, I will discuss various proposals that have been suggested for improving the procedures or altering the international law in this area.

Under international law, a country may not assert jurisdiction over a vessel of another country sailing on the high seas, except in rare circumstances. This principle of "exclusive" flag state jurisdiction is set forth in Article 6 of the Convention on the High Seas of 1958, which provides: "Ships shall sail under the flag of one state only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas."

There is a limited exception provided for by treaty that is clearly applicable to foreign flag vessels suspected of drug trafficking. Article 24 of the Convention on the Territorial Sea and Contiguous Zone provides that a coastal state may "[i]n a zone of the high seas contiguous to its territorial sea", not to "extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured", exercises the control necessary to "prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea." Under this provision, the United States may board, seize and prosecute vessels within its contiguous zone which are reasonably suspected of violating United States laws against importing controlled substances into or exporting controlled substances from the United States. Outside the twelve-mile contiguous zone, however, the general principle of flag state jurisdiction on the high seas prevails. Under Article 1 of the Convention, the term "high seas" means "all parts of the sea that are not included in the territorial sea or in the internal waters of a State".

Observance of this principle is important to the United States for two reasons. First, the principle protects vessels of the United States sailing on the high seas from interference by other countries. If the United States were to unilaterally breach the principle with respect to vessels of other countries, it could not expect them to abide by the principle with respect to vessels of the United States. Second, boarding of a foreign flag vessel by the United States could be viewed as a hostile act by the flag state, and would, at the very least, sour relations between the two countries.

There is another principle established under Article 22 of the Convention on the High Seas which could apply in a drug seizure case on the high seas, but as a practical matter rarely arises. This is that a law enforcement vessel is entitled to board a vessel even though that vessel has hoisted a foreign flag or refuses to identify itself, if there is reason to suspect that the vessel is of the same nationality as the law enforcement vessel.

Another well-established principle under international law is that a country may exercise jurisdiction on the high seas over a vessel without nationality, one that is not registered in any foreign state.

Because a large majority of the United States' maritime drug interdiction cases involve non-United States vessels on the high seas which are not of United States registry, the Executive Branch has developed procedures for requesting the consent of the flag state when necessary. A typical maritime drug case begins when the enforcing agency, the Coast Guard, notifies the Department that a maritime narcotics incident is in progress. This means that the Coast Guard has

spotted a vessel suspected of smuggling controlled substances. In the notification, the Coast Guard sets forth the details of the situation and a proposed course of action.

In each case, the Coast Guard attempts to establish communications with the suspicious vessel to ascertain its claimed name and nationality. In most cases, the ship will run up a flag or the master or crew will make a claim of nationality. Sometimes the Coast Guard is unable to rouse the vessel, but can read the name and home port painted on its sides or stern. In some cases, the evidence may point to two different states of registry. For example, the vessel may run up a Panamanian flag, but have a Honduran home port painted on the stern.

As the next step after the notification, the Department of State will approach each claimed or putative flag state through the United States Embassy in that country and requests that the government verify the registry of the vessel. Sometimes the request for verification includes a request for permission, if the registry is verified, to board and search the vessel and, if contraband is found, to take the vessel to a United States port, destroy the contraband, except for an evidentiary sample, deport the crew and hold the vessel for further action by the flag state.

If the registry of the vessel is not verified by the claimed or putative flag state or states or if no evidence as to the boat's nationality can be obtained, the vessel is tentatively assumed to be a stateless vessel. In such cases, the Department of State will generally concur in the Coast Guard's boarding the vessel to investigate its registry. If no evidence of registry is found upon boarding, the vessel is considered to be stateless. All further law enforcement action against the vessel and its crew is taken pursuant to United States law. If evidence of registry in a country is found, the registry verification process is reinitiated with that country.

In most cases the above procedures have worked smoothly. Foreign countries have been cooperative in granting us permission to interdict their vessels on the high seas. Naturally, however, there have been some problems. The government of one country, the United Kingdom, expressing doubt whether it has authority under its domestic law to grant the United States permission to board its vessels, has denied permission on several occasions. In addition, the need to verify registries of vessels not sailing under the United States flag has occasionally led to lengthy delays.

The Interagency Committee for Coordination of Maritime Drug Interdiction, under the auspices of the Office of International Narcotics Control, is currently developing plans to ameliorate these problems. The Group envisions undertaking consultations with appropriate government officials of the five or six countries whose vessels are most often interdicted by the Coast Guard on suspicion of trafficking in drugs.

These consultations would aim on the one hand at giving those countries a better understanding of the informal procedures the United States uses to obtain permission from the flag state against a foreign flag vessel on the high seas and, on the other hand, at gaining a clearer understanding of those countries' domestic laws related to vessel seizures and trafficking in drugs. With the United Kingdom, discussions might address the possibility of establishing a more formal agreement which would give the United Kingdom the necessary domestic authority to permit the United States to board its ships on the high seas.

During the consultations, the possibility of establishing more formal standing consent arrangements might also be explored. Under a standing consent arrangement, a foreign country might grant the United States permission to board its flag vessels on the high seas when they are found in a particular geographic area known to be frequented by drug traffickers and/or when there is reason to suspect them of being engaged in drug smuggling, on the condition that the United States promptly notifies the flag state of the action taken and submits a follow-up report. Of course, it is impossible to predict whether other countries will be amenable to the idea of standing consent. Nonetheless, we believe it is certainly worthwhile to broach the idea with them.

The efforts of the Interagency Committee for Coordination of Maritime Drug Interdiction should improve the present procedures for boarding foreign flag vessels on the high seas. The Group's endeavors, of course, are predicated on continuance of the present framework of international law—the principle of flag state jurisdiction on the high seas. Some people have suggested that the United States Government should direct its efforts instead to changing the present regime of international law.

For example, it has been proposed that the Single Convention on Narcotics of 1953, as amended by the protocol of March 25, 1972, should be amended to provide that a country may board any vessel on the high seas if it has reason to believe that the vessel is engaged in drug trafficking. Another suggestion is that the United States should seek to add vessels reasonably suspected of engaging in drug trafficking to the list of exceptions to flag state jurisdiction on the high seas found in Article 110 of the Informal Composite Negotiating Text (the ICNT) of the Third United Nations Conference on the Law of the Sea. The Department of State will give serious consideration to this matter.

It should be noted that the participants in the Law of the Sea Conference have already addressed their concerns about drug smuggling and smuggling in general. As part of a general accommodation at the Conference, what is now Article 33 of the ICNT was drafted to permit states to create a contiguous zone extending a maximum of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured. This compares with the present 12-mile contiguous zone. As I explained earlier in my testimony, in the contiguous zones the United States may take all law enforcement actions necessary to combat the smuggling of drugs into or from its territory. It appears that Article 33 will be maintained in its current form in any ultimate treaty and will thus further aid in combatting the drug problem.

In the opinion of the Department of State, a better approach to the problem of interdicting foreign flag vessels suspected of trafficking in drugs may be to seek bilateral—and perhaps regional—arrangements along the lines of the standing consent arrangements I have already described. Such arrangements would permit the United States to proceed expeditiously against the foreign vessels which are actually engaged in smuggling drugs into the United States while minimizing the impact on the navigational freedom of United States vessels.

This concludes my testimony, Mr. Chairman. I would be pleased to answer any questions the Committee may wish to ask.

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

95TH CONGRESS
2D SESSION**S. 3437**

IN THE SENATE OF THE UNITED STATES

AUGUST 18 (legislative day, AUGUST 16), 1978

Mr. CULVER (for himself, Mr. CHAFEE, Mr. HATHAWAY, Mr. BENTSEN, Mr. HATCH, Mr. NUNN, Mr. PERCY, Mr. RIBICOFF, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to prevent the illicit importation of controlled substances into the United States and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Drug Trafficking Con-
4 trol Act of 1978".

5 TITLE I—POSSESSION OF A CONTROLLED
6 SUBSTANCE ON THE HIGH SEAS

7 SEC. 101. Section 1009 of the Comprehensive Drug
8 Abuse Prevention and Control Act of 1970 (21 U.S.C. 959)
9 is amended to read as follows:

1 "MANUFACTURE, DISTRIBUTION, OR POSSESSION FOR
2 PURPOSES OF UNLAWFUL IMPORTATION

3 "SEC. 1009. It shall be unlawful for any person to manu-
4 facture or distribute a controlled substance in schedule I or II,
5 or to manufacture, distribute, or possess a controlled substance
6 in schedule I or II onboard a vessel subject to the jurisdic-
7 tion of the United States as defined in section 1001—

8 (1) intending that such substance will be unlaw-
9 fully imported into the United States; or

10 (2) knowing that such substance will be unlawfully
11 imported into the United States.

12 This section is intended to reach acts of manufacture or distri-
13 bution outside the territorial jurisdiction of the United States,
14 and acts of manufacture, distribution, and possession on ves-
15 sels on the high seas. Any person who violates this section
16 shall be tried in the United States district court at the point
17 of entry where such person enters the United States, or in the
18 United States District Court for the District of Columbia."

19 SEC. 102. Section 1005 of the Comprehensive Drug
20 Abuse Prevention and Control Act of 1970 (21 U.S.C. 955)
21 is amended by—

22 (a) striking the heading for the section and insert-
23 ing in lieu thereof: "POSSESSION ONBOARD VESSELS,
24 AIRCRAFT, AND OTHER VEHICLES";

1 (b) inserting “(a)” immediately after “SEC.
2 1005.”; and

3 (c) adding at the end thereof the following new
4 subsection:

5 “(b) It shall be unlawful for any person to bring or
6 possess onboard any vessel or aircraft of the United States,
7 or onboard any vehicle of a carrier of the United States, a
8 controlled substance in schedule I or schedule II or a nar-
9 cotic drug in schedule III or IV, unless such substance or
10 drug is part of the cargo entered into in the manifest or part
11 of the official supplies of the vessel, aircraft, or vehicle. This
12 subsection is intended to reach acts of possession committed
13 outside the United States or the customs territory of the
14 United States. Any person who violates this section shall
15 be tried in the United States district court at the point of
16 entry where such person enters the United States, or in the
17 United States District Court for the District of Columbia.”.

18 SEC. 103. Subsection (a) (3) of section 1010 of the
19 Comprehensive Drug Abuse Prevention and Control Act of
20 1970 (21 U.S.C. 960(a) (3)) is amended to read as
21 follows:

22 “(3) contrary to section 1009, manufactures, dis-
23 tributes or possesses a controlled substance.”.

24 SEC. 104. Subsection (a) of section 1001 of the Com-
25 prehensive Drug Abuse Prevention and Control Act of 1970

1 (21 U.S.C. 951) is amended by adding at the end thereof
2 the following:

3 “(3) The term ‘high seas’ means all waters beyond
4 the territorial sea of the United States and beyond any
5 foreign nation’s territorial sea which is recognized by
6 the United States and includes the Customs waters as
7 defined in section 401 of the Tarriff Act of 1930 (19
8 U.S.C. 1401).

9 “(4) The term ‘vessel of the United States’ means
10 any vessel documented under the laws of the United
11 States, or numbered as provided by the Federal Boat
12 Safety Act of 1971, as amended, or owned in whole or
13 in part by the United States, or any citizen of the United
14 States, or any corporation created under the laws of the
15 United States, or any State, territory, district, Com-
16 monwealth or possession thereof, unless such vessel has
17 been granted nationality by a foreign nation in accord-
18 ance with article 5 of the 1968 Convention on the High
19 Seas.

20 “(5) The term ‘vessel’ includes every description of
21 watercraft used or capable of being used as a means of
22 transportation on the water.

23 “(6) The term ‘vessel subject to the jurisdiction
24 of the United States’ includes (A) any vessel without
25 nationality; (B) any vessel assimilated to a vessel with-

1 out nationality in accordance with paragraph (2) of
 2 article 6 of the 1958 Convention on the High Seas;
 3 (C) any hovering vessel or any vessel within the cus-
 4 toms waters as defined in section 401 of the Tariff
 5 Act of 1930 (19 U.S.C. 1401); (D) any vessel on
 6 the high seas registered in a foreign nation when that
 7 nation authorizes the United States to assert jurisdiction
 8 over such vessel for the purposes of enforcing this Act;
 9 and (E) any vessel of the United States.”.

10 SEC. 106. The table of contents of the Comprehensive
 11 Drug Abuse Prevention and Control Act of 1970 is amended
 12 by—

13 (a) striking out

“Sec. 1005. Possession on board vessels, etc., arriving in or departing from
 United States.”

14 and inserting in lieu thereof

“Sec. 1005. Possession on board vessels, aircraft, and other vehicles.”;

15 and

16 (b) striking out

“Sec. 1009. Manufacture or distribution for purposes of unlawful
 importation.”

17 and inserting in lieu thereof

“Sec. 1009. Manufacture, distribution, or possession for purposes of
 unlawful importation.”.

18 TITLE II—ILLEGAL EXPORT OF CASH

19 SEC. 201. Section 231 (a) of the Currency and Foreign

1 Transactions Reporting Act (31 U.S.C. 1101) is amended
2 to read as follows:

3 “(a) Except as provided in subsection (c) of this
4 section, whoever, whether as principal, agent, or bailee,
5 or by an agent or bailee—

6 “(1) intends to transport, or have transported,
7 monetary instruments from any place within the United
8 States to or through any place outside the United States
9 in an amount exceeding \$5,000 on any one occasion
10 shall file a report or reports in accordance with sub-
11 section (b) prior to departing from the United States;

12 “(2) knowingly transports, or causes to be trans-
13 ported, monetary instruments from any place outside
14 the United States to or through any place within the
15 United States in an amount exceeding \$5,000 on any
16 one occasion shall file a report or reports prior to or
17 at the time of arrival in accordance with subsection
18 (b); or

19 “(3) receives monetary instruments at the termi-
20 nation of their transportation by common carrier to
21 the United States from or through any place outside
22 the United States in an amount exceeding \$5,000 on
23 any one occasion shall file a report or reports in ac-
24 cordance with subsection (b).”.

25 SEC. 202. Section 235 of the Currency and Foreign

1 Transactions Reporting Act (31 U.S.C. 1105) is amended
2 by redesignating subsection (b) as subsection (c) and by
3 adding a new subsection (b) as follows:

4 “(b) When because of exigent circumstances a warrant
5 cannot be obtained, any officer of Customs may search
6 without a warrant any of the individuals or objects included
7 in subsection (a) of this section if he has probable cause
8 to believe that monetary instruments are in the process of
9 transportation and with respect to which a report required
10 under section 231 of this Act (31 U.S.C. 1101) has not
11 been filed or contains material omissions or misstatements.”.

12 TITLE III—PROMPT REPORTING OF VESSELS

13 SEC. 301. Section 433, Tariff Act of 1930, as amended
14 (19 U.S.C. 1433), is amended to read as follows:

15 “The master of any vessel from a foreign port or place,
16 or of a foreign vessel from a domestic port, or of a vessel
17 of the United States carrying bonded merchandise, or foreign
18 merchandise for which entry has not been made, arriving at
19 any port or place within the United States, shall immediately
20 report the arrival of the vessel at the nearer customhouse
21 or such other place as the Secretary of the Treasury may
22 prescribe in regulations. The Secretary may by regulation
23 prescribe the manner in which arrival shall be reported and
24 may extend the time, not to exceed twenty-four hours after
25 the arrival of the vessel, in which to report arrival.”.

1 SEC. 302. Section 459, Tariff Act of 1930, as amended
2 (19 U.S.C. 1459), is amended by substituting a comma for
3 the word "or" wherever it appears between the words
4 "entry" and "customhouse", and inserting after the word
5 "customhouse" the phrase "or other places as the Secretary
6 of the Treasury may prescribe in regulations."

VESSELS AND ILLEGAL DRUGS SEIZED BY COAST GUARD, 1973-78

[Dollar amounts in thousands]

	1973	1974	1975	1976	1977	1978 ¹	Total
Vessels seized.....	7	14	7	28	57	147	260
Arrests.....	15	58	28	184	304	740	1,329
Street value of illegal drugs.....	\$4,790	\$37,390	\$34,800	\$146,420	\$429,590	\$1,136,280	\$1,789,270

¹ Figures for 1978 are totals as of Nov. 2, 1978.

Note: Ships seized by U.S. Coast Guard or by other agencies with U.S. Coast Guard participation.

ILLEGAL DRUGS SEIZED BY COAST GUARD, 1973-78

	1973	1974	1975	1976	1977	1978 ¹	Total
Marihuana (pounds).....	20,300	43,475	94,678	345,571	1,223,114	3,090,269	4,817,407
Hashish (pounds).....	0	6,139	2,000	0	1,700	0	9,839
Thai sticks (pounds).....	0	0	0	10,185	17,130	4,500	31,815
Cocaine (kilograms).....	1	0	0	30.1	0	.03	31.13

¹ Figures for 1978 reflect totals through Nov. 2, 1978.

Note: Drugs seized from vessels by U.S. Coast Guard or other agencies with U.S. Coast Guard participation.

MARIHUANA SEIZED BY U.S. COAST GUARD, BY MONTH

[In pounds]

Month	1977	1978
January.....	20	126,024
February.....	344,000	164,565
March.....	5,000	154,159
April.....	7,000	315,584
May.....	55,760	285,993
June.....	26,340	274,248
July.....	67,500	406,585
August.....	22,000	640,071
September.....	189,320	186,890
October.....	12,000	363,716
November.....	36,380	(1)
December.....	345,809	(1)

¹ Not available.

SEIZURES OF ILLEGAL DRUGS ABOARD VESSELS, JANUARY-OCTOBER 1978

Date	Vessel/location	Seized by	Arrests	Amount/value of contraband seized
Jan. 4, 1978	Lady Sara (U.S.)	USCGC Diligence	3	27,580 lb marijuana, \$10,011,540.
Jan. 5, 1978	Lady B (U.S.)	USCGC Cape Knox	5	36,720 lb marijuana, \$13,329,360.
Jan. 6, 1978	Great Mystery (U.S.)	USCGC Point Warde	4	13,303 lb marijuana, \$4,828,989.
Jan. 7, 1978	Jose Gregorio (HO)	USCGC Diligence	9	21,040 lb marijuana, \$7,637,520.
Jan. 12, 1978	Delphine (U.S.)	CGSTA San Francisco	2	4,941 lb marijuana, \$1,793,583.
Jan. 25, 1978	Piter (?) Aka Olga H.	USCGC Cape Shoalwater	12	10,440 lb marijuana, \$3,789,207.
Jan. 29, 1978	Happy Hour (U.S.)	USCGC Courageous	5	12,000 lb marijuana, \$4,356,000.
Jan. 31, 1978	Mis lote (?)	USCGC Taney	8	19,500 lb marijuana, \$7,078,500.
Feb. 2, 1978	PHGH (Pn)	USCGC Acushnet	20	21,700 lb marijuana, \$7,877,100.
Do.	Our Seas (U.S.), FL-0856-DL (U.S.)	CGSTA Yankeetown	11	40,000 lb marijuana, \$14,520,000.
Feb. 3, 1978	Francis T. (U.S.)	CGSTA Fort Lauderdale	1	10,600 lb. marijuana, \$3,847,800
Feb. 4, 1978	Juno Beach, Fla.	CGSTA Lake Worth Inlet	0	9,700 lb. marijuana, \$3,521,100.
Feb. 5, 1978	Lady Ellen (U.S.)	USCGC Alert, CGGRU Ft. Macon.	13	47,740 lb marijuana, \$17,329,620.
Feb 7, 1978	Unwinder (U.S.)	USCGC Cape Fox	2	16,080 lb marijuana, \$5,837,040.
Do.	Sea Nymph (Bf.)	do	7	15,000 lb marijuana, \$5,445,000.
Feb 10, 1978	Mama Lay (Bf.)	CG Group, Key West	6	Residue
Feb 11, 1978	Inez (Ve)	BVI Police	5	48,000 lb marijuana, \$17,424,000.
Feb 16, 1978	Good Karma (CJ/UK)	Grnd Cayman Police	2	Residue.
Feb. 23, 1978	Konte (U.S.)	USCGC Steadfast	3	3,745 lb marijuana, \$1,359,435.

SEIZURES OF ILLEGAL DRUGS ABOARD VESSELS, JANUARY-OCTOBER 1978—Continued

Date	Vessel/location	Seized by	Arrests	Amount/value of contraband seized
Mar. 3, 1978	Carolina (?)	do	10	18,760 lb marijuana, \$6,809,880.
Do	FL-0177-AR (U.S.), FL-3695-CH (U.S.).	CGSTA Marathon and loczl.	2	6,211 lb marijuana, \$2,254,593.
Mar. 10, 1978	Windameer (U.S.)	DEA, Customs and local	0	12,000 lb marijuana, \$4,356,000.
Do	Hereberto (Pn)	USCGC Diligence	17	50,820 lb marijuana, \$18,447,660.
Mar. 14, 1978	Josen Gerereo II (U.S.)	CGSTA Ft. Pierce and local.	2	9,258 lb marijuana, \$3,360,654.
Do	Hawarden Bridge (UK), FL-1676-DL (U.S.), FL-7356-BF (U.S.).	USCGC Diligence, Bahamian Police.	15	18,000 lb marijuana, \$6,534,000.
Mar. 16, 1978	Hiho (U.S.)	USCGC Cape Knox	2	60 lb marijuana, \$21,780.
Mar. 17, 1978	Commando II (U.S.)	CGSTA Ft. Lauderdale	2	6,000 lb marijuana, \$2,178,000.
Do	FL-4798-A (U.S.)	CGSTA Ft. Lauderdale	2	60 lb marijuana, \$21,780.
Mar. 21, 1978	Foamy White (U.S.)	Bahamian Police	2	7,700 lb marijuana, \$2,795,100.
Mar. 23, 1978	Texas Star (U.S.)	USCGC Valiant	4	22,590 lb marijuana, \$8,200,170.
Mar. 26, 1978	Lyniv IV (Pn)	USCGC	10	5,000 lb marijuana, \$1,815,000.
Do	26 ft Orlando, 21 ft net boat, 21 ft net boat.	Florida Marine Police	4	9,700 lb marijuana, \$3,521,100.
Mar. 28, 1978	Mey Lin (U.S.)	USCGC Pt. Roberts	3	5,500 lb marijuana, \$1,996,500.
Mar. 31, 1978	Le Mar III (Vz)	USCGC Steadfast	8	30,660 lb marijuana, \$11,129,580.
Apr. 3, 1978	Grand Hotel (U.S.)	USCGC Cape Knox	0	25,980 lb marijuana, \$9,430,740.
Apr. 13, 1978	Mermaid (U.S.)	CGSTA Ft. Pierce and local.	3	2,700 lb marijuana, \$980,000.
Apr. 14, 1978	Heron (U.S.)	USCGC Pt. Roberts	2	3,900 lb marijuana, \$1,415,700.
Apr. 15, 1978	29 ft Sunray (U.S.)	Customs	2	Small amount of cocaine.
Apr. 14, 1978	Albazul (Pn)	USCGC Pt. Swift	12	9,300 lb marijuana, \$3,375,900.
Apr. 16, 1978	Moctuzuma (Mx)	USCGC Cape Shoalwater	12	115,570 lb marijuana, \$41,951,910.
Apr. 17, 1978	San Rafael (Ho)	USCGC Dauntless	12	52,870 lb marijuana, \$19,191,810.
Do	Helena Star (?)	USCGC Yacona	9	74,180 lb marijuana, \$26,927,340.
Apr. 24, 1978	Triton VI (U.S.)	CGSTA Port Isabel	1	2 lb marijuana, \$726.
Apr. 27, 1978	Onalay (UK)	DEA and local	26	40,000 lb marijuana, \$14,520,000.
Do	Miss Port Canaveral	USCGC Point Thatcher	6	31,082 lb marijuana, \$11,282,766.
May 5, 1978	Capt. Wayne (U.S.)	USCGC Durable	5	31,722 lb marijuana, \$11,515,666.
May 6, 1978	Meiry (Ho)	USCGC Cape Shoalwater	9	52,200 lb marijuana, \$18,948,000.
May 10, 1978	Way Out (U.S.)	Local	0	25,000 lb marijuana, \$9,075,000.
May 14, 1978	Pappy's Luv (U.S.), 30' Cigarette.	USCGC Steadfast	5	12,500 lb marijuana, \$4,537,500.
May 15, 1978	Miss Selena II (U.S.)	do	2	52,015 lb marijuana, \$18,881,445.
Do	Sea Trumpf (U.S.)	do	1	6,745 lb marijuana, \$2,448,435.
Do	Cape Florida	CGGRU Miami	0	7,000 lb marijuana, \$2,541,000.
May 20, 1978	French Cap (?)	USCGC Sherman	9	45,780 lb marijuana, \$16,618,140.
May 21, 1978	Island Queen (U.S.)	USCGC Dependable	4	14,611 lb marijuana, \$5,303,793.
May 22, 1978	Dai Maru (Ja)	Customs	1	118 lb marijuana, \$42,834.
May 23, 1978	Southern Belle (U.S.)	USCGC Duane	3	14,040 lb marijuana, \$5,096,520.
May 25, 1978	Faviola (Ve)	USCGC Dauntless	9	49,380 lb marijuana, \$17,924,940.
May 26, 1978	Yumian.	Louisiana State Patrol	13	Unknown.
June 3, 1978	James Island (U.S.), Drew AB (U.S.)	USCGC Pt. Swift	4	34,130 lb marijuana, \$12,389,190.
Do	Adeline Marie (U.S.)	USCGC Durable	3	49,400 lb marijuana, \$17,932,200.
June 4, 1978	Lady Lou (U.S.)	USCGC Pt. Swift	2	25,817 lb marijuana, \$9,371,571.
Do	Flavesa III (Ve)	USCGC Dauntless	9	46,920 lb marijuana, \$17,031,960.
June 5, 1978	Joy Toy (U.S.)	USCGC White Sumac	3	2,000 lb marijuana, \$726,000.
Do	Storhies (U.S.)	USCGC Point Carrew	1	Residue.
June 6, 1978	Marijuana Recovery, west coast, Florida.	CGSTA Ft. Myers	0	11,700 lb marijuana, \$4,247,000.
June 7, 1978	FLG189 XX	Customs	0	6,600 lb marijuana, \$2,395,800.
Do	Alvien (BF), NP01380 (BF).	USCGC Cape Fox	3	6,000 lb marijuana, \$2,178,000.
June 13, 1978	Benito (U.S.), Cayenne Gracy M.	CGSTA Yankeetown	8	19,000 lb marijuana, \$6,897,000.
June 17, 1978	Cracker Jack (U.S.)	USCGX Dependable	3	36,652 lb marijuana, \$13,304,676.
Do	Sundance (U.S.)	do	3	767 lb marijuana, \$278,421.
Do	Silver Queen (U.S.)	CGGRU St. Petersburg	3	2,350 lb marijuana, \$853,050.
June 22, 1978	FL 9315 BG (U.S.)	USCGC Cape Knox	2	4,000 lb marijuana, \$1,452,000.
June 23, 1978	M.N. Lawrence A/N (??)	USCGC Dependable	9	35,512 lb marijuana, \$12,890,856.
June 26, 1978	Papy K (U.S.)	Local	2	1,500 lb marijuana, \$544,500.
Do	Nereis (U.S.)	Customs	3	1,800 lb marijuana, \$654,400.
July 1, 1978	Jose Gregorio (VE)	USCGC Diligence	10	30,000 lb marijuana, \$10,890,000.
July 3, 1978	Ste. Anne D'Auray (FR)	do	8	30,420 lb marijuana, \$11,042,460.
July 5, 1978	Bonus Margie (U.S.)	USCGC Durable	6	26,912 lb marijuana, \$9,769,056.
July 8, 1978	Mary Evelyn (U.S.)	USCGC Steadfast	3	48,430 lb marijuana, \$17,580,090.
July 10, 1978	Ft. Pierce, Fla.	USCGC Pt. Barnes	0	10,920 lb marijuana, \$3,963,960.
July 12, 1978	FL 2456 BF (U.S.)	USCGC Durable	9	29,923 lb marijuana, \$10,862,049.
July 13, 1978	Venturesome (U.S.)	Customs	4	Residue.
July 14, 1978	Wireless Rock (U.S.)	USCGC Pt. Harris	5	5 lb marijuana, \$1,815.
Do	Miss Renee (U.S.)	USCGC Durable	2	17,187 lb marijuana, \$6,238,881.
Do	Joanne (U.S.)	do	3	20,148 lb marijuana, \$7,313,724.
Do	Carte Blanche (U.S.)	do	3	15,000 lb marijuana, \$5,445,000.
July 17, 1978	Don Alvaro (?), Questar (U.S.)	USCGC Steadfast	13	69,000 lb marijuana, \$25,047,000.

SEIZURES OF ILLEGAL DRUGS ABOARD VESSELS, JANUARY-OCTOBER 1978—Continued

Date	Vessel/location	Seized by	Arrests	Amount/value of contraband seized
July 19, 1978	Big Winner (U.S.)	CGSTA Marathon	2	30 gm marijuana, \$24.
Do	Miss Albro (UK)	Customs Gru Woodshole	5	Cocaine (2 gm) and marijuana residue, \$1,300.
July 20, 1978	Captain Otis (U.S.)	USCGC Cape York	2	51,280 lb marijuana, \$18,614,640.
Do	Geechee Boy (U.S.)	do	2	57,240 lb marijuana, \$20,778,120.
July 26, 1978	Jo Fran (U.S.)	CGSTA Ft. Pierce	3	Residue.
July 27, 1978	FL-7774-AY (U.S.)	Customs	1	10 lb marijuana, \$3,630.
July 28, 1978	FL-8933-BS (U.S.)	USCGC Cape Fox	0	120 lb marijuana, \$43,560.
July 30, 1978	D-K (U.S.)	USCGD Point Heron	2	No contraband, was mothership, July 22, off Cape Cod.
Aug. 1, 1978	Los Dos Amigos (Co)	USCGC Dependable	10	60,000 lb marijuana, \$21,780,000.
Aug. 3, 1978	White Cloud (U.S.)	USCGC Pt. Thatcher	5	2 oz marijuana, \$45.
Aug. 4, 1978	My Lady (U.S.)	USCGC Cape Fox	0	3,000 lb marijuana, \$1,089,000.
Aug. 5, 1978	FL-9279-SG (U.S.)	CGSTA Ponce De Leon	0	8,100 lb marijuana, \$2,940,300.
Aug. 6, 1978	Ajax (U.S.)	USCGC Dependable	11	45,460 lb marijuana, \$16,501,980.
Aug. 8, 1978	Rio Chico (Ve)	do	7	44,320 lb marijuana, \$16,088,160.
Aug. 9, 1978	Heidi (?)	USCGC Sagebursh	23	225,300 lb marijuana, \$81,783,900.
Do	Los Remedios (?)	USCGC Pt. Sal	8	15 oz marijuana, \$340.
Aug. 11, 1978	Montauk, N.Y.	Gru Shinnecock	0	350 lb marijuana, \$127,050.
Aug. 14, 1978	Lady Dolly (U.S.)	USCGC Pt. Lookout	0	18,000 lb marijuana, \$6,534,000.
Aug. 16, 1978	Superfly II (?)	USCGC Durable	16	65,290 lb marijuana, \$23,700,270.
Aug. 18, 1978	Arida (?)	USCGC Sagebrush	16	36,980 lb marijuana, \$13,423,740.
Aug. 21, 1978	Antemone (U.S.)	CGSTA Ft. Lauderdale	4	6,000 lb marijuana, \$2,178,000.
Aug. 22, 1978	Pretty Boy (U.S.)	STA Ft. Worth Inlet	1	770 lb marijuana, \$279,510.
Do	SS Dom (U.S.)	USCGC Dauntless	0	3,000 lb marijuana, \$1,089,000.
Aug. 25, 1978	FL-2495-OA (U.S.)	CGSTA Ft. Lauderdale	2	1,000 lb marijuana, \$363,000.
Aug. 27, 1978	Tiberon (UK)	Bahamas, Dauntless	4	40,000 lb marijuana, \$14,520,000.
Aug. 29, 1978	Ma Bell (U.S.)	USCGC Cape Fox	5	28,000 lb marijuana, \$10,164,000.
Do	Carmen (Ho)	USCGC Dauntless	12	54,500 lb marijuana, \$19,783,500.
Sept. 3, 1978	Utilla (U.S.)	do	7	38,000 lb marijuana, \$13,794,000.
Sept. 6, 1978	Ropes of Maui (U.S.)	Joint, Federal	6	8,000 lb marijuana, \$2,904,000.
Do	Cimba (U.S.)	USCGC Valiant	3	5,400 lb marijuana, \$1,960,000.
Sept. 7, 1978	Hump or Jump (U.S.)	Customs	5	Marijuana, cocaine, residue; amphetamines.
Do	26 ft Belcraft	CGSTA Cleve. Harb	7	Marijuana residue.
Sept. 8, 1978	Apolo (U.S.)	USCGC Dauntless	12	37,600 lb marijuana, \$13,648,800.
Sept. 11, 1978	St. Jude (U.S.)	USCGC Valiant	6	45,280 lb marijuana, \$16,436,640.
Sept. 15, 1978	FL-9349-CT (U.S.)	USCGC Courageous	3	Marijuana residue.
Sept. 18, 1978	Tai Pan (U.S.)	USCGC Cape Corwin	0	DO.
Sept. 22, 1978	Midnight II (U.S.)	Gru Cape Hatteras	4	60 lb marijuana, \$21,780.
Sept. 23, 1978	High Seas II (U.S.)	Customs	0	4.22 Cal. rifles, 1.38 Cal. pistol.
Sept. 24, 1978	Sandy (U.S.)	Sta Islamadora	0	10,550 lb marijuana, \$3,829,650.
Sept. 25, 1978	Manatee Pocket (U.S.)	USCGC Gallatin	3	Marijuana residue.
Do	Showgirl (U.S.)	Sta Islamadora	2	DO.
Sept. 26, 1979	Esperanza (Co)	USCGC Gallatin	0	50,000 lb marijuana, \$18,150,000.
Oct. 3, 1978	Scott Bader (UK)	USCGC Pt. Wells	2	14,000 lb marijuana, \$5,082,000.
Oct. 6, 1978	Bocas(?), Pied Piper (U.S.), Skylark (U.S.)	DEA, Customs, Local	12	39,080 lb marijuana, \$14,186,000.
Oct. 11, 1978	Rio Mizoa (Ve)	USCGC Dependable	12	44,562 lb marijuana, \$15,178,000.
Oct. 18, 1978	Phoenix (U.S.)	USCGC Pt. Swift	6	7,750 lb marijuana, \$2,813,250.
Oct. 20, 1978	Vaio Con Dios	USCGC Pt. Verde	5	Marijuana residue.
Oct. 23, 1978	Barnes Island, Wa, P/C Zodiac.	DEA, Sta Bellingham	4	4,500 lb thai sticks, \$11,664,000.
Oct. 24, 1978	Penisola de Paraguana (Co)	USCGC Pt. Roberts	9	63,480 lb marijuana, \$23,043,240.
Oct. 25, 1978	Jaskam II	Sta Fort Pierce	0	16,634 lb marijuana, \$6,038,142.
Oct. 26, 1978	Santa Magdalena (Ve)	USCGC Cape Current	10	32,640 lb marijuana, \$11,848,320.
Do	Don Pacho	USCGC Dauntless	8	38,080 lb marijuana, \$13,823,040.
Oct. 27, 1978	Miss Carol	USCGC Steadfast	11	50,660 lb marijuana, \$18,389,580.
Oct. 29, 1978	Davyton (UK)	do	13	59,600 lb marijuana, \$21,634,800.

¹ Approximate weight.

DRUG CONTROL IN SOUTH AMERICA HAVING LIMITED SUCCESS—SOME PROGRESS BUT PROBLEMS ARE FORMIDABLE

(Comptroller General's report to the Congress, March 29, 1978)

DIGEST

Nearly all of the cocaine and most of the marijuana entering the United States come from South America. Peru and Bolivia are the major producers of coca—from which cocaine is made. Colombia is the primary processing and transmitting country for cocaine and has surpassed Mexico in marijuana production.

Disrupting and intercepting the flow of drugs into the country is a major U.S. law enforcement objective and an important part of the worldwide U.S. drug control program. President Carter has supported this program, and particularly the effort to reduce international illicit drug production and trafficking. In South America this effort is multifaceted and involves several agencies, including the Drug Enforcement Administration, the Department of State, the Agency for International Development, the Central Intelligence Agency, and the U.S. Customs Service. The program has been active in most South American countries since 1973, and funding for the fiscal year 1977 program was \$9.8 million.

Concerned about certain Drug Enforcement Administration activities in Bolivia, Senators Javits, Church, Tower, and Bentsen and Representative Chisholm requested that GAO review several aspects of the international drug control program in South America.

DRUG CONTROL PROGRAM IN SOUTH AMERICA HAS HAD A MINIMAL EFFECT ON THE DRUG FLOW

International drug control program officials believe that the cocaine flow into the United States is increasing. Accurate information on the amount is not available—estimates range from 15 to over 100 tons annually. The drug program in South America has had a minimal effect on the flow of narcotics. Although the Drug Enforcement Administration says that since October 1977 progress in seizures and trafficker arrests has been encouraging, GAO believes such efforts are important but will not solve the problem.

One problem hampering enforcement efforts—which the Drug Enforcement Administration recognizes—is a paucity of systematically analyzed intelligence. As a result, U.S. and host country enforcement efforts to eliminate major trafficking networks may not have been as effective as they could have been.

U.S. officials said the real key to program success is a stronger commitment by South American governments to control the drug flow. Without that commitment, U.S. efforts will not achieve desired results. Officials believe that the United States must continue to try to reduce the drug flow while encouraging South American governments to become more involved in drug control. They also believe, however, such a possibility is limited by corruption within many South American countries, particularly Colombia, and a lack of host government resources that can be allocated to drug enforcement.

CROP SUBSTITUTION PROGRAM—SUCCESS IN DOUBT

Crop substitution is one approach to reducing the flow of cocaine to the United States. However, pilot projects to identify adequate alternative crops have so far been unsuccessful. Drug Enforcement Administration and State Department officials in Peru and Bolivia doubt that such programs will succeed. Their counterparts in Washington, D.C., on the other hand, believe that U.S.-financed rural development projects combined with efforts of the Governments of Bolivia and Peru to limit coca production will ultimately reduce the cocaine flow to the United States. They point out that success or failure depends on these governments' willingness and ability to limit production. Bolivia has promised to limit coca production, but Peru has not.

GAO believes that prospects for limiting coca production in South America are unfavorable because: No adequate alternative crop that can match coca's economic return has as yet been found; coca has become ingrained in the local culture after centuries of wide use, and coca can be grown easily in many areas.

PROHIBITIONS PLACED ON THE DRUG ENFORCEMENT ADMINISTRATION'S OVERSEAS ACTIVITIES

To control the illegal drug flow in South America, the Drug Enforcement Administration participates with host government police in a variety of activities, including undercover surveillance, training, and interviewing arrestees.

Because of concerns over American involvement in sensitive internal law enforcement operations in other countries, the Congress in June 1976 amended the Foreign Assistance Act to define the scope of allowable activities. Drug Enforcement Administration agents in South America appear to have generally complied with the amendments. However, GAO identified one instance in which, while reportedly pursuing authorized activities Drug Enforcement Administration agents were confronted with and participated in an arrest action to protect a host country police officer from potential danger. The Foreign Assistance Act pro-

hibits Drug Enforcement Administration participation in direct foreign police arrest actions. Such a situation, in which routine performance of authorized drug enforcement activities unexpectedly leads to participation in prohibited direct arrest actions, could happen again.

MONITORING OF NARCOTICS CONTROL EQUIPMENT STILL A PROBLEM

From fiscal year 1973 through fiscal year 1977, the United States has provided \$7.8 million worth of law enforcement equipment to 10 South American countries. In 1973 and 1974 legislation was enacted that placed prohibitions on providing U.S. financial assistance to foreign police. These prohibitions in general do not apply to narcotics control. Since then the Congress has been concerned about foreign police diverting equipment to unauthorized uses.

In a February 19, 1976, report (ID-76-5) GAO recommended that the Department of State develop an "end-use" monitoring system to control the use of narcotics control equipment. In two of the three countries GAO visited during this review, no such system was established. In the third country such a system had been developed but was considered ineffective. The Department of State has recently taken action to improve the monitoring activities.

AGENCY COMMENTS

Because of urgent congressional need for the information in this report, GAO did not request formal written comments from the Departments of Justice or State; however, the Drug Enforcement Administration, the Department of State, and the Central Intelligence Agency reviewed the report and their comments and suggestions were considered.

The Drug Enforcement Administration told GAO that the report did not adequately reflect the value of its drug control efforts and accomplishments in South America. Drug Enforcement Administration officials said that their South American operations form an integral part of the overall drug control program.

The Department of State generally agreed with the report, but did not agree with GAO conclusions on the crop substitution program. The Department said that it was too early to judge the impact of these efforts.

The Central Intelligence Agency said the report was accurate overall. It made several suggestions which were incorporated in the appropriate sections of the report.

INTRODUCTION

Concerned about the role of the Drug Enforcement Administration (DEA) in the arrest of U.S. citizens in Bolivia, Senators Javits, Church, Tower, and Bentsen and Representative Chisholm requested that we review several aspects of the international drug control program in South America. Because other legislative and executive branch groups were studying the specific issue of the American prisoners in Bolivia, it was agreed with the requestors that our review would concentrate on DEA and Department of State international narcotics control programs in South America.

Reducing the flow of drugs to the United States is a major American foreign policy objective. In June 1971, President Nixon called for an all-out attack on the drug problem, focusing on both the supply and demand aspects. To control the supply, a program of technical, financial, and commodity assistance was started, helping foreign countries to strengthen their drug interdiction efforts. Several agencies are involved in the effort, with the Department of State having overall responsibility for the program.

President Carter recently reiterated the need for a strong U.S. program against international illicit drug production and trafficking. In August 1977 he directed the Secretary of State to give greater emphasis to this task.

In South America, a central goal of the drug control program is the control of cocaine. Nearly all illegal cocaine reaching the United States originates in Bolivia and Peru, with other South American countries, particularly Colombia, used as transshipment points. Past U.S. policy lists the control of cocaine as a fourth priority behind control of heroin and other dangerous drugs, barbiturates, and amphetamines. However, according to a draft policy paper, the control of the flow of cocaine to the United States will soon receive a higher priority. Although cocaine abuse has not been shown to be as harmful to society as heroin abuse, cocaine use is increasing. According to the draft policy paper, cocaine interdiction is important because: Cocaine has high abuse potential; profits from cocaine

trafficking can be used to finance organizations trafficking in more dangerous drugs; and the huge flow of money generated by illicit production and trafficking undermines a nation's social, economic, and political integrity.

THE INTERNATIONAL DRUG CONTROL PROGRAM

The U.S. drug control effort in South America is multifaceted, but essentially consists of an enforcement program aimed directly at traffickers and an assistance program which is designed to develop host country narcotics control capabilities. The U.S. effort involves several Government agencies. Key agencies implementing the program are the Department of State and DEA. Others involved are the Central Intelligence Agency (CIA), responsible for development of narcotics intelligence; the U.S. Customs Service, responsible for giving customs training to foreign officials; and the Agency for International Development (AID), responsible for implementing development programs in drug-crop-growing areas.

DEA'S ENFORCEMENT PROGRAM

Key feature of the international drug control program is enforcement. DEA was designated by a 1973 reorganization plan as the Federal agency to deal with foreign drug law enforcement officials. In doing so it receives policy guidance from the Office of Drug Abuse Policy in the Executive Office of the President, from the Secretary of State, and from the U.S. Ambassador assigned to each country. Since many of the important drugs of abuse in the United States originate in foreign countries, DEA places a high priority on encouraging other governments to commit themselves to controlling all aspects of illicit drug production and distribution. Primarily this involves assisting foreign government officials in preventing supplies of illicit drugs from entering the United States.

To accomplish this in South America, DEA has assigned 35 agents and intelligence analysts to 11 countries. The agents seek to develop narcotics trafficking cases jointly with host country police. This method not only is intended to immobilize the traffickers; it provides "on the job" training for host country police. Joint efforts like this are termed "institution building."

THE INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM

The other key feature of the U.S. effort besides enforcement is the international narcotic control (INC) assistance program, which is designed to encourage foreign countries' cooperation in drug control and to assist foreign governments and international organizations in augmenting their own antidrug capabilities. The INC program is administered by the Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters.

Until fiscal year 1978, various aspects of the program were implemented by AID, DEA, and the U.S. Customs Service under the guidance of the Department of State. AID was responsible for programs in individual countries, which consisted primarily of providing equipment to the host country's narcotics police and developing crop substitution projects. DEA and the U.S. Customs Service were responsible for narcotics control training programs for foreign officials. In addition, DEA was responsible for a small amount of INC funds used to support the host country's police in their narcotics control operations.

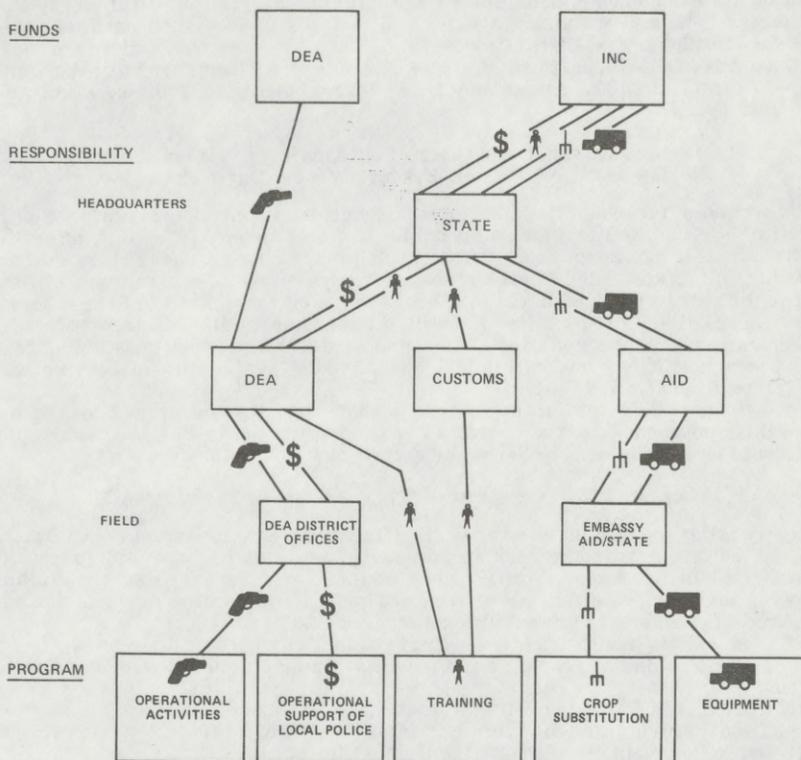
During fiscal year 1978, the INC program will be reorganized to centralize more program functions under the Senior Advisor; most components formerly implemented by AID will be the Senior Advisor's direct responsibility. The Department of State will also be responsible for administering operational support funds for local police. DEA and the U.S. Customs Service will still provide narcotics control training, but the Senior Advisor will monitor this activity more closely than was done in the past.

PROGRAM FUNDING

Funding for the drug control program in South America has come from two major sources: INC funds and DEA funds. Beginning in fiscal year 1974, INC funds were appropriated by sections 481 and 482 of the Foreign Assistance Act. Before that date AID funds were used to implement the program. The chart on the next page shows the flow of DEA and INC funds for various program components.

DEA AND INC PROGRAMS IN
SOUTH AMERICA

Funding Flow and Responsibility



The chart below shows DEA and INC expenses in South America since fiscal year 1975.

[Dollar amounts in thousands]

	Fiscal year		
	1975	¹ 1976	1977
DEA:			
Personnel costs.....	\$1,877	\$1,887	\$2,312
Other costs.....	831	1,560	1,799
Total, DEA.....	2,708	3,447	4,111
INC:			
Country programs ²	2,060	6,301	3,888
Training ³	1,700	1,824	1,794
Total, INC.....	3,760	8,125	5,682
Total, DEA and INC.....	6,468	11,572	9,793

¹ Includes transition quarter.

² Includes equipment, crop substitution, and operational support costs.

³ This figure is our estimate based on the average amount allocated for each participant.

SCOPE OF REVIEW

Our review was directed toward assessing the effectiveness of the international drug control programs in South America. We analyzed DEA activities with regard to the "Mansfield Amendment", the Department of State's management of the INC program, and implementation of crop substitution projects. We reviewed DEA investigative reports, planning documents, and statistical data and held discussions with field and headquarters personnel. We analyzed Department of State documents, including INC program plans, crop substitution reports, equipment lists, and training statistics and held discussions with pertinent U.S. agencies' headquarters, district offices, and Embassy personnel. Our review was conducted at: DEA, Department of State, Aid, and CIA headquarters in Washington, D.C., and U.S. Embassies and DEA district offices in Bolivia, Peru, and Colombia.

THE INTERNATIONAL DRUG CONTROL PROGRAM IN SOUTH AMERICA
HAS HAD A MINIMAL EFFECT ON THE DRUG FLOW

The primary target of the U.S. international drug control program in South America is cocaine. Marijuana and opium are also targets. The U.S. effort to control these drugs includes an enforcement program against traffickers and an assistance program to help develop host countries' narcotic control capabilities.

It is difficult to tell whether this effort is reducing the quantity of these drugs that reaches the United States. Reliable data is unavailable. However, intelligence, statistical reports on availability, and arrest and seizure statistics suggest that the program has had a minimal effect on the availability of cocaine and marijuana in the United States.

Nevertheless, DEA officials informed us that they are encouraged by the increased commitments to drug control of host governments in South America and by recent increases in drug seizures and arrests of major traffickers.

COCAINE FLOW INTO THE UNITED STATES IS INCREASING

Nearly all of the cocaine flowing to the United States comes from South America. For the most part the coca is grown in Peru and Bolivia, and processed into cocaine in Colombia. Data on the amount of cocaine reaching the United States is inadequate—estimates of coca production and cocaine flow are varied. Some recent estimates of annual production are as follows:

DEA officials in South America estimate that Bolivia could produce up to 88 tons of cocaine annually and Peru's potential annual production of cocaine is 26 tons.

DEA officials in Columbia estimate that up to 69 tons of cocaine could be produced from Peruvian and Bolivian coca and that from 28 to 46 tons of cocaine processed in Colombia are reaching the United States.

A November 1977 report of the Select Committee on Narcotics Abuse and Control said: "There is a potential of 100 tons (of cocaine) available for the United States and Europe."

DEA and Department of State headquarters officials said that the "official U.S. Government estimate" of cocaine available in the United States is between 15 and 17 tons.

We did not try to determine which of these estimates was the most accurate. The situation was probably best summed up by a Department of State official who said that any estimate of cocaine availability in the United States is "imprecise under the best conditions." This position is supported in part by information furnished by a DEA official, which indicates that estimates of Bolivia's production of coca are substantially understated.

Even though the estimates of production and flow vary, officials generally agree that the amount of cocaine coming to the United States is increasing. A 1977 National Institute on Drug Abuse study supports this; it found that cocaine use in the United States was growing. DEA and Department of State officials said that a similar growth was occurring in Europe. In line with these increases, coca-growing areas have expanded in South America. DEA officials in both Peru and Bolivia said that coca production in those two countries is increasing rapidly.

A DEA report on the availability of cocaine in the United States as of September 1977 stated: Cocaine availability, as measured by retail purity has shown little change, although prices have continued to exhibit a gradual increasing trend. * * * All available evidence suggests that illicit suppliers of cocaine remain capable of meeting the demand for this drug.

Marijuana, the only other drug of any significance in South America, is primarily grown in Colombia. DEA now estimates that Colombia has surpassed Mexico as the principal supplier of this drug to the United States.

SEIZURES AND ARRESTS—WHAT IS THEIR IMPACT?

Current impact

Seizures of drugs and arrests of traffickers appear to have had little effect on the current availability of cocaine and marijuana in the United States.

DEA's "foreign cooperative" seizures of cocaine and marijuana in South America are shown below:

Fiscal year	Cocaine (pounds)	Marijuana (tons)
1973.....	477	1
1974.....	859	125
1975.....	847	89
1976.....	2,416	
Transition quarter.....	206	
1977.....	1,990	10
1978 (1st quarter).....	2,472	23
1978 (2d quarter) ¹	1,242	165

¹ Data through Mar. 7, 1978.

The cocaine statistics shown above, when compared with the most conservative estimates of cocaine availability, indicate that less than 7 percent was seized in fiscal year 1977.

Although seizures of cocaine in South America have been limited, they are greater than the seizures in the United States. For example, in fiscal year 1977 domestic cocaine seizures by all Federal agencies totaled only 1,380 pounds, while during the same period 3,136 pounds were seized in foreign countries (of this total 1,990 pounds were seized in South America). This gives credence to the major reason for the U.S. international drug control program: that the drug flow can be more effectively controlled at its source.

There has been little increase in the number of DEA foreign cooperative narcotic arrests in South America during the past 5 years. In fiscal year 1973, 444 individuals were arrested for narcotics trafficking and in fiscal year 1977 the number arrested was 498. In addition, the majority of those arrested were classified by DEA as low-level traffickers. DEA has established categories for individuals arrested for narcotics trafficking. For example, a class I trafficker, the highest classification, could be the head of a major trafficking organization known to deal in large quantities of narcotics. The lowest category, class IV, could be an individual arrested with less than 4.4 pounds of cocaine.

In fiscal year 1977, 84 percent of DEA's foreign cooperative arrests in South America involved class III or IV traffickers. In the three countries visited, from 82 to 84 percent of those arrested during the period January 1976 to October 1977 were low-level traffickers. DEA foreign cooperative arrests¹ in South America are shown below:

Fiscal year	Arrests				Total
	Major traffickers ¹		Others		
	Number	Percent	Number	Percent	
1973.....	(2)	(?)			444
1974.....	(2)	(?)			310
1975.....	111	25	328	75	439
1976.....	108	19	469	81	577
Transition quarter.....	24	19	102	81	126
1977 ³	78	16	420	84	498
1978, 1st quarter.....	14	10	128	90	142

¹ DEA classifications I and II.

² Classification data not available.

³ Beginning in fiscal year 1977, DEA's criteria for classifying traffickers were changed. This change increased the requirements needed for designation as a major trafficker.

¹ Arrests made by foreign police officials based on intelligence provided by DEA.

DEA points out that agents in South America spend more time on major trafficking cases than the arrest figures on major traffickers indicate. They said the disruption of a major trafficking organization may result in many arrests, of which only two or three would be classified as arrests of major traffickers. They pointed out that during the first quarter of 1978 even though only 10 percent of those arrested were major traffickers, almost one-third of the cases and 44 percent of the arrests involved major trafficking organizations.

In addition, DEA commented that special task forces have been established to concentrate on specific major traffickers. Two such task forces have operated in South America with some success. For example, one task force operation resulted in the arrest of 142 traffickers, with 58 percent of these being classified as in class I or class II. While these task forces are concentrating on major trafficking organizations, they represent a very small portion of DEA's effort in South America. A DEA official said that these task force operations depend greatly on the information and evidence gained from other DEA operations.

DEA believes recent efforts are encouraging

DEA officials said that since October 1977 significant progress has been made in disrupting South American cocaine and marijuana trafficking. Several major trafficking organizations have been disrupted in Colombia and Peru. The officials cite the following examples:

In October 1977, alleged major Colombian trafficker Jamie Cardona-Vargas and several of his associates were arrested and 432 kilograms of cocaine base were seized. Followup action resulted in the seizure of 290 kilograms of hydrochloride and arrest warrants being issued for two other alleged major Colombian traffickers.

In November 1977, Peruvian investigative police arrested Vicente Guzman-Zuniga, an alleged major Colombian cocaine trafficker, and several of his Colombian and Peruvian associates. They seized 234 kilograms of cocaine base and \$400,000 in negotiable checks.

In addition DEA officials stated that about 40 cocaine labs have been seized, and that a joint U.S.-Colombia program has resulted in U.S. domestic seizures of over 425 tons of marijuana.

Future impact

In foreign countries DEA primarily assists host governments in preventing supplies of illicit drugs from entering the illicit traffic into the United States. DEA believes that the host government must have some capability and a real commitment to drug enforcement, and feels that its efforts to develop this capability and/or commitment have contributed significantly to institution building in the South American countries.

DEA recognizes that enforcement efforts alone will not greatly reduce the availability of illicit drugs in the United States. In order to bring about a large reduction, producing nations will have to limit the production and distribution of these drugs. Enforcement efforts will be necessary to assure that producers comply with such program.

DEA believes that if producing nations adopt such programs through the diplomatic efforts of the United States, DEA's current efforts will be a positive factor in the success of these programs. DEA recognizes, however, that this will be a long-term effort.

KEY PROBLEMS RESTRICTING PROGRESS

Several obstacles were hampering U.S. drug control efforts in South America. A major problem was the limited effort devoted to producing operational² intelligence which could be used in identifying major narcotics traffickers. Other problems identified by U.S. officials included corruption within South American governments and the lack of host country resources to devote to drug control programs.

Intelligence efforts needed strengthening

The U.S. drug control program in South America depends heavily on the development of intelligence—ranging from estimates of drug crop production to identification of drug smuggling routes and traffickers. Both DEA and the CIA have responsibilities in this area. We found that drug intelligence at DEA offices in South America had not been systematically analyzed.

² At the operational level, intelligence concentrates on an overview of trafficking groups and their operations in order to discover patterns, routes, and modes of operations, to assess vulnerabilities of those involved, and ultimately to develop leads for potential conspiracy investigations.

CIA's primary focus is on the collection of strategic intelligence information for use in the formulation of narcotics control policies. The Agency also provides tactical narcotics information to DEA concerning foreign traffickers and their supporting networks.

DEA agents as a part of their enforcement duties routinely gathering intelligence information by various means, including undercover surveillance, payments to informants, and interrogation of prisoners.

DEA has not systematically analyzed this date.³ As a result, the U.S. and host country enforcement efforts to eliminate major trafficking may not have been as successful as they could have been. In addition, as noted earlier, the great majority of DEA's foreign cooperative arrests and cases in South America involved low-level traffickers. The paucity of usable operational-level intelligence may be contributing to this situation.

DEA has not been able to systematically analyze intelligence data because it has not assigned personnel trained in intelligence development and analysis to South America. Of the 35 professional DEA staff members assigned to the South America region, only 1 is an intelligence analyst. In addition, DEA has designated five of its agent positions in South America as intelligence specialists. Three of those five were in the countries we visited: Bolivia, Peru, and Colombia. These positions were not being used effectively for intelligence development:

One was vacant.

Another was filled by an agent who had not been trained by DEA in intelligence.

The third was filled by an agent who had received DEA's intelligence training, but was not allowed to concentrate on intelligence development because of other priorities.

DEA special-agents-in-charge in all three countries visited judged their intelligence capability as inadequate. Even in Colombia, where the intelligence analyst is assigned, officials said they needed at least two additional analysts.

DEA officials recognize this need and point out that the shortage of intelligence analysts is not peculiar to the South American region. Currently only 103 of the 228 agencywide intelligence analyst positions are filled; in fiscal year 1978 DEA hopes to recruit at least 20 intelligence analysts. DEA added that, in an attempt to deal with the intelligence problem, about 50 percent of the agents assigned to South America have recently taken a 2-week DEA course on intelligence gathering.

Other obstacles

There are other obstacles that are restricting program success. According to U.S. officials the most important of these is corruption in South American governments. They said this is especially true in the principal trafficking country, Colombia, where corruption is present at various levels and places in the government, including the judiciary and the police. High-level U.S. officials have discussed this situation with Government of Colombia officials, but note that it still greatly hampers program success.

Corruption is encouraged by the enormous amount of money involved in trafficking. A DEA summary of the drug situation in Colombia states that U.S. retail sales of marijuana and cocaine processed or grown in Colombia are estimated at \$6 billion annually. Illegal drug trafficking reportedly returns an estimated \$1 billion to the Colombia economy every year.

The enormous profits that can be made from trafficking in cocaine can also be illustrated by tracing prices paid for the drug in various stages, from the coca leaf price in Bolivia to the street price of cocaine in the United States. The Bolivian farmer sells the quantity of coca leaves necessary to make 1 pound of cocaine for about \$60. These leaves are converted to cocaine-base having a value of about \$1,000. Conversion to cocaine, the next step, increases the value to over \$2,000 in Bolivia. By the time the cocaine reaches the streets of a city in the United States, the Bolivian farmer's \$60 in coca leaves costs the users over \$100,000.

Other program obstacles also exist. A major problem is that the governments simply do not have adequate funds to devote to narcotics control. Significant internal problems such as terrorism and underdeveloped economies affect foreign governments' ability to focus on the drug problem. Further, even though some increases in South American government expenditures and personnel dedicated

³ CIA told us that CIA and DEA are currently working on a joint effort in Washington to analyze and collate all of the available information concerning the most prominent cocaine networks trafficking in South America.

to narcotics control have occurred (see app. I), many U.S. officials believe most South American governments simply are not firmly committed to narcotics control.

The Assistant Secretary of State for Inter-American Affairs considers this lack of commitment and motivation to be the main impediment to drug control program success in South America. He explained in testimony before the House Select Committee on Narcotics Abuse and Control in November 1977 that the lack of commitment to narcotics control of most South American governments "should not be surprising considering that we are asking these countries to use scarce resources to combat a problem which they may still perceive to be primarily a United States problem, or one that is not a serious or immediate threat to themselves".

U.S. OFFICIALS BELIEVE THE PROGRAM IS SHOWING SOME RESULTS

DEA and Department of State officials said that the effectiveness of the international drug control program cannot be judged solely by cocaine flow or drug arrest and seizure statistics; other factors need to be considered. These officials said that the countries of Bolivia, Peru, and Colombia now are more committed to narcotics control than they were several years ago. Narcotics units have been established and increasing host country funds are being allocated to the programs. (Available data on host country funds allocated to narcotics control and personnel strengths of local narcotics units is shown in app. I.)

Department of State officials said that in addition to increasing host government allocations of personnel and funds, there are other signs that the U.S. drug control program in South America may be achieving some success. Some of these signs are:

Bolivia's plans to prohibit future increases in coca production.

Peru's willingness to start considering limiting coca production to licensed areas.

Colombia's reorganization of its narcotics control enforcement activities.

DEA and Department of State officials acknowledge that there are many obstacles to program success. Department of State officials said that success in limiting the cocaine flow may take another 5, 10, or even 20 years. Recognizing that the key to a successful program rests with the host governments, the United States must continue to encourage these governments to increase their commitments to drug control programs. In the interim the U.S. effort must be to disrupt as much of the drug traffic as possible.

CONCLUSIONS

The international drug control program in South America has had a minimal effect on the drug flow. Seizures and trafficker arrests are important but will not solve the problem, though DEA says that since October 1977 progress in this area has been encouraging.

One problem hampering enforcement efforts—which DEA recognizes—is a paucity of systematically analyzed intelligence. As a result, U.S. and host country enforcement efforts to eliminate major trafficking may not have been as effective as they could have been.

U.S. officials said the real key to program success is a stronger commitment by South American governments to control the drug flow. Without that commitment, U.S. efforts will not achieve desired results. Officials believe that the United States must continue to try to reduce the drug flow while encouraging South American governments to become more involved in drug enforcement. However, such a possibility is limited by alleged corruption within many South American countries, particularly Colombia, and a lack of host government resources that can be allocated to drug enforcement.

CROP SUBSTITUTION PROGRAM—SUCCESS IN DOUBT

Many U.S. officials believe that enforcement activities to control cocaine flow can have only limited success. The Department of State believes that "ultimately, the only fully effective solution would be the reduction and eventual elimination of illicit cultivation at its source." In furtherance of this belief, part of the INC program in South America consists of projects designed to encourage local farmers to substitute other crops for coca. Still, many officials believe that coca substitution programs in South America have little chance for success.

COCA—A SHORT HISTORY

The coca bush is generally grown on the eastern curve of the Andes Mountains at elevations ranging from 1,500 to 7,100 feet. The bush needs little care and grows where other plants cannot survive. The plants grown from seed are ready to harvest in 18 months and are productive for 50 years.

The leaves of the coca bush have been chewed and used in religious ceremonies by Andean civilizations for at least 3,000 years. Today, estimates indicate that 90 percent of the males and 20 percent of the females living in the Peruvian and Bolivian Andes chew coca leaves daily. Coca leaves are chewed by the villagers to relieve fatigue, hunger, and cold. In most of these regions, coca is the only cash crop grown and the sole source of income for the farmers.

U.S. PROGRAMS TO LIMIT COCA PRODUCTION

Coca production can be limited through eradication or substitution projects. Because coca has been used for centuries and provides Andean farmers with their only source of income, eradication projects in Bolivia and Peru are not considered to be acceptable. This leaves substitution as a potential solution: a program is needed which will substitute alternative crops or nonfarming activities for coca production but will maintain or approximate the income coca production provides.

Programs to identify suitable alternative crops, or crop substitution programs, are being developed by AID using INC funds.⁴ AID has supported crop substitution projects in Bolivia and has offered to initiate a pilot crop substitution project in Peru. According to AID, the search for suitable substitute crops will take several years. It involves finding marketable crops that will grow in the coca areas and solving transportation, storage, and other marketing problems.

In fiscal year 1975, a pilot program for coca crop substitution was initiated in Bolivia. As of October 1977, AID had disbursed \$668,000 for the crop substitution program; fiscal year 1978 funding is expected to be \$1.6 million. Activities to date include research to identify potential alternative crops and registration of coca growing areas.

Recognizing that simple crop substitution programs alone cannot encourage coca farmers to switch to alternative crops, the Bolivia program emphasizes basic rural development. The basic rural development program (including water systems, improved cultivation of existing crops such as coffee, marketing structures for other crops, education, and health) is designed to improve the quality of life of the farming population. Its aim is to mitigate the effects on the coca growers of a phased ban by the Bolivian Government on coca growing beyond that required for legal and traditional use. In June 1976, the Secretary of State promised up to \$45 million to support Bolivia's crop substitution and related economic development program.

A crop substitution program has not been implemented in Peru. In 1975, U.S. officials offered to provide \$20,000 for a pilot crop substitution project. The Government of Peru has never responded to the U.S. offer.

U.S. officials in both Peru and Bolivia generally were pessimistic about the success of crop substitution. Even with the large amount of funds promised to Bolivia for economic development of coca growing areas, the officials point out that the program will probably not achieve desired results. The key to crop substitution, either with or without related economic development projects, is finding a suitable alternative marketable crop. To date, the pilot project has not identified such a crop. Even if one is found, a distribution and marketing system will have to be developed.

DEA and Department of State officials in Bolivia and Peru said crop substitution probably will not be successful because—

Coca has been grown and used in Bolivia and Peru for centuries;

Coca growing requires little work, while potential alternative crops require much attention; and

No alternative crop can match the economic return of coca, especially considering the unlimited amounts of funds available to encourage production. As discussed in ch. 2, the difference between what the farmer currently receives for

⁴ During fiscal year 1978, the Department of State's Senior Advisor for Narcotics Matters will assume responsibility for pilot crop substitution projects. AID will have responsibility for crop substitution and related economic development programs.

the coca needed to produce a pound of cocaine (\$60) and the value of that cocaine (\$100,000) demonstrates the potential funds available.

However, State Department and DEA officials in Washington, D.C., believe the key to success does not hinge on the results of research on other crops. They are now looking toward a basic rural development program in the coca growing areas designed to improve the quality of life of the farming population. They believe such a program will allow the governments to embark on a phased ban on coca growing. The Washington officials pointed out that Bolivia has already banned new coca cultivation on unregistered lands. They said success or failure in limiting coca production depends upon Bolivia's willingness and ability to enforce such a ban.

CONCLUSIONS

Crop substitution is one approach to reducing the flow of cocaine to the United States. However, pilot projects to identify adequate alternative crops have so far been unsuccessful. DEA and State Department officials in Peru and Bolivia doubt that such programs will succeed. State Department and DEA officials in Washington, D.C., on the other hand, believe that U.S.-financed rural development projects combined with efforts to limit coca production by the Governments of Bolivia and Peru will ultimately reduce the cocaine flow to the United States. They point out that success or failure depends on these Governments' willingness and ability to limit production. Bolivia has promised to limit coca production, but Peru has not.

We believe the prospects for limiting coca production in South America are unfavorable. Programs to limit coca production probably will not be successful because—

No adequate alternative crop that can match coca's economic return has as yet been found,

Coca has become ingrained in the local culture after centuries of use, and
Coca can be grown easily in many areas.

MANSFIELD AMENDMENT PLACED PROHIBITIONS ON DEA'S OVERSEAS ACTIVITIES

DEA agents in South America have generally complied with 1976 legislation (Mansfield Amendment)⁵ designed to limit their foreign enforcement activities. Nevertheless, we noted several instances in which DEA's participation in activities not prohibited by the amendment could result in active involvement in a situation in which violence could occur. One situation culminated in DEA participation in a direct arrest action, an activity prohibited by the Mansfield Amendment. DEA agents in this case participated in the arrest to protect a host country police officer from potential danger.

DEA'S MISSION IN SOUTH AMERICA

Many of the U.S. domestic and international drug control efforts are aimed at supply reduction. This includes attempts to disrupt the entire chain of production and distribution through eradicating crops in illegal growing areas abroad, interdicting illicit shipments, arresting and jailing important traffickers, and seizing and confiscating the equipment and fiscal resources needed to operate trafficking networks.

In foreign countries DEA primarily assists host government officials in preventing supplies of illicit drugs from entering the United States. DEA agents assigned to South America are integral to the U.S. effort to stem the flow of cocaine and marijuana. They participate with host government police in a variety of drug enforcement and intelligence activities.

ACTIONS PROHIBITED BY MANSFIELD AMENDMENT

Concerned about U.S. officials' involvement in sensitive foreign internal law enforcement operations, the Congress moved to limit such activities overseas by adopting the Mansfield Amendment, which provides:

"Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts."

⁵ International Security Assistance and Arms Export Control Act of 1976, P.L. No. 91-329, title V, section 504(b), 90 Stat. 729, 764.

In adopting the legislation restricting U.S. involvement in foreign enforcement operations, the Congress was seeking to reconcile two important U.S. interests:

Motivating foreign governments to cooperate to the fullest extent in stopping drugs from reaching the United States.

Avoiding excessive U.S. intervention in the internal affairs of other nations.

Reports of both the House International Relations Committee and the Senate Foreign Relations Committee included the following explanations of what was meant by the amendment:

"In adopting this provision the committee seeks to insure that U.S. narcotics control efforts abroad are conducted in such a manner as to avoid involvement by U.S. personnel in foreign police operations where violence or the use of force could reasonably be anticipated. By "arrest actions" the committee means any police action which, under normal circumstances would involve the arrest of individuals whether or not arrests, in fact, are actually made. The committee intends that the U.S. Ambassador in any country where U.S. narcotics control activities are being carried out shall exercise close supervision over such activities to insure that U.S. personnel do not become involved in sensitive, internal law enforcement operations which could adversely affect U.S. relations with that country.

"The committee emphasizes that this provision is not intended to prohibit U.S. Government agencies from assisting foreign governments to enforce their own laws on narcotics trafficking by providing such assistance as training, technical equipment, and intelligence."⁶

After the Mansfield Amendment was adopted, DEA issued guidelines for its foreign operations. The most recent set of guidelines issued in July 1977 includes a general section applicable to all overseas areas and a section with specific guidelines for each country in which DEA either has permanent representative or conducts liaison activities.

While forbidding active involvement in arrests, the guidelines set forth a number of activities which are allowable if permitted under U.S. and host country laws and U.S. mission policy. Some of the allowable functions indicated in the guidelines are to: Perform in an undercover capacity; interview arrested persons or otherwise assist host country officials after the arrest scene has been secured; and provide instruction and training in various police techniques.

AGENTS' PARTICIPATION IN AUTHORIZED ACTIVITIES CAN LEAD TO AMENDMENT VIOLATIONS

DEA agents in South America spend the majority of their time on operational activities related to narcotics traffic. To do this DEA agents, in association with host country police, are involved in undercover surveillance and purchase of information, interviewing drug arrestees, and other actions need to develop cases against narcotics traffickers. The following examples are representative of DEA actions in South America:

DEA was contacted by the host country police regarding two suspects entering the country to purchase cocaine. DEA provided the local police with information on the suspects' identity and the hotel where they were registered. The local police later arrested the suspects and found 9,800 grams of cocaine. DEA participated in the interrogation.

DEA and the host country police participated in a joint investigation. DEA and the local police learned that two suspects had entered the South American country to purchase cocaine. After joint surveillance, the local police arrested the suspects with 2,500 grams of cocaine. DEA reviewed all documents seized and further coordinated the investigation.

DEA entered a case after the local police had arrested four drug trafficking suspects. DEA participated in the interrogation of the suspects. DEA participated in the surveillance of another suspect and was in the area when the local police arrested the suspect. DEA participated in a search of the premises and interrogation of the suspect.

We identified several instances, since enactment of the Mansfield Amendment, in which DEA agents were in the vicinity of arrests made by host country police. In all but one, DEA agents did not actively participate in the arrest, but usually observed the arrest from a distance, actively participating in surveillance before the arrest and interviewing the suspect after the arrest. Some examples of this type of activity are as follows:

⁶ H.R. Rep. No. 94-144, 94th Cong., 2d Sess. 54-55 (1976); S. Rep. No. 94-876, 94th Cong., 2d Sess. 61 (1976).

A DEA agent accompanied host country police to a house in a rural area of a South American country. The DEA agent waited in a car while the host country police entered the house and arrested two foreign nationals. Host country police then signaled for the DEA agent to enter the house. The DEA agent participated in interrogation of the foreign nationals.

Two DEA agents were at the scene of a roadblock where vehicles and persons were stopped and searched by host country police. At least one foreign national was arrested while the DEA agents were at the roadblock.

While DEA agents did not actively participate in these actions conducted by host country police, their presence in the area of arrests or potential arrests could result in active involvement in an arrest action during which violence could occur. In fact, this has already happened. We identified on example.

Two DEA agents, a host country narcotics agent, and two host country local police units met at a site where an informant was scheduled to meet a drug trafficker. The trafficker arrived, picked up the informant, and drove away. The two local police units followed but lost the trafficker; however, the trafficker was kept under surveillance by the DEA agents and the host country narcotics agent. It was felt that the investigation, including the informant's status, had been compromised. In addition, it was learned that a local policeman, who had earlier been working on the case, had been found dead. The police counterpart decided to arrest the trafficker before he drove away. The police officer felt that if the trafficker drove away, he would be lost before assistance arrived. There were no other local police officers in the area to assist in the arrest. The DEA agents felt that if the police counterpart attempted to arrest the trafficker alone, his life would be in danger, and the trafficker might kill the informant. The DEA agents covered the police counterpart while he placed the trafficker under arrest.

We discussed this incident with a DEA representative in the country and were told that DEA's involvement was justifiable since a police officer's life was in danger. In addition, he stated that if the agents had not assisted their local counterpart, DEA would have lost the confidence and cooperation of the host country police.

The activity that led to this arrest situation was not prohibited by the Mansfield Amendment. In fact, the amendment's legislative history indicates that surveillance, intelligence, and training activities are allowed and in fact encouraged. It should be recognized, however, that an authorized activity, such as that discussed above, may suddenly escalate to a point where arrest of a suspect becomes imminent. In some of these cases, it may be impracticable to require U.S. agents to avoid any participation in the arresting activity, such as holding a weapon on a suspect to protect the arresting host country police officer from bodily harm. Nevertheless, the Mansfield Amendment prohibits U.S. agents from participating in "any" foreign police arrest action.

U.S. EMBASSIES AWARE OF DEA'S ACTIVITIES

As the committee reports on the amendment indicated, the Congress intended that the U.S. Embassy exercise close supervision over DEA activities. DEA personnel in foreign countries, like most other official U.S. personnel abroad, are under the full authority of the U.S. Embassy. Embassy officials in the three countries we visited were aware of DEA agents' activities. These officials expressed the opinion that DEA's activities were not damaging U.S. relations with the host country. We did not hold discussions with foreign government officials, but U.S. officials pointed out that host governments were also aware of DEA's activities.

In each of the three countries visited, the Embassy used a different method to control DEA activities. The Embassy in Bolivia reviewed DEA's guidelines for foreign operations in 1976 and issued guidelines for DEA operations in Bolivia to emphasize and modify certain points in DEA's guidelines. In the guidelines, the Embassy directed that DEA obtain advance Embassy approval whenever the agency had a need for passive presence of an agent at an arrest. Although the Embassy in Peru had not issued supplemental guidelines to DEA, it monitors all of DEA's cable traffic. The Embassy in Colombia has a full-time narcotics coordinator who is responsible for keeping the Ambassador informed on all matters concerning narcotics control. He approves all outgoing DEA cables in order to monitor DEA activities.

OPINIONS VARY ON VALUE OF DEA ACTIVITIES

Several Department of State officials responsible for the drug control program believe that DEA should be prohibited from active participation in police actions in foreign countries. Their concerns stem from a desire to be sure the international activities are carried out in a manner consistent with the intent of the Mansfield Amendment. They find it objectionable that "U.S. police" are operating in a foreign country, where their function should be that of liaison and institution building. They believe U.S. interests in the long run would be better served if host government police were able to actively participate in unilateral drug enforcement without relying on DEA's involvement. High-level Department of State officials said further restriction of DEA agents' activities in South America to those outlined above would not significantly affect our overall drug control effort.

However, other officials, principally from DEA, believe that involvement of DEA agents is not only justified but needed if the United States is ever to be successful in controlling drugs flowing into the United States. They believe DEA agents need to be actively involved in drug cases to motivate host country police to pursue drug traffickers and to provide guidance and training in actual police situations. Many DEA agents in South America believe that without active involvement it would be very difficult to develop a close relationship with their foreign counterparts, since the impression may be that DEA agents are not as brave or courageous in the face of potential danger as the local police. According to the agents, this feeling of "macho" or personal pride is deeply ingrained in the Latin culture and a major factor in being able to deal effectively with the local police.

CONCLUSIONS

DEA participates with host government police in a variety of activities, including undercover surveillance, training, and interviewing arrestees. Although the Mansfield Amendment prohibits DEA participation in direct arrest actions, DEA agents were placed in a situation in which the performance of authorized activities unexpectedly led to participation in prohibited direct arrest actions. This could happen again.

Some Department of State officials are concerned about the possible effect some of DEA's activities might have on the U.S. relationships with the countries dealt with in our review, although they could not cite instances in which these activities had any adverse impact. Embassy officials in the three countries reviewed believed DEA's activities were not damaging to United States relations with the host countries. U.S. officials pointed out that host government officials were fully aware of DEA's activities.

Whether or not the drug program's accomplishments have been commensurate with the costs incurred and the potentially adverse impacts in the foreign affairs area is a value judgment that we are unwilling to make.

PROBLEMS PREVIOUSLY NOTED IN INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM STILL EXIST

In addition to the crop substitution program in South America, which is discussed in chapter 3, the State Department administers an INC program which funds the equipping and training of South American police in narcotics control.

Our review showed that systems to adequately monitor the "end-use" of INC equipment have not been established. Also, a followup system for participants trained under the INC program is needed.

FORMAL PROGRAM TO MONITOR END-USE OF EQUIPMENT STILL DOES NOT EXIST

The latest portion of the INC program funds provided in South America is used to provide narcotics control equipment to various foreign government units. Through September 1977 AID had primarily responsibility for the equipment program. During fiscal year 1978, responsibility for the program will be shifted to the Department of State under the Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters.

From fiscal year 1973 through fiscal year 1977, \$7.8 million in equipment has been provided to 10 South American countries. In addition, over \$3 million in

equipment is planned for fiscal year 1978. Equipment provided to South American countries has primarily consisted of vehicles, aircraft, weapons,⁷ police equipment, and communications equipment. (A summary list of equipment provided to South American countries is shown in app. II.)

In 1973 and 1974, legislation was enacted that placed prohibitions on providing U.S. financial assistance to foreign police.⁸ The area of narcotics control was, in general, not subject to these prohibitions. In March 1975 the Senate Committee on Appropriations expressed concern that this narcotics control assistance could be used for purposes unrelated to controlling drug traffic. In its report the Committee stated:

"* * * It is not the purpose of the narcotics program to give the participating governments access to a continuous supply of free police equipment, much of which is possibly being used for purposes unrelated to control of drug traffic. The Committee therefore recommends a sharp reduction in equipment not directly related to increasing the recipients' drug traffic control effort. Congress did not intend that the activity become an international Law Enforcement Assistance program."⁹

We have also reported on the need for a system to monitor end-use of INC equipment. In a February 19, 1976, report to the Congress, "Stopping U.S. Assistance to Foreign Police and Prisons" (ID-76-5), we recommended that the Secretary of State: "Institute a formal system of end-use monitoring checks of major narcotics control equipment items to insure that the equipment is not being misused."

In April 1977, the Senior Advisor, at a Senator's urging, emphasized in a cable to American ambassadors that they should adopt procedures insuring the INC commodities are not diverted for unauthorized use. Additionally, the Senior Advisor requested that the ambassadors forward copies of their observation procedures to her office when they were formulated.

During our review we found that formal end-use monitoring systems had not been established in Bolivia or Peru. In addition, AID Auditor General reports in 1976 and 1977 identified at least three other South American countries in which formal monitoring systems had not been established. Although such a system had been established in Colombia, program managers did not believe it was adequate to insure that equipment was not being diverted.

We did not determine whether equipment diversion had occurred. AID Auditor General reports of various INC programs in South America during 1976 and 1977 generally found that most INC equipment could be accounted for. AID did identify a few examples of equipment diversion or lack of accountability. For example:

A May 1976 AID Auditor General report on the program in Paraguay said that vehicles provided under the INC program were primarily being used by a department in the Ministry of Interior not related to narcotics control.

An April 30, 1976, AID Auditor General report on the program in Bolivia indicated that several items could not be accounted for including revolvers, carbines, handcuffs, and submachine guns.

Even though AID's Auditor General has not identified significant equipment diversion or misuse, we believe strong end-use controls are needed because of: The sensitive nature of much of the equipment and the fact that much of the equipment could easily be used for nonnarcotic purposes.

Some examples of the types and quantities of equipment provided under the INC program are as follows:

Since 1973 the Bolivian narcotics police enforcement unit has been provided 99 revolvers, 18 carbines, 7 shotguns, 16 submachine guns, 4 gas guns, 4 tear gas launchers, and 50 gas grenades.

⁷ An internal Senior Advisor office policy now prohibits the use of INC funds to procure weapons.

⁸ Foreign Assistance Act of 1973, Pub. L. No. 93-189, 87 Stat. 714, 716; Foreign Assistance Act of 1974, Pub. L. No. 93-559, 88 Stat. 1795, 1803-1804.

⁹ S. Rept. 94-39, 94th Cong., 1st Sess. 88 (1975).

During the same period, the national civil police and customs units in Ecuador have been given 43 trucks, 31 jeeps, 5 sedans, 500 carbines, 231 revolvers, and 38 shotguns.

We believe that an end-use monitoring system could (1) help assure that the equipment provided was committed to narcotics control, (2) alert program managers to improper maintenance or inadequate utilization of the equipment, and (3) provide valuable information to assess future equipment needs.

THE TRAINING PROGRAM NEEDS A FOLLOWUP SYSTEM

Another major function of the INC program is the training of foreign police in narcotics control. Training is provided in the United States and foreign countries by DEA and the U.S. Customs Service and is financed with INC funds. Both training programs are administered from Washington under guidance from the Senior Advisor's office in the Department of State. Funding for the program is centralized and not separated by country, making a precise identification of costs associated with the South American portion of the program impossible. From fiscal year 1972 through fiscal year 1977, INC funds for training worldwide totaled \$20.7 million. During this period about one-third of the participants were from South American countries.

Since fiscal year 1972, 5,070 officials for 13 countries have been trained by DEA and the U.S. Customs Service. The chart below shows the number of participants trained by country, and the agency providing the training, since fiscal year 1972.

INC SOUTH AMERICAN TRAINING PROGRAM

Country	Number trained by—		Total
	DEA	Customs	
Argentina.....	544	72	616
Bolivia.....	250	200	450
Brazil.....	523	118	641
Chile.....	225	69	294
Colombia.....	531	183	714
Ecuador.....	34	192	426
Guyana.....	2		2
Netherlands Antilles.....	72	137	209
Panama.....	258	116	374
Paraguay.....	86	30	116
Peru.....	382	142	524
Uruguay.....	147	195	342
Venezuela.....	222	140	362
Total.....	3,476	1,594	5,070

About 10 percent of these participants were trained in the United States, and the remainder in South America.

Customs' and DEA's training concentrate on different aspects of narcotics control: Customs trains officials with border control responsibilities; DEA trains officials with investigative responsibilities. The following types of courses are offered by both agencies:

In the United States, executive seminars for high-level officials and mid-management courses for mid-level officials.

In foreign countries, drug control techniques for line officers.

We also attempted to determine if officials trained by DEA or Customs were being used for narcotic control. We found that DEA, Customs, and the Department of State had not systematically evaluated whether trained officials were being used in narcotics work. Some followup of participants trained in the United States by DEA is done on an "ad hoc" basis, but for the most part DEA, Customs, and the Department of State did not know what former participants were doing. This is particularly true for participants trained outside the United States.

In several South American countries it seems likely that many trained participants are not working in narcotics control units. Comparison of the number of participants trained in narcotics enforcement by DEA versus the number working in narcotics enforcement units for countries for which data is available is shown on the following page:

	Trained by DEA	Currently working in narcotics unit
Bolivia.....	250	130
Chile.....	225	65
Ecuador.....	234	250
Peru.....	382	110

DEA and Department of State officials point out that participants trained by DEA working in other areas are still beneficial to the overall narcotics effort. They explained that, for example, these participants might notice evidence of narcotics trafficking that might otherwise have gone undetected if they had not received this specialized training. In addition, some host country police organizations have a policy of rotating personnel among different police units, including the narcotics control unit. Such rotation is used not only to provide personnel with a variety of police experience, but also as a means to control corruption prevalent in some narcotics units.

We agree that police training in narcotics control can be valuable even if the official is not working in a unit dedicated to narcotics control. However, we believe that a formal followup system would be beneficial. Such a system could not only be used to evaluate how participants are being used, but also, by obtaining participant feedback, provide valuable information to assess course effectiveness and future training needs.

DEPARTMENT OF STATE OFFICIALS SAY REORGANIZATION WILL HELP CORRECT PAST PROBLEMS

Department of State officials pointed out that the INC program has been inadequately coordinated in the past. According to these officials, one of the main reasons for this has been the fragmentation of responsibilities among the agencies involved. This fragmentation probably contributed to problems we noted with the training and equipment portions of the program. To correct this, the INC program is being reorganized. During fiscal year 1978, program components, formerly the responsibility of AID, will be transferred to the Department of State's Senior Advisor office. This will include the equipment and pilot crop substitution projects. Headquarters functions were transferred to the Senior Advisor office in October 1977, field functions will be transferred by April 1978, and support functions (such as auditing) will be transferred by the end of fiscal year 1978.

In addition, Senior Advisor office officials said they will take a more active role in the training program implemented by DEA and the U.S. Customs Service. DEA and the U.S. Customs Service have assigned a full-time liaison directly to the Senior Advisor office. Senior Advisor office officials hope that by centralizing program management many of the past problems can be corrected.

AGENCY COMMENTS

Because of congressional needs for the information in this report, we did not request written comments from the agencies in order to expedite its issuance. However, we did discuss it with DEA, the Department of State, and the CIA, and their comments and suggestions were considered in preparing the final report.

DEA told us that the report did not adequately reflect the value of its drug control efforts and accomplishments in South America. DEA officials said that their South American operations form an integral part of the overall drug control program.

The Department of State generally agreed with the report, but did not agree with our conclusions on the crop substitution program. The Department said that it was too early to judge the impact of its crop substitution efforts.

The CIA said that the report was accurate overall. It made several suggestions which were incorporated in the appropriate sections of the report.

HOST GOVERNMENT COMMITMENTS TO DRUG CONTROL

	1975	1976	1977
Colombia:			
Personnel.....	264	524	NA
Funds.....	\$2,260,000	\$3,341,000	NA
Peru:			
Personnel.....	NA	NA	110
Funds.....	\$559,000	\$539,000	\$658,000
Bolivia:			
Personnel.....	70	80	130
Funds.....	\$273,000	1,035,000	\$1,345,000

Note: NA—data not available. Available data supplied by respective U.S. embassies.

EQUIPMENT PROVIDED TO SOUTH AMERICAN COUNTRIES, FISCAL YEARS 1973-78 ¹

[Dollar amounts in thousands]

Country	Fiscal year					Total 1973-77	Planned 1978
	1973	1974	1975	1976	1977		
Argentina.....		\$345	\$44	\$13		\$402	
Bolivia.....	\$86	21	69	22	\$1,013	1,210	\$1,382
Brazil.....		125	191	178	280	774	
Chile.....		68	29		(²)	98	
Colombia.....	332	200	333	2,574		3,438	805
Ecuador.....	406	216	276	179	177	1,255	159
Panama.....	43	17				60	
Paraguay.....	28	14	4	3		49	
Peru.....		195	96	211		502	731
Uruguay.....	19	23	10			52	
Total.....	914	1,224	1,052	3,180	1,470	7,840	3,077

¹ Data provided by the Office of the Senior Adviser for Narcotics Matters. The year refers to the year of the funds used. Data includes only that equipment that has actually been purchased as of October 1977.

² Amount under \$500.

SELECTED EXAMPLES OF ITEMS PROVIDED

Country	Description	Amount	Fiscal year
Argentina.....	2 fixed-wing aircraft.....	\$120	1974.
Bolivia.....	60 jeeps, trucks, and sedans.....	602	1973-77.
	50 tear gas grenades, 9 revolvers.....	(¹)	1977.
Brazil.....	Various communications equipment.....	189	1977.
Chile.....	Various police equipment.....	265	1976 and 1977.
	8 trucks and sedans.....	35	1974.
Colombia.....	120 tear gas grenades, 25 pistols.....	(¹)	1974.
	98 trucks, jeeps, and sedans.....	531	1973-76.
	4 boats (17-23 feet).....	46	1974 and 1975.
Ecuador.....	3 helicopters.....	1,700	1976.
	404 narcotest kits.....	(¹)	1973-76.
	81 jeeps, trucks, and sedans.....	495	1973-77.
Panama.....	500 carbines, 231 revolvers, and 38 shotguns.....	(¹)	1973-76.
	4 sedans.....	14	1973.
Paraguay.....	3 jeeps and station wagons.....	17	1973.
Peru.....	21 trucks, motorcycles, etc.....	112	1975 and 1976.
	5 boats (17-23 feet, airboat).....	55	1975 and 1976.
Uruguay.....	120 pairs of handcuffs.....	(¹)	1976.
	5 trucks, jeeps, sedans, etc.....	(¹)	1973-75.

¹ Cost not identifiable.

PRINCIPAL OFFICIALS RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
Department of Justice:		
Attorney General:		
Griffin B. Bell.....	Jan. 1977	Present.
Edward H. Levi.....	Feb. 1975	Jan. 1977.
William B. Saxbe.....	Jan. 1974	Feb. 1975.
Robert H. Bork, Jr. (acting).....	Oct. 1973	Jan. 1974.
Elliot L. Richardson.....	May 1973	Oct. 1973.
Richard G. Kleindienst.....	June 1972	Apr. 1973.
Richard G. Kleindienst (acting).....	Feb. 1972	June 1972.
John N. Mitchell.....	Jan. 1969	Feb. 1972.
Administrator, Drug Enforcement Administration:		
Peter B. Bensinger.....	Feb. 1976	Present.
Peter B. Bensinger (acting).....	Jan. 1976	Feb. 1976.
Henry S. Dogin (acting).....	June 1975	Dec. 1975.
John R. Bartels, Jr.....	Oct. 1973	May 1975.
John R. Bartels, Jr. (acting).....	July 1973	Oct. 1973.
Department of State:		
Secretary of State:		
Cyrus Vance.....	Jan. 1977	Present.
Henry A. Kissinger.....	Sept. 1973	Jan. 1977.
William P. Rogers.....	Jan. 1969	Sept. 1973.
Dean Rusk.....	Jan. 1961	Jan. 1969.
Senior Adviser for Narcotics Matters:		
Mathea Falco.....	Feb. 1977	Present.
Sheldon Vance.....	Apr. 1974	Feb. 1977.
William Handley.....	May 1973	Mar. 1974.
Nelson Gross.....	Aug. 1971	Jan. 1973.
Central Intelligence Agency:		
Director:		
Adm. Stansfield Turner.....	Mar. 1977	Present.
George Bush.....	Jan. 1976	Jan. 1977.
William E. Colby.....	Sept. 1973	Jan. 1976.
James Schlesinger.....	Feb. 1973	July 1973.
Richard Helms.....	June 1966	Feb. 1973.
Agency for International Development:		
Administrator:		
John J. Gilligan.....	Mar. 1977	Present.
Daniel Parker.....	Oct. 1973	Mar. 1977.
John A. Hannah.....	Mar. 1969	Oct. 1973.
Department of the Treasury:		
Secretary of the Treasury:		
W. Michael Blumenthal.....	Jan. 1977	Present.
William E. Simon.....	May 1974	Jan. 1977.
George P. Shultz.....	June 1972	May 1974.
John B. Connally, Jr.....	Feb. 1971	June 1972.
David M. Kennedy.....	Jan. 1969	Feb. 1971.
Commissioner, U.S. Customs Service:		
Robert E. Chasen.....	July 1977	Present.
G. R. Dickerson (acting).....	May 1977	July 1977.
Vernon D. Acree.....	May 1972	Apr. 1977.
Edwin F. Rains (acting).....	Feb. 1972	May 1972.
Myles J. Ambrose.....	Aug. 1969	Feb. 1972.

[From the Washington Post, Mar. 11, 1978]

COLOMBIA TO ATTACK TRAFFIC IN COCAINE

(By Alfonso Chardy)

BOGOTA, COLOMBIA.—Cocaine smuggling from Colombia, with the United States the main destination, has become so important that it rivals coffee as the country's largest export, law enforcement officials say.

Colombia supplies 70 percent of the illegal cocaine consumed in the United States, with most of the rest coming from other countries in Latin America. Some estimates put the value of the drug smuggled out of the country last year at \$1.5 billion, equal to coffee earnings.

Some economists believe the record 29 percent inflation last year in Colombia was due as much to the influx of drug money as to skyrocketing coffee prices. Sociologists think the increase in the amount of illicit money, mostly dollars, has given growth to a new upper middle class.

Colombia, fearing that the situation eventually may threaten the stability of the government, has created an anticocaine strike force to be trained by Americans. The United States has invested \$600 million dollars in Colombia since 1974 to combat the drug trade and as much as \$600 million more may be added in the next two years, officials said.

A kilogram (2.2 pounds) of cocaine in Colombia is priced at between \$12,000 and \$15,000. In the United States it can bring as much as \$700,000.

The coca bush, the leaves of which provide the raw material for the drug, grows in Colombia, but the local variety is said to be poor. Higher quality leaves come from Peru and Bolivia, where they are reduced to paste and smuggled into Colombia.

In Colombia, it is processed in laboratories throughout the country.

Most of the cocaine destined for the United States leaves Colombia by boat. Florida is the main point of arrival.

Colombian authorities said they arrested 7,342 persons on drug charges in 1977 and confiscated 15,604 pounds of cocaine and 529,491 pounds of marijuana. There are 39 Americans in Colombian jails, mostly on charges of dealing in cocaine.

[From the New York Times, Mar. 19, 1978]

COLOMBIA IS STILL THE GEM OF THE COCAINE TRAFFIC

(By David Vidal)

CARTAGENA, COLOMBIA.—Three centuries ago, incalculable wealth in gold, emeralds, pearls and silver traveled on the annual treasure fleet from the Spanish Main to Europe from fortresses that still stand in this balmy Caribbean port. But that great treasure was small compared with the hundreds of millions of dollars in illicit cocaine flowing now from Cartagena. It is the most important staging point of Colombian-produced cocaine, which accounts for almost three-quarters of the amount consumed in a United States market that is worth several billion dollars a year and growing. Authorities in the two countries have succeeded in stopping no more than 10 percent of the annual shipments, estimated at 20 to 40 million tons.

The domestic impact in Colombia has been serious, contributing to doubts about the future of the nation's democracy. Drug traffickers have not only emerged as a powerful new economic class—the trade brings in more than \$1 billion annually and surpasses the value of coffee exports, the main legal source of foreign exchange—but have also become a powerful political force, with corrupt collaborators at almost every level of government. This was an issue in the recent parliamentary elections and promises to be important again as the Liberal and Conservative Parties campaign for the June 4 Presidential elections.

Colombia does not grow the coca leaf, from which cocaine hydrochloride is produced, but it is in Colombia that coca paste from Bolivia and Peru is refined in clandestine laboratories and smuggled by air and sea to Tampa, New York, New Orleans, Houston and San Francisco. Cartagena is the main smuggling center; other include Buenaventura on the Pacific and Turbo on the Caribbean just below Panama.

Profits are astronomical. A kilo of cocaine purchased for \$5,000 in Bolivia may sell at wholesale in Colombia for \$50,000 and at retail in the United States for \$300,000, according to drug enforcement agents.

In Colombia, the trade is said to be controlled by 25 traffickers called "padrinos," or godfathers. Colombian and American agents believe these "mafias," as the Colombian press calls them, are so strong that they now buy rather than rent their own boats and planes and have established control of banks in Florida with funds that flow in from Panama, the Cayman Islands and Switzerland.

The Colombians earn far less than a third of the eventual profits in cocaine; the lion's share goes to the North American underworld. Still, they have enough funds to buy off judges, policemen, customs agents and drug enforcement officials, some of whom are said by knowledgeable agents to be at the highest levels of Colombia's political structure. Officials who cannot be bought may be intimidated or even killed. Last year in Cali, a judge who was about to sentence a big trafficker was assassinated at a legal seminar.

Both Liberals and Conservatives charged that drug money influenced the recent campaign for Parliament, in which votes were allegedly bought for \$10

apiece, particularly in the Atlantic coast smuggling areas. But cocaine is not generally a partisan political issue. Conservatives and Liberals agree that the trade and its attendant moral erosion are as grave a question as inflation and unemployment.

They also agree that control is the responsibility not only of the seller but also of the buyer, and they want continued help from the United States, "For drugs to have an export capacity there has to be demand, so that in both the country that consumes and the one that exports there has to be greater interest in control," said Julio Cesar Turbay Ayala, the Liberal candidate and likely future President. Belisario Betancur, the Conservative candidate, says "There are no magic formulas," and bases his campaign on a theme of national moral rejuvenation.

A specific and controversial step against cocaine was taken in January by the Government of President Alfonso López Michelsen, a Liberal who is barred by law from succeeding himself. A decree was issued that practically absolves the security forces of blame for death and injury in operations against kidnapers and drug smugglers. But the Attorney General says the decree is unconstitutional.

The United States has spent \$6 million since 1973 to train and equip Colombian drug-enforcement personnel. Last October, what was described as the largest cocaine bust in history took place in Cartagena when 731 kilos, worth \$11 million at Colombian prices, was seized with the help of three helicopters given to Colombia a month earlier by the United States. Early this year, using the same helicopters, authorities seized 165 tons of marijuana—worth \$100 a pound—after a shootout in the remote Guajira Peninsula.

By and large, however, control efforts have failed. Corruption is one reason; a more important one may be the authorities' inability to keep important figures in jail. Besides the intimidation problem, a lack of conspiracy statutes makes it difficult to prosecute anyone not caught in actual possession of the narcotic.

And then there is the virtual impossibility of controlling the cultivation of the coca leaf in Peru and Bolivia. Millions spent in those countries by the United States for crop substitution have produced no significant results. It takes 250 to 300 pounds of leaves to produce a kilogram (2.2 pounds) of cocaine, but there is more than enough raw material. Authorities in Bolivia, where cultivation is traditional and legal, estimate coca leaf production at about 30,000 to 35,000 metric tons a year, of which 80 percent goes to the illicit market. Production in Peru is believed to be even greater.

In both countries, peasants in isolated growing areas earn small amounts from selling to traffickers. But the chewing of coca leaves in religious ceremonies, and to relieve the effects of altitude, cold, fear and hunger, has been part of life for more than 3,000 years of highland Indian culture.

A final, major problem in cocaine control is simple efficiency. Along the pier in Cartagena, five gray cutters contributed for customs work years ago by the United States lie inoperative because of poor maintenance. Meanwhile, a Colombian officer estimates that of every 10 ships in the harbor, 9 leave with some cocaine. "We cannot even think in terms of stopping the trade," a pessimistic official said, "but we can keep the pressure up in the hope that the price will stay high and fewer people can get it."

[From the New York Times, Mar. 21, 1978]

U.S. INDICTMENTS TELL OF SWIMMERS AND SHIPS AND MURDER FOR COCAINE

(By Max H. Siegel)

Carlos (Pepo) Riascos, a 24-year-old native of Buenaventura, Colombia, stowed away on a freighter bound for New York in 1973 "to get rich or die."

He died.

Pepo's throat was slit one night in May 1974, as he was pulling himself out of the East River to a dock near Pier 3 in Brooklyn with a bag containing several packages of cocaine. The drugs had just been lowered to him in the water by an accomplice aboard the Ciudad de Bogotá, a Gran Colombiana Line freighter. The hijackers who killed Pepo seized the cocaine and then pushed his body back into the river.

Over the weekend, agents of the Drug Enforcement Administration rounded up 24 persons named in sealed indictments as being involved in the Colombian drug

trade. They represent part of one of the largest groups of conspirators accused as a result of a single narcotics investigation, according to Barry E. Schulman, an assistant United States attorney who will handle the prosecution.

In all, about 90 people, here and in Colombia, are named in three indictments unsealed by David G. Trager, the United States Attorney in Brooklyn, and in a fourth that is expected to be handed up in a few days.

The indictments, covering every level of the drug trade, from swimmers to buyers and producers, are a result of an 18-month investigation that moved into high gear last May when the drug-enforcement agency set up Central Tactical Unit 18.

Centac, as the unit is called, has been working closely with the New York City Police Department, the New Jersey State Police, United States Customs and the United States Coast Guard.

Pepo, Federal officials said, was one of dozens of Colombians seeking to break out of the poverty cycle by smuggling themselves into the United States to become part of the highly lucrative traffic in cocaine.

STOWAWAY'S BID FOR FORTUNE

Another native of Buenaventura, given the name Marco Santos, also came to New York as a stowaway in 1972 to make his fortune. He nearly succeeded.

After the young Colombian sneaked ashore, he told Federal officials later, he went to the Tunnel Bar at Smith and Bergen Streets in Brooklyn, a meeting place for black Colombians. He met a dealer in cocaine and was offered a job as a swimmer, one of the men used to recover cocaine dumped overboard or lowered into the water after a ship is docked.

In a short time, young Santos said, he was able to send home \$50,000 he had received for several assignments that involved recovering 25 kilograms of cocaine lowered into the East River from various GranColombian Line vessels. The normal pay for swimmers, Federal officials say, is about \$2,000 for each kilogram.

Santos' prosperity came to an abrupt end when he tried to sell some cocaine. One buyer turned out to be an undercover agent of the Drug Enforcement Administration and Santos landed in jail.

To avoid a harsh sentence, Santos has agreed to testify for the Government against eight accused swimmers, who are being indicted for the possession and transportation of cocaine.

Late Friday, José Esteban Cambindo, regarded by law-enforcement authorities as one of the largest importers of cocaine in the country, was seized in Houston. Mr. Esteban Cambindo is believed by drug agents to head a 17-member organization that included swimmers and sub-distributors.

Profits in the cocaine trade are enormous. A kilo of cocaine purchased for \$5,000 in Bolivia, where it was grown and processed, may sell at wholesale for \$50,000 in Colombia and retail in the United States for \$300,000.

FIVE DISTRIBUTORS IN COLOMBIA

The investigators say they have traced most of the cocaine brought into this country to five major distributors in Colombia. But they note that the Colombian Government has taken no action against them, saying that it has lacked proof.

Bernard J. Fried, chief of the Criminal Division of the United States Attorney's office in the Eastern District, said that, in efforts to hurdle this barrier, indictments containing the evidence Colombia needs have been drawn up. Soon, officials representing United States Attorney Trager, the Drug Enforcement Administration and the State Department will deliver this evidence to President Alfonso López Michelsen of Colombia and ask him to start prosecution.

The President of Colombia already has been approached on the drug problem by top United States officials. Peter Bensinger, head of the Drug Administration, and Peter Bourne, the White House expert on narcotics, both have held discussions with President López Michelsen.

And, Federal officials, say, during her visit to South America last summer, Rosalyn Carter, the President's wife, took up with the Colombian President the question of halting the flow of cocaine into this country from Colombia.

What complicates the problem, in the view of law enforcement officials here, is that most of the cocaine is being brought here aboard vessels of the GranColombiana Line, which is owned by the Colombian Government.

Our records show dozens of seizures on these ships since the 1960's in quantities ranging up to 50 kilograms," said David A. DePetris, the assistant United States attorney in charge of drug prosecutions in the Eastern District. "Recently, there have been indications that the loads have increased to 60 and 80 kilograms."

MORE SWIMMERS NEEDED

It's because of the larger shipments, Mr. DePetris says, that more and more swimmers are being used to get the cocaine ashore.

"A seaman used to be able to strap a few kilograms of cocaine to his body and then just walk ashore," Mr. DePetris said, "but you can't do that with a 50-kilogram load."

According to John W. Fallon, regional director of the drug agency, "swimmers are at the bottom of the ladder in the smuggling of dope, and that's why those are the easiest jobs to get for a newcomer."

The relatively high pay, Mr. Fallon says, is accompanied by equally high risks. "There aren't only the hijackers," he explains. "There also are the customs patrol and our men, and finally, there are the drug dealers, themselves."

"Swimmers usually go out in pairs," Mr. Fallon said, "one to watch the other. And if the fellow in water comes up short, he'll probably be killed by the guy who sent him who's going to feel the swimmer ripped him off."

Drug administration agents cite the case of one swimmer who came up nine kilograms short. He was shot, they said. "But the rewards are so high that drug dealers never lack swimmers," an agent said.

To avoid detection swimmers use dark wet suits that blend with the river waters. And one, drug agents reported, used to arrive at the pier in a car accompanied by a couple. When he slipped out to enter the water, the couple started necking so that any officer on patrol would not think of linking the parked car to a drug haul.

DEALS MADE IN QUEENS BARS

Most of the deals for picking up the cocaine and distributing it are made in bars in Jackson Heights, Queens, which has a large Colombian population. Federal officials say. They identify the bars as the Septimo Cielo, El Canario and La Favorita.

The Tunnel Bar in Brooklyn used to be a meeting place. Drug administration officials say the owner, the cook and the bartender there had been identified as drug dealers, but the bar is now closed.

The customs patrol, the drug administration and the United States Attorney in Brooklyn, convinced that the cocaine the swimmers get comes from Gran Colombiana Line ships, have adopted a policy of trying to get there first. One result is that, unlike other vessels docking here that get spot inspections, every Gran Colombiana Line ship is searched.

The teams of eight agents and a supervisor carefully comb the vessels, using special angled mirrors to look into hundreds of hidden recesses behind bulkheads, under decks and above the overheads.

"There's no way you can effectively search a large ship," Mr. DePetris said. "Each is about the size of a five-story building a block long. Each has hundreds and hundreds of small recesses. And a kilogram of cocaine takes up no more room than a bag containing about two pounds of sugar."

One way to combat the drug traffic, Mr. DePetris said, would be to seize the ships. He noted that once the Customs Bureau held a ship for five days, costing the line \$500,000.

"But, there are problems with ship seizures," he explained. One is the reluctance of the State Department to approve such actions lest they harm relations with a South American neighbor. The other is the legal requirement that a ship captain know his vessel was carrying drugs before it could be seized.

"We just keep doing the best we can," Mr. DePetris said.

[From the Daily News, Mar. 22, 1978]

DIPLOMACY BUSTS COLOMBIA-UNITED STATES DRUG RINGS

(By Paul Meskil With Robert Lane and Marcia Kramer)

Federal officials disclosed yesterday that they had used "shuttle diplomacy" to persuade the government of Colombia to help smash huge drug rings that smuggled \$1 billion worth of cocaine into the United States.

The officials announced the indictments of 61 alleged dope smugglers, most of them Colombian nationals, in the first major test of Colombia's promised cooperation.

As many of the suspects live in Colombia, it will now be up to their government to arrest and prosecute them on the basis of evidence obtained by the U.S. attorney's office in Brooklyn and the U.S. Drug Enforcement Administration.

Thirty-two of the suspects are in custody in this country, 17 are being sought here and the rest are believed to be still in Colombia.

WORTH \$150 MILLION

The suspects are charged with importing and distributing more than 1,000 pounds of cocaine, worth \$150 million on the illegal retail market, over the last 10 months. Investigators said the defendants belong to five Colombian crime families that smuggled more than \$1 billion in drugs into East and West Coast ports in the last several years.

The smugglers reportedly used 16 cargo vessels of Gran Colombiana lines, owned by a company that is controlled by the Colombian government, and eight cruise ships to transport huge dope shipments to the U.S., Canada, and Mexico. Colombian drugs were shipped to New York, Philadelphia, Baltimore, Miami and Jacksonville, Fla., New Orleans, Houston, Los Angeles, San Francisco, Portland, Oreg., and Seattle, Wash. In most cases, water-tight containers of drugs were dropped off as the ships approached port. Divers later retrieved the narcotics.

The "shuttle diplomacy" was begun in November 1975 when Assistant U.S. Attorney Bernard Fried, chief of the criminal division in the Brooklyn office, went to Botota, with representatives of the Drug Enforcement Administration and the State Department. They conferred with the attorney general of Colombia and other high-ranking officials.

After several such trips, the Colombian government agreed to cooperate in a widespread international crackdown. Previously, Fried said, Colombian officials had refused to prosecute Colombian dope dealers, claiming insufficient evidence. But Fried and the Drug Enforcement Administration promised to provide all the evidence they needed.

Fried said the three indictments announced yesterday as well as evidence would be forwarded to the Colombian government through diplomatic channels. "Can you imagine the international repercussions if Colombia refuses to prosecute?" he added.

The defendants reportedly include at least 10 leaders of the five dope rings. Besides the 61 suspects named in the first three indictments, about 30 more are expected to be indicted in the next few days.

Four suspects were arrested here. They were identified as longshoreman Thomas Esposito, 34, of 1917 E. 32d St., Brooklyn, and three Colombians—Jesus Lozado and his wife Rosalinda, both 28, of 201 Amity St., Brooklyn, and Zohie Perez, a beautician of 75-77 41st Ave., Jackson Heights, Queens. Esposito was held in \$50,000 bail. Bail for two of the Colombians was set at \$100,000 each; Mrs. Lozado was released on a personal recognizance bond because she is nine months pregnant.

Investigators said Colombian drugs were sold in the El Canario and La Favorita bars in Jackson Heights and the Septimo Cielo (Seventh Heaven) cocktail lounge in Woodside, Queens.

The lounge was closed when a reporter called yesterday afternoon but an employee of a real estate firm across the street said "Everyone in the neighborhood knows the drug trade goes on there."

[From the U.S. News & World Report, Mar. 27, 1978]

BATTLE AGAINST DRUGS TAKES TO THE SEAS

Guns, computers—and noses—are among resources being used to fight growing narcotics trade, with the emphasis on stopping it off U.S. shores.

The U.S. government is mustering its forces for an all-out battle on the high seas against a new breed of smugglers carrying narcotics and drugs and armed with space-age technology.

At stake is a 16-billion-dollar-a-year business in marijuana, heroin and cocaine that is flooding America's shores from such countries as Colombia, Mexico and

Thailand. As curbs on smuggling by air have tightened, this nation's crime czars increasingly are turning to the sea-lanes to get their cargoes through the federal net.

Using techniques similar to liquor smuggling in the Prohibition era, overseas shippers load small freighters and yachts with dope and sail up the U.S. coastline, transferring cargoes to small boats from the mainland.

Often the freighters, dirty and drab on the outside, are equipped with sophisticated radar and electronic eavesdropping devices to contact cohorts ashore and evade the police.

As a result, the federal government has linked four agencies—the Drug Enforcement Administration, the Coast Guard, the Board of Customs, and the Federal Bureau of Investigation—for a unified campaign against drug traffic.

Federal agents also have ultramodern devices, including a computerized intelligence center in El Paso, Tex. But government officials say some of the best results come from old-fashioned detective work on the streets involving informants and intuition.

THE REWARDS, SO FAR

Already there has been a substantial payoff from the efforts. Nationwide seizures of marijuana rose in 1977 to 335,452 pounds, worth more than 100 million dollars, compared with 234,116 pounds in 1975. Since Dec. 20, 1977, federal officials have confiscated more than 600,000 pounds of marijuana—well above the previous rate of about 10 percent of marijuana entering the U.S.

During 1977, agents also seized 399 pounds of cocaine, valued at 270 million dollars, and 488 pounds of heroin worth 140 million. The crackdown on heroin, which is DEA's No. 1 target, caused nationwide shortages, driving up street prices to a record high.

Investigators say the inflated price of hard drugs and an increasingly lenient attitude in the courts toward marijuana use are the main reasons why consumption of "grass" has increased.

A growing part of the fight against the traffic is waged from Miami, the first big U.S. port along the main Atlantic routes from Colombia. Officials say that country is now America's biggest source of marijuana, replacing Mexico, which was persuaded by the federal government to crack down on suppliers. Similar attempts have failed in Bogota because the Colombian government is too preoccupied with other problems, according to diplomats.

In recent months, more marijuana and cocaine have been intercepted by customs agents in the Miami region than in all the rest of the nation. On a typical midwinter day, the Coast Guard, acting on information from informants in Colombia, halted a small freighter, the *Piter*, 125 miles west of Miami. Hidden from sight in its hold were cardboard cartons, marked with the names of Japanese TV sets, that actually contained 12,000 pounds of marijuana. The ship and its 12-man Colombian crew were detained in Miami.

As the *Piter* case demonstrates, the cultivation of informants plays a big role in the fight. Federal agents inside and outside the U.S. encourage people with knowledge of the drug trade to come forward with information that sometimes leads to rewards of up to \$50,000. The DEA alone has 2,100 agents in the U.S. and 47 other nations.

A growing bank of information indicates that some trade is handled by the Mafia, but U.S. officials say other smuggling operations are headed by Cuban Americans and others with connections in Latin America and the Orient.

There is no shortage of recruits for the traffic. Lured by pay of up to \$50,000 per trip, many sailors, laborers and others are willing to risk arrest that often brings prison sentences of five years or more.

"GET AWAY WITH IT"

Sometimes foreigners also are jailed, but often they are quickly returned to their countries where they frequently re-enlist for more smuggling.

"We arrest some of those people time and time again," complains one federal official, "but they get away with it because of the complexities of international law."

Huge profits involved in the drug business make it possible for shippers to buy and sell vessels freely. Many seized ships are never reclaimed and are simply written off as minor losses by the smugglers. Some of the fastest vessels now are used by federal agents; others have been sold at auction.

Despite all such efforts, critics maintain that the war against drugs fails short of expectations. Some lawmakers, such as Representative Mario Biaggi (D-N.Y.), a former policeman, contend that federal agencies should work together more closely and spend more time intercepting contraband.

One difficulty cited is that the Coast Guard, responsible for boarding vessels seized at sea, is thinly spread with duties that also include searching for and rescuing ships in trouble. Some lawmakers favor providing that service with more sailors and vessels to expand policing operations.

There is also widespread dismay over the lack of cooperation by countries such as Colombia and Thailand in cutting off drugs at the source. Many federal officials feel that such efforts, coupled with tougher law enforcement and prosecution in the U.S., are essential to cutting the narcotics traffic to a minimum.

Yet many are encouraged by recent developments, including the spurt in large seizures.

Says Frederick A. Body, Jr., Miami regional director of the DEA: "We're facing an avalanche of drugs, and it's hard to get it all stopped. But we must stop it, and we will stop it."

HIGH-SEAS DRAMA WHEN "NIGHT TRAIN" WAS SEIZED

MIAMI.—Even normally unruffled senior officials of the U.S. Drug Enforcement Administration were excited. They had just received indications that months of undercover investigations of marijuana trafficking along the Atlantic Coast were about to pay off in an unexpectedly big way.

Weeks before that January day in 1977, DEA agents had made contact with a suspected illegal drug distributor in south Florida. Believing the agents were sailors anxious for extra money, the drug dealer offered them \$50,000 each to smuggle a cargo of marijuana ashore from a small freighter—one of many engaged in such deliveries at points between Key West and Maine.

The agents were ready with a rented white fishing boat when instructions to sail came from their contact. Disguised as ordinary fishermen, six dungaree-clad agents of the DEA, the U.S. Bureau of Customs and the Florida Marine Patrol headed east past the Bahamas.

There was no ship in sight when they arrived at the assigned position. They waited nearly a day until an airplane appeared, circled and instructed the boat to follow. They did so and, half an hour later, caught sight of a small, decrepit freighter.

"It was really a sight," said one of the agents. "For months we'd heard about a ship called the *Night Train* that was supposed to be dropping off marijuana along the coast, and all of a sudden here it was.

The vessel was painted a fading greenish-gray with its name nearly obscured. It was obvious to the American agents that the *Night Train* crew had made a clumsy attempt to conceal the ship's identity. Adding to the state of general disrepair was a dented bow rail, which indicated that the ship had collided with someone in the recent past.

"What a tub this is!" one of the agents whispered to a colleague.

The agents wanted to establish a legal basis for seizing the ship in international waters, which in this case involved transfer of marijuana to the fishing boat and delivery of food from the mainland to the freighter.

The Colombian captain of *Night Train* agreed to transfer some of the cargo immediately, but decided to wait until nightfall to finish so that detection by air would be difficult.

Recalls one DEA official: "We took on about 6,000 pounds of the parcels, and then backed off, agreeing to wait until dark to finish."

Undetected by *Night Train*, a federal agent aboard the fishing boat turned on a small radio transmitter that broadcast a steady beam imperceptible to the freighter. It was a signal to the U.S. Coast Guard cutter *Dauntless* standing by about 100 miles away. The American vessel turned a direction finder on the radio beam, and began a long dash for the freighter.

"When it got dark, the captain of the *Night Train* began to radio for us to come alongside and pick up the cargo," a DEA agent said. "We pretended we were having radio trouble—we'd flip it on and off in the middle of sentences, and swear at it like crazy."

It was a rude shock for the *Night Train* when the *Dauntless* came into view with its lights blazing. Observed J.C. Uithol, captain of the *Dauntless*: "As we were approaching, *Night Train* turned hard to port and tried to ram us. They

were throwing evidence over the side. We fired three machine-gun bursts ahead of them, but they kept going. Then we fired our 3-inch gun. That got their attention. They stopped, and we boarded."

The freighter contained 108,000 pounds of marijuana worth about 33 million dollars—one of the biggest seizures in U.S. history.

The *Night Train's* 13 Colombian crewmen were tried and convicted in a U.S. district court and sentenced to prison terms of two to seven years. Five persons picked up on shore received sentences of up to nine years. The vessel itself was never reclaimed, and the government sold it at auction for \$90,000.

[From the Washington Post, Mar. 30, 1978]

COCAINE TRAFFIC SEEN ON RISE

Cocaine is being smuggled into the United States in increasing amounts and efforts to stop it are being hampered by government corruption in some South American countries, congressional auditors said yesterday.

"The international drug-control program in South America has had a minimal effect on the drug flow," the General Accounting Office said in a report.

The report said U.S. officials believe that one of the chief obstacles to the program "is corruption in South American governments . . . especially . . . in the principal trafficking country, Colombia, where corruption is present at various levels and places in the government, including the judiciary and the police."

According to the report, nearly all the cocaine smuggled into the United States is grown as coca in Peru and Bolivia, and processed into cocaine in Columbia.

The report also said that Drug Enforcement Administration officials believe Colombia has surpassed Mexico as the principal supplier of marijuana to the United States. It said DEA estimates that retail sales of marijuana and cocaine grown or processed in Colombia total \$6 billion, and that illegal drug trafficking puts \$1 billion into the Colombian economy each year.

[From the New York Times, Apr. 9, 1978]

SOUTH FLORIDA BECOMES A MECCA FOR DRUG SMUGGLERS

(By George Volsky)

MIAMI, April 8.—It was according to drug enforcement agents, a fairly routine March weekend in south Florida.

That Saturday policemen entered a residence here and seized almost \$1 million in cash and 56 pounds of high-grade cocaine. Several hours later, at the Marine Stadium, three miles from downtown Miami, four men overpowered a night guard and transported from a boat to a truck what appeared to be a large shipment of marijuana; then they fled. A dozen miles down the coast, Florida Marine Patrol officers discovered an abandoned boat that had run aground on a sandbar with 13 pounds of marijuana on board.

On Sunday, a 110-foot Panamanian freighter, reputedly one of several large "mother ships" that make regular marijuana runs from South America to Florida, sank off Fort Pierce, about 100 miles north of here. The Coast Guard, which rescued her crew, found dozens of bales of marijuana floating nearby.

LATIN COCAINE AND MARIJUANA

For the last several months hardly a week has passed without large seizures of narcotics in south Florida, which agents describe as the principal point of entry for Latin America cocaine and marijuana.

Peter B. Bensinger, administrator of the Federal Drug Enforcement Administration, said late last month that the volume of narcotics seized in south Florida in the first three months of this year was almost as large as the total for all of last year.

"Despite stepped-up law enforcement, in the last two years the increase in the influx of drugs into our area has been fantastic," said Lt. Don Skelton, chief of the narcotics section of the Dade County Public Safety Department. "Drug smuggling has become the biggest single economic activity in south Florida."

While there appears to be a better coordination among agencies in the field, the experts are under no illusions. "Things are out of control," said Don Turnbaugh, chief of the United States customs patrol. "We are dealing in hundreds of pounds of cocaine, hundreds of tons of marijuana, hundreds of boats seized and hundreds of people arrested. To think of stopping them is absurd. At best, we are fighting a holding action."

CHIEF ORGANIZERS IDENTIFIED

Narcotics agents have identified two dozen men in Miami and the Colombian cities of Bogota, Medellin and Cartagena as being the principal organizers of drug smuggling into the United States. But these men are said to be so well isolated from the second and third levels of wholesalers that they are practically beyond the reach of the law.

Agents believe, for example, that seven Latins arrested here two weeks ago with \$1 million in cash and 56 pounds of cocaine were low-echelon wholesalers operating in just one section of the town.

According to the experts, it is relatively easy to airdrop a medium-size load of cocaine or marijuana on an isolated Florida farm or in a mangrove area along Florida's 1,350 miles of coast.

It is virtually impossible, the authorities say, to check adequately about three million passengers arriving from abroad annually at Miami International Airport, among whom there are many "mules," or drug carriers who charge \$3,000 to deliver a kilo of cocaine to an intermediary in Miami.

"CAN DO VERY LITTLE"

"We can do very little to intercept that traffic once it reaches land," said Lieutenant Skelton. "We have only 80 men, 13 cars and a dozen antiquated radios, and we are the biggest antidrug unit in the state. Yet we have to confront drug dealers who have the best cars, boats, safehouses and all that money can buy, including the best legal advice. Sure, we arrest some carriers and users, but we are still trying to get to the important dealers."

"There was a time when the 'French connection' people controlled 85 percent of the heroin business and would not allow any competition," said Frederick A. Rody Jr., regional commissioner of the Drug Enforcement Administration. But, he said, with the decline of heroin smuggling, the nature of the drug operation has changed completely. "Marijuana and cocaine entrepreneurs come now from every conceivable walk of life," he said. "They are corporation presidents, priests, ministers, rabbis, college professors, socialites, housewives, students." Earlier this year, a circuit judge in north Florida was convicted of conspiring to sell 1,800 pounds of marijuana.

"Thousands of men and women are willing to take this risk because the profits are enormous and the risk is low," said Mr. Rody, who added, "One-third of D.E.A. violators never go to jail."

[From Atlanta, May 1978]

GEORGIA: AMERICA'S MARIJUANA FUNNEL

(By Robert Coram)

The coast of Cuba was visible straight ahead when the smuggler flying the sleek twin-engine AeroStar cursed and pushed the nose over in a high-speed dive. He had waited too long before descending from 11,000 feet. He knew Cuban radar had picked him up and MIGs were being scrambled for an intercept.

Behind the pilot, wrapped in green plastic and heavy brown burlap emblazoned with the bright flag of Colombia, was more than a ton of high-grade marijuana. The heavy sweet smell of the freshly compressed leaves filled the overloaded aircraft.

The pilot was a doper, a trafficker. If he could reach the road in the remote subdivision south of Orlando where he was to land, two vans and a camper were waiting to off-load the dope and move it to Colorado. The pilot would be \$25,000 richer for about 12 hours work.

Chances of reaching the Florida landing zone were slim. He was short on fuel or he wouldn't have taken the shortcut across Cuba. Nothing had gone right since he took off from the dirt strip near the north end of Colombia's Guajira peninsula.

The first half of the round-trip flight had gone smoothly. The pilot had left Florida at 1 a.m. The aircraft had been cleaned with a "beeper sweeper" to make sure state or Federal officers had not planted a homing device. When he cleared the Florida coast, there had been no coded transmission from the Air Route Traffic Control Center. A controller was on payroll to let smugglers know if radar scopes indicated a plane with a transponder broadcasting on a secret frequency. Drug Enforcement Administration agents were sneaky about planting hot transponders on suspicious aircraft.

He'd been a doper too long to do anything suspicious. Seats in the aircraft were taken out at night so no one would notice. Windows were not taped over or curtains drawn. No illegally installed auxiliary fuel tanks were aboard. No big roll of money was flashed when he gassed up.

The pilot had climbed to 27,000 feet and made the 1200-mile trip down south in five hours. His throat was raw from using oxygen.

He had been given a "window"—a three-hour time frame in which to land at a designated air strip in Colombia. He made it easily. If he'd missed the window or approached the field from the wrong direction, he might have been shot on landing.

If dopers run into bad weather over the Guajira peninsula, miss their window, or become confused about which is the right air strip, they never land and ask directions. They turn and run 110 nautical miles east to Aruba. Police there pop them in jail for a day or so and release them.

More knowledgeable dopers—if they have the gas—fly southwest 170 nautical miles to Simon Bolivar Airport in Santa Marta, Colombia. Colombians treat dopers better. Even so, smugglers always overfly the peninsula town of Riohacha. The few who landed there were jailed until they paid a \$5,000 fine. Then the jailers supervised loading dope on their aircraft.

The Guajira peninsula is a wild and remote desert cut off from the interior by 18,000-foot mountains. It is a combination of the Yukon Territory, the Barbary Coast and Dodge City. The only law is the gun. The only business is smuggling.

Everything is smuggled. The primary product is dope—dope grown behind Santa Marta and on the fertile plains southeast of Bogota. Those who smoke marijuana—and they are legion—consider Colombian marijuana close to the best.

It is trucked by the ton through a narrow valley to docks and airstrips on the peninsula. DAS—Colombian police—provide vehicles, personnel and security for moving the dope. DAS officers sometimes supervise Indians who do the growing, processing, baling and loading.

Smuggling accounts for at least 15 per cent of the Colombian economy—enough that officials say dope-connected corruption is so widespread it is out of control. Colombian officials as high as cabinet level have publicly been connected with smuggling.

Federal sources report Mayor Pedro Divilla of Santa Marta closes the city airport each night to commercial traffic and opens it to smugglers. He is said to be taken by cab to each aircraft for his money.

Almost 3,000 fugitives from U.S. smuggling-related charges have found sanctuary in Colombia. The country will not extradite them to the United States. But the Colombian government does ask for more than the \$3-4 million it has been receiving yearly from America to combat smuggling. "Send more money, Uncle Sam," is Colombia's message to the United States.

Colombia's Guajiran Indians have been poor for generations. Smuggling brought prosperity. No one wants to return to fishing and farming. The Guajiros have served notice on the Colombian government to stay off the peninsula. They have the firepower to back up the order. Many Indians carry an automatic rifle—usually the M-16 or AR-180—and have a Colt .45 or 9 mm Browning automatic stuck in their belt. The pistols are gifts from dopers.

Guajiros have grown more belligerent since the U.S. began putting pressure on the Colombian government to stem the flow of dope. Several months ago a general from another district overflew the Guajira in his helicopter and drew fire from an automatic weapon. He called in his soldiers, set up a roadblock, killed a half-dozen Indians and flew away. This is the land that invented macho.

The pilot of the AeroStar was careful to follow procedure when he approached the landing strip. He'd flown into most of the 16 major dope-running airports slashed out of the desert east of Riohacha. It was confusing the first few flights. Nine of the airports are located within five miles of each other. This time he was landing at Twin Lakes—so named for two small lakes off the end of the strip.

Now that he knew the country better, it was easy to orient himself. West of Riohacha the land is covered with thick vegetation. East of Riohacha the desert stretches to the tip of the peninsula.

The pilot was nervous on his final approach. An airplane had exploded and was burning alongside the runway. It was on the edge of a hole freshly gouged from the sandy soil.

When he landed, the pilot was told the burning aircraft had banged its landing gear and couldn't take off. It was torched. Remains would be pushed into the hole with a bulldozer. Twelve mounds marked graves of aircraft that had met similar fates. It is easier to buy another plane than to fly in a mechanic. Every landing strip in the Guajira has a bulldozer and mounds along the runway.

Dopers know if their overloaded planes are damaged or if a pilot is injured, dope lords will provide free medical attention and a ride to Barranquilla. There, smugglers are given a first class ticket aboard AeroCondor, the national airline, and sent to Miami. Pilots tell Immigration they fell off a ship and lost their passport. Immigration passes them straight through.

The doper and a crew of heavily-armed Indians refueled the AeroStar, then jammed it full of 50-pound bales of marijuana. The 200-pound bales were for freighters and large multi-engine aircraft.

Rules of aircraft load limits are ignored in the dope business. The only rule is to pack aboard all the dope and gas the plane will hold and then hope it gets off the ground. But Twin Lakes has a 7,000-foot runway so the pilot was not worried about getting off.

Once he had brought \$100 bills by the bags full to pay for dope in the Guajira. Colombians like \$100 bills. Dopers always grin when they hear there is a shortage of these bills back home.

He also had flown guns to Colombia in exchange for marijuana. Guns go down, and dope comes back.

The pilot had not had to worry about hauling money the past few trips. His organization now arranged bank transfers. The bank officer scraped 1 per cent off the top.

It took two hours to fuel and load the aircraft—a quick turnaround. Another smuggler was expected later in the morning.

The takeoff from Twin Lakes was uneventful. As the pilot climbed out over Portette Bay, he noticed a 270-foot freighter anchored in the calm waters. Two open boats loaded to the gunwales with bales of marijuana lay alongside. Crews were loading it into the middle hold. Three other boats, all with covered afterdecks to prevent aerial surveillance, were tied up at the rickety dock where the desert abruptly fell into the sea. The pilot counted 34 trucks being used to carry fuel and dope to the dock. The trucks were new and sparkled in the morning sun.

The pilot scrunched down in his seat, trying to get comfortable for the climb to 27,000 feet where his fuel consumption would be low and his airspeed could reach 250 mph.

Suddenly the turbocharger on the right engine blew. There was no danger. But it prevented the heavily loaded aircraft from climbing above 11,000 feet. And it began the escalating chain of events all pilots fear.

At the lower altitude a headwind slowed the aircraft. The pilot knew an hour after takeoff he could not stick to his route through the Windward Passage and up the Bahama chain.

He wrinkled his brow and chewed his lip. He began to worry. It was important to penetrate the ADIZ—the offshore radar line—north of Bimini. America's air defense net in south Florida was geared to intercept fast aircraft coming from Cuba. But north of Bimini, if he slowed to under 180 knots, there would be no reaction from military jets even if he were picked up on radar.

The headwind seemed to be stronger. Jamaica was visible to the left when he swung toward the west to overfly Cuba. He was going to have to land somewhere in south Florida and abandon the aircraft.

He wouldn't be in trouble with his boss as long as newspapers did a story about the pot plane with empty fuel tanks. His boss would see the newspaper story and accept the loss. The worst thing that could happen to a smuggler was to lose a load of dope and newspapers not do a story.

It was hot at the lower altitude. The heavy wool underwear he'd put on to keep warm at 27,000 feet made him scratchy and sweaty and irritable.

He could see MIGs rising to meet him. He wasn't all that worried about the jets. Dopers often cross Cuba. A friend of his had done so the previous week and been met by MIGs.

"I threw one of them a finger," his friend said. "The MIG pilot threw one back and then they both peeled off." His friend laughed. "Castro would run out of bullets in a week if he shot down all the dopers. Besides, Castro doesn't mind if smugglers fly across his island. Why should he care if capitalists want to destroy themselves from the inside?"

The real trouble with MIGs is that every time they scramble, the Air Defense Command in south Florida acts as if Castro is about to bomb Miami Beach. When MIGs go up, F-4 Phantoms are scrambled from Key West, Homestead or Patrick to make sure Cuban jets don't violate U.S. airspace. The Phantoms would report him to U.S. Customs.

He had enough problems without MIGs. He had to break through the law enforcement net around south Florida and reach an inland airport. The Coast Guard, DEA and Customs all were waiting. The AeroStar could outrun anything the Federal heat could put up against him except the B-26 used by Customs. But if he could sneak in at low altitude, he could be gone before the B-26 could find him.

He reached over and switched on the scanner that monitored VHF radio frequencies used by law enforcement. He flipped on the high frequency—single sideband radio used occasionally by Federal agencies.

He was at palm tree level now, traveling more than 200 knots with MIGs closing from both sides. They buzzed him twice at high speed, figured he was another doper, then peeled off smoking hot and straight back to their home base. But the damage had been done. Air Defense in Florida had overheard the MIG radio chatter and gone on alert.

A few moments later, north of Cuba and slightly west of the small island of Cay Sal, the doper saw the green and brown camouflage of two F-4s scorching in for the intercept. One dropped flaps and landing gear to slow his speed and eased up alongside. The other orbited as high cover. The doper knew the F-4 jock alongside was calling Customs.

The smuggler was forced to land in south Florida. He crawled from the aircraft peeling off clothes to get rid of the wool underwear and surrendered to Customs officers.

The marijuana was taken to an incinerator the next day and burned. It was thrown in with other materials at an incinerator with a tall stack so no one downwind would get zonked on a contact high.

The doper was busted because of a blown turbocharger and headwinds. But most get through.

They get through in aircraft ranging from small Cessnas to ancient DC-7s carrying 20 tons to a mysterious DC-8 that may carry twice that amount to western markets. They get through in boats barely seaworthy and in half-million dollar yachts and in giant freighters.

The dope comes in a never-ending flood through Florida, Georgia and South Carolina. Federal officers seized more than 1 million pounds in these three states last year—an estimated 10 percent of what may have gone through. Already officers have seized more than 900,000 pounds this year.

THE DOPE KEEPS COMING

Marijuana wholesalers from all over America are focused on these three states. They call Florida, where most of the smuggling chieftains live, and place an order. "Tell me where you want me to go, and I'll be there," they say.

Dope lords want to keep the pipeline as short as possible. They occasionally send ships as far north as Maine. But the North Atlantic is treacherous and chances for detection great. So they try to keep the boats in more familiar southern waters. They will send aircraft to Denver, Detroit, Chicago or Wichita. But they prefer to unload the first time they land for fuel coming out of Colombia. That's usually in Florida, Georgia or South Carolina.

So wholesalers are told to come to Hilton Head Island or Savannah or Brunswick or Orlando. They register in motels under assumed names and wait for the phone to ring. No one trusts anyone in the dope business. It's at the last minute the wholesaler is guided to a deserted south Georgia airport or a remote dock along the coast to make his pickup.

Florida long has been the key spot for dopers coming out of Colombia. The state has a long coastline, hundreds of airports and a checkerboard system of subdivision roads where homes never have been built. Many of these roads are marked with tire tracks of landing dopers.

But the heat is on in Florida. Enforcement is tight. Dopers are easing northward into Georgia. Georgia has dozens of remote paved airports that often are unattended at night. At many you will hear tales of mysterious aircraft.

Georgia also has more than 20 dirt strips not indicated on aviation charts, large expanses of farm land suitable for air drops, 100-mile coastline sliced with deep creeks that can carry a boat to within minutes of I-95.

Dope is pouring into Atlanta and Georgia by the ton.

DEA, Customs, the Coast Guard and the GBI agree Georgia is a major transshipment area for all modes of smuggling. More than half of Atlanta's 18 DEA agents now are working Hartsfield Airport. Customs has opened a new Atlanta office that concentrates on air smuggling. The GBI has added two new agents to work dope smuggling.

DEA administrator Peter Bensinger, asked how he feels about President Carter's home state's becoming America's marijuana funnel, says, "I don't feel good about any state's being a funnel." He said the Georgia coast is wide open to smuggling as is Hartsfield Airport.

Jack Salter, DEA agent in charge of the Atlanta office, says, "We're being overwhelmed." He said marijuana is readily available on the streets of Atlanta "in multi-kilo quantities."

Salter observed that marijuana can be smelled at many concerts at the Omni. It also can be sniffed almost any day at noon around Peachtree Center or Central City Park. It is smoked in some of the finest homes in Atlanta by people who boast of their "fine Colombian grass."

The dope keeps coming.

In 1976 about 40 percent of all marijuana seized in the United States was seized in Florida, Georgia and South Carolina. Last year the amount rose to 67 percent. Almost all of it came from Colombia.

The dope business defies all laws of economics. The million pounds seized last year and the 900,000 pounds already seized this year have had no impact on street prices.

Several years ago marijuana could be bought for \$20 per pound in the Guajira. Now it cost at least \$60 per pound or \$120,000 per ton. The wholesaler is absorbing the difference.

When the \$60 per-pound dope arrives here, the wholesaler pays about \$150 per pound. By the time it hits the street the value is at least \$300 per pound. The ton that cost \$120,000 in Colombia sells on the street for at least \$600,000.

Most small twin-engine aircraft can carry a ton. The DC-7 seized several weeks ago in Thompson, Ga., carried 20 tons. The load cost \$2.4 million down south and would have sold on the streets for \$12 million.

Sen. Sam Nunn says few Georgians realize the magnitude of marijuana smuggling or how "it tends to corrupt the whole area." He says much of the nation's criminal activity is dope-related.

"This is more than a domestic problem," Sen. Nunn said. "There must be a major effort by the State Department to stop it at its source in other countries."

Sen. Nunn said a new level of cooperation between U.S. government agencies is being realized. The DEA is providing names of known smugglers to both the FBI and IRS. The government is climbing the money tree, and—as with organized crime figures—is seeking convictions on income tax, rather than narcotics, violations.

Dope smuggling by air started about 10 years ago with college students going to Santa Marta, packing maybe 400 pounds aboard a small aircraft and flying home.

Even in those early days they weren't always successful. The Guajira long has been plagued by bloody wars between warring dope factions. Pilots have been caught in the middle.

An unknown number of young people told their parents they would be with friends for a day or so and then disappeared from the face of the earth. Dopers tell of planes that crashed at sea without a trace, or that crashed in Cuba with never a word about the crew.

Rumors and legends and cowboy stories sprang up that gave an aura of romance to the business. One college student flew to Colombia in a Cessna 206—a small single-engine aircraft—using a waterbed for an auxiliary fuel tank. It wasn't tied down, wasn't vented, and simply had a hose running to a fuel line with a toggle pump attached. It was a flying bomb. But he made it south.

He took off at night from the Guajira flying up through the Yucatan Channel and then up the Florida coast to Tampa. He jumped out of the aircraft thinking

he was rich. But he found himself facing Federal officers. A hot transponder had been planted on his aircraft. He went to jail but became a legend among pilots.

Dope organizations grew into big business—both in Colombia and stateside. They developed their own security forces, pilots, lawyers, logistics experts, maintenance facilities, wholesalers, enforcers, and fleets of ground, sea and air transportation. They evolved highly creative methods of bringing dope into the U.S.

One organization likes to make air drops on the remote southwest coast of Andros Island in the Bahamas. Then the smuggler can fly in clean as boats come out from Florida to pick up the grass.

Another group makes airdrops in the same location then sends out a number of small aircraft to land and bring it home. The sandy soil along the sea is criss-crossed by aircraft tire tracks as well as the sun bleached carcasses of two planes that crashed on takeoff.

Not long ago a DC-3 airdropped a load of 500-pound pallets on Andros. DEA agents had information about the drop and were collecting the dope when another plane came over. The second plane thought the DEA agents were their own people and began another air drop. It was raining pallets of Colombian grass—a pothead's dream.

One organization likes to drop dope offshore in flotation collars and have small boats pick it up.

But the ultimate smuggling caper was a one-time operation that Federal officers shake their heads about in reluctant admiration. It is the stuff of which movies are made.

Eyewitness reports indicate that two years ago an Air Force C-130 Hercules landed on the Guajira and loaded 60,000 pounds of dope. The six-man crew was in uniform. The aircraft was on the ground more than seven hours. False position reports were made regularly on the high frequency radio. The load had a street value of \$18 million. But a lot of people had to be paid off on this caper.

Federal officers believe the C-130 was either a Reserve or National Guard aircraft. And somewhere today, it is said, there are six Air Force types with more than \$1 million each stashed away waiting for the heat to subside.

Officers narrowed their search to a handful of possible aircraft that could have pulled the caper. But there was never enough evidence to file charges.

Colombians thought it funny. America was making noises about stopping the flow of dope and there were, the story went, members of the U.S. Air Force smuggling out 60,000 pounds.

It has only been in the last few months that large aircraft have been used on a regular basis by smugglers. And airworthy DC-4, DC-6 or DC-7 can be had for about \$40,000. Any of these can haul a load with a street value upwards of \$10 million. The aircraft usually is abandoned after one or two trips down south.

Probably because officers know that when they see one of these aircraft, it usually is a doper: It is almost impossible for these tired, ancient, complex aircraft to be used profitably by legitimate business. And if they are used legitimately, owners don't come in off the Atlantic 100 feet with throttles jammed to the wall.

Charter services in the Southeast have grown so rigid about leasing aircraft it is almost to the point they must personally know the pilot.

A few weeks ago an Atlanta airport operator leased a Cessna 411. The next thing he knew the aircraft was burned in Haiti. It had been coming back from the Guajira and had engine trouble between Cuba and Haiti. Pilots landed in what they thought was an open field. But the field had vegetation five feet high. Pilots reportedly set the aircraft on fire. Haitian police arrived before the dope aboard was burned. The men are in a Haitian jail. The aircraft was destroyed.

While dopers keep the airways busy, it is aboard large boats—shrimpers and freighters—that most of the grass comes in. Marijuana, even compressed and baled, is bulky. It cannot be hidden. Dopers borrowed a trick from prohibition days by taking large boats—motherships—and ambling up the East Coast like a pushcart vendor with a load of apples. But rather than apples, they drop off from 500 pounds to six or seven tons into small boats that come out to meet them.

For dopers, motherships bring megabucks.

Shrimpers are considered good dope vessels along the Georgia coast. A bust went down several weeks ago on a Sunbury dock where the shimper had 21 tons aboard.

It takes about 16 days to run a roundtrip to the Guajira in a shimper. The boat is exposed to possible detection by the Coast Guard for a long period. The amount hauled makes it worthwhile.

A 21-ton load costs about \$2.5 million down South, wholesales for \$6.3 million and sells on the street for \$12.6 million.

It's a big ocean. The Coast Guard can't be everywhere. Most of the shrimpers get through.

The dope keeps coming.

[From the Department of State Newsletter, June 1978]

STATE WATCH OFFICER GOES OUT TO SEA TO MEET THE "ENEMY"—HIS NIGHTTIME LIAISON WITH COAST GUARD INSPIRES HIM TO JOIN THE CREW

(By K. Dunlop Scott)

Nights on the watch, in the Department's Operations Center, do bring out unusual ideas. The late hour, the lure of the sea and international narcotics smuggling—all of this combined one evening to give me an idea that resulted in a unique and thoroughly fascinating week aboard a Coast Guard cutter. The Operations Center has for some years now had a formal link to its Coast Guard equivalent, Flagplot, in order to allow for State input into problems regarding foreign vessels. With the extension of the fisheries limits to 200 miles, and with the increased role of the Coast Guard in interdicting the flow of illicit narcotics into the United States, contacts between the Operations Center and Flagplot occur almost daily. Of course, the differing mandates of the two organizations lead to tensions and misunderstandings at times regarding the other agency's role: The Coast Guard seems to State to be overzealous on occasion, while State appears to the Coast Guard as overly cautious at times.

It occurred to me, as we were embroiled in the intricacies of a foreign vessel seizure, that a trip abroad a cutter as an Operations Center observer might well serve to "further understanding" between the two groups. I worked through Coast Guard's man at State, Lieutenant Commander Gary Nelson, who, with Flagplot, arranged for me to spend eight days aboard the cutter *Diligence* a 21-foot ship commanded by Captain J. S. Billingham. The *Diligence*, homeported in Key West, is one of the primary ships engaged in stemming narcotics smuggling into the United States.

Florida, because of its intricate coastline and proximity to productive sources of marijuana and cocaine, is an ideal entry point for smuggled dope, and is used by a varied assortment of boats, many of foreign registry. From my standpoint, the situation was ideal: It was highly probable that in my time aboard the *Diligence* I would have the opportunity to observe the mechanism for obtaining permission, both U.S. and foreign, for boarding a vessel on the high seas.

Just prior to my departure for Florida, I was informed that the *Diligence* had been called to sea early, and that I would have to be flown to her by helicopter. She was headed up the Straits of Florida, and the rendezvous with the helicopter would take place some 20 miles offshore. I was delighted at the opportunity, but was, quite frankly, relieved to learn that the *Diligence* had a landing pad aboard, and that I would not be lowered by sling! Once aboard, I was briefed by Captain Billingham. We would be patrolling some 400 miles southwest of Freeport in the Bahamas.

Smuggling tactics usually center around a heavily-laden "mothership," which will sail with its cargo from a port in northern Latin America, and then anchor in one of the myriad isolated coves along the Bahaman coast. Smaller, quicker and usually U.S.-registered boats then take on manageable loads of marijuana from the mothership and sail into U.S. waters. The difficulties of locating these smaller craft in the enormous area of sea covered by a cutter are immense; so success is generally achieved by targeting the motherships themselves.

Captain Billingham noted that we were en route to a possible mothership operation that night, to occur in the vicinity of Mantanilla Shoals, on the northwest edge of the Bahamas. I was pleased that action appeared so near, and attempted to adjust myself to shipyard routine. Routine for me, I was delighted to learn, did not include a paint brush or scraper; but it was evident that the regular crew had spent considerable effort maintaining both the mechanical condition and the appearance of the ship. Despite her 14 years at sea, she was in magnificent condition, seemingly having just come down the ways. As it turned out, the pristine condition of the *Diligence* was merely an outward reflection of the ability and confidence of every man aboard.

I began spending most of my time on the bridge, familiarizing myself with the equipment, paying particular attention to the radar. Radar is the most useful shipboard device for spotting other craft on the water and, when used in conjunction with a spotter plane, forms a potent anti-smuggling combination. Late in the evening on the first day, three clustered "contacts" were sighted at about 35 nautical miles' distance. Since we were running as a "darkened ship," showing no running lights, we were able to approach quite closely before being detected by the three.

When we were sighted though, the small craft scattered. We overtook and stopped one, a U.S.-owned boat, and dispatched a boarding party in the *Diligence's* motor surfboat. A considerable swell was running, and the skill and experience of the boarding crew made an otherwise difficult boarding seem effortless. It is not possible to overemphasize the difficulty of controlling a small boat in such a swell, nor should the sheer discomfort of "heaving to" in heavy seas be underestimated. As a sailor myself, I was struck by the gusto with which the boarding parties approached such arduous tasks.

No drugs were discovered aboard the vessel, but questioning of the master revealed that he had just been released from prison after serving two years for smuggling cocaine. And why were they in such an unusual spot at 2 a.m., showing no running lights? They said they were fishing, but they had only one fishing rod aboard, and no bait!

A decision was made to pursue one of the two other boats, and, upon overtaking her, we discovered she too was an American vessel with a prior history of cocaine involvement. She was boarded, but, again, nothing was found. We had missed the third boat.

Of course, there could well have been cocaine aboard either of the vessels before the landing arrived. Due to its high-value-to-weight ratio, great dollar amounts of cocaine can be transported in small containers. It can be disposed of very quickly, leaving no trace. Marijuana, on the other hand, is generally shipped in large volume, and has the additional disadvantage of floating when tossed overboard.

The following day, the Drug Enforcement Administration provided the Coast Guard with information concerning a vessel, about 120 feet in length, which had been observed loading tons of marijuana in Colombia. She was due to transfer the cargo to smaller vessels northwest of Samana Cay, about 350 miles from our position. Our instructions were to steam in that direction and attempt to intercept the vessel.

Some 20 hours later, the "contact" appeared on the radar screen, and the initial approach to the motor vessel *Heriberto*, an ex-U.S. Navy minesweeper, was made in the very early morning. As we closed on her, we could see that she had no home port painted on her stern, and was flying no flag. Lacking these, she could be considered a "stateless vessel" under international maritime law, and could be boarded by the coast guard of any nation on the high seas.

Clearly, the *Heriberto's* master was aware of this. He quickly ran up the Panamanian flag, in order to fend off a possible boarding. Captain Billingham cabled Miami, and requested that the Coast Guard contact State with a request to check with the Panamanian authorities as to the registry of the *Heriberto*. Simple enough, on the surface, but for such a request to wend its way through the labyrinthine maze of three bureaucracies—Coast Guard, State and the Panamanian ministry—a good deal of time is required.

My hosts warned me to prepare for a long wait. And wait we did. Our early arrival on the scene made for an even longer delay, because no one in Panama could check registration documents until offices opened in the morning. So we drifted along, as the *Heriberto* slowly sailed on an aimless track, her next landfall appearing to be the Canary Islands, some 5,000 miles away. The crew of the *Diligence* was anxious to obtain permission to go aboard, since, when conditions were right, a very strong aroma of marijuana drifted from the *Heriberto*. The Panamanian Government finally indicated that a check of the *Heriberto's* documentation would be in order, and again the small boat was launched.

Although no search of the vessel was conducted, the *Diligence* party noted that bales of burlap-wrapped marijuana were stuffed, literally, in every available space aboard the ship. The boat's lifejackets had even been discarded in order to secure more space for dope. This information was relayed through the Coast Guard to State, and in turn to the Panamanians, who requested that the *Heriberto* be escorted to Miami. The crew would be repatriated to Panama for prosecution there, the vessel returned for disposition by the Panamanian Government, and the United States could dispose of the contraband.

As it developed, our arrival on the scene was welcomed by the crew. Abandoned earlier in the day by the "big boss" and left with little fuel or food, they were virtually helpless. The *Heriberto* was refueled and provisioned and escorted back to Miami. The cargo was weighed upon arrival. There were more than 25 tons of the green weed, a very impressive haul. The latest "bust" represented No. 10 for the *Diligence*.

Without dwelling on the details of bureaucratic procedure involved in the *Heriberto* case (Presidential Directive/NSC 27 of January 19, 1978, directs the Department to coordinate all Government actions involving non-military incidents which could have an adverse impact on the conduct of foreign relations, and in conformity with the directive, the Coast Guard, in carrying out most of its law enforcement responsibilities, works very closely with State), it should be said that both the Department and the Coast Guard have gained an appreciation of the other's special problems and insights through this valuable liaison.

[From the News and Observer, Raleigh, N.C., June 8, 1978]

PLANE HOLDING 2 TONS OF POT IS ABANDONED

LUMBERTON.—An airplane carrying about 4,000 pounds of high-grade Colombian marijuana valued at \$1.25 million to \$1.5 million was found at the Lumberton-Robeson County Municipal Airport Wednesday morning, Lumberton police said.

The plane apparently ran low on fuel and was forced to land at the airport at 11:20 p.m. Tuesday, authorities said. The pilot could not be located.

The airplane, a 1941 twin-engine Lockheed-Lodestar, had enough fuel remaining for about 30 to 40 minutes flight, Lumberton police Detective Robert Grice said.

"It doesn't look like Lumberton was a planned stop," Grice said. "Apparently, the pilot just ran out of gas."

Don Ashton, a special agent with the federal Drug Enforcement Agency, said drug enforcement authorities knew about the shipment in advance and believed it to be part of a larger drug-smuggler operation.

Ashton said three men in various parts of the country were being detained for questioning and faced possible charges of conspiracy to import marijuana in connection with the shipment.

"We don't know the nature of this thing yet," Ashton said. "We're still trying to piece everything together and then seek warrants. No one has been arrested yet."

The Drug Enforcement Agency is continuing its probe in cooperation with the State Bureau of Investigation and local police, Ashton said.

The marijuana was machine-bundled in 30- and 60-pounds bales, Robeson County Sheriff-elect Hubert T. Stone said.

District Attorney Joe Freeman Britt said several empty fuel drums were found inside the plane and speculated the pilot had previously landed to refuel.

[From the Washington Post, June 21, 1978]

DRUG RUNNING IN THE SOUTHEAST

A legal loophole is complicating efforts by drug-enforcement officials to staunch the flow of marijuana and cocaine from Latin America into the southeastern United States. That region has become the major channel of the drug traffic since enforcement efforts focused on California and the Southwest began to take hold. Most of the drugs reaching the area are being transported by sea-going cargo ships to locations outside the 12-mile limit of U.S. territorial waters. There they load their illicit cargo aboard small, fast "courier" boats for transport ashore. Federal officials can and do intercept these boats as they head toward shore. But, obviously, it would be more effective to confiscate the drugs before they leave the mother ship and to arrest the crews.

That effort, however, has been hampered not only by the need for international cooperation in combatting drug smuggling, but by a serious omission in U.S. drug laws. Because of the omission, it is no crime now for a U.S. citizen or a

U.S.-registered ship *outside* territorial waters to have illegal drugs aboard. Civil statutes allow the drugs and the ship to be confiscated. But there can be no criminal prosecution of the people (whether American or foreign nationals) involved unless intent to smuggle the drugs into the United States can be proved. The huge amounts of money involved in even a single large drug transaction reduce the practical effects of the loss of one cargo ship to almost nothing. Thus, the deterrent effect—prosecution of the drug runners—is lacking.

Drug officials are urging a revision of federal statutes and international treaties to amend that oversight. In our view, that's a good idea. They've also begun applying a federal law, originally enacted during Prohibition, that allows the Coast Guard to board any vessel outside territorial waters if it can prove that U.S.-registered boats have tried to smuggle some of the ship's cargo ashore. A White House task force also is studying other ways—including closer cooperation with other countries and the use of military radar planes to track suspicious cargo ships on the high seas—of combatting seaborne drug smuggling. These are welcome actions. They show that drug officials have learned well a lesson of the past decade: The pervasive, corrupting effects of the drug trade make it imperative to respond quickly whenever it makes a new appearance.

[From the Washington Post, July 12, 1978]

AGENTS SEIZED 50 TONS OF POT IN "SNOWBIRD" RAIDS

(By Thomas O'Toole)

Under the cover of an operation named Snowbird, agents of the U.S. Customs Service seized almost 100,000 pounds of marijuana being smuggled into Florida in a two-week period last January.

Besides the marijuana, Customs agents grabbed four ships, five aircrafts and 18 cars, trucks and vans smuggling drugs into Florida. Seven aliens accused of the smuggling were deported and 50 Americans were arrested in the biggest single operation of its kind conducted by Customs.

"Snowbird was one of the best, if not the best, special enforcement operation we've ever conducted," one Customs agent said.

With a force of agents double its normal size, Customs agents in Florida swooped down on aircraft landing at clandestine fields and ships moving into little used marinas in the last two weeks of January. The first ship that agents boarded in Miami harbor was concealing 50 pounds of cocaine, with a street value of \$15 million.

The largest single seizure of marijuana in Snowbird was 23,500 pounds of marijuana aboard a 57-foot Chris Craft yacht in Florida's inland Waterway. Agents had noticed the yacht riding unusually low in the water and listing to one side.

Another time, the Coast Guard seized off the East Coast of Florida a ship that had detachable nameplates. It also had 300 packing boxes identified as television sets that were actually filled with marijuana.

One seizure involved four tons of marijuana stacked in 50- and 60-pound bales stored above the deck of a ship coming into Tampa. Another involved 2,400 pounds of marijuana airdropped by accident into the Gulf of Mexico alongside an island. Customs agent found the marijuana floating in the water next to the island.

The smallest of the five airplanes seized by Customs was a twin-engined Cessna, the largest a DC-4. One of the four ships seized was an island freighter 120 feet long.

"None of the ships was trying to hide its cargo," one Customs agent said. "A few carried bananas in addition to the marijuana, the others carried only the marijuana."

[From the Seattle Times, July 21, 1978]

STORY OF HELENA STAR UNFOLDING AT SMUGGLING TRIAL

(By Peyton Whitely)

Stationery from a Panama Canal Holiday Inn and a meeting in a "cantina" there were some of the elements which led to the marijuana-filled freight Helena Star arriving off the Washington coast, a jury was told yesterday.

Events which led to the seizure of the ship by the Coast Guard April 17 came to light as the first trials involving the attempted smuggling opened in federal court here.

Two of seven defendants in the case are on trial before United States District Judge Donald S. Voorhees. Those defendants are Roman Rubies, captain of the Helena Star, and Pedro Vera, first mate.

Petty Officer 1st Class Mark Cleveland, a crew member from the Coast Guard cutter Yocona, testified that he found a document written in Spanish in the center drawer of a desk in the captain's quarters aboard the Helena Star.

Then Special Agent Michael Harvey of the Drug Enforcement Administration described how he had discussed the document in Spanish with Rubies.

The document contained a simple drawing of a sailboat in the upper right hand corner, Harvey noted, with the words "azul jolly" written under it.

"Azul" means blue in Spanish.

Besides the Helena Star, a 61-foot sailboat named the Joli has been seized in the case. The Joli has a dark-blue hull.

Harvey said Rubies told him that he was a Colombian fisherman who had borrowed \$15,000 from people there. The men had told Rubies he wouldn't have to pay the money back and would be paid \$20,000 besides if he would take the Helena Star, filled with marijuana, to a location off the North American Coast, where she would be met by an unidentified boat. Harvey said he was told by the captain.

The stationery contained some calculations showing the Helena Star would have to steam north for 17 to 21 days before arriving at her destination.

Also on the stationery was the word "preguntas," which means "questions" in Spanish, and underneath that were more notes, which were translated as "discharge at night," "radio contact," "can't stay in area long," "description of vessel," and various radio frequencies.

Rubies said he obtained the document in a meeting with Colombians in a "cantina" in Panama, Harvey said. The agent said the captain also told him an "Anglo" or "American" was also sitting in the "cantina" who was identified to Rubies as "the owner or purchaser of the cargo of the Helena Star."

The identity of the "Anglo" was not disclosed.

Also introduced at the trial was a written statement in Spanish made by Vera, the mate, which contained five sections.

The statement, interpreted by Sandra Frady, court interpreter, indicated that Vera left Buena Ventura, Colombia, to travel to an undetermined zone between the United States and Canada; that Vera was told by the captain that the Helena Star would be transporting marijuana; that Vera was to be paid \$15,000; that Vera did not know the owners of the cargo or vessel, and that he did not know who was to receive the cargo.

Harvey said Rubies told him the Helena Star arrived off the Washington coast about April 1.

Rubies also told him a blue sailing vessel arrived alongside the Helena Star after that, under power, with three individuals aboard, the agent said.

Special Agent James L. Prange testified that 74,180 pounds of marijuana were removed from the Helena Star after the vessel was brought to Seattle by the Coast Guard, and that, except for some samples as evidence, the contraband was destroyed.

The trial of the two crew members is to continue Monday, after a recess today.

[From the Boston Herald American, July 25, 1978]

10 TONS OF POT SEIZED ON CAPE; YACHT LINK SOUGHT

(By Paul Corsetti and Bob Creamer)

Yarmouth—The alertness of a Sandwich policeman led yesterday to the "largest drug seizure in the history of Cape Cod."

Some 10 tons of marijuana worth more than \$10 million in street sales was confiscated after being smuggled ashore.

Six persons, including three Cape businessmen, were arrested and authorities said more arrests are imminent.

Four tons were seized in the Hyannis Seafood Corp. warehouse, on the Cape Cod Canal in Sandwich, and the remaining six tons in a truck parked behind the Sheraton-Regal Inn of Hyannis, authorities said.

An intensive investigation into Cape drug smuggling has been under way since April in a combined effort by the Federal Drug Enforcement Administration, the office of Cape and Islands District Attorney Philip Rollins, State Police and local police.

"We knew a major shipment was coming in by sea," said Assistant District Attorney James O'Neill, but both he and State Police Lt. Col. John O'Donovan credited the seizure to the work of Sandwich Patrolman Russell Files.

Files, 28, a member of the force for 4½ years, inadvertently discovered four tons of the marijuana while investigating what he thought was a burglary.

While on routine patrol about 3:30 a.m., Files said, "I noticed a man standing in a door of the warehouse, with a box over his head, and I thought I had a B and E (breaking and entering) in progress."

"I put the spotlight on him and he almost died. He dropped the box and ran inside and turned off the lights. I still thought I had a B and E so I called on the radio for assistance."

Sgt. James Swift, accompanied by Patrolmen James Foley and Peter Hamell, responded and, with guns drawn, the four officers entered the warehouse.

"I saw the grass first," Files said, "and said, 'Holy God, look at all the marijuana.'"

An entire bay of the warehouse, adjacent to a dock where lobster boats unload, was filled with 156 bales of marijuana, each weighing 50 pounds, wrapped in brown paper bearing Spanish lettering and encased in black plastic bags.

Arrested in the warehouse freezer were Matthew Shaughnessy, 32, or 30 Gibstag Drive, Yarmouthport, and Thomas G. Smith, 39, of Mission Road, Fallbrook, California.

About 6 a.m., police arrested the owner of the seafood business, Thomas W. Swider, 33, of Hidden Acres Avenue, West Yarmouth, and John G. Reney, 25, of Circuit Road North, also West Yarmouth, when they arrived at the warehouse.

A truck, spotted earlier by Files near the warehouse and later reported stolen by its owner, Swider, was found about 9 a.m. in a parking lot behind the Hyannis motel.

When authorities opened the truck, they said, it was "filled to the brim" with approximately six tons of marijuana, packed neatly in stacks and "wrapped in an identical manner" as the four tons seized in the warehouse.

The four suspects, charged with possession of marijuana with intent to sell, plead innocent when arraigned before Judge John Curley of Barnstable District Court.

Swider, Shaughnessy and Reney were released in personal recognizance, but Smith was held in Barnstable House of Correction in lieu of \$10,000 bail. Their cases were continued to Aug. 3.

Police said Shaughnessy and Reney are co-owners of an auto sales business on the Yarmouth-Hyannis line.

Federal drug agents arrested a 56-year-old woman and a 62-year-old man, both of Plymouth, at a Hyannis hotel. They were arraigned before a U.S. magistrate in Hyannis.

In an effort to trace the source of the confiscated drugs, a residue of marijuana found aboard an abandoned "mystery" yacht and on the fishing boat Salty Dog, boarded yesterday by the Coast Guard and police two miles off Plymouth, will be tested to see if it matches the marijuana seized yesterday.

The 150-foot yacht Miss Albro, which has the word London painted on its stern and was flying the British Union Jack, was first spotted by the Coast Guard last Tuesday off the Provincetown breakwater.

Five men were on the yacht Tuesday evening when Customs Service inspectors boarded her for a routine check and found three pistols and a residue of cocaine and marijuana. When the inspectors and State Police returned to the yacht Wednesday, no one was aboard.

Custom officials remained aboard the yacht, which was towed last Saturday to the Massachusetts Maritime Academy at Buzzards Bay.

[From the Atlanta Journal and the Atlanta Constitution, July 30, 1978]

30 TONS OF MARIJUANA SEIZED OFF GEORGIA; RECORD HAUL
WORTH \$42 MILLION

(By Lyn Ferguson and David Lieber)

In a record marijuana bust for Georgia, authorities seized an 80-foot shrimp boat and about 30 tons of illegal weed in the pre-dawn hours Saturday.

The seizure was two miles from Musgrove Plantation on St. Simons Island, where President Carter has vacationed on several occasions.

Fourteen men, most of them from South Florida, were arrested and taken to the Glynn County Jail, according to Ed Ostrowsky, a Customs Service spokesman.

Customs agents, the Georgia Bureau of Investigation, Glynn County and Brunswick police officers, as well as officials from the state game and fish commission, had been watching a 19-foot motorboat for the past four days, Ostrowsky said.

"It had been going out every evening (during the four days)," Ostrowsky said. On Friday night, it met the shrimp boat "Mr. Sidney," which reportedly had come straight from Columbia. The marijuana had an estimated street value of "close to \$42 million," he added.

The motorboat met the shrimper at Dobby Sound and towed it to a point on St. Simons Island, where the men began unloading the marijuana into a tractor-trailer truck, Ostrowsky said.

"After they loaded the trailer and placed the remaining bales on the ground, we converged on them," he added.

"It was pitch black. We shot our flares, and they were running," he said.

Ten of the men were arrested immediately, he added. Two others hid under a dock "with an alligator," he said.

"The alligator escaped," Ostrowsky said.

Another man was arrested in a wooded area nearby and another was "pulled" out of the woods about three miles away," he added.

Based on the hometowns of those arrested, agents speculated the marijuana was to be distributed in Florida and the Northeast.

Arrested and charged with smuggling were: Garrison Barnes, 30, Robert Barnes, 26, John Barnes, 24, all of Homestead, Fla.; Thomas Wingate, 32, William Hiscock, 44, Fredrick Fazio, 30, Joseph Cusanelli, 31, George Holder, 29, all of Fort Lauderdale, Fla.; William McConaghy, 33, John McConaghy, 19, both of Miramar, Fla.; Scott Butler, 23, of Coventry, R.I.; Michael Smith, 26, of Boston; Hugh McConaghy, 30, of Providence, R.I.; and Robert Milne, 29, of North Miami.

[From the San Antonio Light, Sept. 7, 1978]

PLANELOAD OF POT BURNS AFTER CRASH

FARMERVILLE, La.—A four-engine DC-7 smuggling as much as \$22 million worth of marijuana into the country crashed and burned Wednesday in the woodlands of north Louisiana, killing at least one passenger.

Three Colombian natives were arrested while hitchhiking near the crash site. All were charged with possession of marijuana with intent to distribute.

Coroner J. G. Norris said a search would resume Thursday in the charred rubble for other victims of the crash. Smoke and flames rising from the marijuana more than 18 hours after the 3 a.m. accident hampered the search Wednesday.

The suspects refused to answer questions in English or Spanish and asked only to speak to lawyers, Union Parish sheriff's deputies said.

"They've been well schooled" to keep quiet, said Sgt. Dan Manley, a state police narcotics officer.

The suspects were identified as Hernando Mantilla Pinilla, 51, a licensed private pilot; Francisco Camargo, 24, and Carlos Humberto, 29, all of Colombia. Camargo and Humberto also were charged with being illegal aliens.

All were held without bond.

[From the Chicago Tribune, Sept. 10, 1978]

MARIJUANA SMUGGLERS SPEND LOT TO MAKE A LOT

Marijuana is big business. It provides full-time income for many wealthy dealers and part-time work for possibly 3 million small-quantity sellers and a few thousand assorted small-time hoodlums, federal intelligence officials estimate.

The big money is at the top, where multimillionaire dealers arrange Colombian underworld contacts to place a load of marijuana aboard a freighter at sea.

Smuggling organizations in the United States then spend many thousands to "off-load" the marijuana from the "mothership" to a number of smaller vessels. The organizations must buy boats, hire workmen to handle the 130-pound bales, provide guards with automatic weapons to keep hijackers away, and purchase trucks and other big vehicles to move the pot from Florida throughout the country.

The marijuana usually costs between \$10 and \$40 a pound in Colombia, and DEA intelligence studies show that it sells for \$300 to \$400 a pound in Florida. Seeking tenfold profits, smugglers are incredibly free with their money.

"They need a cabin cruiser—well, that's going to cost two bales of grass," said Kevin Foley, DEA undercover agent in Miami. "They can get a Winnebago (motor camper) for another bale or two."

A frequent ploy is to buy a \$60,000 Winnebago, remove all the inside appliances and furniture, install overload shock absorbers, and stuff the vehicle with marijuana. The \$60,000 vehicle is abandoned after one trip, Foley said.

Similarly, he said, boats are often sunk or burned "without even a second thought" if they are spotted by police during a drug run. The same happens with airplanes used for marijuana, said Peter Bensinger, DEA director.

Bensinger told of flying over Colombian airfields and seeing numerous pits where brand new airplanes were buried by bulldozers after making pot runs to the U.S.

While there is an element of soldier-of-fortune adventure involved, smuggling marijuana has a vicious side. In Miami this year 23 murders were linked to rivalries among smugglers.

Another four murders occurred when two young adults and two children stumbled onto an "off-loading operation" at a lonely Tampa area beach. The four were killed and buried in a nearby swamp. The accused murderers later said they feared that the victims had seen them.

Most of the dealers who buy the marijuana for \$40 a pound and sell it for \$300 on a Florida beach play no further role in its distribution, DEA officials said.

At that point, agents explained, criminal organizations from various cities take over the distribution. They tend to be typical underworld types—habitual criminals and stickup artists who might rob a Safeway store one day, hijack a cigaret truck the next, and spend the weekend fencing a load of stolen furs.

Recently, investigators said, the more traditional mob figures have begun moving into the marijuana business. Associates of the Phoenix-based Bonnano family have been arrested in recent drug cases. Associates of the New York Gambino family also appear to be moving into the lucrative marijuana trade, according to DEA agents.

Once an organization gets the marijuana to its hometown, it sells on the street for \$45 an ounce.

Few street dealers handle enough volume to make them wealthy however. Typically, the street dealer will be a college student or young professional who sells to a few friends.

[From Time, the weekly newsmagazine, Sept. 18, 1978]

**"THE DEFENSE IS NOT IRONCLAD"—IT CERTAINLY ISN'T AS "POT PLANES"
ENTER U.S. AIRSPACE UNDETECTED**

One afternoon last week a crew of Colombians began loading bales of unlabeled cargo into a four-engine DC-7 at Curacao airport in the Dutch Antilles. That night the lumbering 22-year-old plane took off for what the crew said was a local test run to tune up its engines.

Instead the ancient Douglas headed north over the Gulf of Mexico, flying through the night with no approved flight plan or warning lights and maintaining radio silence. Neither the Federal Aviation Administration nor the North American Air Defense Command (NORAD) picked it up on radar as it flew low into dense fog over Louisiana. The foreign invaders might have escaped detection altogether but for the fact that their plane lost power and crash-landed in the trees near Farmerville, just south of the Arkansas-Louisiana border.

Their illicit cargo—ten tons of marijuana, worth \$22 million in street sales—apparently saved three of the four smugglers. On impact the burlap bags slammed forward into the cockpit, broke open and literally popped the surviving crew members out of the plane as it disintegrated and burned. Said a Union Parish sheriff's deputy: "Those guys are lucky to be alive, and thanks to the pot they are. But they've sure going to get to know our jail real well." They face up to ten years for possession of marijuana with intent to distribute. The fourth crew member was thought to be buried under the cargo.

The undetected flight into the U.S. of a plane carrying Colombian marijuana or cocaine is a dramatic but far from unusual event. "Several hundred come in every day," says Tom Stuckey, an FAA official in Louisiana. Most flights from Colombia are bound for Florida and Georgia; a DC-7 with twelve tons of marijuana was discovered at an airfield in Georgia last spring. Countless other "pot planes" take off from Mexico for the deserts of the Southwest, where the Drug Enforcement Administration has found more than 40 small aircraft abandoned this year. The trafficking is a high-profit operation: a single ten-ton marijuana flight can mean \$2 million for the smuggler.

Even more disturbing in some quarters than the magnitude of the marijuana traffic is the fact that a plane as large as a DC-7 can penetrate the U.S. from the south totally undetected by military air-defense systems. Concedes NORAD's Del Kindschi: "The defense is not ironclad. It's possible for a single low-flying aircraft to fly under our radar capabilities." NORAD is developing an "over-the-horizon" radar with greater capability for spotting low planes but, for general operational use, the system may be years away. Radar beamed from sophisticated AWACS (Airborne Warning and Control System) planes is already highly effective at detecting ground-hugging aircraft. But it would take a huge and prohibitively expensive fleet of such planes to make the U.S. invulnerable.

In the meantime, officials express some concern about the southern border—the relatively soft underbelly of U.S. air defense. In 1971 a group of Cubans, using a low-flying, Soviet-built transport, dropped in unannounced at New Orleans airport for a sugar conference; in 1972 a Cuban defector flew his air force plane undetected to Miami. The U.S. keeps its intelligence eyes focused mainly on northern approaches where, it is assumed, there is the greatest threat of an attack.

[From the New York Post, Oct. 11, 1978]

CARTER MAN: SMASH THE SMUGGLERS

The nation's chief drug fighter yesterday urged Congress to triple maximum prison sentences for marijuana smugglers, saying that the problem had reached "enormous" proportions.

Present laws providing up to five years imprisonment are "not doing the job," Peter B. Bensinger, Administrator of the Drug Enforcement Administration, told the International Association of Chiefs of Police Conference in New York.

Bensinger backed his plea for stiffer sentences by citing health hazards of marijuana use that, he said, the debate over penalties for users of the drug had obscured.

Declaring that he had discussed the issue with the American Cancer Society and the American Medical Association, Bensinger said, "Marijuana actually is a greater cancer risk than cigarettes."

He told a panel on narcotics enforcement that a person smoking "five joints a week had less ability to exhale air than one smoking 16 cigarettes a day."

TARGETS

Marijuana use has some similarities to alcohol consumption, Bensinger said a key difference is that marijuana accumulates in the bloodstream for up to 30 days while alcohol usually dissipates in an hour.

"Organizations dealing in large amounts of marijuana are as sophisticated a criminal group as any we have run against," Bensinger said.

Groups that had been trafficking in heroin and cocaine, the prime targets of federal drug enforcers, now are switching to the less risky marijuana trade, Bensinger said.

Marijuana is flowing into the United States principally from Colombia, the drug chief said.

He described himself as "cautiously, relatively optimistic" about recent statements by the Colombian government that it would crack down on the illicit traffic.

The State Department currently is discussing providing equipment and other U.S. support to help the Colombians shut down airfields from which the marijuana is flown to the United States, Bensinger said.

Convicted marijuana smugglers are currently being sent to federal prisons for terms averaging 3½ years, which Bensinger said falls far short of providing the necessary deterrent.

He called for amending the Controlled Substances Act to increase the maximum term from five to 15 years.

Bensinger's call for a crackdown on marijuana was supported by Karst J. Besteman, acting director of the National Institute on Drug Abuse, who said he was "increasingly concerned" about the burgeoning use of marijuana by 12-to-17-year olds.

Last year, according to National Institute data, 25 per cent more youths in that age category used the drug.

[From the Chicago Tribune, Oct. 15, 1978]

COLOMBIA RIDES HIGH ON TOP EXPORT—MARIJUANA

(By James Coates)

BOGOTA, Colombia.—The signs of the new marijuana wealth are visible everywhere. Marijuana has replaced coffee as the biggest export and transformed this once backward Latin American nation.

Marijuana dealers hold court in this city's penthouses. In the port city of Barranquilla they live in mansions behind guarded walls.

In the forbidding desert formerly called the Spanish Main, they now build swimming pools and tennis courts. Along the Caribbean they have built luxury high-rise hotels.

Peasants who once drove aging trucks down rutted roads now zoom down newly paved highways of marijuana country in BMWs. Five years ago, the Indians toiled in gypsum mines; now they swagger into banks to make \$45,000 cash deposits.

A Colombian businessman whose friends are among the top marijuana smugglers agreed to discuss their opulent lifestyle but demanded anonymity because he feared for his life.

"A banker friend and I were chatting at a party the other night when one of our more well-known smugglers came in. My friend said the smuggler has deposited \$1.2 million in his personal account every month this year," the businessman recalled.

"Don't look so shocked, mate," cautioned the businessman. "You're talking about billions, so somebody has to be making a million a month.

"Hell, they all are."

The source gave us an example his friends, the Lucas de Gonzalez family of the Guajira peninsula, who used to be hard-working cattle ranchers. They now have swimming pools and tennis courts on their ranch.

He said airplanes—DC-3s and DC-8s that come to pick up multiton loads of marijuana—crowd the skies over their land.

The nearest town to the ranch is Riphacha, where marijuana-rich Guajira Indians carry guns in the street and display their wealth. The Rihacha saloons, called "Disco," have dance floors made of marble.

Marble is a status symbol among the suddenly rich marijuana crowd. In Barranquilla the athletic club maintained in the smugglers' neighborhood is lined with blue Italian marble and has marble columns, the businessman explained.

"My banker neighbor has an 18-year-old Guajira kid as a steady customer," said the businessman. "He comes in often with \$45,000 in cash, which he keeps tucked under his (serape)."

There are conflicting views about just how much marijuana money reaches Colombia. All estimates place the amounts in billion dollar terms—ranging between \$1.5 billion and \$7 billion—and most of it from the United States.

Perhaps the most conservative estimate of marijuana's impact on Colombia comes from the U.S. ambassador in Bogota, Diego C. Asencio. He stated that marijuana is "approaching" coffee in the Colombian economy.

State Department economists in Washington compare coffee in the Colombian economy with wheat, corn, and soybeans in the U.S. Coffee accounts for more than one half of all Colombian exports, according to U.S. Commerce Department figures.

Dr. Galvis de Abello, head of the United Nations' narcotics control office in Bogota, estimated marijuana brings in \$3 billion—a figure \$1.2 billion larger than the legal exports combined and \$1.4 billion more than all U.S. foreign aid the country has received since 1946.

Frederick Rody, chief of the U.S. Drug Enforcement Administration's [DEA] Miami office, said his investigations of bank accounts of marijuana dealers indicate that at least \$7 billion is paid annually to smugglers in Colombia.

A spokesman for Colombia's National Association of Financial Institutions [ANIF] said the organization has begun a study to determine marijuana's role in the national economy.

According to Colombian Finance Minister Jaime Garcia-Parra, the country currently earns \$1.5 billion exporting coffee. He lists the other leading exports as fuel oil, \$136 million; cotton, \$116.9 million; bananas, \$57.3 million; and beef, \$34.4 million. Only coffee and drugs are billion-dollar exports for Colombia.

Banking officials explained that exports account for roughly 12 per cent of the nation's gross national product.

"If the American estimate of \$7 billion were accurate, we would have, maybe 40 per cent of GNP in marijuana," said one official who discounted the DEA estimate. "But, my God, if it's even \$2 billion, that is perhaps 10 per cent of of GNP," she added.

Dr. Rudolpho Garcia, acting chief of Colombia's drug control efforts, estimates that farmers now have 225,000 acres of marijuana growing.

If transplanted in Chicago, that crop would cover the ground from the Loop north to Evanston from Western Avenue to the lake.

Each acre can produce one ton of marijuana every six months, said U.S. officials in Bogota.

DEA administrator Peter Bensinger said that some 16 million Americans are regular marijuana users. And he estimated that the U.S. gets 70 per cent of its marijuana from Colombia.

Dr. Garcia, Colombia's chief drug enforcer, has explained he could round up thousands of farmers at will. But, he said recently. "Where would we put them? Our jails are already full."

Coffee farmers earn roughly 10 cents a pound, according to the Colombian Coffee Growers Association. Colombian officials estimate marijuana farmers are paid \$3 a pound, but U.S. officials place the estimate at \$8 a pound.

U.S. intelligence sources said that the farmers are not the only ones operating openly in the marijuana industry. Many top dealers flaunt the law and live in splendor on the palm-bedecked hills of Barranquilla, about 100 miles south of the marijuana fields.

The friendly businessman told of exchanging visits with some of the marijuana smuggling families of Barranquilla and the Guajira peninsula. He said his hosts in Barranquilla showed him how their fortresses are equipped with shortwave radios and microwave-operated teleprinters.

From the command centers the smugglers direct ships and planes to pick up points.

Intelligence sources in Bogota and Washington said they have names of many of the top smuggling "mafias," such as the D'Avila, Cotes, Castromollina, Pineto, Abunchiabe, and Guillo families.

Pedro D'Avila, nephew of the mayor of the resort town of Sunta Marta, is routinely referred to in the Colombian press as a marijuana dealer. Some accounts tell of D'Avila using army units to guard his workmen as they load marijuana onto airplanes.

U.S. observers note guardedly that there are other signs of marijuana "mafias" reaching deep into government. One example is Anibal Turbay, nephew of Colombia's newly-elected president, Julio Cesar Turbay.

Anibal Turbay has been linked frequently to marijuana figures both in the Colombian press and by U.S. investigators. President Turbay has vowed to wage an all out campaign against the smugglers despite his nephew's connections.

"We can only hope," said a top U.S. official involved in negotiations with the Colombians, "that President Turbay will work even harder to stop the drugs to dispel suggestions of corruption on Anibal's part."

President Turbay has charged that one-fourth of the Colombian legislators had financed their campaigns this year with marijuana and cocaine money.

Meanwhile, the "mafias" run roughshod in Colombia. Recently, in the city of Cali smuggling groups assassinated a judge who was giving a seminar on a drive to impose tougher sentences on drug dealers.

In August, the "mafias" shot and killed Colombia's former interior minister, a man close to Turbay and believed heading for a Cabinet post. Slogans scrawled on walls indicated the murder was in retaliation to Turbay's vow to curb crime and drug smuggling.

Other drug groups have raided jails and freed American fliers caught making pickups. Earlier this year, Dr. Janie Rivas of Colombia's Council on Dangerous Drugs announced that 200 Colombian police officers died in battles with drug smugglers in 1977.

U.S. intelligence officials recalled numerous instances where smugglers told judges and policemen that they could either accept large payoffs or carry out their duties and be killed.

"They love to make an offer you can't refuse," said one top U.S. official in Bogota.

[From the Miami Herald, Oct. 20, 1978]

WE'LL SHOOT DOWN DRUG-RUNNING PLANES, COLOMBIA SAYS

(By Penny Lernoux)

BOGOTA, COLOMBIA.—Colombia's war on U.S.-bound drug traffic has entered a new, shooting phase with the government's announcement that any unauthorized airplanes flying over the Guajira Peninsula may be hunted down by the Colombian air force.

Putting teeth into his campaign promise to stop the estimated \$3-billion annual marijuana and cocaine trade, Colombia's President Julio César Turbay has decreed tough new flight restrictions for the northeastern Guajira Peninsula along the Venezuelan frontier, where most of the country's "green gold" is grown.

Effective Nov. 1, the restrictions will place the Guajira's 3,088-square miles of coastal lands and 9,650-square-mile interior off bounds for airplanes flying at altitudes lower than 7,000 feet. In the marijuana-rich region of the Sierra Nevada mountain range near the tourist resort of Santa Marta, altitude limits will be even higher—20,000 feet. Air controls will extend to 12 miles offshore, which Colombia claims as territorial waters.

The ruling aims to prevent U.S. planes on Colombia drug runs from using the Guajira's estimated 300 clandestine runways. Efforts to intercept the traffic with more pedestrian measures, such as overland attacks by police and military squads, have achieved negligible results, as most of the runways are difficult to reach by road and are heavily protected by the local drug mafia's private armies.

Even when runways are torn up by government bulldozers, they can be rebuilt in a few hours in the Guajira deserts.

Such is the traffic in these remote regions that an average seven planes land daily for marijuana pickups.

With a record crop of marijuana about to be harvested in the Guajira, the Turbay government is anxious to take the initiative.

Under a recent agreement signed by the Colombian and U.S. governments, Washington will support the Colombian effort with increased vigilance of Florida air corridors. The United States also is expected to contribute equipment and training to an air force vigilante squadron based in Barranquilla, Colombia's principal Caribbean port located 60 miles west of the Guajira.

The squadron will be equipped with French Mirage and American T37s, and helicopters. It will use a unified signal system jointly developed by the U.S. Civil Aeronautics Administration and the Colombian Ministry of Telecommunications to patrol Guajira skies.

Any plane violating airspace regulations will be intercepted by air force planes. Once on the ground, a drug-plane crew will face stiff new penalties, including longer jail sentences, higher fines and confiscation of the airplane. Planes ignoring the order to land will "naturally" be shot down, said Defense Minister Luis Carlos Camacho Leyva.

Commercial airlines will reroute Guajira flights or fly above the 20,000-foot limit.

U.S. Ambassador Diego Asencio Wednesday warned Americans that Colombia means business in its threat to shoot down planes.

"They are loaded for bear and will really try to do a job up there," the ambassador told newsmen. "What I'm concerned about . . . is that there are going to be people who won't take it seriously. I don't want to be shipping back the bodies of any dead Americans."

The Colombian air force, to date, has had only one experience in hunting marijuana planes, a DC3 with a crew of four Americans that the air force shot down in the eastern *llanos*, or grass plains south of the Guajira. Two of the Americans were captured after the plane made an emergency landing.

Although the government's anti-drug squadron has used helicopters to ambush marijuana planes loading on clandestine runways, the results have been mixed.

If nothing else, the new provisions for air traffic controls should boost prices in the Guajira, where less experienced traffickers recently have suffered losses because of marijuana seizures by the military and police, according to Guajira drug sources.

President Turbay has singled out the Guajira in the belief that the marijuana traffic can be stopped by controlling the peninsula itself, a possibly over-optimistic assessment in view of the region's notoriously corrupt public officials and a smuggling tradition that dates to Spanish colonial times.

Then, too, there are still large tracts of isolated farmland available to growers in the *llanos*, along the western Caribbean coast and the length of Colombia's Pacific coast, if the Guajira gets too hot.

Turbay admits that the cocaine traffic is almost impossible to control since, unlike marijuana, the laboratories processing imported coca paste are scattered throughout the country's cities.

Not all Colombian business and political leaders are convinced that the president's anti-drug drive is a good thing. Some industrialists, for example, argue that the narcotics traffic, which two years ago surpassed income from Colombia's principal export, coffee, has helped to revive the economy, particularly in the construction industry, a favorite laundry for drug money.

Turbay, however, dismisses such claims by pointing to the greater danger of growing drug-fueled corruption in government. The president also claims to have evidence that drugs are being exchanged for arms, and this, he says, poses "a threat to the national security of the state."

[From the Philadelphia Inquirer, Oct. 22, 1978]

DRUG SMUGGLERS LIVING THE HIGH LIFE IN FLORIDA

(By Ron Laytner)

MIAMI—Two planes from South America fly over Florida so close together that they appear as a single aircraft on radar screens. In tight formation they buzz low over a remote cow pasture.

One plane, loaded with marijuana, drops even lower, lands and is met secretly by a truck. The other, still on radar, lands at Miami International Airport as a decoy for a clean customs inspection.

Police say Florida has become the center of international drug smuggling in the U.S. Annual cash volume for wholesaling marijuana alone is believed to be more than \$5 billion—more than Exxon Corp. earns around the world.

A man, 19, parks his Rolls Royce near a beach at Fort Lauderdale and wrestles with a problem. How best to retire?

In nearby Hollywood a 23-year-old woman deposits \$50,000 in \$20 bills at her bank.

A Pompano Beach foreign car dealer sells a 450 SEL Mercedes-Benz for \$26,000 and is paid from a briefcase stuffed with \$100 bills.

Profits are high. Pot can be bought in Colombia for \$50 a pound, sold in Miami for \$350 wholesale and retailed at \$45 an ounce.

Cocaine costs \$27,000 a pound in South America, \$80 a gram wholesale in the United States and \$640 a gram—or almost \$300,000 a pound—retail.

The numbers are dazzling. In the last few months, authorities in Florida have made arrests in which millions of dollars in cash were involved.

Anyone can be a smuggler: Businessmen looking for short-term, high profit investments; lawyers and doctors; airline crews seeking excitement; fishermen hoping to pay off their boats with one good run.

Miami's Federal Reserve Bank is America's only bank with a surplus of cash in circulation. Treasury experts feel the surplus is due largely to drug money.

Drug runners have become so flamboyant that two men attending a muscular dystrophy TV telethon in Florida last year actually donated, on camera, \$10,000 in cash on behalf of "the blockade runners."

Nothing in the Coast Guard fleet can catch a 90-m.p.h., \$90,000 speedboat; lawmen often watch helplessly as drug-runners race to freedom.

Smugglers have eluded wiretaps by carrying telephone pages such as doctors use. When it beeps they leave home, where a phone might be tapped, and head to a phone booth chosen at random to call a contact without fear of being overheard.

The chief of intelligence and law enforcement for the Seventh Coast Guard District, Cmdr. John C. Ikens, says, "We do our best to stop drug runners on the water and in the air, but there's no way yet to cope with a possible new menace—underwater shipments. Smugglers now have so much money we wouldn't be surprised if they had their own private submarines."

Most smugglers get through. There are many arrests but often on tips from smugglers who are sacrificing a small amount of drugs and an amateur hireling as a decoy so that they can get through with a large load.

Smugglers dread the Drug Enforcement Administration, which is better equipped than Florida police. It uses modern light-amplification night scopes to see in the dark and has computers to track personal checks and payrolls and keep watch of anyone ever connected with narcotics.

Whatever the cause, drug seizures and arrests are increasing. In 1977, the Coast Guard seized 41 boats. Seventy-six boats were seized in the first half of 1978, including what was called the biggest pot seizure in history, the 153-foot coastal freighter, Heidi, with 225,000 pounds of marijuana.

Confiscated marijuana is destroyed in Florida public incinerators. Citizens living near one in Pompano Beach, tell of 'highs' from the fumes of up to 30 tons of marijuana burned in a day.

Police face high danger too. Formerly, undercover agents bought drugs from dealers, while tape recorders or radio transmitters hidden on their bodies collected evidence.

But now drug dealers use tiny radio-wave detectors to spot 'wired' narcotics agents, some of whom have been instantly shot.

Police now infiltrate gangs to arrest leaders. The work is risky and the life-style wild, with big money, high living and beautiful women. Police concede that the work can corrupt honest men. Agents showing changes of attitude are quickly shifted to other work.

Police criticize the leniency of some courts. Last December, a 26-year-old man fell asleep at the wheel of his Cadillac and crashed into a pole in Fort Lauderdale.

Police found \$44,000 in his car, plus several ounces of cocaine and a police radio frequency scanner. At the hospital they found a small loaded pistol in one of his boots and a belt buckle that converted to a knife.

In the man's apartment they found a paging beeper, four scrambler phones, two more police scanners, a radio transmitter detector the size of a pen, and a notebook containing a detailed shopping list of more electronic equipment.

The man was charged with failing to have his vehicle under control, driving with a suspended license, driving while under the influence of intoxicants, possession of narcotic paraphernalia, possession of a firearm while committing a felony, possession of barbiturates and possession of cocaine with intent to sell.

He spent five days in jail. Five months later all charges against him were dismissed.

Around Florida, drug smugglers, who play hard, live dangerously, spend and tip well, are sometimes regarded as folk heroes. Some women are fascinated by them, and police are curious to examine their weapons and electronic devices.

But one Florida lawman, risking his life for \$15,000 a year, said: "It's unfair. In ten years they'll be making movies about today's drug smugglers. They'll be the heroes and we'll be the bad guys. My kids are going to grow up and work for rich people who made their money in drugs."

[From the Chicago Tribune, Oct. 27, 1978]

COLOMBIA: ECONOMICALLY ADDICTED TO MARIJUANA

"Coffee is the mainstay of the Colombian export sector, accounting for more than 50 percent of registered foreign exchange earnings in 1976."—U.S. State Department background paper.

(By James Coates)

BOGOTA, COLOMBIA.—The key word in that bit of intelligence is "registered." In fact, according to classified studies, Colombia's economy now depends more on marijuana and cocaine sales than coffee.

Both Colombian and U.S. officials are trying to determine just how big a role drugs play in the nation's economy, and their early findings are surprising.

The U.S. ambassador to Colombia, Diego C. Ascencio, estimated this summer that drugs are nearly as important as coffee in Colombia's economic affairs. Other U.S. analysts, including officials of the Drug Enforcement Administration

(DEA) in Washington, estimate that marijuana-dealing Colombians earn \$7 billion a year—more than three times the country's other exports.

That vast sum is drained mainly from the U.S. economy through U.S. dealers who cater to 16 million marijuana users, according to DEA officials.

Colombia's export earnings, excluding marijuana, amounted to only \$1.8 billion in 1976, the last year for which complete figures are available.

Of that amount, according to the U.S. Commerce Department, \$995 million was for coffee; \$68.9 million for cotton; \$41.4 million for rice; \$41.2 million for bananas; and \$35.1 million for cement. Colombia also exports a variety of other items ranging from emeralds to cut flowers.

In 1976 Colombia's Gross National Product [GNP] was \$16.32 billion. If DEA's \$7 billion estimate is correct, marijuana now comprises 43 per cent of the country's GNP.

Even if the more conservative estimate of officials such as Ambassador Asencio are correct and marijuana approaches coffee as Columbia's chief export, marijuana accounts for a substantial share of Columbia's wealth.

Other economic indicators also suggest marijuana has become crucial to Colombia. For example, marijuana in the last year apparently has attracted more money to Colombia than all foreign aid since 1946. Since that year, Colombia has received \$1.6 billion in aid from the U.S., according to State Department records.

Marijuana also eclipses all foreign investments in the country. Foreign investment stands today at about \$1 billion, including \$745 million invested by U.S. firms according to the State Department.

Additionally, marijuana growing and smuggling require considerable manpower. The Colombian Association of Financial Institutions [ANIF] estimates that the cultivation of an acre of marijuana requires as many as three workers.

Peter Bensinger, administrator of the Drug Enforcement Administration, estimates 100,000 to 150,000 individuals are involved in growing and smuggling the drug.

On the other hand the ANIF believes as many as 600,000 persons are involved, based on Colombian estimates that 225,000 acres of marijuana are under cultivation.

Banking officials and top executives of the Colombian coffee growers' federation openly advocate legalization of the marijuana. They put their arguments in terms of economic benefits, however.

Meanwhile, U.S. intelligence agencies are helping the Colombia government trace how marijuana profits are being invested.

Much of the money is being wasted by newly rich marijuana lords, analysts have found, automobiles, and real estate appear to be stimulating the local economy, ANIF analysts said.

Furthermore, some of the marijuana money—and cocaine profits as well—is being spent to build hotels in the popular tourist cities along the Caribbean, places like Santa Marta and Cartagena.

Such projects, of course, provide jobs and furnish lucrative contracts to local suppliers of building materials.

Other observers said there are also indications that marijuana profits are being invested in Colombian businesses, providing a source of funds for expansion. Also, the sources said, there is evidence that marijuana traders have purchased shares of the airline, Aerocondor.

From the government's view however, a most important problem is that marijuana money is escaping taxation. Such taxes could be spent for law enforcement, road construction, and education.

Despite the economic situation, however, President Pulio Cesar Turbay has vowed to stamp out the marijuana business. And DEA administrator Bensinger said, "I think he really means it, and I expect we will soon see some dramatic new action by the Colombians."

[From Newsweek, Oct. 30, 1978]

THE NEW BOOTLEGGERS

(By Dennis A. Williams with Verne E. Smith in Miami, Sharon Begley in New York, Elaine Shannon in Washington and bureau reports)

Two miles off Mantilla Light in the northern Bahamas, the 140-foot freighter Moctezuma received a CB code message from a sport fishing boat approaching from Florida waters. Come closer, the signal said. One of the fishing boat's crew-

men then held up the torn half of a 5-peto note—and the captain of the *Moctezuma* held up what appeared to be the other half. With that, the ship's captain ordered the main hold of the freighter opened, and his crew began to throw bales of marijuana wrapped in burlap down to the fishing boat. Nearly 1,000 pounds of high-grade Colombian grass were stuffed into the smaller boat and it sped off. The fishing crew—all agents of the Drug Enforcement Administration—alerted a nearby Coast Guard cutter. The Coast Guard arrested the freighter's captain and seized the rest of his cargo—more than 115,000 pounds of marijuana. It was one of the largest marijuana busts in U.S. history.

The arrest last spring showed just how drug trafficking in the U.S. has changed. Marijuana smuggling—once confined to college students backpacking grass across the border from Mexico—is now a \$6 billion business that rivals the heroin trade, according to the DEA. "Marijuana smugglers are large, sophisticated criminal organizations dealing in millions of dollars," says DEA administrator Peter Bensinger. "They have the assets to purchase aircraft, oceangoing freighters and sophisticated electronic equipment."

In effect, pot smugglers have become the contemporary equivalent of Prohibition-era bootleggers, serving a huge market. Forty million Americans have smoked marijuana at least once, and eleven states have eliminated criminal penalties for possession of small amounts. "It's pretty impossible nowadays to hit 15 without smoking a joint," sighs Lt. John Hinchy of the Chicago vice-control division. Penalties for trafficking in marijuana are also light—five years maximum—and profits are handsome. A pound of imported pot bought for \$40 is worth from \$300 to \$800 in the U.S. A 1-ounce "lid" of the stuff can bring \$60, or it can be broken down into \$5 "nickel bags" or \$1 loose joints.

The gateway for most of the marijuana that comes into the country is the Florida coast, and the main source—since crackdowns in Mexico and Jamaica—is Colombia. It all begins in Colombia's rugged La Guajira peninsula, where poor farmers find it more profitable to grow marijuana than fruits and vegetables. The crop is packed into "mother-ship" freighters that cruise north through the Caribbean, flying foreign flags, to wait offshore in international waters—where U.S. authorities cannot board unless they can prove a violation of American law. Smaller craft rendezvous with the mother ships, off load their consignments and vanish into the 1,197 miles of Florida coastline in a replay of old-time rum-running operations.

The same mother-ship connection operates off the New England coast, where the DEA says thirteen ships have been seized over the last eighteen months with 150,000 pounds of marijuana. "Eighteen months ago we didn't even realize there was a problem in the state," says Capt. Melvin Graves of the Maine state police. Federal and local agencies have pooled resources in a crackdown named Operation Atlantis, and have identified six smuggling rings in that region—each with some organized-crime ties. As part of the program, officials have developed a network of citizen informants to let them know, for example, if any strangers come around looking for ocean-front property with deep-water docking space or if anyone shows up at marinas requesting unusual boat repairs. But so far, one Federal agent admits, Operation Atlantis has stopped only about 10 per cent of the smuggling in New England.

OVERFLOW

Officials in the New York area are convinced, however, that Operation Atlantis has been successful enough to drive more of the smuggling business their way. On Long Island Sound early this month, a Coast Guard cutter sighted a 75-foot ketch lying low in the water with its running lights out. The Coast Guard followed routine boarding procedure—and found the ketch stuffed with 7 tons of marijuana. "It was packed to the rafters," recalls customs official Arthur Stiffel. "The odor knocked you down."

Last month, a DEA man making a buy in Florida was directed to Long Island by his contact. There, on a 3-acre estate near Oyster Bay, the agent was led to a house packed with 7 tons of Colombian-packaged pot. And during the summer, New Jersey state police confiscated 18,000 pounds of marijuana from a four-engine DC-6 at a small airport near Trenton, which led to the busting of a 24-man Connecticut-Florida smuggling ring that had been flying pot directly from Colombia to tiny East Coast airfields.

Smuggling is much less of a problem on the West Coast, where the once-handly Mexican supply has all but dried up—largely because the Mexican Government has sprayed the marijuana crop there with paraquat. But Colombian pot now

comes directly to California by sea and air, cigar-size "Thai sticks" from Thailand continue to arrive and there are, in addition, increasing supplies of high-grade domestic marijuana grown in Hawaii and northern California.

Although the DEA fears the increasing participation of criminal organizations in the marijuana trade, it remains remarkably open. The DEA has arrested people from all walks of life, including attorneys, college students, businessmen and the mayor of a small Florida town. "It's lured people who wouldn't otherwise be criminally involved," says Frederick Rody of the DEA's Miami office. "You can negotiate for 10 tons of marijuana and they'll deliver it to you like Sears, Roebuck 12 miles outside the U.S. coast. All you have to do is go out and pick it up."

SHORT-HANDED

The DEA is handicapped by a shortage of agents. It has only about 150 men in the busy Southeast region, and fewer elsewhere. The well-financed smugglers, on the other hand, can afford every advantage down to the latest in radio and navigational equipment. "When the Coast Guard picks them up on radar," says one DEA man, "they pick up the Coast Guard." But the Feds believe they are catching up. Under a secret project called Operation Stopgap launched late last year, the Coast Guard used Navy satellites to track suspect ships. Over the past eight months, according to the DEA's Bensinger, authorities have stopped more than 85 mother ships, seized more than 1,000 tons of marijuana and arrested 488 people.

Bensinger has been lobbying Congress to impose stiffer penalties for marijuana traffickers, and the DEA has begun using the RICO statute (racketeer-influenced and corrupt organizations) to confiscate property acquired with money from drug sales. Recently, the DEA busted a network involving a smuggler named August Palmeri and his partner, a Los Angeles roofing-business owner named David Christian. Both were indicted last year and eventually received sentences of 36 months in prison. But through RICO, the government was able to seize \$187,000 of Christian's assets that were shown to have been acquired with the marijuana money.

Ultimately, Bensinger believes the best hope is to enlist the aid of the Colombian Government to crack down on growers and smugglers. Colombia has made the La Guajira peninsula a specially controlled zone, requiring vessels, vehicles and aircraft to have permission to enter. But even if the Colombian connection is finally shut down, the popularity of marijuana in the U.S. means that the new bootleggers will almost certainly find some other source of supply.

[From Newsweek, Oct. 30, 1978]

HOME-GROWN GRASS

(By Melinda Beck with Stephen Gayle in San Francisco)

Barry Andrews sounds every bit like a Midwestern grain farmer. He talks about the condition of his topsoil, studies up on the best fertilizer and frets about the price he can expect to get for his crop. And like farmers everywhere, he grumbles that he is unappreciated by city folk. "People think about the money you make, but they never think of the stress, tension and energy you put in," says Andrews, 23, who has spent only six days away from his northern California field in the last five months. But he has one worry that other farmers don't: a visit from the police. Andrew's crop is marijuana.

Though many aficionados grow their own grass in such containers as paper cups, flower pots or fluorescent-lamp-lit window boxes, professionals like Andrews (not his real name) run sizable spreads. Hidden away in the secluded hills of northern California, southern Oregon, Hawaii and the old moonshine hollows of Tennessee are pot plantations—typically 40 acres or so—where the weed is a multi-million-dollar cash crop. No one knows the total value of the illicit industry, but in Hawaii, law-enforcement officials estimate that *pakalolo*—or "crazy smoke"—exceeds the state's \$242 million sugar-cane harvest. And in Humboldt County, Calif., where local police raided sixteen farms last week, netting \$5 million worth of marijuana, district attorney Bernard Depaoli says: "Some speculate that marijuana competes with the lumber industry here in dollar value."

However illegally, America's marijuana farmers have developed a quality domestic product that is challenging imports. Many users say Maui Wowie, Kona Gold and Big Sur Holy Weed provide a better high than Colombian pot, and are also free of the harmful paraquat sprayed on Mexican marijuana. Domestic farmers are reaping higher prices, too. Mexican grass sells for \$150 to \$350 per pound, while the California brands can fetch as much as \$3,000 a pound on the streets of New York or Chicago. "We're finding grower-distributors in the northern counties of California who are much more sophisticated than the Latin Americans," says state drug agent Matt O'Connor.

PROPERTY

Police have found advanced cultivation equipment in raided fields, and California growers have developed a fine seedless hybrid, known as sinsemilla. Many farmers keep costs and risks down simply by planting on other people's land, sometimes even on Federal property. Says Monterey narcotics agent Ed Warner: "We've found marijuana farms in the Los Padres National Forest, Big Sur and on the Hunter Liggett Military Reservation."

Using helicopters and high-powered binoculars, police are trying to crack down on the illegal fields, burning or uprooting whatever plants they find. But most of the farms are well hidden in rural areas and some are patrolled by armed guards and booby-trapped. And because first time offenders are often charged with simple misdemeanors, growers are more wary of thieves than narcotics agents. "I'm afraid of getting arrested, but it doesn't haunt me day and night," says Andrews. "I'm willing to take the risk to make the money."

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COLOMBIAN GOLD—GUAJIRA PENINSULA BECOMES CHIEF SOURCE OF MARIJUANA FOR UNITED STATES—CONTRABAND MOVES BY SHIPS AND PLANES TO U.S. SOUTH; LOCAL GANGSTERS THRIVE

(By Everett G. Martin)

A "CRUSADE" TO CURB TRAFFIC

SANTA MARIA, COLOMBIA.—The ganster families Cardeanas and Valdeblanques don't get along. Their feud, lasting some 30 years, has claimed dozens of lives. In the most recent episode, a Valdeblanques contingent machine-gunned a Cardenas funeral procession, killing six.

Never has there been so much to squabble about. Smuggling long has flourished in the Guajira Peninsula region, with contraband ranging from cigarets to refrigerators. Now the "mafiosos"—no relation to their United States or Italian counterparts—are thriving on a new lucrative commodity: marijuana.

Guajira is a bone-dry, table-flat piece of land the size of New Jersey that juts out into the Caribbean. It is the northernmost point of South America, thinly populated and so anarchic that the Colombian army doesn't venture there except in force, on a battle footing.

On the peninsula, and in some cases inland, are the dirt airstrips that are contributing to northern Colombia's new distinction as the prime source of supply for American marijuana smokers. The traffickers, a Colombian police colonel says, "have built 150 clandestine airstrips all around us. That's more than all the legal airfields in Colombia. American pilots fly in at night, load up and take off before we even know about it."

DISPLACING MEXICO

An aide to the colonel chimes in to point out with some pride that Colombia Gold, or Santa Marta Gold, as the local crop is known among users, is prized for its potency. "Much better than Mexican," he says. Since the Mexican program of spraying marijuana fields with herbicides began showing results last year, the Santa Marta region has jumped to the forefront in supplying the United States.

Colombia already was prominent in the drug trade. The U.S. Drug Enforcement Administration estimates that Colombians have been processing some 70 percent of the 16 tons or so of cocaine entering the United States each year, which would mean approximately \$150 million in gross profits to the Colombian dealers. But it is believed that marijuana has displaced cocaine as the big money earner for Colombian narcotics smugglers.

Colombian authorities estimate that some 240,000 acres have been planted in marijuana since the boom began. Assuming that figure to be correct, Colombians could be producing 60,000 tons this year, which would be worth more than \$6 billion at a wholesale price of \$50 to \$70 a pound. That would be more than double the country's legitimate export figure, which was \$2.3 billion last year.

Note: Colombians are prone to exaggeration. "You should divide, every figure you hear in Colombia by ten," cautions Rodrigo Botero, a former finance minister. But, even viewing the estimates skeptically, it is clear that marijuana is big business for this region.

ANY PRICE WILL DO

In Barranquilla, a city of a million residents some 50 miles west of here, the mafiosos are buying the choicest homes. "It's a region of terror," says one Barranquillan. "They pay in cash and they don't care what the price is. You can tell which houses they've bought. They have 50 bodyguards outside, a half-dozen Mercedes-Benz and BMW cars in the driveway and big antennas on the roof."

The trademark of the mafioso is said to be the four-wheel drive Chevrolet Blazer utility vehicle with air conditioning. Indeed, as one moves along the main street with a burly chauffeur at the wheel and a beefy man in a white shirt sprawled importantly in the back seat, an old news dealer nudges a friend: "Mafiosos."

Santa Marta residents say mafiosos also have taken over or built homes in this seaside resort. According to local reports, one much-envied operator has a cliff-side home with a glass-bottomed swimming pool atop the bar. This worthy, it is said, sends his children to schools in the United States and takes his vacations in Europe.

Santa Marta, a port town of narrow streets and whitewashed walls, has a harbor ringed with cliffs—in fact, is perched on a rocky ledge up against the Sierra Nevada de Santa Marta, a massif that juts abruptly out of the sea to altitudes of nearly 19,000 feet. On a sweltering day in Santa Marta, you can see the snowy peaks.

Flying over the sharp canyons and isolated valleys of the mountains reveals a lot of marijuana is growing. "You can see it in the canyons and on the steep hillsides up to the 3,000-foot level," says a U.S. official.

"The land was vacant and the farmers just moved in, burned off the timber and planted their crop. They'll have to take it out on the backs of burros," he adds. It is desolate country, populated by pumas, jaguars and illiterate natives, too precipitous to be sprayed with herbicides even by helicopter, in the judgment of at least one man who has clambered through the area.

Regular crop land also has been turned to marijuana cultivation. A farmer thus can earn up to \$8 a pound, far more than with other crops. And field hands can earn \$15 a day in marijuana, compared to a paltry \$3 a day for the same work in cotton or tobacco.

A local cigaret manufacturer has been forced to buy the fields he once leased for growing tobacco because the owners wanted to switch to marijuana. All around the company's fields, says its crop supervisor, marijuana is flourishing. It is speculated that refusal to sell a local farm to the mafiosos may have accounted for the unsolved murder last year of an American couple who had been cultivating coconuts here for four and a half years.

Most of the airstrips have been bulldozed into the desert of the Guajira Peninsula, stretching northeast of the mountains. "From the air you can see as many as eight at a time," says a U.S. drug-enforcement official. A police official in Santa Marta says one of the strips is big enough to handle jet planes. "There are houses on each side of it with their roofs covered with luminous paint to guide the planes," he says.

The marijuana traffickers use ships too. The rugged coastline provides deep-water berthing for vessels all along the peninsula and the northern coast. Freighters lie offshore and load up with many tons of contraband at a time. To the west, where the Magdalena River empties into the Caribbean at Barranquilla, is a watery labyrinth that looks as difficult to monitor as Vietnam's Mekong.

By day, native fishermen there work from dugout canoes with square-rigged sails, sweeping for fish with big nets. By night, for 100 pesos (\$2.63) a trip, many of the same fishermen use their dugouts to carry a few bales of marijuana to ships that make passes along the coast and its innumerable inlets.

These so-called mother ships carry the contraband to international waters off the southern coast of Florida, where they discharge it into fast launches sent to

meet them. The marijuana-laden planes land secretly, and usually at night, at unattended airfields or even road junctions at locations around the Southern and Southwestern United States.

Many Colombians argue that U.S. crime figures are basic to the trade. "North Americans organized in mafias are the ones who have brought the money to stimulate the plantings," contends Rafael Iguaran, governor of the department of Guajira. "They are corrupting the Guajiran people. I don't know of any Guajiran who possess an airline to transport this product."

However, Americans who have been arrested have included a generous cross-section, including pilots trained in Vietnam, college dropouts and students, a gentleman farmer from the South and pilots employed by major airlines doing some free-lance smuggling.

Elusive as the smugglers may be, there is agreement that local officials haven't been overly vigilant. "A policeman up there is told by the smugglers that he has two choices; he can either get rich from payoffs, or he can get killed," says a U.S. official. "Since a policeman's pay starts at \$46 a month, you can imagine what choice he makes."

A police colonel in Santa Marta makes this protest: "What can we do here? We don't have enough men. We don't have planes. We don't have radar."

Actually, as of Nov. 1 that statement became slightly inaccurate. Colombia's new president, Julio Cesar Turbay, who has vowed "a crusade" against the smugglers, put into effect a policy that bans all air traffic over the Guajira Peninsula except scheduled commercial airliners.

The Colombian army, air force and navy, augmented by sophisticated electronic equipment, are being used in the search for illegal traffic. A U.S. drug-enforcement official in Bogota, the Colombian capital, says that "four or five aircraft and a vessel" have been seized since the policy went into effect, and "several tons" of marijuana confiscated.

The anti-smuggler campaign actually began last year, when former President Alfonso Lopez-Michelson organized a small, elite unit to pursue the malefactors with the aid of three helicopters donated by the U.S. That unit has confiscated more than 1,000 tons of marijuana and has made several arrests.

The Merchants Association of Guajira already has expressed concern that successful enforcement would put up to 40,000 persons out of work and wreck the local economy if substantial aid isn't forthcoming also.

But others in the region are betting that the local mafiosos will emerge largely unscathed. "If the U.S. can't control its mafia, how can an underdeveloped country like Colombia do it?" asks a local newspaper editor.

A businessman adds, "The power of money is stronger than patriotism. The government's intentions are sound, but those people are very united and they have better weapons than the army. There are lots of other places in Colombia where they can move and there won't be enough force to stop them."

Many a smuggling run comes to grief without any official intervention. At least 40 illegal planes have crashed on land, and, says the police colonel, "Lots of them have disappeared in the ocean without a trace."

About 20 planes landed in good enough shape to be of some value to owners in the United States, who say they didn't know they were leasing planes to drug-runners. Six of them, including a big DC-3 transport, stand forlornly beside the seaside runway of the Santa Marta city airport. All were brought in by outlaw pilots in trouble.

A twin-engine Beechcraft lies with a twisted wing. As in most cases, the pilot brought it in during the night and then disappeared. In this case, some Santa Marta citizens later slipped into the airfield at night, loaded the Beechcraft with a new cargo of marijuana, and attempted to take off. But the landing gear collapsed, so they unloaded and departed.

The prize catch so far is a sleek Learjet that landed in June 1977 and is being held by authorities. The plane's owner, an Arkansas firm, has been trying to get it back. Meanwhile, the craft sits bathed in salty sea breezes, crusting with corrosion.

