



REVIEW OF THE ADMINISTRATION'S DRUG
INTERDICTION EFFORTS

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
NINETY-EIGHTH CONGRESS
FIRST SESSION

FEBRUARY 25, 26; JULY 6, 7, AND 9, 1983

Use of the Committee on Government Operations

111630



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REVIEW OF THE ADMINISTRATION'S DRUG INTERDICTION EFFORTS

FRIDAY, FEBRUARY 25, 1983

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION, JUSTICE,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Miami, Fla.

The subcommittee met, pursuant to notice, at 9:10 a.m., in the Dade County Courthouse, Miami, Fla., Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English, Ronald D. Coleman, Buddy MacKay, Edolphus Towns, and Thomas N. Kindness.

Also present: Representatives Dante B. Fascell, E. Clay Shaw, Jr., Lawrence J. Smith, and Senator Lawton Chiles.

Staff present: Theodore J. Mehl, professional staff member; William G. Lawrence, counsel; Edward Gleiman, counsel; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

OPENING STATEMENT OF CHAIRMAN ENGLISH

Mr. ENGLISH. The hearing will come to order.

This subcommittee, the House Government Operations Committee's Subcommittee on Government Information, Justice, and Agriculture, has as one of its responsibilities insuring the effectiveness and efficiency of the Federal Government's antinarcotics programs.

Last year, in fulfilling that responsibility, we held 4 days of hearings to examine how our Nation's military could best be utilized in assisting the civilian law enforcement community in its struggle against illegal drugs. The central focus of these hearings was the operation of the South Florida Task Force.

We found the task force to be a substantial improvement over earlier drug interdiction efforts. Much of its success, I believe, is attributable to the direct involvement and leadership provided by the Vice President.

Working with the Vice President and several of the witnesses who will testify during the next 2 days, the subcommittee was able to identify previously untapped resources which have since been or will soon be brought to bear in the war against drugs.

For example, the radar balloon at Cudjoe Key has proven to be a valuable source of information on smugglers' flights; so much so that the Air Force has agreed to deploy a second balloon at Patrick Air Force Base at Cape Canaveral. This balloon will, as at Cudjoe

Key, do double duty—it will become part of the NORAD radar screen, and will provide information on the activities of potential smugglers to the U.S. Customs Service. The result of utilizing these balloons will be low-level radar coverage of the entire Florida Peninsula.

The South Florida Task Force effort has not, of course, been problem-free. But I know we are learning from both its failures and its successes. The task that faces us now is to insure that the problems are corrected and that lessons learned do not fall into disuse.

We have come to south Florida for a firsthand look at the task force interdiction operation. Also, I would like to make note of our brief detour on the way to Miami. We arrived here last night after stopping in the Bahamas where we met with Prime Minister Pindling. We discussed the problems our Nations are experiencing with drug smugglers. We discussed possible deployment of a third radar balloon there, which would make it even more difficult for smugglers to utilize the Bahamas as a refueling or dropoff point.

The knowledge and experience gained from the South Florida Task Force effort can be utilized to form the cornerstone of a unified air interdiction program designed to halt the smuggling of drugs across the entire southern border of the United States.

We have identified a number of areas where the use of existing military equipment could provide the U.S. Customs Service with a total detection, interception, and seizure and arrest capability from San Diego to Miami.

In planning this strategy we had the assistance of the Department of Defense, the Treasury Department, and U.S. Customs. Their assistance has been vital to putting this program together. I would especially recognize Treasury Assistant Secretary John Walker, Commissioner Von Raab of the Customs Service, and Jim Juliana, Principal Deputy Assistant Secretary of Defense. All three of these men, and their staffs, have offered their constructive assistance in putting this proposal together. I might say that many of these people will be testifying over the next few days, and while they have lent assistance in putting this proposal together, we have yet to receive the official approval of the administration, and we are looking forward to getting that official word tomorrow.

Right now I would like to take a moment to show on this chart exactly what the plan calls for. I will try to speak up loudly. We will have to use both the chart and some slides. You see we have a map of the United States. The first overlay shows actual drug trafficking routes. These are confirmed by Customs. These planes were followed by Customs, in order to get some view, some idea exactly how the drug traffickers are now operating. As you can see, they are moving into the Windward Passage and from that area either into the Bahamas for refueling, moving on further north into the Florida area, or offloading into small boats. I might say that we understand that yesterday several of these planes that did venture on into south Florida were identified and that they were captured, of course.

With that in mind, the second overlay gives a general idea of what the balloon at Cudjoe Key can do as well as what the second balloon up at Patrick Air Force Base will do. These circles that you

see give the general idea of the coverage at ground level. When you take into consideration coverage at 100 feet, 500 feet, or 1,000 feet, the coverage is much greater than what is represented even here on this chart. As you can see, we are beginning to get an overlapping with the two balloons, with the lookdown-type radar, which makes it virtually impossible when these radars are operating to sneak under it without being detected. We are looking forward to the coverage of this second balloon coming on line before the end of this year.

The new addition, the third balloon, is the one that I talked to Prime Minister Pindling about yesterday. Facilities are there. The balloons are presently being tested there by Westinghouse. This would give us the additional coverage of the Bahamas, and again the representation here generally speaking gives some idea of that coverage, and that would be from the surface on up. Again if you consider the coverage at 100, 500, 1,000 feet, that coverage would come out much further.

This circle down here, which would be a complete circle, is the new site for the FAA radar, which would be down at Grand Turk Island. This as you can see would provide some early warning detection for traffic in the Windward Passage. There is some additional radar down in that area that is presently giving some indication as to heavy trafficking through the Windward Passage, but with the construction of this new FAA site it should strengthen that even further.

These two circles over in this area are the normal training areas of the E-2C. With coverage that this plan would give to the south Florida Peninsula and the Bahamas, that means, of course, that the E-2C could be released to move back to its normal training areas. It still plays a very important role, because as the drug smuggler attempts to move around this radar, to get around south Florida, we want to make sure that we can head him off further north, and as you can see, it takes a very large aircraft to be able to move from the drug-producing areas all the way up and around even the E-2C coverage. I might say, of course, there is no telling when the E-2C might be moving its training area even further out into the Atlantic, so I think that it puts a great deal of uncertainty into the job of any pilot who is attempting to get around this type of coverage.

In this area is the normal training area for AWACS, and it should be on line now to provide information to the Customs Service of activity anytime that AWACS is training down there.

The next overlay shows an idea that is presently being worked out. Discussions are underway with various oil companies that have drilling rigs in the Gulf of Mexico, so that radar that is already available to Customs could be placed on those drilling rigs, and provide even more coverage throughout the entire gulf. So, if drug smugglers attempt to come around and up through the gulf area, obviously they will be running into the detection that would be available at that particular point.

The last overlay depicts the training area for the E-2C's off the west coast. This reaches south of San Diego approximately 500 miles, and west roughly 500 miles, again closing off this area around the west coast area of the United States.

That brings up the question of what we do in this huge area in between San Diego and Houston. I need to get into some of the slides. I think the first slide that you will see shows for those who have not seen it yet what one of the Seek Skyhook balloons looks like.

That is the balloon that we are talking about. It is roughly the size of a 747. The radar is slung underneath, and it has roughly the same type of capability that either an E-2C or an AWACS has. It is the same concept, lookdown radar. That is what it physically looks like. As you can see, it is a huge balloon. You can see people standing here.

The next slide, please.

This is the site at the Bahamas that we are talking about. There is no balloon tethered there now, but the facilities are there, the equipment is there, and it is a question of moving in and putting a balloon in that area. Discussions are underway with regard to leasing. I understand that Westinghouse presently holds a lease for that territory, and it would be a matter of leasing the balloon and using equipment that presently exists which means that if all goes well, we would be able to do this in the very near future. Before the end of this year this balloon should be active as well.

The next slide, please.

This is what is known as a Navy P-3A Orion, known to all of us civilian types as the Lockheed Electra. We are requesting that the Navy loan six of these Lockheed Electras to Customs. As you can see, this device that comes out behind is a radar antenna and it covers 360 degrees around, covers all surface traffic. This would be of obvious benefit down in the Florida area where you are dealing with shipping areas, shipping channels. It has a speed of 400 miles an hour and can remain airborne 14 to 16 hours, so this gives us the capability of putting an aircraft up that can stay there for a very long period of time.

The next slide, please.

Combining with the Lockheed Electra, we are going to be asking the Air Force to loan six F-15 radars. These radars then will be installed in the Lockheed Electra, will be put in turrets so that they can revolve around, which again gives us 360-degree coverage. When combined with the Electra, it gives us roughly the same type of coverage that you would have with the Navy E-2C, so it is a very capable detection device, as you can see.

For an interceptor, the Army is being requested to loan Customs eight C-12 interceptor aircraft. This airplane is known as the King Air. The Customs Service already has some of these on hand, but this would certainly beef up the interceptor force considerably. It is a very fast aircraft that, we understand according to Customs works very well for their purposes.

The next slide, please.

This is the Blackhawk helicopter. It is presently being tested here in the Miami area by Customs. It is a very new helicopter. It is still being provided to the Army, but as it stands now, that helicopter has several very good benefits for Customs. While it can carry a large number of people, up to roughly 12 people, it is very fast. The Customs Service presently uses Cobra helicopters, and the Blackhawk is as fast as the Cobra. The difference of course is that

instead of 1 passenger you are carrying about 10 or 11 passengers. In addition to that, it is also invulnerable to small arms fire, which we feel is a very important factor for the safety of Customs officers. With additional fuel tanks it has a very long endurance in the air, and of course carrying a larger bust team provides for security to the Customs officials themselves, and I think discourages suspects from resisting arrest.

That is the package. With the Lockheed Electra, with the F-15 radars suspended underneath to be used as a type of E-2C's or AWACS for the Customs, the King Airs to be used as interceptors, which significantly increases the number of interceptor aircraft that Customs would have, it also standardizes for Customs the types of aircraft that are being used for that purpose, and third is the addition of Blackhawk helicopters that we will be requesting on loan from the Army. I think it is important to stress that all of this equipment will be on loan, and should a national emergency arise in which that equipment was needed by the armed services, it would be on call with a maximum of 3 days.

In total what it does is this. It gives us an estimated \$300 million of equipment that would be handed over on loan to Customs to be used for this air interdiction system.

Now the cost of the proposal. The actual cost of the proposal would be some \$12 million to \$14 million per year, and I think it is important to point out that that is less than the administration has already budgeted for procurement in 1984 of the first of eight separate Customs air interdiction modules. This can all be done within the President's budget.

However, a small supplemental appropriation, some \$3.7 million, is needed to begin the operation in this fiscal year. Senator Dennis DeConcini of Arizona has proposed to offer this amount as an amendment to Customs' budget in this fiscal year. It is my understanding Secretary Walker when he testifies is not going to be able to comment on that at this time simply because it has not yet been considered by all the people within the administration, all the principals that have to take that under consideration, but I am hopeful that such an agreement in the near future can be reached so that this plan can go into effect without delay.

Overall, though, the choice seems clear: we can disregard the South Florida Task Force lesson on the value of military assistance to civilian law enforcement, spend \$128 million on new equipment in trying to outfit Customs across the whole southern part of the United States, and allow smugglers relatively free access to most of our border while we are attempting to put that together, or we can establish a permanent capability to interdict drugs along our entire southern border now at considerably less cost to the taxpayer.

I am hopeful of hearing from Government witnesses tomorrow that they will be able to support this less costly and more immediate plan that I am proposing here today.

Before we hear from our first witness, I would like to make note, of course, of several other Members of Congress that are here. First of all, I would like to certainly recognize the ranking minority member, Representative Kindness. Tom, do you have some remarks you would care to make?

STATEMENT OF HON. THOMAS N. KINDNESS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OHIO

Mr. KINDNESS. Thank you, Mr. Chairman. I am glad we are all meeting here this morning. I was a little worried about some of us getting through Customs.

Mr. Chairman, as we resume our oversight hearings on the introduction of military resources into the effort to intercept, or as the parlance goes, "interdict," drug smuggling, I will offer the reminder that interdiction of drug smuggling is only part of a larger effort to reduce drug abuse in the United States. This effort includes eliminating the supply of drugs at or near the source, and education and rehabilitation to reduce demand all the way at the other end of the spectrum. Evaluation of the resources devoted to interdiction must be viewed in relation to the resources devoted to and available for all facets of the overall effort to stamp out drug abuse in the United States.

In reviewing the interdiction efforts of the Federal agencies involved, we must determine and continue to determine whether their strategy is directed toward the threat of smuggling presented at different points all along our border, and whether their resources are appropriate to such a strategy. We must also remember that the Coast Guard and the Customs Service are on patrol, seeking to interdict other contraband and illegal aliens, as well as drug traffic.

Clarification of the military's liability and participation under the Posse Comitatus Act has made more assets available to our interdicting agencies. But, we must make sure that:

The agencies do not overreact to this opportunity, seeking assets which are not appropriate to the mission or which cannot be made available without impairing military readiness; and

That assets provided by the military departments are used by properly trained personnel and are properly maintained.

Coordination of the activities of the agencies and the assets they use should be one of the primary goals and a principal focus of this subcommittee's oversight. Because economy and efficiency oversight is our principal responsibility, we must guard against unnecessary duplication of effort and inappropriate assignment of equipment and personnel.

Some have called for creation of a "Drug Czar," or Cabinet-level coordinator of drug-related law enforcement activities. While I supported the so-called mini crime bill in the lameduck session of the last Congress which included such a provision, I am not convinced that it is necessary. Good, thorough, regular and systematic oversight by this subcommittee, for instance, has already contributed to more effective utilization of available assets, and I am sure it will continue to do so.

And, finally, Mr. Chairman, I share your unhappiness with the Justice Department for the failure of the invited witness to accept the subcommittee's invitation to appear here with his colleagues of similar rank and responsibility in the executive branch. As I understand it, the subcommittee staff was informed by telephone on Friday afternoon, 1 week ago, February 18, by the Office of Congressional Affairs that Mr. Giuliani would not appear and that

his deputy, Jeff Harris, would appear on behalf of the Department. You concluded, and I concurred, that we would rather hear from Mr. Giuliani, and that the invitation to appear at this hearing was being withdrawn. In order to complete our record, Mr. Chairman, I suggest and urge that we hold a further hearing at which Mr. Giuliani and other responsible officials in the Justice Department can be interrogated on their role in drug interdiction efforts.

Mr. Chairman, I would hate to end without expressing a word of thanks to many here in south Florida who have extended their hospitalities to the subcommittee, its members, and staff, and we appreciate all that has been done to help accommodate our visit here in this hearing, and with that, Mr. Chairman, I would yield back.

Mr. ENGLISH. Thank you very much, Mr. Kindness. I might say for the record the difficulty that arose with the Justice Department had to do with the fact that they were evidently unwilling, I use that word "unwilling" reluctantly, they were unwilling to provide the policymaker who had involvement with the task forces. I, too, am very disappointed that the Justice Department did not take the opportunity, given the tremendous responsibility that the President has now placed in the hands of the Attorney General, the setting up of 12 task forces all across the United States. It is very disappointing, and I assure you, Mr. Kindness, that we will hear from the Justice Department later one way or the other. They will have the opportunity to give us the benefit of their wisdom.

Also, counsel has reminded me that I should have pointed out clearly that the proposals with regard to the radar and the other aircraft, anticipate to be scattered across the southern part of the United States to cover the border from Miami to San Diego, and would be assets, of course, that could be shifted by Customs into any area they feel would be necessary. I am not sure I clarified that.

Next we would want to certainly recognize one of the most valuable members of the Government Operations Committee, and one that I might say invited us down here. It is always a pleasure for us to come to south Florida in February, but he did not rely on the attraction of warm weather. He was very strong in his persuasion that this subcommittee should be down here looking into this situation, as he has ever since I have been chairman of the subcommittee. It is something I know that he has worked on constantly. Our own Congressman Fascell has been a real battler and a real stimulant to the chairman and to other members of this committee to continue to look into this problem. Congressman Fascell.

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. FASCELL. Mr. Chairman, thank you very much.

Members of the subcommittee, first of all let me extend my welcome also to this subcommittee and to thank you for being here and pursuing this matter. Your leadership, all of you on this issue, both from the standpoint of south Florida and nationally, is very vital to the continuation of this entire program, so we welcome your interest, and the time that you have taken to come down here and give testimony, make the record, and present this plan for the

use of the military, which I think is very important, certainly in the short run.

It is going to take us a long time unfortunately to get Customs in position with the equipment, et cetera, that they need on their own. I would be for some kind of a long-term plan to do that with both Coast Guard and Customs, and I think that in the long run we are going to have to do that, but in the short run I think you have to do something along the lines that you have presented here this morning, and I would be very willing to add my support in any way that is necessary in order to get that plan approved by the executive and put into operation.

The important thing, Mr. Chairman, and you put your finger on it, is this: That this struggle is a permanent one, and therefore whatever we are going to do at the Federal level to be sure that the country is not overwhelmed and local law enforcement is not overwhelmed is to be sure that the commitment at the Federal level is permanent.

Now we have been off and on with this thing for some 25 years in the struggle against crime and drug trafficking particularly, and we have tried a variety of things, but what is essential in my judgment, as I see it, is the permanence of commitment at the highest level of the Federal Government administratively, with the total continuous oversight by the Congress and that is why the work of this subcommittee is so important.

Now there are other committees obviously that will have something to say about this problem, Judiciary, Appropriations, Armed Services, but certainly Government Operations, our committee, will play and should continue to play a very important role, as you have from the very beginning in overseeing a permanent commitment of manpower, equipment, policy for those are the things that are important.

The other oversight matters as far as I am concerned, and this is a personal opinion, is the delegation of authority. If the administration is going to put responsibility for the task force in Justice, and take it out of the White House, then it seems to me that it is absolutely incumbent that the authority is placed in an official in the Justice Department at a high enough level that the job be his main and perhaps his whole responsibility, and that he be closely identified with the President in such a manner that there is no mistake among the agencies and the departments. Otherwise we go right back to where we were, Mr. Chairman, in this issue, which is everybody has got a responsibility, everybody will try to cooperate, and then the first thing you know we get into the usual difficulty, through not anyone's fault, divided responsibility, overlapping authority, turf discussions and ego problems, and I think that needs to be avoided at all costs.

It seems to me the individual in the Justice Department, if they undertake this, and that is the reason probably you could not get Justice to come before this committee, and I am unhappy about that, too—they probably have not decided what the policy is yet, and just assume that they are going to fold it into the normal operations of the Justice Department. I personally think that would be a mistake.

If there is going to be an interagency task force chaired by somebody high enough in Justice to run this program, he must be invested with sufficient authority, broad enough in range, so that every department, military and other than Justice knows exactly what the lines of authority will be for that individual. Otherwise this program is just going to fold into the myriad of departmental responsibilities all across the board. It will make your job, Mr. Chairman, that much more difficult, because we will have to pursue every single one of those bureaus and agencies to find out what is going on.

It is therefore extremely important in my judgment that your pursuit of this matter, along with the Committee on the Judiciary, on which our Florida colleagues sit, nails down exactly what the authority and the responsibility is going to be for the person in the Department of Justice to do this job, because when they take this task force and move it out of the Vice President's office, we all know, as politicians, what happens. That authority of the Vice President and the admiral who is in charge of it, even the local field person, is magic in cutting all of the red tape across the bureaucratic board, and that is what we are going to have to fight for.

I want to thank you once again for your continuing interest and your oversight and assure you of my continued cooperation, Mr. Chairman.

Mr. ENGLISH. Thank you, Dante. I appreciate that.

Certainly, another figure is here who is legendary even in the House for his strong support in this effort. Senator Chiles, I know, is also a great leader in the Senate. Senator Chiles, we appreciate your coming and joining us this morning. It is mighty kind of you. Do you have words of wisdom to impart to us?

STATEMENT OF HON. LAWTON CHILES, A SENATOR IN CONGRESS FROM THE STATE OF FLORIDA

Mr. CHILES. Mr. Chairman, I want to thank you and your subcommittee very much for being in Florida now for these hearings, but also for the work that you and your subcommittee have been doing. I think you have already made a very valuable contribution. I was intrigued listening to your plan today, and I want to speak about that in a minute.

I note that we are hearing an awful lot said today in the media and different reports that are made that we are losing the battle. Well, I want to say to you that we may not be winning the battle yet, but progress has been made. Just look and see where we were in south Florida before we had the task force, before Congress began to pass a little legislation, before we had posse comitatus and the changes that we made there. We found ourselves in south Florida on the cover of Time, Newsweek, "20/20." We were called the murder capital of the world. We had daily shootouts here. We had State and local police feeling that they were helpless. Literally they were fighting an army that was better equipped than they, had more money, had more assets, more firepower that could be amassed into any area. They were totally and completely discouraged. People literally felt like they had been invaded and the Federal Government was not helping them. They knew that if some

kind of an army came on our shore, even a platoon, we would have massed every resource we had. Yet we had daily skirmishes, battles, ships, boats, planes, and everything else coming in, and we were getting no help at all.

Of course I think the people of this area have to be complimented. A movement started down here from the grassroots, a neighborhood crime watch, then a citizens' committee against crime, and finally we got the ear of the President of the United States from that local effort.

You have already pointed out the importance of having Vice President Bush be the coordinator. I echo and second every remark that Danny Fascell has said about the need of trying to have a person in the White House that has overall authority of control here. Maybe we are not winning the war yet, but certainly now we have joined the battle. We feel like that we have got troops on our side. We feel like that again local law enforcement and State law enforcement is revitalized. It is entirely into the fray. The State of Florida is doing everything in its court system and its prison system to fight. You see that same kind of spirit around the country trying to do something.

I think that what you pointed out today is so important. Here again, even with all of the money we spend for our military and defense, we handicapped ourselves where we could not use any of those assets in battling drugs, in taking on what was really a more important battle at this time than anything that we could talk about as to a danger in the future. Your plan sounds very imaginative to me. To be able to use \$300 million worth of existing equipment which the taxpayers have already paid for, at some hardship, to be able to use that for \$12 million to \$18 million, makes every kind of sense in the world. I certainly want to join with Senator DeConcini in telling you we will help in getting that supplemental on the Senate side.

Again, the other efforts that you are making, I think, show what we can do if we coordinate our efforts. As you know, we did not get the passage of bills that we needed last Congress. Hopefully, we are going to do better this year, in getting a major package of crime bills. I think we need to do that. I think it is very, very important that we have the coordinating role played properly because every one of those turf and interagency jealousies exist today as much as they ever existed. If we fail in that effort, we will see every one of those squabbles reignite. I think we all need to work in that regard. I think your efforts in the Bahamas certainly can bear fruit, and we are just delighted to have you in Florida and have the efforts of your subcommittee on this problem.

Mr. ENGLISH. Thank you very much, Senator. I appreciate that. I think that perhaps it might also be worth pointing out, I know that people down here have felt very good about the South Florida Task Force, and I think it has been of great benefit.

Mr. CHILES. Yes, sir.

Mr. ENGLISH. From an interdiction standpoint, though, I think that it is also fair to say the best is yet to come, because much of what we have been working on recently in the way of transferring and loaning some military equipment and very sophisticated devices is just now being transferred. Much is still in the testing

stage and evaluation stage, and as those come on line over the next 12 to 24 months, hopefully it will prove to be even more effective than it has been in the past.

Mr. CHILES. Yes, sir.

Mr. ENGLISH. So I think this has been the laboratory. South Florida has in fact been the laboratory and there has been a great deal of testing taking place down here that is going to benefit not only Florida but also the entire country, and it is time now to put those lessons to good use.

Thank you very much, Senator.

[Mr. Chiles' prepared statement follows:]

Statement by
U.S. SENATOR LAWTON CHILES
before the
GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE
SUBCOMMITTEE
of the
COMMITTEE ON GOVERNMENT OPERATIONS
Miami, Florida
February 25, 1983

Representative English, I commend you and the Subcommittee for coming to Florida to hold hearings on the Federal drug interdiction effort. I'm sure that the next two days will be profitable in assessing the government's role in the war against drugs.

Mr. Chairman, this hearing reminds me of my long walk through Florida in 1970: when I got down the state to Orlando, it seemed I had come so far; but it was only half-way -- I had a long, long way to go before setting foot in Miami. Looking back today, we have come a good way in our fight against the narcotics traffickers; but it isn't anywhere near half-way. We've got a long, long way to go.

Today gives us an opportunity to look back to where we were and what conditions were like before the Task Force was created. We need to review what we did about those problems and the steps that brought us to this point. Our next step is vital. We must not go back to business as usual. We must learn from our experience, make course corrections where appropriate, but continue on.

WHERE WE WERE

It is important to recall the crisis that was facing South Florida 2 years ago. We were on the cover of Time. There were feature articles about crime-ridden Florida in Newsweek. 60 Minutes and 20/20 ran stories of mob-connected activities. Miami was declared the Murder Capitol of the country. Violence and the fear of violence pervaded the air. Every day, headlines screamed: Shootouts in shopping centers. Police taking bribes. Visitors mugged, beaten, killed. Tourism down.

WHAT WE DID ABOUT IT

Well, we'd had enough. We decided to attack crime the way it attacked us -- we organized. Our strategy was to attack on three fronts. First, cut off the flow of drugs into the area. Second, hone the tools necessary to attack criminal organizations that controlled drug traffic. Third, make sure that penalties were in place to assure that those drug dealers and criminals who are arrested, come to justice.

Organization and strategy were our only alternatives to the mess we found ourselves in. I see in this room today many people who worried and worked and forged a plan to fight. I can't praise

enough the efforts of the Miami Citizens Against Crime. They faced the issues squarely. They pooled their collective resources and acted. Groups like the Miami Citizens Against Crime were the primary frontline troops that began to turn the battle around.

In the spring of 1981, I brought a dozen Senators together and we went to the White House to urge President Reagan to make the fight against crime one of our top national priorities. I stressed to the Administration the critical situation in South Florida. Finally, we got action when the President set up a special task force charged to fight crime and drug trafficking in South Florida.

The South Florida Task Force headed by Vice President Bush was created to bring all available Federal resources together in a coordinated effort against drug traffickers who had been using Florida as a virtual free port-of-entry. The Task Force gave us new confidence and a sense of optimism about our ability to stem the flow of drugs into this area. Within months of its creation, the amount of cocaine seized increased 120 percent; the amount of marijuana seized increased 80 percent; and the number of persons arrested for drug offenses increased 40 percent. Due to Task Force efforts, smuggling by private aircraft has been reduced substantially.

These successes were the product of a lot of hard work and preparation over time in many areas by many people. The year that those Senators talked to the President, we introduced amendments to change the Posse Comitatus Doctrine in order to provide for expanded cooperation between the military and drug law enforcement officials. This legislation was the first of a series of bills introduced to strengthen law enforcement, particularly in the area of drug trafficking. After its passage, Senator Nunn and I met with Secretary of Defense Casper Weinburger to urge quick and effective implementation of the new law. Some of our recommendations were:

- Do everything possible to maximize law enforcement cooperation without adversely affecting military preparedness;
- Military training missions and patrols should be planned and scheduled in locations where drug enforcement objectives could also be achieved;
- Military radar operators should be made more aware of the profiles of suspicious aircraft and vessels and at what times and in what geographic areas they usually operate. Movement of such aircraft and vessels should be routinely reported to civilian authorities;
- The Federal government's law enforcement computer and communications center in El Paso (EPIC) should be used to receive, analyze and distribute military intelligence about drug activities.

HOW FAR WE'VE COME -- WHAT'S BEEN ACCOMPLISHED

Operation Thunderbolt was an example of what followed. It was a concerted effort aimed at intercepting drugs smuggled into Florida by aircraft. The 10-week special project resulted in 50 pounds of hashish oil, 26,327 pounds of marijuana, 993 pounds of cocaine and \$9,000 in cash being seized. Even more important, 45 aircraft and seven vehicles were captured, along with 28 pilots and 34 support people. This fine haul was accomplished through the cooperative effort of the U.S. Customs Service and the Navy. Customs gathered three-fourths of its entire air interdiction force in Miami and Jacksonville for the project, a total of 103 personnel and 33 aircraft. The Navy supplied an E-2-C aircraft, a mini-AWACS plane, to enhance radar detection.

Another example of success is Operation Grouper. This 1981 investigation resulted in 155 incidents and the seizure of 1.2 million pounds of marijuana and 831 pounds of coke.

There were other steps taken. We introduced, and Congress enacted, legislation that is bearing fruit today:

- * Increased penalties for large scale marijuana traffickers;
- * Authorization for U.S. foreign assistance to be used for programs to destroy drug crops in drug-producing countries;

- * Getting the IRS into the fight against crime by fostering joint investigations of the financial kingpins at the top of criminal organizations; and
- * Additional authorizations of money were earmarked to help the Coast Guard buy modern ships, planes and communications equipment to track down smugglers and to help beef-up law enforcement agencies threatened by administration budget cuts.

PROBLEMS ALONG THE WAY -- WHAT NEEDS CORRECTING

Of course there have been problems. Redirecting age-old agency policies, requiring cooperation where little had been before, and resolving turf wars, can't be expected to go off without a hitch. There must be, on the part of the Administration, a definitive Federal drug strategy, a command from the top that encompasses the total picture and demands the sharing of vital intelligence, ensures coordination of activities and maximizes the use of personnel, equipment and funding.

Mr. Chairman, I sincerely appreciate the opportunity that you have given us today to assess where we have been, how far we've come and how much further we have to go. I have been strongly committed to the South Florida Task Force and the concept of expanded cooperation among government agencies. I remain committed to the Task Force and will use whatever influence I have to see that it is not weakened or lose its special identity. By reason of Florida's geography, this region will always be a prime target of the drug traffickers. There will be a continued need for concentrated and extraordinary efforts for interdiction in South Florida. Today, most of the smuggling of narcotics and cocaine comes by way of Florida -- 1981 figures show 68% of all smuggling by sea and 47% of all smuggling by air comes through Florida to be distributed to the rest of the country. I am not opposed to additional task forces. I am opposed, though, to any reduction in the strength of this one when it is only just beginning to have in impact. We must allow time and money to complete the fight we started. Communications between formerly disputing agencies are just now shaping up into working relationships. Bonds of trust are now just forming among understandably cautious intelligence agents.

Mr. Chairman, I look to these two days of hearings as an extremely valuable opportunity for the Congress to have a first hand look at the South Florida situation. I believe we shall see that the community and the law enforcement effort is finally on the right track in challenging the drug trade and the crime and violence it spawns. I hope we can identify and correct deficiencies in that effort. However, we must not lose sight of the continuing and critical need for the kind of effort the South Florida Task Force represents.

Mr. ENGLISH. Our next member, who is a member of this subcommittee from El Paso, is familiar with many of the difficulties that are taking place here in south Florida, I am sure. Since they reach all the way to Oklahoma, I know they come across down to Texas and the southwest part of the United States. Congressman Ron Coleman.

STATEMENT OF HON. RONALD COLEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. COLEMAN. Thank you, Mr. Chairman.

First of all I want to add my expressions of appreciation to our hosts here in Florida, and particularly in Miami. I also want to thank you, Mr. Chairman, for your expressed interest in this, what I consider to be a most important matter, and to the subcommittee staff, Mr. Chairman, which provided me with the necessary information for our hearings today, and to those witnesses who will testify before this committee for taking their time.

Mr. Chairman, your interest in this area is, of course, important to me, as a Congressman who represents some 200 miles of that border that we talk about that can best be helped, in my view, by one of the presentations you made here today, the utilization of the six aircraft, Lockheeds. I think, Mr. Chairman, there has been not much attention paid to the entire drug trafficking problem. Everyone recognizes the volume that occurs in this area, but like any battle plan, like any proper approach to dealing with a problem of this magnitude, we must cover the waterfront, so to speak.

Mr. Chairman, I am most appreciative that you have taken the time and the interest, and particularly our hosts who have brought us here to cut through the redtape and to get right down to work, and I am most appreciative of that, Mr. Chairman.

Mr. ENGLISH. Thank you very much. I might say that Congressman Coleman, as has been the case with the new Members from Florida, both Democrats and Republicans, has been talking to me, saying, we need to do something and do it now. That has been the message that many of these new Members have brought to us. I know that Ron has been particularly insistent that we have got to

do something to protect that southwest border, and I appreciate it. Thank you very much.

Our next Member is one of Florida's own members of this subcommittee, a very valuable member of this subcommittee, Buddy MacKay.

STATEMENT OF HON. BUDDY MacKAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. MacKAY. Thank you, Mr. Chairman. I found yesterday to be a very valuable experience. I think what we have here is, in a nutshell, an example of some of the frustrations that we face in Government, with a number of agencies attempting to deal with the problem. As the GAO report indicates, a major problem is coordination. If you go there and look at it, you can see which ones are doing the job and have got the esprit de corps and are really working at it, and frankly you can see which ones are making the excuses. I think it is very important that this subcommittee continue this kind of effort.

I would hope that we could develop a coordinated policy, and that before we expand our nonpolicy, nonfunctional policy into 10 different areas of America, we continue the effort to use south Florida and the Bahamas and the existing effort that is being made as a pilot project to work out some kind of coordination mechanism. As far as I can tell, this subcommittee is the focal point for insisting that that be done, and I appreciate your giving this priority.

Mr. ENGLISH. Thank you very much, Buddy. I appreciate that.

Another member who is new to this subcommittee has been showing his great value already. We are looking forward to tremendous contributions over the next few years from the Congressman from New York, Ed Towns.

Ed?

STATEMENT OF HON. EDOLPHUS TOWNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Towns. Thank you, Mr. Chairman.

I would like to begin by first thanking you, your staff, and the other members of this committee and the concerned citizens of Florida, because what we do here is important to the Nation. Sometimes we become very selfish in our efforts to accomplish objectives by saying that if it does not affect me directly, then I will not get involved in it, but I want you to know that I am concerned about what we do here, because I think that what we do here will also impact discussions in other places. So I am excited about the enthusiasm that I see in terms of the people here, the elected officials, and you, Mr. Chairman, in terms of the leadership that you have provided.

Also I would like to say that we are all so anxious to hear from the witnesses, in terms of what they have to say, because I am certain that this is information that we will be able to use again throughout the Nation in beginning to solve our drug problem.

This is a very serious problem, and I think the only way that we can begin to bring about a solution is getting everybody involved, getting all the agencies involved, getting the elected officials involved. Of course, you already have a grassroots effort here on the part of the citizens of south Florida.

I am hoping that as a result of these hearings that we will leave this room with additional information and a greater commitment to bring about a solution to the Nation's drug problem.

Mr. ENGLISH. Thank you very much, Ed. I appreciate that.

Another member who has been kind enough to join us, Congressman Larry Smith, is a new Member of Congress, but not a member of this subcommittee. He has already certainly made his interest and concern in this problem well known to me and to other chairmen who have jurisdiction over this problem. I understand that his district comes right down to the Miami area.

Larry, we are deeply appreciative of your joining us this morning. Are there any comments or observations you would like to make?

STATEMENT OF HON. LAWRENCE J. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SMITH. Thank you very much, Mr. Chairman. I am very grateful for the opportunity to sit here this morning, and I want to thank you on behalf of the citizens of south Florida for bringing this hearing here to south Florida, so that they can understand by the publicity which is generated together with the interest of the committee as to what is really happening here in south Florida, and to understand that it is partially due to their involvement in the problem, the Miami Citizens Against Crime and groups from all over the area of south Florida, who have been involved directly in generating the kind of action that the Federal Government has been taking over the last year or so in terms of a coordinated effort against the drug problem.

Mr. Chairman, I want you to be aware that what Congressman Fascell and certainly what Senator Chiles had to say did not fall on deaf ears here on this end of the table. I can tell you that I have been in the forefront of this fight for a number of years. As Senator Chiles pointed out, if a rubber raft of armed soldiers had washed up on the beach somewhere we would have mobilized the might of the United States, and yet we did not do so when daily thousand of deliveries of drugs were being made from overseas. But in the Florida Legislature, where I served as the chairman of the criminal justice committee, we had to put our resources on the line. We had to ask citizens to bear the brunt of a tax increase to fight crime, to mobilize the forces in the State, which unfortunately were not getting any help from the Federal level to any large degree sufficient to help fight the problem. I can tell you that we did respond, as a State, to that issue, and groups like the Miami Citizens Against Crime, one of whom, the chairman of which is going to speak here today, were very responsible for what the State was able to accomplish in its own limited way in terms of our ability to help stem the tide.

Further, now as I am able to sit not only here today, but also to be a member of the Foreign Affairs Committee, where I sit on Congressman Fascell's subcommittee which he chairs on international operations which oversees the budget of the Secretary of State, I can deal with the problem of interdiction at the source of these drugs overseas, where we have the Secretary of State frankly having money in their budget for items in those countries, and we can possibly use a little economic leverage in terms of eradication at the source.

I sit on the Judiciary Committee, on the Crime Subcommittee chaired by Bill Hughes of New Jersey, who has been involved for a long time in this fight, and has told me personally to thank you for the effort that this committee and you personally have been involved with and are continuing to be involved with. As a matter of fact, I left a meeting yesterday afternoon to be here last night, dealing with basically the same subject, and I might add we had Mr. Harris there, not anyone else from the Attorney General's office, and were asking the same kind of questions that you related this morning in terms of what they intend to do. I also have been appointed to work with Congressman Fascell and Congressman Shaw from Broward, on the Special Select Committee on Narcotics Abuse and Control, for which I am very grateful, because that also will have an overview of what is going on.

Let me just close by saying that I have the same concerns that many of us in south Florida have relating to the problems of what the Federal Government is going to do. We have been very grateful for what the drug task force has been able to accomplish here in south Florida, under the leadership of the Vice President, but still we get nothing from the administration which shows that they want to make that long-term commitment in the same way as with the Vice President's ability to generate interagency cooperation. In the current law, as you are aware, Mr. Chairman, there is statutory authority for designating by the administration one person who will coordinate the whole drug effort fighting drugs in the United States, and yet there seems to be reluctance on the part of the President and in the Attorney General's office to have the Attorney General designated as that person, and they continue to insist that they can do it without that.

I hope they can. We all hope they can. But these hearings will I hope bring about, and I am sure they will, the ability to determine whether or not we really need that one focal person who can take every agency, move their men and material together, and keep these task forces together, and whether or not the dollar commitment is going to be there on the part of the administration as well, as it has been from the Congress.

I am very grateful for this opportunity, and I again want to thank you for the people of south Florida, who frankly have been bearing probably the biggest brunt of this in the United States, and we are grateful for the help that you bring us.

Mr. ENGLISH. Thank you very much, Larry. I appreciate that.

The next person I certainly want to recognize is Clay Shaw. Clay is not a member of this subcommittee, but he has certainly been interested enough to come and attend the hearings, particularly the hearings that have touched on this issue, and his interest has been deeply appreciated and very helpful to us.

Clay, we appreciate your coming today.

**STATEMENT OF HON. E. CLAY SHAW, JR., A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA**

Mr. SHAW. I will be brief, Mr. Chairman. My mind was wandering back while you had the map as to the elaborate plans that are being put in place for the future in order to go forward even more with the historical development that we have seen in 1 year. I say my mind was wandering. It was wandering to a year ago when I sat in Washington with your committee. We had a high-ranking official of the U.S. Navy there who seemed to be aloof or unknowing of the orders and commitments that the Vice President had made at that particular time to bring about the bulk of the U.S. Navy in the drug interdiction effort.

When you look and see where we were a year ago, and see how far we have come, there is no way that anybody can say that we are now losing the battle. We have got them on the run, and I think that what we have to do is to be sure the battle plans, successful battle plans that we have put in place and are continuing to put in place are brought forward, and as Congressman Fascell I think quite rightly pointed out, we have a commitment now. We have the ear of the White House. We do have a program that is working, and in the words of the President himself, as he has used on many occasions, if it is not broken, don't fix it, and I think that is exactly the thought that many of us have with regard to the South Florida Task Force.

I met with the Vice President just last week at the White House and discussed this very question with him, and my concern is not that the program is going into the Justice Department, but that the program was leaving his particular sphere of influence.

I asked him at that time to extend his tenure at least as head of the program until such time as the new task forces are in place and know that they are working. I think that that would not only help us in south Florida to be sure that the power of the Vice Presidency would not be lost, but I think it would also give great assistance to the Department of Justice in setting up a new task force, because there would be always the problem of comparisons with what is going on in Florida, and I think this would go a long way toward helping to develop the new task force as well as keeping what we have.

When I talk about the historical effort that we have, the historical progress that we have made, I think it is only right to point out, that this was due in large part to the efforts of Senator Chiles and Senator Hawkins, and in very large part to the Florida delegation. They got together in a way I have never seen before in working out the changes so the military could get involved, changes in the law that were so necessary. I think even more so, the attention

of committees such as this coming down here and getting involved is great.

You, Mr. Chairman, have been invaluable in carrying out our efforts, in recognizing that south Florida's problems are America's problems. And the Judiciary Committee, which Mr. Smith and I are sitting on, along with Mr. McCollum, also from Florida has done a lot to focus attention in this particular area. We had hearings just yesterday on the south Florida effort in Washington. This committee is also going to be coming down later in the year to look at what is going on in south Florida.

The progress has been remarkable. I have mentioned all the people in government, but we can never forget the people in Miami who called down and demanded what they deserved, that was that the Federal Government at last get involved in the interdiction of drugs. The Federal Government by the Constitution is the only Government that we have that can solve this problem, and through our efforts in interdiction we have come an awful long way. You can only imagine where we would be had it not been for the efforts of the people of Miami, the efforts of the administration, the efforts of both Houses of the U.S. Congress in bringing about the change that was so desperately needed. And the changes we have seen have only just begun. It is a winnable war, and it is one that we are in to stay.

I thank you, Mr. Chairman.

Mr. ENGLISH. Clay, I appreciate that. Also I made reference to Senator DeConcini in my statement, and I want to acknowledge him again. He has been very important in putting this together, and we expect that he will continue to be very important, particularly along with Senator Chiles and Senator Hawkins and others in the Senate, as we work with that body as well.

One point should not be lost. I think the cooperation between the various committees in Congress as well with the various departments and agencies that I made reference to earlier is unfortunately unusual and unique, but it has taken place with regard to this effort.

References have been made to Bill Hughes, who chairs a subcommittee that has jurisdiction in the Judiciary Committee. Certainly add the Armed Services Committee, and the Appropriations Committee where Ed Roybal has been of tremendous assistance on this. I think that the thing that many people find a little bit unusual is that you have got this degree of cooperation that is taking place not only within the Congress but spanning over between the Congress and the administration. I think it signifies the true important nature of this problem. As you can see here, we have Democrats and Republicans sitting down together, as unusual as that may be, all focusing their attention on one problem. I am encouraged, and I think that there is reason for the people of Florida and the United States to be encouraged as far as this problem is concerned.

Before we hear from our witnesses, I would like to include in the record, without objection, a statement from Senator Dennis DeConcini, and a letter from Representative Solomon P. Ortiz.

[The information follows.]

STATEMENT OF SENATOR DENNIS DECONCINI, RANKING MINORITY MEMBER,
APPROPRIATIONS SUBCOMMITTEE ON TREASURY, POSTAL SERVICE,
AND GENERAL GOVERNMENT

BEFORE THE

GOVERNMENT INFORMATION, JUSTICE, AND AGRICULTURE SUBCOMMITTEE
OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. Chairman, I want to thank you for your thoughtful invitation to participate in these important hearings on the Administration's drug interdiction effort, particularly in southeastern Florida, and the status of the Vice President's South Florida Task Force. It has also been my pleasure to work with you and your Subcommittee in developing a new unified air interdiction strategy for attacking drug trafficking across the entire southern border of the United States--a strategy which features the use of specific military equipment by the U.S. Customs Service to bolster our national air interdiction effort. As I indicated in our joint press release of February 18, I am committed to this air interdiction plan and I intend to seek supplemental funding in fiscal year 1983 to launch the first phase of the program this year. Furthermore, I will recommend to the Senate Appropriations Committee that a separate Operation and Maintenance line item account be established in the fiscal year 1984 Customs Service budget to cover the cost of operating and maintaining the equipment that will be turned over to Customs by the various Armed Services.

Mr. Chairman, as a sponsor of legislation creating a "Drug Czar" to coordinate our Federal drug enforcement effort, I am delighted to see the Army, Navy, Air Force, Customs Service and top officials of the Treasury Department working together with your Subcommittee, the House Armed Services Committee, and the Senate Appropriations Committee to develop a comprehensive, unified and coordinated strategy for dealing with the devastating assaults by drug smugglers along our vulnerable southern borders. At the same time, there is no question that the Vice President's South Florida Task Force and the personal commitment of the President to fight drug trafficking have been important catalysts for bringing us to the threshold of a major breakthrough in how the Customs Service, the Coast Guard, and our other drug interdiction agencies go about their difficult task. You and your Subcommittee members on both sides of the aisle deserve great credit for the work you have done to bring us this far.

However, as we embark on this new border-to-border air interdiction effort, there are still a few loose ends that must be addressed by both the Administration and the Congress. First, the Administration must clarify its position with regard to the status of the South Florida Task Force and whether it will remain in its current configuration or be phased into the new concept of 12 Organized Crime Task Forces in south Florida and 11 other locations around the country. The country can ill afford a relaxation of the South Florida strike force effort in perhaps our most vulnerable drug trafficking corridor from source countries, through transshipment countries, to the United States. Furthermore, as we implement the plans of the Administration to

establish 12 Organized Crime Task Forces in various locations around the country, I would urge the Congress and the Administration to continue to develop drug interdiction strategies for stemming the flow of illegal contraband into the country. The "strike force" approach that has worked well in south Florida and the drug interdiction component of our overall national effort to stop drug traffickers should not be lost as we start work on new methods of attacking the drug enforcement problem.

Second, I believe that the State Department should take a more active role in attacking the drug trafficking problem in both the source countries and the transit countries that serve as refueling and drop-off points for the drug smugglers. The Department should carefully analyze the patterns of drug trafficking and reassess its spending priorities accordingly to hit those countries that play the most active part in producing and shipping illegal drugs to the United States through such Caribbean transshipment points as the Bahamas, the Turks, the Caicos Islands, and Jamaica. For example, the International Narcotics Control Program in State plans to spend \$53 million in fiscal year 1984 on its various programs to eradicate drugs in the source and transit countries and to develop strategies to hit the drug trade at the source. Yet, in examining the program's budget justifications, it appears that there are no funds targeted for the Bahamas, the Turks, Jamaica, or other major transit countries. The State Department should make every effort to coordinate its spending programs in the narcotics area to coincide with the programs of the Justice and Treasury Departments to interdict, investigate, and seize illegal drugs.

Finally, it is essential that the Executive Branch have a central, independent coordinator of Administration drug enforcement policy so that our scarce resources and manpower can best be mobilized to attack the drug problem head-on without interagency infighting, duplication, or inefficiencies. I continue to believe that the "Drug Czar" concept is sound and would be an effective way to give the President a central authority to coordinate the programs and personnel of our major law enforcement agencies. At the same time, I intend to propose the creation of a Southern Border Enforcement Caucus in the Senate that would establish a bipartisan forum for coordinating border enforcement legislation and appropriations matters that may cross Committee jurisdictions. I am hopeful that this Caucus, made up of southern border state Senators, will have a positive effect on border enforcement programs in the Congress and the Administration.

CONCLUSION

Mr. Chairman, your hearings this week and those conducted in the last Congress have been instrumental in promoting the concept of using military assistance to help our civilian law enforcement agencies tackle the drug interdiction problem. As we announced jointly on February 18, it appears that, for the first time in our history, the Armed Services are prepared to actually turn over specific pieces of existing military hardware to the Customs Service to improve our

air interdiction capability along the southern borders of the United States. Hopefully, this cooperative effort between the military and our major drug interdiction agency in Treasury will set an example for other cooperative programs in drug enforcement. For example, I have been pursuing development of a comprehensive marine interdiction program between Customs and the Coast Guard to bolster our marine interdiction capability along the Gulf Coast of Texas, Louisiana, Mississippi, Alabama, and Florida. We still have a long way to go before the "War Against Drugs" is won. But if the committees in the Congress can continue to work together; if this Administration and subsequent Administrations can establish a strong, central coordinator of drug enforcement policies; and if we can achieve new levels of cooperation from the State Department in attacking drugs in source and transit countries, perhaps we will soon be able to look our children in the eye and tell them that illegal drugs will not be around to poison their lives.

Mr. Chairman, again, I want to thank you for holding these hearings and for inviting me to participate in these exciting new initiatives for halting the flow of illegal narcotics into the United States. I look forward to continuing to work with you and your Committee on this most critical national problem.

SCLOMON P. ORTIZ
27TH DISTRICT, TEXAS

Congress of the United States
House of Representatives
Washington, D.C. 20515

February 24, 1983

The Honorable Glenn English, Chairman
Subcommittee on Government, Information,
Justice and Agriculture
Committee on Government Operations
U. S. House of Representatives
B-349C Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman English:

I would like to take this opportunity to commend you and the other members of your subcommittee for undertaking the monumental task of curbing the drug flow into the United States.

This critical problem pervades all sectors of society and all sections of the country. This is a national crisis that will require the assistance and cooperation of law enforcement officers, the Coast Guard, prosecutors and judges in order to control, if not eradicate it.

I praise you for recognizing the scope of the problem. As you have pointed out, "Our approach must be national in nature, not confined to one geographical area." I cannot agree with you more. I also concur with your statement that we must implement a national interdiction plan or face giving these smugglers an unacceptable advantage.

I would like to emphasize the point that the existing situation along the Gulf of Mexico could hamper our efforts to control the smuggling of drugs if it is not addressed at the national level.

The smuggling of narcotics into Texas from Latin America is already at a critical point. We simply cannot allow the increased enforcement efforts in Florida to divert trafficking to Texas; and, since the Texas Gulf Coast is a very convenient route for this illicit activity, this is precisely what is happening. If we are not prepared to protect the border and coastline of Texas from an increase in drug traffic then we will be defeating our own efforts. Such a situation would be analogous to the plight of the little Dutch boy who put his finger in a crack in the dike. We cannot simply plug a hole in Florida and ignore the flood in Texas.

As the former sheriff of Nueces County and former chairman of a ten county drug task force, I am aware of the potential for increased trafficking in our state. There are hundreds of miles of coastline in Texas that are not adequately policed. This attracts smugglers who bring in narcotics on boats and planes from all over Latin America. Substantial seizures of Columbian marijuana point to the movement of drug traffic from Florida to Texas. For example, bales of Columbian marijuana have been found floating off the shores of Corpus Christi, Texas.

There is no doubt in my mind that Texas drug enforcement officers will continue to face an increase in drug traffickers coming over the border. Recent cutbacks in the ranks of Drug Enforcement Administration agents in Corpus Christi and Brownsville, Texas, have dramatically decreased the enforcement capabilities of the agency specifically mandated with this responsibility.

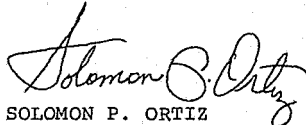
The staff of the Drug Enforcement Administration based in Corpus Christi was cut from a total of eleven to six agents and Brownsville has faced a cutback of eight to seven agents with further reductions possible. This is a dangerous situation. Unless we take immediate steps, the agency is just asking for trouble.

Mr. Chairman, as a new member of the Select Committee on Narcotics Abuse and Control, I pledge to assist you and your committee in any way that I can. I know that you are sincere in your endeavor to fully investigate this national crisis, but I suggest that direct and swift action be taken to counteract the diversion of drug trafficking from Florida to other states.

Again, I congratulate you on your efforts and reiterate my pledge to offer my services to find a solution to this dilemma.

With best personal wishes for a successful endeavor, I am

Sincerely yours,



SOLOMON P. ORTIZ
Member of Congress

SPO/ss/cg

Mr. ENGLISH. Our first witness today will be Mr. William Anderson who is the Director of the General Government Division of the General Accounting Office.

Mr. Anderson, we appreciate your taking the time to come before us. GAO recently submitted to us a draft report. It hasn't been formally adopted; I guess it has been submitted for comment dealing with interdiction in general, I believe, and with the South Florida Task Force to a certain extent, as well.

We are happy to have you with us. We appreciate your coming down to give us the information that you might have.

STATEMENT OF WILLIAM ANDERSON, DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY JEFF JACOBSON, ATTORNEY, OFFICE OF GENERAL COUNSEL, AND EDWARD STEPHENSON, AUDIT MANAGER

Mr. ANDERSON. Thank you very much. I would like to introduce the people at the table with me.

To my right is Jeff Jacobson, an attorney in the Office of General Counsel, and he provides us continuing legal help in the law enforcement area. Ed Stephenson is the audit manager on the report that you spoke about, Mr. Chairman. He is on my left.

We will get into the details about that report.

With your permission, I would like to have my statement inserted in the record and I will briefly summarize my remarks and then we can get on with questions.

Mr. ENGLISH. Without objection, it is so ordered.

Mr. ANDERSON. I would like to point out that GAO has for a number of years now been providing the Congress with oversight support in the drug area. We do have a broad base of knowledge.

It doesn't all repose in Miami, unfortunately, but as an institution, we have people in GAO and across the country who have been involved in this country's drug war for a number of years.

There is one thing that I would like to highlight in the report that we have given you. It is a report that deals with interdiction, and I think there is a misimpression that the report was critical of the South Florida Task Force from that standpoint.

Indeed, we cite statistics that show that interdiction generally last year did not do that well. Only seizing 10 percent of the marijuana, you know the statistics, and the members do, 10 percent of the cocaine, et cetera, but, if anything, we thought that south Florida represented an example of what could and should be done in other parts of the country.

In fact, for drug enforcement activities elsewhere, we don't have the type of effective coordination that we had here. Elsewhere, the Customs Service does not have the authority to follow up on its own cases. They are dropped.

We did a survey of 7,000 cases, and we found that for 63 percent of them there was no followup investigation at all. They just dropped after the initial case was open.

In any event, we thought that the task force approach—Tiburón, Grouper and others—have shown that the Government does best in these things when it musters all of the resources and all of the skills that the Government can bring to bear.

These include the Coast Guard for sea interdiction, the Customs Service at the border, and the important ingredient of IRS getting back into the drug war in a big way. There was a lot of criticism when, in fact, they essentially dropped out of the business for a few years. We are glad to see that they are back.

The FBI is now also in the game. I think that we in GAO kind of believe that we are probably in better shape today than we ever were.

We are putting more resources into the game. I mean we have just the sheer addition of 600 FBI agents to the game, and the impending addition of about 1,600 additional law enforcement officials.

Overall, we are doing well, but it is a mighty big problem and we have a long way to go.

I was intrigued by the plan you propose, Mr. Chairman, because it is obvious that air interdiction is a problem unique to itself.

I know you have seen the statistics. I think I heard somewhere that something like 30 to 40 flights a day are coming across the border carrying narcotics.

I saw a figure a couple of years ago that astounded me. In one year 120 plane crashes, narcotics plane crashes, by chance, mechanical failures. How many made it? What are the odds of crashing on any one flight?

In any event, sir, the theme of our report, once again, is interdiction can be improved through more effective coordination across the law enforcement community, as well as the military community.

We thought that the actions that were taken to involve the military were sound. The results are there that point to the wisdom of it.

I think that the initiative that you proposed this morning in tightening up the air net beyond where it is today has a lot of merit. For \$12 to \$14 million, those operating expenses you threw out, it is a small fraction of the money we are plowing into the drug war generally.

Let me stop there, Mr. Chairman, and we will try to answer any questions you have.

[Mr. Anderson's prepared statement follows:]

United States General Accounting Office
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
EXPECTED AT 9:00 a.m.
February 25, 1983

STATEMENT OF
WILLIAM J. ANDERSON
GENERAL GOVERNMENT DIVISION
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE, AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
ON
INTERDEPARTMENTAL COOPERATION OF
DRUG ENFORCEMENT PROGRAMS

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here, at your request, to participate in hearings on the interdepartmental cooperation of Federal drug enforcement efforts. Our testimony today will deal with Federal drug interdiction efforts. Our draft report on these efforts was sent for comment to the agencies involved on December 15, 1982, and all comments have been received. We are now incorporating the agencies' comments and expect to issue our report in March 1983.

Mr. Chairman, I would like to first briefly summarize our overall conclusions from the draft report and then continue in

more detail on each one of these points. As we are all aware, drug abuse in this country is a persistent and growing problem. Federal interdiction efforts have been unable to stop or substantially impair drug trafficking. Although the volume and street value of drugs seized in recent years have been most impressive, such seizures are dwarfed by estimates of the total drugs available.

The authority and responsibility for Federal drug interdiction efforts are split among three executive departments, each with different programs, goals, and priorities. Congressional oversight and Executive Department resource allocation decisions relative to drug interdiction are, at best, difficult under these circumstances. To overcome this fragmentation we see the need for strong central leadership and a more definitive strategy to clarify the various agencies' drug interdiction roles. Also, Federal interdiction programs can be further strengthened by improving the quality and timeliness of intelligence and through the well planned and coordinated use of military assistance.

DRUG PROBLEM PERSISTS

Vast quantities of illicit drugs--heroin, cocaine, marijuana, and dangerous drugs--are entering the country. Recent estimates indicate the quantity of drugs supplied to the illicit U.S. market has increased.

The majority of marijuana and cocaine smuggled into the country enters through Florida. According to intelligence

sources, in 1981 Florida was targeted for 68 percent of all maritime drug smuggling and 47 percent of all air smuggling destined for the United States. On the other hand, large quantities of heroin are smuggled into the country through the major international airports in New York and California.

INTERDICTION--ONE PART OF
THE FEDERAL DRUG STRATEGY

Federal efforts to attack the supply of illegal drugs have three major components. One component--international programs--involves working with foreign drug-producer countries. These programs are implemented primarily by the Department of State and the Drug Enforcement Administration. A second component involves interdiction of drugs at the border. The U.S. Customs Service, the Coast Guard, and the Drug Enforcement Administration are primarily responsible for these efforts. The third component is domestic drug law enforcement which is the primarily the responsibility of DEA with concurrent jurisdiction by the FBI.

Federal interdiction efforts, on which our draft report focusses, include inspections of international travelers and cargo by the U.S. Customs Service inspectors, air and marine interdiction efforts of Customs patrol officers, and sea interdiction by the U.S. Coast Guard. The Drug Enforcement Administration, and now the FBI, support interdiction through the provision of intelligence and by investigating and presenting interdiction cases to U.S. attorneys for prosecution.

INTERDICTION RESULTS
REMAIN LIMITED

Federal resources devoted to drug interdiction more than tripled from 1977 to 1982--from \$83 million to \$278 million. The Coast Guard's drug interdiction program accounted for the majority of this increase, rising by more than 900 percent during this period. Meanwhile, funds for other facets of the Federal drug supply reduction program--international programs and domestic law enforcement--remained relatively constant.

Despite these increases, interdiction results remain limited. First, only a small percent of the estimated drug supply is seized. Specifically, in fiscal year 1982, drug seizures comprised only 16 percent of the marijuana, 10 percent of the heroin, 11 percent of the cocaine, and 1 percent of the dangerous drugs.¹ Recent street price and purity statistics indicate an increased availability of most drugs. For example, during fiscal year 1982, marijuana street prices declined from \$1.78 per gram in the first quarter to \$1.64 per gram in the fourth quarter. Cocaine street prices registered a similar decline from \$.63 per milligram to \$.53. In addition, 95 percent of the individuals arrested in interdiction cases are low level violators, and when convicted usually spend less than a year in jail.

¹These estimates are developed by GAO analysis of Customs, Drug Enforcement Administration, and National Narcotics Intelligence Consumers Committee data.

SOME SUCCESS WITH JOINT PROJECTS

Even though interdiction has generally had little impact on drug trafficking, there have been some successes. Certain joint special projects conducted by two or more agencies have proven especially effective in attacking drug smuggling. Of particular note are special DEA investigations that involve Customs and Coast Guard resources. Such joint projects have resulted not only in large quantities of drug seizures, but also arrests of major traffickers. One such investigation concluded in March 1981, was Operation Grouper. This operation resulted in 155 indictments, of which 81 were major violators, and the seizure of 1.2 million pounds of marijuana and 831 pounds of cocaine.

Other joint special projects aimed primarily at interdiction have resulted in increased drug seizures and improved coordination. However, they are costly and may have only limited long term impact. By far the largest project is the South Florida Task Force formed in March 1982. Although designed to be a broad multi-faceted, anti-crime program for South Florida, the bulk of the Task Force focusses on drug interdiction. Assistance for the Task Force was obtained from several Federal agencies including DEA; Customs; Coast Guard; Alcohol, Tobacco, and Firearms; and the Department of Defense. Official cost estimates for the Task Force have not been made by the Executive Branch; however, we estimate that total costs through December 1982 were about \$66 million.

The Departments of Justice and Treasury have reported some very positive achievements of the Task Force. Thus, they claim that:

- The crime rate in South Florida has dropped significantly.
- Drug arrests and seizures in Florida have increased.
- Follow-up drug interdiction investigations have been carried out in almost every case with positive results.
- Overall drug enforcement program cohesiveness has been strengthened.

It should be noted that officials of DEA and other agencies told us that even though the task force has caused many traffickers to curtail or move their smuggling operations, it is doubtful whether the task force can have any substantial long-term impact on drug availability.

PROGRAM FRAGMENTATION LIMITS
EFFECTIVENESS OF INTERDICTION
EFFORTS

The positive results of the joint projects, however, are not typical of the day-to-day operations of Federal investigative agencies. Rather, Federal interdiction efforts are for the most part fragmented.

Responsibility for
interdiction is split

First, the authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in

three executive departments. Each agency has different programs, goals, and priorities. And as I noted before, although the level of cooperation is increasing, especially in south Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in.

Congressional oversight and Executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances. The budgets of the three agencies are developed in separate departments, reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Also, very little information is available, either by agency or in the aggregate that can be used as a basis for evaluating program results. Aggregate seizure statistics are sometimes inflated when there is more than one participating agency, and very little case disposition information on arrestees is maintained.

Lack of follow-up investigations

A second issue related to program fragmentation is the lack of a definitive policy regarding follow-up investigations of interdiction cases. Reorganization Plan #2 of 1973 gave the Department of Justice primary responsibility for drug enforcement and created DEA as the lead agency. Under the Plan, Customs is not permitted to conduct drug investigations; only DEA and the FBI can perform follow-up investigations of Customs and Coast Guard drug interdiction arrestees and present cases to

the U.S. attorney for prosecution.² Customs has long taken the position that it cannot effectively carry out its interdiction responsibilities without the authority to conduct follow-up investigations relative to interdiction cases.

DEA generally investigates only those interdiction cases that are likely to be prosecuted by the U.S. attorneys. We found that more than 60 percent of Customs Patrol and Coast Guard drug interdiction cases are not prosecuted in Federal court and, therefore, are not afforded follow-up investigations. Although DEA has the authority and responsibility to investigate interdiction cases, DEA officials told us that they believe their investigative resources can often be put to better use. DEA officials pointed out that interdiction cases typically involve low level violators, not the major violators they attempt to focus their resources on.

Recognizing that the majority of interdiction cases are not afforded follow-up investigations, a joint DEA/Customs task group composed of DEA agents and Customs patrol officers and agents was formed in south Florida as a part of the South Florida Task Force. To support this task group, the Attorney General in a letter dated March 20, 1982, granted limited authorization to Customs' special agents and patrol officers,

²In January 1982, the Attorney General assigned to the FBI the authority to investigate drug offenses. In addition, although the Coast Guard is not specifically mentioned in Reorganization Plan #2, DEA currently performs follow-up investigations of Coast Guard cases acceptable for Federal prosecution.

working under the direction of DEA, to investigate drug smuggling cases. The authority was limited to the State of Florida and to the activities of the South Florida Task Force. Customs officials told us that the results of the task group and the increased Customs investigative authority has proved very beneficial. They pointed out that this increased authority has resulted in the development of additional informants and conspiracy cases.

Treasury Department officials recently informed us that the task group will be made permanent in south Florida to conduct follow-up investigations of interdiction cases; although the staff level will be reduced. Staffing will decline from 337 DEA and Customs personnel to 157. They also told us that negotiations were currently underway with the Department of Justice to extend the task group concept to an additional four or five areas. At present, no agreement has been reached on the organization, staffing, or timing of these additional groups.

More needs to be done

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to develop a comprehensive national drug strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug

interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to oversee all Federal drug efforts.

The current administration has established numerous drug enforcement coordination groups in addition to bringing the FBI into the drug enforcement picture. For example, at the national level the following groups have been charged with the responsibility for some aspect of drug enforcement coordination.

- The Office of Drug Abuse Policy in the White House.
- The Cabinet Council on Legal Policy chaired by the Attorney General.
- The Narcotics Working Group chaired by the Associate Attorney General.
- The new regional Drug Task Forces administered by the Justice Department.
- An Interdiction Coordination Group which is chaired by the Treasury Department.
- A Military Assistance Coordination Group to help coordinate law enforcement requests for military assistance.

Additionally, in October 1982, President Reagan announced that he would establish three other groups to help coordinate law enforcement efforts, including drug law enforcement--a Presidential Commission on Organized Crime, a Governors Project, and, a Cabinet-level Committee on Organized Crime. At the local level numerous coordination groups have also been established.

The Justice Department, in its comments on our draft report, said that many of the problems discussed in our report concerning interdiction program coordination would be solved by the new regional Drug Enforcement Task Forces. Yet, as currently constituted, none of the 12 new Task Forces have an interdiction component. There is continuing disagreement over the role of interdiction in the new Task Forces and whether Customs officers will have investigative authority to pursue follow-up drug investigations.

Interdiction difficulties are only one manifestation of a broader coordination problem that we have previously reported on. Thus, although the numerous coordination groups at the national and local levels may improve operational coordination, no one person has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions. Under the current arrangement there is no mechanism for optimizing the allocation of limited Federal drug enforcement resources. For example, currently no one can determine whether the \$175 million spent on marijuana interdiction by the Coast Guard could be used more effectively on the international narcotics control program. The Attorney General said in testimony last month before the Senate Judiciary Committee that one dollar spent on drug enforcement overseas is worth ten spent in the United States. Yet, over the last 5 years international drug program expenditures have remained constant, while interdiction expenditures have more than tripled.

To remedy these and other problems one person or group must have the responsibility to

- Develop and review United States Government policy with respect to illegal drugs.
- Make recommendations to improve the coordination of Federal efforts to control the production of, halt the flow into the United States of, and stop the sale and use of illegal drugs.
- Develop a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities.
- Coordinate the collection and dissemination of information necessary to implement and evaluate United States policy with respect to illegal drugs.

Mr. Chairman, the agencies have already recognized the need for increased coordination, as is evidenced by the new groups established at both the national and local levels. Giving an individual or group the responsibility to oversee the entire Federal drug program is just an extension of this concept. We are not advocating any particular person or group to carry out these responsibilities. A new cabinet level position would be one avenue. But these responsibilities could also be carried out by expanding the scope of an existing group, such as the Cabinet Council on Legal Policy.

BETTER, MORE TIMELY
INTELLIGENCE NEEDED

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. If accurate, timely intelligence is available on drug smugglers, chances are good that Customs or Coast Guard can effect an interdiction. Statistics on the use of prior intelligence to support interdiction, as well as certain special projects, indicate the value of good, timely intelligence.

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. However, Customs and Coast Guard must rely on the Drug Enforcement Administration to provide this intelligence. The Drug Enforcement Administration's foreign intelligence program, however, does not place a high priority on developing intelligence that can be used to support interdiction efforts.

The Drug Enforcement Administration, Customs, and the Coast Guard all have domestic intelligence programs, but information gathering as well as processing and analysis are uncoordinated and sometimes duplicative. Processing and analysis of some intelligence has been centralized at the El Paso Intelligence Center. The Center can be more effective if better supported and utilized by the agencies involved in drug interdiction.

MILITARY ASSISTANCE
INCREASING

The military departments have provided some limited assistance to drug enforcement agencies over the last several years. Changes to the Posse Comitatus Act in December 1981, which further defined the extent of allowable military involvement in support of civilian law enforcement, have resulted in a greater role for military resources in drug interdiction.

Initially following the enactment of the amendments to the Act, law enforcement agencies independently requested military assistance with little coordination among themselves. The result was some poorly planned projects that did not make the most of military resources. The Posse Comitatus implementation hearings you held last year, Mr. Chairman, identified many of these problems and encouraged Federal agencies to improve planning and cooperation when utilizing military resources. To better coordinate, Department of Defense and law enforcement agency officials formed a special group to discuss all requests for military assistance to law enforcement to maximize the benefits of such assistance.

Although military assistance is beneficial, it is also necessarily limited because:

- major long-term commitments of military assistance can adversely impact the military's primary mission;

- military equipment is expensive to operate and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and
 - disclosure of classified military systems in court could compromise national security.
- - - -

In summary, Mr. Chairman, Federal drug interdiction has been a dynamic area. Resources have been expanded and new joint enforcement groups have been thrown into the fray. We applaud these efforts. It is important to remember, however, that interdiction is only one part of the Federal effort to reduce the drug supply and alone cannot be expected to solve our drug problems. The Executive Department should have one individual or group with the responsibility for evaluating operations and making recommendations on resource allocation, not only for interdiction, but within and across all components of the Federal drug effort.

That concludes my statement Mr. Chairman. We will be happy to answer any questions for you or other members of the Subcommittee.

Mr. ENGLISH. We appreciate that.

We are going to try to hold to the 5-minute rule. We have a lot of members here today, and I know that everybody has a lot of questions.

There are some questions that we want to make certain are asked of each witness, so we will go through and give all the members that are here a chance to ask what questions they have, and if any are left over, then we will come back and try to pick those up very quickly.

Mr. ANDERSON. All right, sir.

Mr. ENGLISH. It has always been my observation, Mr. Anderson, that really there are several efforts underway in dealing with the drug problem. Certainly, we have crop substitution and all the efforts that the State Department is making overseas, and DEA is conducting investigations overseas in the countries of origin.

Then we do have, of course, the drug shipments, and so there is an intelligence role to play there with information that is hopefully coming in. While we are still beyond our borders, of course, the Coast Guard plays a very important role. That gets more into the interdiction role.

Mr. ANDERSON. That is correct.

Mr. ENGLISH. Once we get beyond that, we have investigations and on down the road, but each of these, it seems to me, plays a very important role.

Obviously, if you can prevent the crop from ever being planted, that is the best solution.

Mr. ANDERSON. That is correct.

Mr. ENGLISH. You never have to deal with it then, but if it is planted and it starts moving toward the United States, the closer to its origin we can catch it, why, the easier it is.

Each of these is an equally important role in trying to deal with the drug problem. Would you agree with that?

Mr. ANDERSON. I concur totally, sir, yes. Eradication obviously is the best way to go, if you could ever achieve it.

We had our Mexican success. Unfortunately, in a lot of countries there is no Government control of the hinterland. You could have good intentions on the part of the Government and still probably not accomplish it. It has to be worked on.

I know one of the things that we were wondering about, the level of expenditures in that program has remained constant for about 4 years now at about \$50 million, and we were curious whether, in fact, this reflected any kind of a lack of emphasis on the part of the administration. I heard Dr. Carlton Turner, Director of the Office of Drug Abuse in the White House, testifying last week, saying no, indeed, this is not the case; that they feel that the State Department, if it comes forward with proposals, potential applications of more funding, it would be forthcoming, but that, in fact, the money they are getting is the money that they feel they can fruitfully apply. So eradication, yes, absolutely. Interdiction, a part of it. Domestic law enforcement, a part of it.

I see progress in all areas.

Mr. ENGLISH. Many of us have dealt with this problem for some time—before I took over the chairmanship of this subcommittee, I was with the Select Committee on Narcotics Abuse and Control for

several years. So I am familiar with all these facets, but in the past it seems interdiction has kind of been the stepchild of this whole thing.

It has really been the weak link. I know we have certainly viewed with alarm the equipment that both the Coast Guard and Customs has had to use.

At times they have had to go without maintenance when it should be taken, simply because there was no one to fill the gap. There was no additional equipment.

Customs has used captured aircraft that the law allows them to keep. Many people have described some of that equipment as little more than junk.

Mr. ANDERSON. Yes, sir.

Mr. ENGLISH. They have tried to do what is a very difficult and in some cases an impossible job. I notice in the report, GAO makes reference to the fact that there are some increases, though, that have gone to interdiction efforts. Something that the report was pointing to was the fact that there hasn't been much to show for the increase that has taken place in interdiction money; is that correct?

Mr. ANDERSON. Yes, sir. Well, there have been significant gains in interdictions. I think the South Florida Task Force can cite statistics showing over 100 percent increase in the amount of marihuana that is seized, close to 100 percent in the amount of cocaine.

No doubt about it, we are interdicting more with additional money we are putting in. I guess our only problem, sir, was that despite all of this effort we have an awful long way to go.

We are really not making that much of a dent into the availability of the narcotics.

Mr. ENGLISH. I don't know of any great increase in number of new planes and other equipment that goes into this thing that has taken place, so can you break it down for us?

Mr. ANDERSON. Oh, yes. I am sorry.

Mr. ENGLISH. On this increase in money, interdiction money, how much of it went to, say, Coast Guard? How much of it went to Customs?

Mr. ANDERSON. Virtually all Coast Guard, sir, all of the increase in the moneys that we are talking about.

Mr. ENGLISH. Of that money that went to Coast Guard, how much of it was used for the purpose of refugees? They have taken on a tremendous job in recent years. How much of that is refugee work versus interdiction work?

Mr. STEPHENSON. Our Coast Guard figures for interdiction are only for drug enforcement. We are not including any expenditures that were made by the Coast Guard for refugees.

For instance, in 1980, fiscal year 1980, the Coast Guard had significantly less resources in drug enforcement because of the Haitian problem. They spent a lot of time on the Haitian problem that year, but our figures only include Coast Guards resources that they say they spent on drug enforcement. The increase, by the way, has been about tenfold since 1977, we estimate.

Mr. ENGLISH. How do you separate out the work that the ship does on interdiction versus the work that is done for refugees?

Mr. STEPHENSON. That is a good point. We have analyzed Coast Guard's figures on ship utilization. Their utilization statistics show how many hours they spend on fishery enforcement, drug enforcement, or other types of enforcement.

Mr. ENGLISH. With regard to the money that has gone to Customs, you said this is very, very little of that increase?

Mr. STEPHENSON. I show an increase in Customs' interdiction budget, which basically is their tactical interdiction program from \$58 million in fiscal year 1977 to \$88 million in fiscal year 1982.

You consider that in real terms; that is a very small increase in real terms.

Mr. ENGLISH. Even looking at that and reviewing that, how much of that is broken out, say, on people that went to the South Florida Task Force?

Mr. STEPHENSON. As you know, trying to get the cost estimates of the South Florida Task Force has been difficult. I really don't know. I really can't break it out.

It would only be included in the fiscal year 1982 figure.

Mr. ENGLISH. Let me show you where I am going and then you can comment.

Mr. STEPHENSON. Fine.

Mr. ENGLISH. What I am wondering about is this. We have had a lot of Customs people that have been shipped down here, that have been shipped down here TDY, which is very expensive.

I am not complaining about the expense, but I am saying that is what a lot of it is. Those people are investigators, are involved in the investigative effort. They weren't involved in the actual interdiction effort, and I am wondering if in viewing it from the Coast Guard's standpoint, whether you were able to break out refugees versus interdiction and from the Custom's standpoint, whether you were able to break out, say, investigative effort joining the South Florida Task Force and the cost of going TDY versus the actual interdiction effort, air or sea interdiction.

Mr. STEPHENSON. We really haven't been able to break out those costs. I can give you the number of people that were in the DEA Customs task group that did investigate all of the interdiction cases that were made by the South Florida Task Force, just numbers of people, but in terms of dollars, I can't break that out.

Mr. ENGLISH. Just looking at the numbers of people, can you give us a pretty good guess, assuming that nearly all of those, three or four pilots came down here on TDY, but beyond that they were all investigators? What would you say was the case?

Mr. STEPHENSON. They were Customs patrol officers and DEA agents. I can give you the number of people. It was about 330, I believe, for the first 90 days of the task force, and now it has dropped down to about 150 in that task group.

Mr. ENGLISH. Would most of the cost then be going to investigators as opposed to interdiction?

Mr. STEPHENSON. In terms of the total task force or in terms of just Customs?

Mr. ENGLISH. Customs.

Mr. STEPHENSON. I would say so, yes.

Mr. ENGLISH. Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman.

I would just like to know whether, Mr. Anderson, it is contemplated that there would be any changes in findings or recommendations of the GAO report in the final draft, based on comments you have received from the various agencies in this interim period?

Mr. ANDERSON. No, sir. We don't anticipate any. What we will do is highlight. I think the Department of Justice was very sensitive about the fact that we didn't reflect the latest information on the accomplishments of the South Florida Task Force.

We are going to get the most current figures available and reflect them in the report. As far as the basic conclusions of the report, the fact that interdiction can be improved in most parts of the country outside of Florida, I think those positions will remain the same.

Mr. KINDNESS. Perhaps it would be desirable for the record to establish the dates, since there seems to be some discussion back and forth about the GAO draft report, the Justice Department having felt that it didn't concentrate on the South Florida Task Force sufficiently.

When did the GAO audit staff arrive in south Florida, and when did it leave?

Mr. STEPHENSON. We arrived in November 1981, and had an exit conference with all parties concerned, including the south Florida task force, in June, the middle of June 1982.

Mr. KINDNESS. And was that more or less continuous application of attention of the audit staff during that period of time?

Mr. STEPHENSON. Yes. They were here permanently. They were from our Atlanta regional office.

Mr. KINDNESS. One other area I would like to just touch on. Is GAO satisfied with the nature of, or perhaps I dare say, the accuracies of the drug supply statistics developed by the National Narcotics Intelligence Consumers Committee of DEA, or is there any comment that might be added for the record concerning the accuracies of those statistics?

Mr. ANDERSON. I would be very dubious of the precision of those numbers, sir. I see that, in fact, the drug community has recently revised down significantly the estimate of the market out there. We were, a couple of years ago talking of \$70 to \$80 billion a year in the drug trafficking, and now I see that that has been revised down to \$45 or \$50 billion.

If it can just happen like that, I have got to wonder, well, maybe it could happen some more.

Mr. KINDNESS. Inflation has cooled a little bit.

Mr. ANDERSON. Ed, can you speak to that?

Mr. STEPHENSON. The National Narcotics Intelligence Consumer Committee, as you know, is made up of all of the agencies that are involved in drug enforcement, and their estimates, we believe, until some new ones come out, are the best available.

It is a very difficult situation to estimate how much is coming in when we are only seizing maybe 10 percent, I mean, trying to get a handle on what the percent is. So we think they are the best available at this time.

Like Mr. Anderson said, there are a number of questions now being raised, especially by IRS, about how much actually the drug business totals in terms of dollars.

Mr. KINDNESS. There are not particular suggestions as to methodology that might be recommended by GAO, for example. Have you heard of that?

Mr. STEPHENSON. We did not get specifically into how they estimate the amount of drugs coming into this country.

Mr. KINDNESS. I thank you. I would just comment that, of course, it is very difficult to have confidence in the statement that 10 percent of marihuana smuggling is being interdicted when we don't know what it is 10 percent of, of course.

I yield back, Mr. Chairman.

Mr. ENGLISH. Thank you, Mr. Kindness.

Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman.

Let me ask specifically, what role does the Department of Justice play in interdiction?

Mr. ANDERSON. The role of the Department?

Well, the principal role of the Department of Justice today is to provide overseas intelligence through the Drug Enforcement Administration. That is about the sum of their role.

Mr. COLEMAN. Let me ask you specifically. I understand the report is still in the draft stage, and I understand there is a draft at least of a response by the Commissioner of Customs with respect to the El Paso Intelligence Center. I visited there. I have been there.

I was impressed, first of all, by the fact that we had different agencies obviously working together. I could tell, however, that they were not convinced of being capable of tactical interdiction.

Does your report speak to that specific issue?

Mr. ANDERSON. We speak to the concern, especially on the part of Customs, that they lack the intelligence that they need to do the job properly.

Mr. COLEMAN. What causes that?

Mr. ANDERSON. Well, one reason is that as far as the Drug Enforcement Administration is concerned, people responsible for providing the intelligence, it is not a primary mission.

I think if you talk to people in the line in the Customs Service, that they would probably say it is really not DEA's principal mission, not their primary mission, and they are not giving it the attention that we, the Customs Service, thinks it deserves.

A number of people in the Customs Service would hold that ever since the drug intelligence function was extracted from the Customs Service by Reorganization Plan No. 2 of 1973, that their ability to perform the interdiction mission has been degraded.

Mr. COLEMAN. Who does that leave the interdiction mission with?

Mr. ANDERSON. Well, the interdiction mission right now is still with Customs operating with what intelligence they are able to develop through their own followup on cases, through that provided by the intelligence community, and that provided by DEA.

Mr. COLEMAN. Your report will speak to that, I hope that whole issue.

Mr. ANDERSON. We will be speaking to it, sir, yes.

Mr. COLEMAN. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. ENGLISH. Thank you, Mr. Coleman.

Mr. MACKEY. Your report, it seems to me, has an underlying theme, which is the need for better coordination. In that regard, it seems to me that what you have said is that in the South Florida Task Force, one of the major reasons for the successes that have occurred is that limited authority was granted to Customs to do followup investigation, and also there was better coordination than there has been on interdiction.

Mr. ANDERSON. Yes, sir.

Mr. MACKEY. But you go on to say that what we are now doing is we are setting up 12 regional task forces, but that no decision has been made about interdiction, and no decision has been made about the question of Customs having the ability to follow up and do investigations of its cases.

What you seem to be saying is that the things that worked here are not going to be applied elsewhere in the Nation as far as you can tell, that there is continued disagreement on that, and you seem to be saying that as a reward for the success here, the staffing level in south Florida is going to be cut from 337 to 157.

Now, in light of that, I would like to ask you a couple of questions.

Mr. ANDERSON. All right, sir.

Mr. MACKEY. Let me give you a barnyard parable. It is the story of a cross-eyed rooster chasing two hens through the chicken yard and nothing was happening and finally one of the hens said to the other, "If we don't split up, he is going to miss both of us."

Now, the question is, It seems to me, is the response that you now indicate taking, which is, let's expand the overall effort, but let's don't deal with these very central coordinations issues; is that response appropriate? Or are we, as the cross-eyed rooster, about to miss the problem altogether? Not only that, but are we also going to cripple the one effort that seems to be working?

Mr. ANDERSON. Yes, sir. I thought that Congressman Fascell's remarks were right on target, when he spoke about the need for, in Justice or somewhere, for somebody to direct the things that need to be done by all of the agencies involved.

We consider the Department's response unsatisfactory, because, in fact, it really doesn't build on the lessons learned down here, and we don't think that the action that is being taken across-the-board by all of the agencies is responsive to the problem that Congress tried to address in the legislation that provided for the appointment of a czar, pardon the expression, but whether it be a czar or some other mechanism, we do believe that there is a need for somebody to be able to perform the role of the vice president.

One of the things that everybody tells us that made south Florida work, and I have heard it cited here this morning, somebody had the authority to tell people to do things, and to compel actions on the part of all the agencies to insure effective coordination. That point was made. That ingredient is lacking within the rest of the drug effort.

Mr. MACKEY. Apparently the Reorganization Acts of 1972 and 1976 may have actually worked backward, in the sense that at one point you had Customs with authority to do investigations and all, and that has now been split out into several different agencies.

Am I correct in that?

Mr. ANDERSON. Yes, sir. I think a sense that we have is that that is a problem area that needs to be addressed, and I don't know what the solution is, if it just means carte blanche approval for Customs Service to get back into the intelligence arena, but it is obvious that that agency feels strongly that more needs to be done and could be done.

Mr. MACKEY. Would it be with your report making specific recommendations as to how the lessons from the South Florida Task Force should be applied in these other regional task forces?

Mr. ANDERSON. It is not going to address these other regional task forces, sir. We, in fact, at the request of another committee, have an ongoing job that is going to find out what is happening on these task forces.

Conceptually, by the way, let me say they are good. I mean they represent an improvement over what we might otherwise have, because they pull together expertise, law enforcement expertise from DEA, law enforcement from the FBI, financial expertise from IRS. That can only help, and it was again something that wasn't being brought to bear effectively in the past.

Mr. MACKEY. In the absence of a functional reorganization, which would require all of the agencies to be in one functional area, it would appear that there is going to have to continue to be someone with the authority, prestige, and visibility of the Vice President, to make any of these task force efforts work. Is that your conclusion?

Mr. ANDERSON. Yes, sir; it is.

Mr. MACKEY. Do you see anyone of that stature in the proposed expansion of this effort? Certainly it is not a U.S. district attorney.

It is my understanding that Justice proposes to do this specifically in the South Florida Task Force. The coordinating mechanism is to be the U.S. district attorney.

Mr. ANDERSON. That is my understanding, yes. They will be decentralized in that fashion. There will be local efforts, as I said.

Mr. MACKEY. So, if the local citizens group concludes that as a result of all this effort it is now going back to the way it was, would you disagree with that conclusion? That is the way it was before we started; was it not?

Mr. ANDERSON. Well, the task force approach that is going to be applied, the 12 task forces like the South Florida Task Force, represents a bringing together of all the necessary talent in one effort against one problem, and it makes a lot of sense.

There will be a residual benefit here in Florida, despite the reduction in the resources that are being applied by the law enforcement community.

Mr. STEPHENSON. I would like to add one thing. I think one of the key successes of the South Florida Task Force was the fact that Customs could follow up and investigate all of those interdiction cases that they made, Customs and DEA, as a part of this DEA/Customs task group.

We don't see that being added to the new task force, and that is a key problem. It is not only beneficial for Customs to have that followup for their own interdiction cases to develop intelligence for

future interdiction cases, but a lot of this information could be used by DEA themselves to develop conspiracy cases.

Customs has told us in a 9-month evaluation that there were very positive benefits from that investigative authority which they had under the guidance of DEA and that is the kind of thing, I think, we would like to see in many of the task forces.

Obviously, the one in St. Louis wouldn't have a very big interdiction component but certainly there are other task forces around the country that would.

Mr. MACKAY. Thank you.

Thank you, Mr. Chairman.

Mr. ENGLISH. I might say before I recognize Mr. Towns, did you recommend that in your report?

Mr. ANDERSON. No; we do not. We haven't really, truly evaluated what was going to happen with the new task forces because I don't think the administration knows what is going to happen with the new task forces.

Mr. MACKAY. Mr. Chairman, it seems to me, though, that that was clearly set forth in this report as a red flag, that here the coordination in interdiction is the thing that made it work, and here that is the one thing they are leaving out in the other 12.

Mr. ENGLISH. Why don't you make that recommendation, then?

Mr. STEPHENSON. We just learned about some of the plans that the administration has for the new task forces.

Mr. ENGLISH. Will it be in the final version then?

Mr. ANDERSON. I think it will, sir. Yes; obviously, it is a problem. I think we are compelled to make a recommendation.

Mr. ENGLISH. Mr. Towns.

Mr. TOWNS. Thank you, Mr. Chairman.

I have two questions. No. 1, what will determine the size of the task force?

Mr. ANDERSON. I guess it is just a case of what we can afford basically, sir. I think it is almost like a bottomless pit. It seems like all the resources you can put in there you can apply rather fruitfully, but right now DEA has about 1,800 agents fighting drugs. FBI in the past has had 600.

We are going to increase that almost by 50 percent in establishing these task forces.

If you ask me, you could probably increase it another 50 percent, and you could apply all of those resources productively and maybe another 50 percent beyond that.

On the individual task forces, just a decision as to what we could afford and how much money we wanted to spend, I guess, was basically the driving factor, not really driven by the size and analysis of the problem and how many resources it is going to take to solve it totally.

Mr. TOWNS. It has been a general complaint among many of the staff members that as soon as they become extremely familiar with a given area, a given situation, they are transferred out. They feel that in many instances that the task force is going to lead to further transfers. Would you answer that?

Mr. ANDERSON. Ed, you have had a lot of dealings with that.

Mr. STEPHENSON. I think initially one of the problems with the South Florida Task Force, that the people who ran it would agree

with, is that there was a lot of temporary duty people. Those people were here for a short period of time, and then they had to go back, and then you would have to bring them back for a court appearance.

That was a problem, but I think the task force will now be much more permanent. I know the 150 people that they are talking about for the South Florida Task Force for the future, I think, are permanent people not temporary duty people which created problems of trying to get a cohesive effort because they are not familiar with this part of the country.

Mr. ANDERSON. Your point is well taken, sir. When the task forces are initially established, they are going to be established by moving people around the country. We are going to hire new agents to do the things that they were doing before, skilled, experienced agents.

They have a learning curve to go up. They will not jump off running with maximum effectiveness.

Mr. TOWNS. I yield, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Towns.

Mr. FASCELL.

Mr. FASCELL. Mr. Chairman, I have a lot of questions, but I will defer because I am sure that the subcommittee members will cover all the important points that are necessary. In the interest of time, I will just reserve my right, and your kindness in asking me to inquire.

Mr. ENGLISH. Thank you very much. If we miss something that you think of, though, don't hesitate to jump in.

Mr. FASCELL. I have got some things like the relationship between the organized crime task force and this task force. What is IRS actually doing in making cases, and other things like that.

Mr. ANDERSON. Regarding the organized crime strike force, we are wondering about that, too, sir. We seem to have two separate channels right now, and the problems overlap. There is no doubt about it at all.

Organized crime has moved into narcotics, and by the same token—

Mr. FASCELL. I just wanted to be sure. We fought so hard to get the organized crime strike force down here, I don't want to see it get wiped out because of all the excitement of dealing with the South Florida Task Force on drugs, so the question of the relationship here between those two units and the relationship between similar units all over the country now in operation is a very important thing, Mr. Chairman, and I am sure the committee will take a good hard look at that.

Mr. STEPHENSON. We hope to pursue that in the study that we are going to do for another committee—Senate Judiciary. It will be for Senator Biden. We will pursue the total relationship of the new task force to all of the efforts that everybody is doing in drug enforcement.

Mr. ANDERSON. Organized crime was and will remain, I think, a high priority of the FBI in any event. That is for sure.

Mr. ENGLISH. Mr. Shaw.

Mr. SHAW. Thank you, Mr. Chairman.

I would like to for a few moments pursue a dialog that we had in Washington regarding the interworkings and interrelationships between the various departments of Government. For the first time in the South Florida Task Force they have come together and worked together without consideration for turf and all the other problems that are constantly coming into the workings of Government, particularly in the drug area.

I am compiling statistics as I think your report did get into.

How do you view the present components of Government?

What I am speaking of now is when you have the Department of Transportation through the Coast Guard having to work with the Treasury, through Customs, having to work through Justice with DEA and FBI.

Perhaps the movement of DEA and the FBI has been a good move after all. How do you see this coming together of agencies? On top of that involvement is the Defense Department's involvement here in south Florida; What do you see as to the possible reworking of the Government picture, so that you don't have the wide variety of departments having to work together?

Perhaps they are thinking about actually redeveloping or reworking the Government, a reorganization of these components of Government perhaps into one committee, other than, of course, the Defense Department. Would you like to comment on that?

Mr. ANDERSON. I thought the chairman's point was well made with respect to the Coast Guard, the dual mission. That applies to some of the other agencies we are talking about here as well, and so it just doesn't seem to be as simple as a grand consolidation of all the involved agencies.

There are other things that those people are responsible for. What we believe, and it was something that we recommended in an earlier report to try and address the problems at the Southwest border, at least let's devise a single budget that describes what the Federal Government is going to do in its entirety, and who is responsible for what. Let's make sure that it is rational and integrated and the proper number of bucks are going for interdiction, for example. We need some balanced approach to it, so you could plan by formulation and consideration of a joint project that would lay out all components of the drug war.

A chart appears in our report, Mr. Chairman, that shows the chain of budget approval process of DEA, Customs and the Coast Guard through three separate departments. Even at OMB, there are three separate examiners. We believe that driving joint planning through the budget process would be a good way to do it.

Mr. SHAW. You put the Immigration people in there, too, because they are looking up and down the borders.

Mr. ANDERSON. Yes, sir.

Mr. SHAW. If you are looking for people coming in illegally, why not have them at the same time looking for drugs coming in illegally. The whole system, the whole system of Government, the way it is set up right now makes absolutely no sense.

One of the things I found quite encouraging as you look at the new budget that the President just sent down, he did recommend that the increase in expenditures for Justice be more than that for Defense. Would you care to comment on that?

Mr. ANDERSON. We believe that the administration has made some good decisions in the last couple of years regarding law enforcement generally. I think I can speak from the work that we do elsewhere in it, and especially in the drug area.

There has been a strengthened commitment. There has been more money.

Mr. SHAW. Even as a supporter of this administration, I think it would be unfair, if I did not say that I think they did not put nearly enough in in previous years in order to keep pace.

As you bring up the point, with the task force having to pull staff away from other areas, Coast Guard, DEA, and other branches in order to concentrate on the south Florida problem.

One other point I would like to make before I yield back, I think that there is really distinction between the South Florida Task Force and the other task forces being set up, which would justify the South Florida Task Force remaining under the Vice President. This difference is the involvement of the military and the intensity of the interdiction effort.

I know there is going to be an interdiction effort in the other task forces, but I don't think just geographically it is going to have to be as intense as the south Florida one is.

I think this point has to be made over and over and over again. When you get into other areas, and you see these distinctions being made, I think this is certainly a justification for this distinction. I don't think that the Justice Department, quite frankly, is going to get the cooperation of the military that the Vice President has sought and has gotten. When you see the reluctance that the military had in a change in the law that we all fought for just a year ago, when you see the reluctance of the military in getting involved even after we change the law, I think it becomes even more apparent that the clout of the Vice President has got to remain in place. He must remain at least for another 6 months or 1 year until we get these other task forces moving. We should not in any way interfere with our own task force here in south Florida.

Mr. ANDERSON. Your point is well taken. I mean the military views this as really degrading the performance of their mission. They have done studies and they can point to very specific bad effects, by diverting this equipment and those personnel to the drug area.

It degrades the military mission, so they are obviously going to be ambivalent about it. That is what they are in business for.

Mr. SHAW. I think that was proven in the obstructive nature in which they sent the bills that exceeded the budgets of some of these agencies for their involvement in sending ships down.

This was quite apparent. I happen to be a very strong supporter of the military, but I think that if we are just going to have a military that is not going to do anything but sit around and wait for a war then we are kidding ourselves and we are not getting the maximum utilization out of the tax dollars that are being poured in.

Thank you.

Mr. FASCELL. Mr. Chairman, could I clarify one point before you dismiss the witness?

Do you have a study now on IRS involvement in drug cases? Has somebody asked you to do that?

Mr. ANDERSON. No, sir. We have no ongoing work in that area right now.

Mr. FASCELL. OK.

Mr. ANDERSON. Fine, sir. I would be curious to see myself.

Mr. FASCELL. Because the transition from the time when IRS was actively involved in assisting and making the money cases, and then the change it took where they dropped out for a longer period of time.

Mr. ANDERSON. Yes, sir.

Mr. FASCELL. Then under the last Attorney General, it seems to me, an effort was made, in fact, I know it was because it occurred in my office, to work out actual contractual arrangements between IRS and other agencies, the changes in the law that were required, et cetera.

We need to be brought up to date on that, and with the chairman's consent, I think it would be very useful for us to have an update on exactly what the statutory problems are, if any, exactly what IRS involvement is in this whole area as of today.

Mr. ANDERSON. Fine, sir. Yes, we will certainly be pleased to do it. I do know, as you are aware, IRS has been devoting something like 30 percent of the IRS' budget as contrasted with the previous, less than 5.

Mr. FASCELL. Right.

Mr. ANDERSON. So, if IRS is putting more money in it, what are they accomplishing?

Mr. FASCELL. There has been a change and we need to track that change.

Mr. ENGLISH. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman. I have a couple of quick questions. I also had the pleasure and opportunity of discussing with Mr. Anderson the other day in front of the crime subcommittee some of these very same problems.

Two things concern me, however. First is the fact that the President's current budget proposals, have requested \$127 million for these 12 task forces, when you have already testified that the task force in south Florida alone for this year cost \$66 million.

My question is whether or not you feel that the administration's proposed budget will in fact be sufficient to do the job for 12 when one in fact costs a little bit more than one-half of what they are proposing for the 12?

Mr. ANDERSON. Absent an interdiction mission, I have no reason to believe that it wouldn't be sufficient. We identified \$66 million in South Florida Task Force over a 6-month period, Ed?

Mr. STEPHENSON. Nine-month period.

Mr. ANDERSON. Over a 9-month period \$66 million. Of that \$66 million, \$39 million represented Coast Guard costs directly associated with interdiction, so that brings us down to \$27 million to operate the balance of the task force for 1 year. It still seems disproportionate.

Even if it is only \$27 million and I multiply that by 12 I am up over \$300 million, but if they do deploy those people, the commitment to the task force approach is going to be reflected by agencies

and investigators and prosecutors that are in place, sir, and you know, if they get the funding, and aren't cutting back somewhere else where the Congress wants things done, then so be it. Perhaps then it will work.

Mr. SMITH. It seems to me there is going to be a commitment that is going to have to be to some degree tempered by the available dollars if that is all the money they get.

The second question is in terms of what Congressman Shaw had to say about the possibility of keeping the Vice President for the South Florida Task Force, again because of the interdiction situation. It just seems to me that, and I share his concerns, but I think that one of the things that you raised probably speaks louder than anything we can say in terms of it. And that is how effective it has been in a desert of disarray between agencies, we found this oasis of cooperation.

Why the insistence is made now to move it away from the Vice President—there have never been any reasons generated by the way. Have you been given any reasons why they want to move it away from the Vice President? Has anybody ever said why? Is the Vice President too busy, has he been given too many other responsibilities, does he take an active role in being out on a Coast Guard cutter and doesn't have the time any more?

I am not aware.

Mr. STEPHENSON. I don't know why.

Mr. SMITH. None of us have heard I don't believe, I have certainly not heard. I am curious as to why. Notwithstanding the fact we don't know why they are moving it out from under the Vice President they want to move it now into the Justice Department and frankly without designating the Attorney General as in fact the same type of person as the Vice President that is cloaked with this mantle of ability to generate cooperation by frankly picking up the front and causing cooperation. Don't you think that in fact the whole south Florida program type example, which really has been a microcosmic kind of laboratory, will fall, and we will revert back to the old way? In fact Congressman Shaw's reasoning works just in reverse for the purpose of keeping it with one strong central authority figure, based upon your chart which you picked up and showed us, that one person should be responsible for budgeting all the items together for the coordinated drug task force and the drug effort around the United States.

Mr. ANDERSON. In general I agree with your description of the situation, sir. With respect to Florida, there has been a pattern of relationships that has been established, the assumption of roles by the agencies. Maybe the momentum of what is in place already will keep things going, hopefully, even though we are not going to have the Vice President in charge of the effort—a point you have made very well.

Mr. SMITH. We always have hope but that is why we have the GAO, too. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Smith.

I would like to follow up very quickly in regard to the issue that Mr. Smith was bringing out on the continued involvement of the Vice President. Was the White House given an opportunity to comment on that question?

Mr. ANDERSON. Oh, yes, sir. I am sorry, you mean our report?

Mr. ENGLISH. As far as your report is concerned.

Mr. ANDERSON. Yes; we did not get any comments. We were looking for them really from Dr. Turner representing the White House position on drug matters generally, and we had some conversations with him in the course of doing our work, but he did not respond to our offer to comment on the report.

Mr. ENGLISH. Was he given the opportunity to comment on the issues as to why the Vice President was being removed?

Mr. ANDERSON. No, sir. Did that come up in your conversation?

Mr. STEPHENSON. No, we have not met with him that recently.

Mr. ENGLISH. That issue was not raised then or brought up?

Mr. STEPHENSON. No.

Mr. ANDERSON. I am trying to recollect, sir. He testified at the same hearing I did last week that Mr. Smith referred to. I am trying to remember whether that question was put to him in the course of his 1½ hours up there, and I cannot recollect, sir.

Mr. SMITH. Dr. Turner?

Mr. ANDERSON. Yes, when that question was put to him I cannot remember.

Mr. SMITH. Mr. Chairman, if I may.

Mr. ENGLISH. Certainly.

Mr. SMITH. The question was put to him and basically what he said was that he attends the meetings of the Cabinet, and where the Vice President sits in, and what he does is the job that the Vice President tells him to do, and when I asked him whether or not he felt, like I asked you, that there should be one person chargeable under the statutory authority that the Congress gave, he said he thought he was that person and could do the role, but quite honestly all his other answers actually went the opposite way. He doesn't have any authority at all quite honestly and that is a shame.

He is trying very hard with at least one arm tied behind his back, but he never did give an answer because nobody can presume as Mr. Harris did not yesterday, presume to speak for the administration, because they only implement. They don't formulate policy.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Thank you very much, Mr. Chairman, for yielding. I just wanted to ask one quick follow-up question.

You talked about the expense of the 150 additional customs being TDY and you thought that they would become permanent. One of the problems I have, in fact it was day before yesterday I made a speech on the floor of the House, with the budget proposed by this administration is how it relates to the number of personnel that we have seen, in my view, consistently decline and the number of Customs agents that we have in the field. I think some 850 are probably actually literally inspectors and that has created problems in border areas, specifically the metropolitan border areas that I represent.

I wondered whether or not those are new people or will they have to come from that same 1,347 customs agents recommended in the budget?

Mr. STEPHENSON. I think they are not new people. I think they are just transfers from other parts of the country. That is just an opinion. I am not sure about that.

Mr. COLEMAN. I was hoping that perhaps your report would address that specific issue. For example, the regional director of Customs in my area announced the cutting of 16 slots, so that they don't have any budget for overtime, they cannot work holidays and weekends, which of course is exactly the times they need to be working in my area.

I wondered whether or not you were going to address the issue, literally, of the numbers of personnel.

Mr. ANDERSON. No, sir, not in the specifics you would like to see. I think what we would be saying is that if you had somebody in charge, they would perhaps see that Customs is adequately staffed to perform its part of the law enforcement function regarding drugs.

Mr. COLEMAN. I just wanted the members of this committee, Mr. Chairman, to understand for the record, that those of us that also have areas and shortages are going to find it most difficult to be of great assistance to the South Florida Task Force when indeed they are going to request that those permanent personnel at other stations become permanent here, because we have got those same difficulties, unless indeed we can create those new positions.

Mr. STEPHENSON. I might add, Mr. Coleman, that in our new study for Senator Biden we do plan to get into that specific issue of whether these are really additional resources we are putting into these task forces. Basically, they are going to staff the task forces by transferring DEA and FBI agents into the task forces and then backfilling new agents into the DEA and FBI. Senator Biden wants to know, and we would like to know, how many additional people we are really talking about in this area.

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

Mr. ENGLISH. Along that same line, I was curious in this regard. I don't remember checking, but in the new budget that the President has just proposed, what is the request as far as the level of manpower for Customs? Are they requesting an increase?

Mr. COLEMAN. The exact same, Mr. Chairman.

Mr. ENGLISH. The exact same thing. Mr. Gunnels?

Mr. GUNNELS. Mr. Chairman, 1,775 positions less than fiscal year 1983 in the President's budget.

Mr. ENGLISH. Tex Gunnels is with the staff of the House Appropriations Committee. It is down how much, Tex, did you say?

Mr. GUNNELS. It is down 1,775 positions.

Mr. ENGLISH. 1,775. In response to Mr. Coleman's observation do you have any comment as to what impact a reduction of that size is going to have?

Mr. ANDERSON. It is not a very big agency to begin with, sir, it seems to me, and we have observed in not only looking at what Customs does in the law enforcement area, we look at the other things that Customs does. That agency is tight as far as having the people it needs to get its job done at the borders and in every regard, be it inspecting imports or whatever.

Mr. ENGLISH. Will this have an impact on interdiction?

Mr. ANDERSON. If interdiction shares the cutback in resources, obviously, and I would presume it would, that they are going to have to absorb some part of that.

Mr. ENGLISH. I want to go through to clean up a few questions that I think are important to get on the record.

One of you made the remark about the military's private statements to you on any impact that this might have on their overall operations. That was not taking into account the proposal I made here this morning?

Mr. STEPHENSON. That is correct. I would like to comment on that because I think it is important to note your proposal takes away one of the reasons that they said they did lose readiness in those E-2C units.

Navy officials told us the E-2C units used in the south Florida task force had to be transferred down there, and all of that down time getting the unit down to south Florida away from their home station at Norfolk was the major reason why their readiness was degraded.

Mr. ENGLISH. I wanted to bring that out. If there is anything different I am sure we will find out tomorrow. But, to the best of your knowledge, the proposal we outlined and laid out here this morning has been certified, approved and blessed by people within DOD as far as any impact, negative impact on their overall combat readiness or operations. Regarding the posse comitatus change, we have got to have a working relationship between law enforcement and the Department of Defense, and there has to be cooperation—with the Congress, also, I should say—there has to be cooperation worked out.

We have to work together and we have to make sure that degradation does not happen, or obviously that cooperation is not going to last very long. I think it is a key.

With regard to the State Department's budget, I am looking here at the international narcotics control program, and according to what I see here, we have got fiscal year 1982, \$35 million I believe. Planned for fiscal year 1983 is \$36,700,000, and for 1984 talking about in excess of \$53 million. Is that correct?

Mr. STEPHENSON. Those are the figures that we have, that is correct.

Mr. ENGLISH. How much of that money will be designated for the Bahamas?

Mr. STEPHENSON. I am really not sure. I think Mr. DiCarlo would have to answer that question.

I just don't know. In the past there hasn't been that much money designated to the Bahamas, as you know. We pointed this out in our draft report.

Mr. ENGLISH. In the past has there been any?

Mr. STEPHENSON. There has been some. Our report pointed out that there weren't any direct projects to the Bahamas. Although, the State Department in response to our draft said that there were a number of projects that were ongoing in Colombia which aided interdiction in the Caribbean.

Mr. ENGLISH. I realize that they like to talk about the big picture, but the Caribbean is a pretty big area and certainly if you are going to stretch the Caribbean all the way to Colombia, that is bigger still. What we are kind of zeroing in on is this group of islands just out here to the East, known as the Bahamas.

Were they able to zero down and look at that little group of islands? The Bahamas are becoming a refueling stop. We know that they are becoming an off-loading point for drugs that are coming into this country.

Mr. STEPHENSON. Through fiscal year 1982, and my knowledge is only through fiscal year 1982—I don't know what is in the 1983 and 1984 budgets for the State Department's international narcotics control program, but there was very little money being spent in the Bahamas through fiscal year 1982, less than \$100,000.

We did do some work in the Bahamas on this job in May 1982, and at that time officials in the Bahamas told us, both from the State Department and DEA, that the Bahamians needed more interdiction type equipment, aircraft, vessels, and those type of things could be provided through the international narcotics control program.

Mr. ENGLISH. Given what you saw and recognizing the fact that you haven't been back since last May, what would be your analysis of the overall interdiction effort that has taken place in the Bahamas? I am talking about the ability, the interdiction ability, that exists there now.

Mr. STEPHENSON. As you know, Mr. Chairman, there are a number of recent projects that have been initiated by DEA, by Customs, and possibly by the State Department.

Mr. ENGLISH. You are familiar with the equipment they have available to them over there to conduct those operations, and you are also, I think, familiar with the limitations that equipment puts on those operations. Can you give us an assessment of that ability?

Mr. STEPHENSON. It would just be my own opinion. My opinion as of May 1982 is that they clearly didn't have the ability to interdict and to provide intelligence to help us interdict in Florida or in the Caribbean area.

Mr. ENGLISH. Very quickly I want you to respond to two other questions for the record. What are the major problems which are placed on Customs in attempting to interdict drugs today, as you see it?

Mr. ANDERSON. The major problem affecting Customs today is—a need for better intelligence. They have an intelligence problem. It could be more effective. Customs would put that up high on its list of problems in the interdiction mission.

I would say as far as air interdiction goes, you spoke earlier, Mr. Chairman, and we can attest to it, they have some antiquated planes that are being outrun and just can't get the job done, so equipment, that type of equipment, is where they are falling very short.

I would say just the sparsity of personnel on some of the border areas, they are unable to provide the thickness of coverage that is really required.

Mr. ENGLISH. What would you recommend to increase the results from an air interdiction standpoint?

Mr. ANDERSON. Most of what you described up there this morning certainly seems good to us. No. 1, we lack the ability today to identify and track effectively, too many gaps in the coverage.

No. 2, which you alluded to, is the equipment which would be made available for the pursuit and interdiction part of it. Those are obviously addressing the problem.

Mr. ENGLISH. Very good. Are there any other questions? If not, we thank you very much, Mr. Anderson. You have been very helpful and we appreciate your report.

Mr. ANDERSON. Thank you very much.

Mr. ENGLISH. Thank you.

Mr. ANDERSON. Thank you. It is a pleasure.

Mr. ENGLISH. We will recess for about 5 minutes.

[Recess taken.]

Mr. ENGLISH. The hearing will come to order. Our next witness is Mr. James Nursey, who is the director of the criminal investigation division of the Florida Department of Law Enforcement. Mr. Nursey, I might tell you, as I told our last witness, if you would care to submit written testimony, we would be happy to include the complete testimony as a part of the record. If you would like to summarize your testimony, I think, without objection, that would be fine.

STATEMENT OF JAMES NURSEY, DIRECTOR, CRIMINAL INVESTIGATION DIVISION, FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Mr. NURSEY. Thank you. I have submitted an outline of my remarks, which will be brief, and I think that the remarks will pretty much follow the outline.

Mr. ENGLISH. Fine.

Mr. NURSEY. First I would like to start by expressing my appreciation and my agency's appreciation for having the opportunity of addressing you today. I think it is appropriate that the Florida Department of Law Enforcement, the agency that I represent, has this opportunity, and for those of you who are not familiar with FDLE, I will briefly tell you some of our responsibilities so that you can understand why I feel it is so appropriate for us to be here today.

Among our responsibilities is the investigation within the State of Florida, throughout the State, of organized criminal activity, major drug trafficking, and racketeering. Because of that, we have to work very closely with Federal agencies, and we feel that there needs to be a very close association between us and the task force and any other Federal agencies or Federal groups that are working within Florida.

As you know, because of Florida's geographic location, and because of its hundreds of miles of coast line, Florida has for the last decade at least, and perhaps longer than that, had a very serious problem with drug trafficking. We are pleased to say that we feel that the presence of a Federal task force has, to some extent, impacted this drug trafficking.

However, we do believe that Florida still has a very serious problem with narcotics coming into the State, and therefore we believe that the Nation has a very serious problem with narcotics coming into the State.

Based on some statistics that we have from DEA—and they are included in my notes, so I won't go specifically through them, I will just mention them briefly—it appears that Federal arrests and Federal seizures are up considerably this year over last year, primarily as a result of the task force and the other agencies that are working with them.

For example, drug related arrests total Federal arrests up 27 percent; total seizures, 49 percent; cocaine seizures 41 percent; marihuana seizures up 81 percent. I am sure you are familiar with these and other statistics that have been presented to you.

In addition to those, I might add that the Florida Department of Law Enforcement shows a decline during the past year in seizures. We feel there are basically two reasons for that.

We feel, first of all, that our drug seizures have declined because of the impact that the Federal Task Force is having, but equally that the Department of Florida Law Enforcement has for the past 18 months specifically targeted the upper echelon or strata of narcotics trafficking organizations, and this obviously has resulted in long-term racketeering investigations using both the State's RICO statute and when appropriate the Federal RICO statute in dealing with this problem, so whereas our seizures have declined, we feel that the reason for that is because we are dealing in much longer term investigations which result in long-term results, and we are not necessarily dealing with the street buy business which gets you a lot of arrests and a lot of seizures.

We find that as a result of the increased effort of the Federal task force, of other Federal agencies, and of State and local agencies in the State of Florida, that the following things have taken place. No. 1, we feel that smugglers are making end runs around the State of Florida. We feel that they are going further up the coast, east coast, beyond Florida into North Carolina, even as far as Massachusetts and Maine.

We feel also that they are going west to other Gulf Coast States other than Florida. That does not mean that we are not being impacted by the trafficking, because we are still having a great amount of narcotics coming into the State.

Some of it is still coming in despite the task force's efforts from the South, and in addition to that we are finding that these smugglers that are bypassing the State of Florida going up the Atlantic coast and out the gulf coast and are now bringing them back down into Florida by air, truck, or by whatever means they can get in, so the drugs are still coming into the State. We still have a very critical problem, so don't be misled into thinking that because the Federal task force has shown some successes that the problem is under control in the State because it absolutely is not.

We are also finding that wholesale lots of cocaine appear to have been disrupted from coming into the Miami area as was previously the case. However, as I mentioned before, don't feel that the war is won because this cocaine is still coming in in the same amounts into the State. We feel the same amount is still available on the street. The same amount of marihuana is still available on the street. It is just coming in from different and alternate directions.

There is an indication of stockpiling taking place in the Bahamas right now, particularly stockpiling of cocaine and marihuana. We

also have indications that the stockpiling is being supplemented by air drops into the Bahamas. We feel that once they are in the Bahamas these drugs are again coming into the State of Florida by other means.

We believe, our information indicates to us that the price of illegal drugs has remained stable, indicating that although there have been some diversions, some disruptions and movements of the methods by which drugs are coming into the State, we feel that the same amounts of drugs are still reaching the street, so we still feel we have a very critical problem.

The task force has certainly impacted, but has not eliminated major drug trafficking into Florida and the United States. As indicated by these facts, we feel the task force has had some effect on narcotics smuggling into the State of Florida and into the country. However, we feel that there are some lessons to be learned, and we feel that there are some suggestions to be made.

Please don't take what I have to say as criticism because that is not what it is. What I am going to say now are observations about the Federal effort and what we feel as Floridians and U.S. citizens ought to be done in the future.

First of all, we feel, and it has already been mentioned here this morning, that initially there was a temporary assignment concept to the task force. In other words, agents would come in on a temporary basis, and you really can't come in for 90 days, 180 days, or however long you are going to be here on a temporary basis and really learn how to deal with the problem.

You can't be effective that way, so we feel that certainly the effort should be continued from the Federal level, but that there should be permanent assignments and not temporary assignments.

Second, we feel that there has been some poor communication with agencies at the local and State levels. We have a very good day-to-day working relationship with DEA. We have an excellent working relationship we feel with the FBI. We have an excellent working relationship with the organized crime strike force which is housed here in Miami. There are also offices in Tampa.

We do feel, however, that there has been very, very limited communication with representatives of the strike force. Now we do get with them, we discuss with them general concepts, but there is very, very limited day-to-day tactical exchange of information about cases, and this does impact us, and we feel that there ought to be much more close communication between the Federal task force and the State and local agencies.

As the result of poor communication coordination has not always been adequate. We feel that there have been cases in which we have been working, the task force has also done some interdiction affecting the same people, and because of the lack of communication and coordination, the effect that could have been had was not had. We believe very strongly and we appreciate the fact that under the posse comitatus doctrine now we do have some, or theoretically at least we have access to military support.

However, it is our understanding that even if we can avail ourselves of the military support, it is our understanding that there is a possibility and maybe even likelihood that the State of Florida would be billed for whatever services the military provides us. If

we ask them to give us some assistance with airplanes, ships, or whatever, it is our understanding that we may very well be billed for that.

We feel very strongly that this should not be the case, because we are not dealing with a State of Florida problem. We are dealing with a national problem, with very serious, very critical ramifications, and we feel for that reason we should not be billed back.

Mr. ENGLISH. Mr. Nursey, could I interrupt at this point? Who gave you the information that you were going to be billed?

Mr. NURSEY. This is information that we have had coming into the department. I could not give you the exact person at this time. I can get that information for you.

That is the understanding we have been laboring under within the Department of Law Enforcement.

Mr. ENGLISH. Perhaps this will straighten it up and it probably should be said for the record—it is my understanding that Ed Meese, Special Assistant to the President, advised the Department of Defense a few weeks ago that there would be no reimbursement.

Mr. NURSEY. OK, I am happy to hear that, and I think based on that, we will take the initiative, and what we will do if we have the need for direct assistance from the military, I think if this is appropriate, we will contact the military bases directly, ask them for their assistance and assume we are not going to be billed for it.

Mr. ENGLISH. I would also caution, one other point that we have raised and it is a concern of mine. The mechanism within the Department of Defense for providing any kind of assistance is still being established, and so I would hope that you would keep that in mind. In any request that you may have, understand that the mechanism may not be in place for swift and speedy response. I think you are going to have a lot of people not sure of how to respond.

Mr. NURSEY. We are very much aware of that. That is why I mentioned if the services are made available to us, but we appreciate that information and I will certainly take it back to Tallahassee with me. Thank you.

Briefly, the Department has a number of recommendations concerning the future of the task force and the future of the Federal effort here in Florida. First of all, we feel there needs to be a long-term Federal commitment. We feel that this is critical to success.

If I use an analogy, if you are fighting a forest fire and you begin to deal halfway effectively with the forest fire, you don't cut your water off. You increase your water and put the fire out. What we have done so far, we have begun to make some discernible impact. We certainly haven't turned it around yet, but we have made a discernible impact.

Rather than cutting off the water, we need to increase the flow of it. We need to have better communications between the task force and State and local agencies. We realize that during the past several months of the task force's existence, it was new, new to them, new to us, and there was a lot of time that needed to be taken to iron the bugs out. We feel that that time has been taken now, and now it is time to have good close coordination and close communication between the Federal Government, especially the

task force, and between the Florida Department of Law Enforcement and other affected agencies within the State.

We feel that there needs to be more consideration, and I say more because we have seen the beginning of consideration in this regard, more consideration of sharing the fruits, as it were, of our efforts. Now I must point out we are not in the business of making money off enforcing drug laws. However, it is well recognized that when you make seizures there is a possibility to have your investigative expenses reimbursed by the very people who you are investigating, and I think that is quite appropriate.

We do that effectively with cases that we work here in Florida because we have a trust fund and we have a civil RICO statute which permits us to take money that is seized from people who would deal in narcotics trafficking, seize their money, and we are able to turn that money back into the law enforcement effort.

We feel that since we are working with the Federal agencies, we need to have a greater sharing of the money that is gotten between joint cases between the Federal and the State and local agencies.

As I already mentioned, and you have addressed, we need to eliminate the necessity for reimbursement of expenses if that necessity indeed exists. We need to explore the possibility of working more closely with IRS. We have a number of cases, and I could give you specific examples where we have done criminal investigations and from these criminal investigations we have gathered information which has been turned over to the IRS, which has resulted in them being able to place liens on properties of bad guys, so to speak.

We have asked the IRS not to give us a reward but to help us recoup our investigative expenses. The Commissioner of the IRS has responded to our commissioner of law enforcement that this is not appropriate and that this cannot be done.

We feel that if we are going to investigate criminal cases and if we are going to strike the upper levels of organized criminal drug smugglers, and if by doing so we pass information to the IRS which results in them getting large amounts of money that they would not ordinarily have been able to get, then I feel that we ought to be reimbursed to some extent for our investigative expenses.

Finally, and I will close by mentioning that last fall the Southern Governors Conference adopted policy guidelines; and this weekend, Gov. Bob Graham of the State of Florida is going to present these policy guidelines to the National Governors Conference, and hopefully they will be accepted.

I would like to read very briefly to you the title of each of these eight policy recommendations because I think that they fit very nicely into what we are talking about here today.

First there needs to be a broad-based education program. Each State needs to set up a drug education committee, a multidiscipline committee, not just with law enforcement, with all affected disciplines including medicine, law, and education.

Second, there needs to be an intensified eradication and interdiction effort. By eradication and interdiction, we are talking about eradication at the source, the source within the States, but also more importantly the sources outside of the country, and this is

going to take, as you well know, some cooperation from the State Department as well as DEA.

National response in the form of permanent task forces. We feel that not only should the 12 task forces be established throughout the United States as has been planned, but the South Florida Task Force should not be in any way diminished or reduced, but in fact should be expanded.

We feel that there should be a centralized information and intelligence data base. We currently have within Florida a statewide narcotics intelligence data base, and we interface very well with EPIC in El Paso. We feel, and the Governor's recommendation is that all States have the same capability and, of course, that would take quite a bit of Federal cooperation, particularly in dealing with EPIC.

We feel there needs to be a concerted street enforcement activity by increasing resources at the local level. There needs to be standardized model legislation for all States within the United States so that you can have in every State the ability for wiretaps, the ability for civil and criminal racketeering statutes to enhance your ability to deal with the drug problem.

I realize that is not something you can directly effect but that these are things that the Governors are going to recommend.

We feel that there needs to be greater prosecutorial commitment. Often times, because prosecutors are so inundated with street-type offenses like burglaries, robberies, and homicides, they don't always have the time to deal with the drug problem. We feel there needs to be a commitment to drugs.

Finally, the Governors feel that there needs to be a coordinated effort of local agencies dealing with the Federal agencies and dealing with the statewide problem.

In closing, I will say once again that there has been some very positive impacts of the Federal task force here in Florida. We have felt these impacts. However, there is a very long way to go, and we feel there is much to be done.

Now is the time for intensified coordinated effort, not for retrenchment. Thank you very much.

[Mr. Nursey's outline statement follows:]

Outline Of Testimony OfJames Nursey, Director, Division of Criminal Investigation, FloridaDepartment of Law EnforcementHouse Subcommittee
Governmental OperationsFebruary 25, 1983
Miami, FloridaI. Introduction

- A. Because of its geographic location, Florida has been faced with major drug trafficking problems over the past decade.
- B. Although the Federal Task Force efforts have been commendable and state and local agencies have intensified their anti-drug trafficking efforts, Florida still has a serious problem; therefore, the nation still has a serious problem.

II. Impact of Federal Task Force in Florida

- A. Federal D.E.A. Comparative Statistics (Feb. 1981 - Sept. 1981 compared with the same period in 1982)

<u>Category</u>	<u>Number</u>	<u>% Difference</u>
1. Drug Related Arrests	1641	+ 27%
2. Drug Seizures	621	+ 49%
3. Cocaine Seizures		+ 41%
4. Marijuana Seizures		+ 81%
5. Marijuana Seized (lbs.)	1.7 million	+ 35%
6. Cocaine Seizures (lbs.)	5300	+ 56%
7. Value of Drugs	3.2 billion	+ 52%

- B. Decline in FDLE arrests and seizures partially because of Federal interdiction effort and partially because we are targeting the upper strata of trafficking organizations and developing long term racketeering cases rather than concentrating on street level buy/busts.
- C. Smugglers are making end runs around the State into other coastal states.
- D. Wholesale lots of cocaine appear to have been disrupted in South Florida; coming from other states now in wholesale lots.
- E. Mother ships are proceeding farther up the coast.

- F. Displacement has meant disruption, making shipments more vulnerable to detection.
- G. There is an indication of stockpiling taking place in Colombia and air drops taking place in the Bahamas.
- H. Price of illegal drugs has remained stable indicating no drastic shortages.
- I. The Task Force has certainly impacted but has not eliminated major drug trafficking into Florida and the United States.

III. Problems Related to Task Force

- A. Initial temporary commitment.
- B. Poor communications with agencies at local levels.
- C. Coordination not always adequate.
- D. Posse Comitatus Act currently provides for reimbursement of military for use of equipment in support of State and local drug investigation efforts.

IV. Recommendations

- A. Long-term federal commitment critical to continued success.
- B. Better communication between Task Force and state and local agencies is necessary.
- C. Explore reimbursement/sharing of seizures when assisted by locals.
- D. Eliminate necessity of reimbursement of expenses to military when their resources are used.
- E. Explore civil seizure of property and working closely with I.R.S.
- F. Recommendations by the Southern Governors Conference to the National Governors Association.
 - 1. Broad based national education program
 - 2. Intensified eradication and interdiction
 - 3. National response in the form of permanent task force
 - 4. Centralized information and intelligence data base
 - 5. Concerted street enforcement activity by increasing resources at local level
 - 6. Need for standard model legislation
 - 7. Greater prosecutorial commitment
 - 8. Coordinated efforts of local agencies; mutual aid pacts

V. Summary Comments

- A. Indications are that law enforcement agencies at all levels are stabilizing the drug war but are not winning it.
- B. Now is the time for intensified coordinated effort; not retrenchment.

Mr. ENGLISH. Thank you very much for a very fine statement. How would you rate the cooperation between the Federal agencies, law enforcement agencies, with the State and local agencies?

Mr. NURSEY. With regard to the permanent agencies that we deal with here normally the DEA, the FBI, the Customs and the Organized Crime Strike Force, I would say that they are good and improving. It has not always been the case, but most recently especially the last few years have been very good.

The relationship with the task force is kind of questionable, simply because there just has not been that much communication between the task force and us, and I don't want to drop the dime on any agencies, organizations or people, but in traveling around the State talking to representatives of other Federal agencies who are not directly involved with the task force, they experience the same thing.

When we ask them about the task force and what they are doing, their response is, "We really don't know because that is kind of a separate thing to us," and they didn't really feel like they had the information of what the task force was involved in.

So, to answer your question, with the agencies we deal with day-to-day, that are here and are permanent agencies, very good cooperation and improving. With regard to the task force, there is a lot of improvement that could be made.

Mr. ENGLISH. State and local officials here, are they brought into Federal cases routinely or does that just happen whenever they need manpower?

Mr. NURSEY. It depends on the case. Right now, as a result of the LECC concept we are working much more closely with the U.S. attorneys in each of the districts of Florida, which are three right now, and we are doing some joint targeting, and we are doing some joint investigations.

I would say that in the past, it has primarily been a situation of if we had the information upon which the Federal case is based, then we would be involved to some extent. If our manpower was needed, we would be involved to some extent. There are often-times, locations in which perhaps we could be of service, that we have not been involved, but I have no real complaint with our coordination and our communication with the standing Federal agencies that have been here and are here permanently.

Mr. ENGLISH. Then am I correct in assuming that you do participate in the LECC?

Mr. NURSEY. Yes, sir, we do. Now understand that we feel that that is something new. There are a lot of improvements to be made there too, but it is certainly a step in the right direction. We feel it is much better than what it has been in the past.

Mr. ENGLISH. Has that been useful in working on specific cases or sharing intelligence or does that just operate as a kind of general policy meeting where everybody sits down and generally talks about what is going on?

Mr. NURSEY. I don't think it has had the time, if we are talking specifically of the LECC's, I don't think it has the time yet to be useful to specific cases. I think that it has a great potential to have that usefulness. We are still in the planning stage of the LECC's.

We are still in the stage of how we are going to target, call the shots.

Take LECC in the middle district, for example. If you have two or three Federal agencies and a State agency and a couple of local agencies working together, you have different policies, you have different guidelines, you have different funding requirements.

There are so many differences, so we are still in the process of determining whose policies you are going to follow, who is going to call the shots, who is going to determine financially what targets are going to be, but all of that so far has been very positive. We seem to be working out these, so we are in the direction of having a very fruitful relationship with the LECC's.

Mr. ENGLISH. According to the DEA, in fiscal year 1982 the price of drugs in Florida, south Florida, went down. Virtually every drug available went down, and in the same period of time from the first quarter to the last quarter of fiscal year 1982, purity was up. The old common rule of thumb, is that if purity is up and price is down, there must be more availability. Do you have any explanation as to why that is the case?

Mr. NURSEY. No, I don't have an explanation of that. I will say this, though, that our information and our experience, and this is something that is very difficult to put a handle on, it depends on what cases you are dealing with. Primarily you base your assessment on what the price is on by the cases you are working in the field and by the information and the intelligence you are getting, and that is somewhat limited, as you well know.

We feel that the price is at least stable. It certainly has not dropped, and we feel that there is at least as much cocaine and marihuana available as there was prior to the task force being here.

Mr. ENGLISH. I wonder why DEA would come up with these figures showing that it had dropped since the first and last quarter of 1982.

Mr. NURSEY. I don't know.

Mr. ENGLISH. Don't those figures come from sales on the street?

Mr. NURSEY. I am not sure where DEA gets their figures. I presume that is the case. I wouldn't dispute DEA's figures, because again this is an area where I can present some figures based on one set of cases. Someone else could present another set of figures based on another set of cases. It is a very nonspecific, unrefined art, I believe, in setting prices.

Mr. ENGLISH. What about purity?

Mr. NURSEY. Well, that is based on—the only way you can determine what purity is by basing it on that which you seize. I would say, if you feel that you have a good enough sample of what is available on the street to say from this sample we will make the general statement that purity in general is up, then I wouldn't question those figures.

Mr. ENGLISH. You are in south Florida. Do you feel that DEA seized a pretty significant amount of drugs in the last year?

Mr. NURSEY. I think they seized more drugs than they have ever seized in the past here in south Florida. I will say this, though. Let's presume, and I have heard this figure mentioned, and I am not verifying its accuracies, but I have heard the figure mentioned

in the neighborhood we are getting 10 percent of what is coming into the country.

Mr. ENGLISH. I wanted to ask you about that. That 10-percent figure keeps cropping up, and we get all around that. I don't think anybody knows.

Mr. NURSEY. I don't think anybody does.

Mr. ENGLISH. Many years ago, a DEA witness was asked for his estimate of what percentage they were getting. He said he thought well, we are getting some, not a lot, but we are getting some, and he finally just kind of came down and said, well, 10-percent kind of represents what I think some is. That is how the 10-percent figure came about, and ever since that time we have heard 10 percent.

I have been with the Select Committee on Narcotics since 1976, and I have always heard 10 percent. Every year it is 10 percent. We are always getting 10 percent. If we get an especially big haul, we might go to 13 percent. Do you have any information that would make us a little more confident about that 10-percent number?

Mr. NURSEY. No, sir, and I doubt anybody would, and the reason is that it has to be nothing more or less than an estimate, because there is no way of knowing how much is getting past you. You can kind of get a feel for it by how much availability there is on the street, but we are not even sure how much availability there is on the street for certain.

Ten percent is generally the figure you hear. Sometimes I hear as high as 20 percent, but there is just no way that you can say that we are only getting 10 percent, because if we knew what 100 percent was, I will guarantee you we could intercept a lot more than 10 percent because to have those figures to where it is, we know where it was.

I can't attest to the validity of that 10-percent figure, nor can I question it any more than I can attest to the validity of DEA's figures on the purity and the cost, nor can I question, seriously question it.

Mr. ENGLISH. I think that is an important point that we ought to keep in mind when we are talking about this subject. We do get a lot of figures thrown around and people certainly want figures. That gives you something nice and clean we can understand, but what we are really talking about are estimates and probably in most cases guesstimates, they aren't even estimates.

Mr. NURSEY. It is like going down to the basic law enforcement. The principle of law enforcement is prevention. How can you say how much you have prevented as reported through UCR? How much have you prevented? You don't know how much you have unreported and you also don't know how much there would have been if you hadn't been able to take the actions that you did take, so I think it is the same.

All we can deal with, and I agree with you, is in guesstimates. I think they are somewhat educated guesstimates, but they are guesstimates.

Mr. ENGLISH. Mr. Kindness.

Mr. KINDNESS. Thank you, Mr. Chairman. I don't have any questions, but I would like to thank you very much, Mr. Nursey, for

your testimony here this morning. I think it has been very helpful. Thank you.

Mr. NURSEY. Thank you.

Mr. COLEMAN. I was interested in the statement you made with respect to the civil penalties that you are able to apply in the State of Florida. I know other States in the Southern Governors' Conference that were represented have that ability also. What literally does happen, if you can tell me, with respect to the seizure of an aircraft that is found in the State of Florida? Are you capable, even if the DEA is involved or even if Customs or someone else is involved, of taking that aircraft as you were talking about, to pay for your investigations?

Mr. NURSEY. There are two ways this is done in Florida. There are two statutes which address this. One is a Contraband Forfeiture Act and the other is Civil Racketeering Act.

The Contraband Forfeiture Act, if we can show that vehicle aircraft or money, or whatever, is used directly in narcotics trafficking or a crime, then we seize it and all we have to do, a judge has to rule to show cause and if the defense cannot show why we should not be able to keep, then that is sold or it is used by our agency, and the money derived is put into a trust fund which is in turn used to fund investigations.

The Civil RICO, on the other hand, is one where we may not be able necessarily to show that that particular aircraft or that particular vessel or that particular money was directly related to a particular narcotics deal, but if the attorney general's office of the State of Florida can prove that the property was bought with the fruits of narcotics, smuggling, then that can also be taken for the State.

The distribution of that money is a little different, though. That goes into general revenue as opposed to going back to directly funding investigations, so there are two ways we can do it.

With regard to your question if we are working with Customs or if we are working with DEA, that is something that is generally decided between the agencies. Sometimes Customs seizes it and they take it. Sometimes we do. If we are working, usually when we are working a joint case with one or more other agencies, we will make agreements in advance as to how the property will be distributed.

Mr. COLEMAN. I was just curious about whether or not there was anything the Federal Government, we in Congress, could do to assist in seeing to it that the funds get to the State enforcement agencies. I feel very strongly that that encourages better law enforcement ability within the State, which I consider to be the core of what Federal investigative offices should be using.

You know the State, it seems to me, should be utilized in that way. If you have any specific recommendations about how we could better deal with that from the congressional standpoint, I would like to hear them.

Mr. NURSEY. Yes; I do have some specific recommendations at the risk of getting myself in trouble with some Federal agencies.

I will suggest that either by policies or by legislation, it could be determined that whenever there was a joint investigation involving Federal and State or local agencies, that the proceeds of the inves-

tigation would at least be split 50-50 and perhaps even more in favor of the States.

Right now, as I said, it is kind of generally worked out informally. Lately we have not had serious problems, but we have had cases in the past where a Federal agency will take it and go with it. If by policy, established policies or by legislation, it was determined that it would be a 50-50 split or perhaps more toward the State than a 50-50 split, I think that would be helpful.

Mr. COLEMAN. It might be a good subject for this committee staff to explore. I would request that they do so. Do you feel that the Federal agencies share information with you openly and freely?

Mr. NURSEY. Not in all instances, no, sir. I feel that to some extent, that is one of those situations where I think it is getting better, but I don't think it is as good as it ought to be. In some instances I can see the reasons.

For example, the IRS has particular reasons why they can't pass on to us information which would be very valuable to us. Often-time we are excluded from getting information because the information is presumably being handled by a Federal grand jury, and it is not possible for the information to come out of the Federal grand jury even though we could use the information in local investigations.

But to get right down to the traditional, if you want to call it a conflict, although I don't like that word, right down to the traditional conflict between State and local agencies and the Federal agencies, we still occasionally run into the situation where the Federal agencies take, take, take, but don't give back.

Now please don't take that as a blanket criticism because, as I said, the situation is improving, but it is certainly not to the point that it ought to be yet. We still feel that there is not the openness of communications.

I will mention this too, that the U.S. attorneys for the Middle District and the Southern District have made it quite clear through their role in the LECC's that there is going to be, if they have anything to say about it, open sharing of information and we feel encouraged by that.

Mr. COLEMAN. And promptly.

Mr. NURSEY. Yes, sir, and promptly.

Mr. COLEMAN [presiding]. Mr. MacKay.

Mr. MACKAY. No questions.

Mr. COLEMAN. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman. Jim, it is good to see you.

Mr. NURSEY. Good to see you again.

Mr. SMITH. Let me just say, Mr. Chairman, first of all that I am very proud of the Florida Department of Law Enforcement. It is an agency in the last few years that has really been a leader in the fight on the drug situation in Florida and has upgraded their capacity.

The money I talked about the Florida citizens spending, part of it was upgrading the enforcement capabilities and in adding new agents to the department of law enforcement in Florida. They have had previously a real good director and now one from Miami, Bob Dempsey, who is a good top law enforcement officer. The man sitting in front of you, Mr. Nursey, is a very fine gentleman. He has

worked very hard in criminal intelligence. I have had occasion to work with him on the Council for the Prosecution on Organized Crime and some of the things we are trying to do on information gathering.

To follow up your questions, Mr. Chairman, yesterday, Mr. Nursey, the assistant to Mr. Juliana, Jeff Harris, who was the Executive Director of the Attorney General's violent crime task force last year, is now in a position of being Mr. Juliana's assistant, indicated in response to my question that there is a much larger flow of information going back and forth between the State, Federal, and local enforcement officials than there was previously and that this was taking place at the level of the law enforcement coordinating councils.

When pressed a little further by me, he indicated, however, that a large amount of information is not shared because they frankly, and this is on the record, can't trust local law enforcement, on the grounds that there is a lot of money in the drug trade, and that sometimes local people tend to get caught up in that local law enforcement.

I disagreed with him then, and I want to ask you whether you have found to any degree that the intelligence people that you know and work with, whether it is the FDLE or whether it is in the city of Miami or in the counties, et cetera, have proven to any larger degree than in any other situation to become involved in the drug problem, and as a result would be bad risks to get intelligence information from the Federal Government.

Mr. NURSEY. I will answer your question generally and if you want to get more specific, let me know. Generally I will tell you what the policy of the FDLE is, and that policy is that unless we can show with little doubt that there is a reason why we can't share information with, say, a sheriff's department or a local police department, then we share that information.

Now, if we ever get burned, that is a different story, but I think that we hinder law enforcement if we look around always being superparanoid, thinking well, we can't share with this one because he is likely to drop the dime on us, or we can't share with this one. I think we have to take the opposite view. That is, let's share the information unless we have some good solid reason to believe that we cannot trust.

Now occasionally, and it is rare, but occasionally you will find a bad apple just like you will find a bad apple in any profession. Occasionally you will find a bad apple. When we find that, we deal with it very severely, but we do share information openly, and I think, if I might suggest this, that perhaps the Federal agencies might take a similar attitude, that unless they have some real reason to believe that they can't trust a State or a local agency, they ought to be sharing that information with them.

Mr. SMITH. Isn't it fact, Jim, quite honestly, that you are really not getting much more than you were getting before even though the South Florida Task Force, especially the intelligence network I think which has come into place in rooms that have really been set up, have not accounted for getting you more information than you were getting before from the Federal Government?

Mr. NURSEY. As I said before, it is better than it was. There is still a longway to go. I feel there is some improvement especially with the LECC's, we are beginning to get the basis of more information, but as I said, there is still a long way to go.

Mr. SMITH. The major effort of the South Florida Task Force resulted in Operation Grouper, if I am not mistaken, isn't that true?

Mr. NURSEY. I am not sure if the task force was directly responsible for Grouper. I am familiar with Grouper. I am just not familiar with the task force being directly responsible for it.

Mr. SMITH. How would you characterize the results of the task force? And let's get away from the amount that we might not have seen because of their interdiction efforts, and some of the other guesstimates or speculations as to what didn't occur.

As to what did occur and what they were able to track down as to what actually was presented for information, indictments, what are the statistics with respect to the conviction rates, et cetera. Do you think the operation was successful as a street operation, so to speak? Did they get high-level people? Were they able to do anything other than put into place a model for future task forces, rather than to actually be responsible for convicting specific defendants?

Mr. NURSEY. If we are talking specifically of a task force, and not permanent Federal agencies that are here, but specifically the task force——

Mr. SMITH. Specifically task forces.

Mr. NURSEY. I believe, based on the information I have given you, they have had some impact on interdiction and believe me that is what I think they ought to have done, and I believe that is what their efforts ought to continue to be in interdiction.

I think that the standing agencies, the State agencies, the Federal agencies that are currently involved in investigations can continue with the investigations, beef them up certainly, but I don't think the task force necessarily needs to get involved in investigations. I think they ought to concentrate their efforts and continue to concentrate their efforts on interdiction.

Now in direct response to your question, I can't tell you what the investigative result of the task force has been, because there just hasn't been that much communication with the task force so we know investigatively what they have been doing.

Now I can tell you generally how the other agencies, the FBI, the DEA, Customs, I can tell you generally what they have been doing in the area of investigations onshore, but the task force I really can't tell you because we haven't had that much to my knowledge direct information on what they have done investigatively.

Interdictionwise I think they have done a good job. I think they need to expand upon that, and I think they need to do a lot more of it.

Investigations, I think my opinion would be that as far as investigations are concerned, you ought to beef up the permanent offices of the FBI, the DEA, Customs, and so forth here in south Florida.

Mr. SMITH. That was my next and last question, Mr. Chairman. DEA has been rolled under the FBI. DEA, in my understanding, was a fairly effective force we had here in south Florida prior to the task force. Do you have any indications or feeling about wheth-

er or not DEA is going to be effective rather than standing alone as an agency?

Mr. NURSEY. This is only an opinion now, talking about a person whose experience is limited to the State of Florida and to working relationships with the Federal Government. I have to qualify my statement by that.

I think the fact that the FBI traditionally seems to have had some good tested expertise in dealing with organized crime, and the FBI has expertise in wiretapping, and the FBI's direction seems to be toward investigating organizations rather than just amassing seizures, I think that probably the effect will be that we are going to see some better cases made, and I think the effect is going to be positive.

Now the other side of that is that, and I am generalizing, and I need to point that out very strongly that I am generalizing, but generally if you talk to State and local law enforcement people, they will tell you it is much easier to communicate with DEA rather than FBI because of that FBI mystique.

If we do not see a resulting decline in the amount of information that is passed from the Federal agencies to us as a result of the FBI becoming more involved in what was previously the DEA's turf, then I think the result will be positive because of the various expertise FBI brings to the war on drugs, organized crime, wiretaps, that sort of thing.

If, however, DEA becomes involved in what was previously the FBI attitude that we perceive the FBI to have, which is give us your information but we don't need necessarily to return that much information, then we are going to have a problem, but also I must add too, and I don't want to sound like I am contradicting myself, that we are seeing an increase in information flow from all agencies, not where it needs to be, but we are seeing the beginnings of it. Does that answer your question?

Mr. SMITH. Yes. Thank you, Mr. Chairman. Thank you, Jim. Keep up the good work.

Mr. NURSEY. Thank you.

Mr. COLEMAN. Mr. Shaw.

Mr. SHAW. Mr. Chairman, I would like to add my comments along with Representative Smith as to the good work that is going on here in Florida. You made reference in your testimony to the RICO statute which has indeed been a model for the entire country. It is something that Florida pioneered very successfully. It also seems to be working out very well in local law enforcement.

I know in my own district in Fort Lauderdale, Fla., we constructed a jail from the proceeds that were made available from confiscated boats, automobiles and things of that nature that can be used against those that are violating the law.

I would like to get slightly into the question of cooperation. In your direct testimony you made reference to the Internal Revenue Service, as to information. I did not know of any statute in the code that would provide for reimbursement of local law enforcement for investigative services which lead to a large recovery by the Internal Revenue Service.

That is not to say there is not one because there may very well be one that I am not aware of. Are you aware of anything in the

Federal Code that would provide for reimbursement to you of investigative expenses when the Internal Revenue Service comes up a winner with a large recovery?

Mr. NURSEY. Yes, sir. My reading tells me, and I have to point out I am not a lawyer, but we have had lawyers look into this also, but my reading tells me, No. 1, the Federal Code is permissive in this area. It doesn't say you can't; it doesn't say you can. It is permissive and the rule is actually an IRS rule which is promulgated and enforced by the Commissioner.

The rule does not directly deal with law enforcements. What it deals with—they use the term "rewards."

Mr. SHAW. I am familiar with that. Has that been applied in the area of law enforcement? I know this is sort of a snitching statute, where you turn somebody in and get a reward for it. Has that been interpreted to apply as to law enforcement agencies?

Mr. NURSEY. No, sir. As a matter of fact, the Commissioner of IRS since says that is not the way it should be interpreted. What we have done, and we have communicated through our commissioner, through the Department of Law Enforcement who has communicated by letters to the Commissioner of IRS, and what he has said is based on this philosophy, that you are going to give awards to individual citizens for turning in information to the IRS which allows them to collect money, based on that philosophy, should not law enforcement agencies who are doing investigations and turning over information to you not receive a reward, but receive in effect a reimbursement for investigative expenses?

And we are basing it basically on the theory of the rewards, but we are not asking for a reward. We are asking for simply a reimbursement of investigative expenses which we feel that the Commissioner of IRS could approve.

Mr. SHAW. It is quite an intriguing idea. I will follow up on that with my own staff, and research that particular area, and if necessary file a bill that would allow the Internal Revenue Service to specifically reimburse local law enforcement. That would be quite an incentive to local law enforcement to look into the finances not only in this area but other areas.

Mr. NURSEY. We certainly appreciate that, because we see two advantages to this. No. 1 is, in addition to hitting someone criminally, you are hitting them in their pocketbooks.

Mr. SHAW. That is where you have got to hit them.

Mr. NURSEY. Right; second, it reimburses us for doing it.

Mr. SHAW. I think when we talk about 10 percent, or whatever the recovery rate is, it is very clear that we are going to put the drug smugglers out of business when we take the profit out of drug smuggling. Until we get to that level of recovery, where it is no longer profitable, they are not going to do it. We are not going to put them out of business, and I think when we do get over that magic figure, whatever it is, where the profit is gone, all of a sudden you are going to find the supply of drugs rapidly drying up. People are simply going to get out of the business and that would be the result of our efforts and our final success.

Mr. NURSEY. Yes, sir.

Mr. SHAW. I yield back.

Mr. ENGLISH [presiding]. Mr. Nursey, I have just been corrected. The Army, being as efficient as they are, has pointed out to me that Mr. Meese's statement evidently was toward the task force ability, and that by statute at this point they are required to request reimbursement, so I stand corrected on that. I am sorry about that.

Mr. NURSEY. That was our understanding. Now, if you could help get the statute changed, we would sure appreciate it.

Mr. ENGLISH. We will take a look at that and see if we can't work out some arrangement. I have an idea, though, when we talk to the Department of Defense, they are going to want the Congress to figure out some way to kind of do a little reimbursing of its own. I think that is something that we ought to look at.

I did want to make sure that you didn't get away without clarifying that. That is my error. I am sorry about that.

Mr. NURSEY. Thank you.

Mr. ENGLISH. I thought I had some good news. Thank you very much. Are there any further questions?

Mr. NURSEY. If I might, I would like to have just two things read into the record very, very briefly. One is in the information that you got, the outline that you got of my remarks, there is one error on there. Where it says B, where it talks about FDLE's cases, arrests and seizures being reduced, that should be seizures only. The arrests are not reduced. Seizures are reduced again apparently because of interdiction—not arrests and seizures, but seizures.

Second, I would like to leave with you, if I might, for each of the Members a copy of the Governors' recommendations with the implementation strategy which I don't think has yet been made public. I would like to leave that for your information.

Mr. ENGLISH. Thank you very much, we appreciate that.

Mr. NURSEY. Thank you.

[The information follows:]



Strategies for Drug Control Efforts

by Florida Governor Bob Graham



*Based upon recommendations of the Southern Governors' Conference to the National Governors' Association
Submitted to Virginia Governor Charles S. Robb, Chairman, Committee on Criminal Justice and Public Protection*



Strategies for Drug Control Efforts

In July 1982, at the Annual Meeting of the Southern Governors' Association in Hilton Head, South Carolina, the southern governors agreed that international drug trafficking has become an issue of major regional concern. Governor Lamar Alexander of Tennessee and Governor Bob Graham of Florida invited governors and state law enforcement officials to a special meeting in Nashville, Tennessee to discuss strategies for handling drug trafficking problems. The results of that meeting, held in September 1982, were eight policy recommendations for states to enhance drug control efforts. These recommendations subsequently received unanimous concurrence from all participating states.

On October 14, 1982, President Reagan announced his national initiatives to combat drug smuggling and organized crime. These initiatives are consistent with the recommendations developed by the governors in Nashville.

An ad hoc staff group of the National Governors' Association (NGA) met in Washington, D.C. on November 18, 1982, to define the role of the *Governors' Project* included in the President's initiatives. The group also agreed to work with staff of Governor Bob Graham of Florida to prepare an implementation strategy for the eight policy recommendations approved by the southern states. On January 13, 1983, Commissioner Robert Dempsey of the Florida Department of Law Enforcement presented an implementation strategy to the ad hoc committee for their review and comment. The southern governors wish to express their appreciation to the members of this committee for their willingness to work on this endeavor.

Upon adoption of the implementation strategy by the NGA, a steering committee should be appointed immediately to oversee and ensure implementation. This steering committee should submit an annual report to the NGA on progress related to these initiatives.

Both the President's and the governors' recommendations indicate that it is imperative that implementation of drug strategies be closely coordinated among the states and at the federal level.

Executive Summary

The following is a plan for implementing recommendations for drug control that was drafted by an ad hoc group from the NGA in January 1983. The following eight items were identified as needed for better drug control in the United States:

- 1 Increased educational efforts**, including the establishment of blue ribbon commissions in each state and a federally-sponsored national education program;
- 2 Intensified eradication and interdiction, i.e., military/naval assistance to state and local governments**, focusing on the destruction of drugs at their source, foreign or domestic, and on an increased military commitment to the interdiction of drugs being imported by air or sea;
- 3 National reaction**, encouraging the continuation of the Bush Task Force and the twelve regional task forces;
- 4 Centralized information and intelligence data base**, combining and coordinating data from local, state, multi-state and federal sources;
- 5 Concerted street enforcement activity**, urging stronger support for local law enforcement agencies' drug control personnel and equipment;
- 6 Standard legislation**, to be developed in each state and through a national committee formed for this purpose;
- 7 Greater prosecutorial commitment**, with the same priority given to drug cases as to other priority areas; and
- 8 Coordination of efforts of local agencies**, enabling agencies to pool information and resources for maximum effort.

Each recommendation is accompanied by specific suggestions about actions governors might take or support. There is also a comment on the fiscal impact of each recommendation and ways in which this might be minimized.

A list of presidential initiatives that were not among those developed by the NGA, but which nevertheless deserve gubernatorial support, is included at the end of this document.

The Governors' Issues

I Need for Increased Educational Efforts

The problem of drug abuse in our society is related to so many factors that it cannot be successfully addressed by any single discipline. A consistent exchange of information and ideas among the various disciplines that can affect consumer demand does not exist. The ultimate long-term success of drug control efforts is not possible without a marriage of these disciplines, supported by an educated and involved public.

Recommendation

Each state should consider the establishment of a Blue Ribbon Statewide Drug Education Commission involving leaders from the public and private sectors. This Commission should consist of high-level representatives from a cross section of disciplines including law enforcement, prosecution, judicial, educational, medical, legislative and citizen/parent/young people groups.

Implementation Strategy

- Each governor should consider appointing representatives from a cross section of the public and private sectors to a Statewide Drug Education Commission. It is imperative that the membership comprising this Commission be committed to and aggressive toward accomplishing the goals established by this recommendation. The Commission should direct efforts toward:

- *Private Industry:* Providing crime-specific information, identifying industry prevention programs and funding sources, and integrating mutual industry/citizen/enforcement activities.
- *Public Awareness and Concern:* Coordinate and organize citizens' groups and programs; develop citizens' prevention program models; develop media campaigns "technology transfers"; and integration with civic and church groups, industry, education and enforcement. The Commission should consider the "Texas War on Drugs" program, which has established itself as a model in this area.
- *Public School Education:* Assist the Department of Education in developing and presenting more relevant, positive and proactive curricula in law-related education.
- *Law Enforcement, Community Organizations and Neighborhood Coordination:* Provide training to law enforcement personnel in order to promote more effective integration of enforcement agencies with community educational activities. Existing crime prevention and other local networks should be recognized and used.

- Governors should urge that a national effort, adequately staffed, be undertaken to develop program models and information services for the individual states.

- Governors should urge that the federal government develop and implement a national education program. In this regard, the President has recommended that emphasis be placed on training of state and local law enforcement personnel. Governors should be encouraged to support this initiative.

Fiscal Impact

The fiscal impact of educational efforts can be minimized by turning to the private sector for executive resources, fund raising activities and creative talent. Membership on the Blue Ribbon Commissions would be voluntary. States could also save resources by promoting drug education through existing citizen networks, such as those addressing crime prevention.

2 Need for Intensified Eradication and Interdiction: Military/Naval Assistance to State and Local Governments

The federal government has exclusive responsibility for coordinating interdiction of drug shipments from foreign countries and assisting those countries in the eradication of drugs at the source. As a result of intensive lobbying, three significant developments have occurred over the past year that have had a positive impact on eradication and interdiction efforts: (1) relaxation of the *Posse Comitatus* doctrine, allowing the military to provide assistance to civilian law enforcement agencies; (2) the removal of the Percy Amendment to the Foreign Assistance Act, which prohibited foreign governments from receiving assistance from the U.S. government if herbicides were used to control illicit drugs; and (3) the recent efforts made by the national administration to support eradication efforts in foreign countries.

Recommendation

The federal government should adopt, as its top drug control priority, the eradication of illicit drugs in source countries and the interdiction of drugs leaving those countries.

The United States should continue encouraging foreign governments to employ eradication methods, including herbicidal applications, and should continue to absorb or contribute to the costs of some of the more critical programs in significant source countries. In addition, the military forces of the United States should be called upon to make a *major* commitment to increase their level of support in the interdiction effort.

3 Need for A National Reaction

Over the past decade, numerous states have been hurt by the growing drug problem. These states have taken independent steps to combat the problem; however, their resource limitations and geographic restrictions have hindered the states' effectiveness. The federal government, realizing the national ramifications of the drug problem, has conducted several significant operations that have lessened these restrictions and limitations, such as the recent Bush Task Force in South Florida and the creation of twelve regional task forces.

Recommendation

The federal government should be encouraged to maintain on a permanent basis the federal resources associated with the original Bush Task Force and twelve new task forces.

Implementation Strategy

- Each governor should urge his/her respective congressional delegation to maintain and continue support of the original Bush Task Force and the twelve new regional drug task forces.
- The governors should urge that top White House and justice officials meet twice yearly with selected governors from the NGA to discuss policy issues of mutual interest related to drug trafficking.
- Governors should support the Presidential Commission on Organized Crime, which will be in operation for three years. Membership of this commission should include a representative of the NGA.
- Governors should request the Department of Justice to include state representatives having policy-making or operational responsibilities in drug enforcement on the internal group responsible for administering the regional task forces. Further, that these representatives have appropriate decision-making status in the group within parameters of state-related responsibilities. Further, that each governor should appoint a state drug enforcement coordinator to meet with the lead administrator of the respective task force on a specific periodic basis.
- The governors should communicate with their respective state and local law enforcement officials to actively support the President's initiative.
- Governors should consider actively soliciting public support of these initiatives through speeches, media and other public information resources.
- Governors should, through their respective legislatures, ensure that adequate resources are available for states to coordinate effectively with and complement the federal task force efforts.

Fiscal Impact

Each state must analyze its investments to ensure that it is taking a balanced approach to drug law enforcement. A state's investment priorities should reflect the seriousness of the drug problem in that state.

Implementation Strategy

- Governors should consider adopting a resolution to Congress and the President to urge the federal government:
 - to keep as one of its top drug control priority programs the eradication of drugs at source countries and to continue to provide adequate funding in subsequent years.
 - to develop improved eradication techniques.
 - to continue to contribute to the cost of these control efforts.
 - to continue to encourage other countries to utilize eradication methods.
- Keeping in mind the tremendous increase of domestically grown marijuana and clandestine manufacture of dangerous drugs, governors should support eradication efforts and the development and application of innovative measures within their states to combat these activities.
- Governors should urge the national administration to expand the role of the military forces of the United States in air and sea interdiction efforts. This increased role should include all regions of the country.
- Governors should encourage their state and local law enforcement agencies to work closely with and seek assistance from the military forces of the United States and develop plans with military forces to coordinate efforts against drug trafficking.
- Governors should encourage their respective congressional delegations to provide sufficient funding to the military to offset the costs involved in participating in civilian drug control efforts.
- The governors should consider having the National Guard and all other appropriate resources work with state and local law enforcement agencies in drug interdiction and eradication programs.

Fiscal Impact

States implementing eradication efforts will experience costs. Cooperation with federal eradication efforts is encouraged to minimize those expenditures. Costs may also be associated with National Guard activities aimed at assisting state drug law enforcement. These costs can be minimized, or possibly eliminated, by conducting National Guard drug enforcement activities in conjunction with regular Guard training exercises.

4 Need for A Centralized Information and Intelligence Data Base

Law enforcement agencies involved in drug control have historically been hampered by lack of accessible and assessable intelligence information relating to illegal trafficking. A centralized system to receive, analyze and disseminate information among state and local law enforcement agencies must exist if proactive, non-duplicative and significant targeting efforts are to occur. Such a system must interact with similar systems in other states and with the federal government.

Recommendation

Each state must establish a centralized drug-related intelligence system. To be effective, the individual systems must ensure input from and response to local enforcement agencies and should interact consistently with appropriate state and multi-state systems and the Drug Enforcement Administration's El Paso Intelligence Center (EPIC).

Implementation Strategy

- Governors should direct their primary state drug enforcement agency to begin the development of a statewide drug-related intelligence system, with analysis and targeting capabilities. These systems should be joined with the other appropriate state, multi-state and federal intelligence systems.
 - States that possess such systems should share concepts, ideas and technologies with other states.
 - States should ensure that these systems provide the information to all local law enforcement agencies within their respective states.
 - The individual states should ensure that their systems are linked with appropriate systems in other states, as well as with multi-state and federal intelligence systems.
- Governors should recommend that their appropriate law enforcement agencies develop a mandatory drug statistics reporting system relevant to the measurement of the drug problem and the impact of enforcement efforts.

Fiscal Impact

Costs associated with establishing or enhancing state intelligence systems will vary from state to state. Purchasing a new computerized system, including both hardware and software, is an expensive process. Where computer systems are already in place, such as in those states where responsibility for collecting UCR data is at the state level, costs may be limited to developing necessary software. Some personnel enhancements may also be necessary.

5 Need for Concerted Street Enforcement Activity

Local law enforcement agencies must provide the immediate response to a variety of community demands for crime control. It is difficult for those agencies to dedicate already strained resources to proactive drug prevention and enforcement problems. However, the real direct and indirect drug-related crimes must be dealt with constantly as a part of the required law enforcement response to the community. This response is as adamantly demanded as are responses to violent crime areas.

Recommendation

Governors and legislators of the various states should apply maximum support and effort toward increasing resources (personnel and equipment) of local law enforcement agencies.

Implementation Strategy

- Governors should consider alternative funding options, such as private sources (foundations, etc.) or via legislative mechanisms such as fine and forfeiture allocations specifically earmarked for drug control enforcement programs.
- Governors should promote adequate federal and state support of local law enforcement agencies. Because the drug problem is one of national scope, federal resources are needed to support critical or extraordinary state and local enforcement efforts. Governors should also stress to local leaders their support for the allocation of needed resources to conduct drug enforcement programs, joint operations and cooperative efforts.

Fiscal Impact

State government statistical systems must provide governors with adequate assessments of local drug trafficking problems. Resource support will vary from state to state depending upon the magnitude of the problem, i.e., border state, source state, major distribution point, etc. Governors should assess existing investments to ensure they are addressing the problem as a priority matter. In particular, border states must dedicate a portion of available new resources to the priority problems of drug trafficking and distribution.

6 Need for Standard Legislation

There is great disparity among the states' drug laws. There is evidence that smuggling organizations have taken advantage of some states' deficiencies in legal recourse and probabilities of detection, apprehension and prosecution.

Recommendation

Each state should establish a legislative committee of prosecutive, enforcement, judicial and legislative members to examine and develop a comprehensive system of model and uniform laws dealing with the drug problem. The state bar associations and law schools should be included in this effort. This committee can be a separate entity, or a part of an existing statewide drug activity.

Implementation Strategy

- The Governors should consider the establishment of a committee operating within their respective states to examine existing legislation and determine that state's needs.
- A National Committee should be created, reporting to the NGA Committee on Criminal Justice and Public Protection. This committee will develop a comprehensive system of model and uniform laws dealing with the drug issue and will disseminate the model drug legislative package back to the respective states for their consideration.
- The Governors should see that the federal government assign appropriate representatives to this National Committee to promote uniformity of state and federal laws and serve as a mechanism to transmit states' concerns to the federal legislative process.
- The National Committee should consider at least the following items for the model legislative package:
 - *Racketeer-Influenced and Corrupt Organizations Act (RICO)*: providing for the prosecution of entire criminal organizations and civil forfeiture of real and personal property used in the course of, or acquired with the proceeds of, their criminal activities.
 - *Drug Trafficking Laws*: providing appropriate sentences for drug violators and a graduating scale of penalties commensurate with the seriousness of the violation, and permitting consideration of foreign felony drug convictions in sentencing drug law violators.
 - *Wiretaps*: providing for court-authorized interception of telephonic communications between drug law violators.
- *Mutual Aid*: providing for definitions of interjurisdictional authorities, liabilities, agreements and resource exchanges within and among the various states.
- *Mandatory Reporting of Currency Transactions*: requiring financial institutions' reporting of certain transactions to the states. The statute of limitations must provide sufficient time to allow full use of complex law enforcement techniques before arrest.
- *Conspiracy Provisions*: providing for charging those who direct or participate in drug smuggling ventures to be sentenced as principals.
- *Mandatory Reporting of Drug Statistics*: to a central entity both within the states and at the federal level to reduce duplicate reporting and to establish a valid data base for problem assessment and resource allocation.
- *Contraband and Asset Forfeiture Reform*: with application of fines and forfeitures being applied directly to law enforcement programs, i.e., through trust funds.
- *State Department of Revenue Files Access*: providing for access, with appropriate safeguards, by law enforcement agencies.
- *Witness and Victim Protection*: providing authority and funding required and making it an offense with significant punishment to annoy or injure a witness or victim involved in the criminal justice process.
- *Bail Reform*: to more certainly immobilize drug traffickers with less judicial discretion, i.e., where smugglers are known to travel internationally or where violence is predictable.
- Governors should urge that the Congress remove restrictions, with appropriate safeguards, that prevent the Internal Revenue Service from sharing intelligence regarding criminal activities with state and local authorities.
- The President has asked the Congress to continue its efforts to seek passage of essential criminal law reforms. The specific laws mentioned were bail reform, forfeiture of assets, sentencing reform and amendments to the exclusionary rule. The governors should consider supporting the President's initiative in seeking passage of these essential reforms and ensure that these issues are coordinated with similar state legislation reform efforts.

Fiscal Impact

There are minimal state costs associated with this activity.

7 Need for Greater Prosecutorial Commitment

Prosecutors are hindered by heavy court dockets and broad responsibilities that make it difficult for them to dedicate resources to the prosecution of major drug smuggling operations. Alternative approaches to drug prosecution and better coordination among circuits dealing with multi-jurisdictional organizations are needed. Prosecutors should take steps to expedite drug enforcement cases, as has been done successfully in cases involving career criminals. Additional resources are needed for prosecution of highly financed and well-defended drug organizations.

Recommendations

Governors of the various states are urged to encourage prosecutors to include drug cases as a part of their jurisdiction's priority prosecution/career criminal programs.

Governors should develop programs that will attract and retain competent prosecuting attorneys.

Implementation Strategy

- Governors should seek strong commitments from their respective legislatures to ensure that prosecutive offices are given the necessary support to recruit and retain qualified prosecutors for specific assignment to drug cases.
- Governors should urge that state prosecutive officials coordinate with federal task forces and U.S. Attorneys to minimize duplicative efforts and maximize the impact of prosecutive efforts. This effort should include the newly established Law Enforcement Coordinating Committees (LECC) and other recognized processes created to provide mutual federal, state and local assistance.
- Governors should encourage state and local prosecutors to assume leadership in the development and coordination of priority drug investigative efforts and priority prosecution strategies, and urge implementation of special judicial processes that guarantee fair and speedy adjudication of major drug cases.

Fiscal Impact

Direct state jurisdiction over prosecution responsibilities vary from state to state. Where career criminal programs have been implemented throughout the state, major drug cases should be handled on the same expedited basis as a way of establishing priorities and minimizing expenditures associated with prosecution. This effort should include development and implementation of procedures for handling prosecution of both career criminal and major drug trafficking cases on a priority basis. Where prosecution is a shared responsibility of the state and local governments, all levels should work together to expedite the prosecution of career criminals and drug trafficking cases. Most costs associated with a new emphasis on the prosecution of drug cases will be for personnel.

8 Need for Coordination of Efforts of Local Agencies

There is generally no mechanism to provide for local/state agencies to pool their resources and work together on common drug targets. Equipped with the necessary legislation, agencies can draft contractual agreements to effect "joint force operations" or "mutual aid pacts" to expand resource and jurisdictional abilities to attack drug operatives.

Recommendation

The various states should consider development of necessary legislation to develop a "mutual aid system", whereby law enforcement agencies can contractually join together and pool their knowledge, resources and skills toward investigatively attacking drug smuggling networks.

Implementation Strategy

- The Governors should consider, as referenced in the legislative reform section, the development of "mutual aid" legislation to ensure that the law enforcement agencies within and among the various states can contractually join together to effect joint force operations.
- The Governors should ensure that the lead state law enforcement agency coordinates with local law enforcement agencies so that their operational concerns and initiatives are effectively coordinated with federal task force efforts.

Fiscal Impact

Development of "mutual aid" systems will require a dedication of time by existing personnel and minimal support resources.

Additional Presidential Initiatives

In addition to the recommendations made by the President that have been included in the previous discussions, the following presidential initiatives are also worthy of strong support by the NGA.

- The President has called for a Cabinet-level Committee on Organized Crime, chaired by the Attorney General, to review and coordinate all federal efforts against organized crime.
- The President has requested that the Attorney General prepare an annual report to the American people to report on progress and needs in the drug fight.
- The President has requested that additional prison and jail space be provided to meet the need caused by the creation of the twelve task forces.
- The President recommends that emphasis be placed on training of state and local law enforcement personnel.

Mr. ENGLISH. Our next witness is Mr. Alvah Chapman, chairman, Miami Citizens Against Crime.

STATEMENT OF ALVAH CHAPMAN, CHAIRMAN, MIAMI CITIZENS AGAINST CRIME, ACCOMPANIED BY ARMANDO CODINA, CO-CHAIRMAN, AND REAR ADM. VAN T. EDSALL, EXECUTIVE DIRECTOR

Mr. CHAPMAN. I would like to introduce Mr. Armando Codina, chairman of the Federal committee, Miami Citizens Against Crime and Rear Adm. Van T. Edsall who is the executive director. These gentlemen will be with me as they respond to questions.

We are very grateful for your presence in our community and for your leadership on this very important question that is of deep concern to all the citizens of south Florida.

With your permission, sir, I would like to have approximately 10 minutes of opening comments that would relate to the testimony that you have before you, and then I would be pleased, as would Mr. Codina and Admiral Edsall, to respond to any questions you might have.

Mr. ENGLISH. Without objection, your complete testimony will be made part of the record.

Mr. CHAPMAN. It seems almost incredible that only 13 months ago, almost 2 million Americans who live in south Florida were living in a state of fear that is very hard to describe, and perhaps very hard for some of you gentlemen to understand. A state of fear to the point that our wives and daughters were afraid to go shopping, and our children were concerned about going to school, and many of our senior citizens were afraid to go on the street to pursue normal business activities.

On January 28, President Reagan announced the formation of the Federal task force, and in the view of the citizens of south Florida that was a remarkable and magnificent response to the concern of a large number of Americans who were living in a way that Americans should not be forced to live in the 20th century.

That Federal response in designating the Federal task force for south Florida gave credibility to the concerns that many of us in leadership positions in this community had for some years about the surging crime rate.

That Federal response, the task force, has done many things; you have heard through your testimony today from others who are expert in the workings of that task force; I am not an expert on the inner workings of the task force; but I can tell you through giving credibility to the concerns of south Floridians it set in motion a coalition of citizen action and governmental action unlike any that I have seen in the 22 years that I have lived in the State of Florida.

The State government responded to the concerns of south Florida, following the Federal response, with a major legislative endeavor, the passage of a \$700 million increase in our State sales tax in an election year, and that, in the view of many people, when Miami Citizens Against Crime urged that course of action as being necessary to fund the justice system in our State, was regarded as an almost impossible task, but as we presented to the legislature the deep concerns of south Floridians, and as we took extensive sci-

entific polls at significant expense to ourselves not only in south Florida but in other parts of the State, we became convinced and we were able to convince our legislative leaders and the Governor that south Floridians were concerned, greatly concerned about this rising crime rate, and were prepared and anxious to tax themselves to create a criminal justice system in our State that would set about putting all this in a better perspective.

And so with that understanding, the legislature did indeed pass and the Governor did indeed sign a \$700 million increase in the State sales tax, with a substantial part of that going to strengthening the criminal justice system either at the State level or at the local level.

Our local government also responded in a very dramatic fashion. We have this fiscal year increased the number of police officers on the street protecting the citizens of this community by the largest amount the history of this community.

We found, as Miami Citizens Against Crime got into all of this, that with the many problems that have been coming upon south Florida, our local governments in the years between 1976 and 1981 had been actually reducing the number of sworn officers in business to protect us, in other words, to balance their budgets, and we found that rather incredible.

But with the leadership of the Federal task force, with the leadership of the State government, the local governments have responded, and we now are moving up our number of officers on the streets to protect us to rather effective levels.

We are not where we should be, but we have strong commitments from more than 20 of the 27 municipalities who will move to a ratio of 3 officers per 1,000 population, which we feel is the minimum needed. At one point we were down to 2.2 officers per 1,000; now we are moving close to three officers per 1,000. We feel good about that, the taxpayers feel good about that, the citizens feel good about that, and it was a significant response by local government.

In addition, in the November general election, the citizens of this country voted a \$200 million general obligation bond issued to fund major physical improvements to the criminal justice system locally. Included were local jails, improvements to the courthouse, more courtrooms, better facilities for the medical examiner, better facilities for county police departments, et cetera, a major commitment, \$200 million, voted in November. So, there was indeed a significant State government response, a significant local government response.

In addition, there was a citizenship response, not only by voting that bond issue, but by the fact that there has been set in motion in this community a series of programs to help our citizens understand that there is a responsibility of citizens for the kind of community in which we live.

For example, on April 17 and 18, 1982, in 167 churches and synagogues in our community, the ministers, priests, and rabbis spoke to their congregations about the importances of citizenship and about the individual's responsibility for the kind of community that we live in.

In addition to that program, there is in the school system of Dade County for the first time a program where young businessmen and young businesswomen of this community are going into the schools to talk to the youngsters about the responsibility of citizenship, and there is now the kind of peer pressure toward anti-crime activity that did not exist too many years ago in our community.

So, we are starting to see a major response of the citizens of this community that is indeed very heartening, and all of this really came as a direct result of Miami Citizens Against Crime and our request to the Federal Government to assume the responsibility for protecting the borders of our country, a responsibility that is only theirs, from the inflow of illegal drugs, and from the inflow of illegal refugees.

Our feeling, the citizens of this community, and specifically the organization of which I am the chairman, Miami Citizens Against Crime, is a feeling of gratitude, a feeling of gratitude to the executive branch for initiating it, a feeling of gratitude to the legislative branch for funding it and overseeing it, a feeling of gratitude to your committee and others that have been involved, and a feeling of gratitude to the judiciary that has responded with increased Federal judges and increased Federal judicial activity in our community.

We are grateful to the men and women of the Federal task force who have moved in here, initially many of them on temporary duty to leave their home stations. Their response has been magnificent. One of those agents, as you know, paid with his life, and this community showed great personal remorse and concerns about that in many tangible and intangible ways to reflect that concern, not only for that agent but for all the others who have done such remarkable things for us here.

Let me quickly describe Miami Citizens Against Crime. We are an organization of 180 members. We have most of our meetings at 7 o'clock in the morning; so you can see there is sincerity that is associated with that kind of a program. We have 150 sponsoring organizations. We are a very broad-based community organization. We are not a chamber of commerce group.

There are five founding organizations that put us in business, the Greater Miami-Dade Chamber of Commerce, the Miami Dade Chamber of Commerce which is a chamber of commerce for black entrepreneurs, the Latin Chamber of Commerce, the Orange Bowl Committee, and the Greater Miami Citizens Crime Commission. These five organizations put us in business, and we have been working at this task since November 1981.

Our 150 sponsoring organizations have read our mission statement, have read our goals, and they say, "We will support you. We believe in what you are doing, and count on our organization to help you."

These 150 organizations include the Rotary Clubs, the Kiwanis Clubs, the South Florida District of the Methodist Church, the Catholic Archdiocese of South Florida, the professors of the University of Miami, the Farm Bureau, NAACP, AFL-CIO, the Junior League, Rabbinical Association, you name it, major organizations in this community have signed up, and publicly identified them-

selves with our mission, and that has been a big factor in the success that we have had.

Let me report to you two significant matters that we feel very good about. Two years ago in 1981 there was a survey taken in this community, a professional survey taken by one of the financial institutions. That survey showed that 38.9 percent of the citizens of this community felt so concerned about the crime situation that they would leave south Florida if they had the opportunity to do so, 38.9 percent.

An identical survey was taken a few weeks ago, and that figure is now down to 9.3 percent; so whatever other results you can talk about relative to the Federal task force and its total program, the people of this community who are now paying more taxes, who have more policemen to protect them, who have just voted on themselves a major bond issue, feel very good about the things that have happened in this community, and I certainly commend you and all others in the Federal Government for the Federal Government's role in it.

Our records show that crime is down 8 percent this year in Dade County. Our testimony that you have before you shows that we were No. 1 in crime, and we are not No. 1 in crime at this point; but more importantly, while crime is down 8 percent overall, crimes against persons last year went down in the 12-to-13 percent range, and we think that is very, very significant.

We feel good about it. We are pleased that you are here. Mr. Codina, Admiral Edsall, and I will be more than happy to respond to any questions you may have.

[Mr. Chapman's prepared statement follows:]

Testimony of
Alvah H. Chapman, Jr.
Chairman, Miami Citizens Against Crime
before the
U.S. House Subcommittee on Government
Information, Justice and Agriculture

Miami, Florida
February 25, 1983

Chairman English and members of the Committee, it is a pleasure to welcome you to South Florida and to provide to you a citizen's view of the South Florida Federal Task Force.

I am Alvah H. Chapman, Jr., Chairman and Chief Executive Officer of Knight-Ridder Newspapers, Inc. Today I am here as Chairman of Miami Citizens Against Crime, acronym MCAC.

MCAC was founded 15 months ago by the Greater Miami Chamber of Commerce, the Miami-Dade Chamber of Commerce, the Lavin Chamber of Commerce, the Citizens Crime Commission of Greater Miami and the Orange Bowl Committee. We have 180 individual members. In addition, over 150 civic, cultural, religious and advocacy organizations have officially endorsed our objectives as sponsors. Thus, Miami Citizens Against Crime is civically, professionally and ethnically representative of our entire community.

The fundamental objective of MCAC is to use the collective weight of the public in assisting in bringing about improvements in the Criminal Justice System of South Florida. We were convinced from our beginning that this area was in a crime emergency situation and that the Criminal Justice System here, as then functioning, was unable to cope with it effectively.

We recognized that in the long run the root causes of crime had to be dealt with. Our members individually pledged to work in that direction, and indeed have been doing so in many of their community endeavors aside from Miami Citizens Against Crime. But at that moment, it was existing crime and the forces to cope with it that had to be addressed.

Our citizens were frightened, outraged and dismayed.

- ✓ FBI statistics had Dade County #1 on the crime list, at 11,582 serious crimes per 100,000 population, twice the national average.
- ✓ The homicide rate in Dade County had increased 120% during the previous six years.
- ✓ In 1980 in Florida, there was an aggravated assault every 10 minutes; a robbery every 15.5 minutes; a rape every 1.5 hours; and a murder every 6.3 hours; with Miami as a major contributor.

- ✓ National media, such as Time Magazine and ABC-TV, had focussed on Miami crime, largely with good reason.

We were well aware that the Miami area had a core crime problem not unlike that of other large urban concentrations in our country. Nevertheless, we did not accept crime in any dimension as a "normal" way of life, and we set about attacking that core with all the force which we could bring to bear. That, however, was predominantly a local and State of Florida problem, with which its citizens and officials had to deal; and it was not this core that birthed the Federal Task Force.

South Florida had two additional elements in its crime situation which were overwhelming aggravants and which were beyond our control and responsibility. Both -- illegal entry of drugs and entry of illegal aliens -- were, and are, responsibilities of the Federal Government, responsibilities which were not being met.

The magnitude of the flow of drugs into and through South Florida from outside the United States' borders was unique and disastrous.

- ✓ Over 15,000 metric tons of marijuana, 75% of total entering U.S.
- ✓ Over 40 metric tons of cocaine, 90% of total entering U.S.
- ✓ Over 90 million dosage units of methaqualone (quaaludes), 80% of total entering U.S.

Even where the actual delivery took place elsewhere, the bulk of the negotiations, importation arrangements and payments were here.

The effects of this drug traffic were pervasive, a major contributor to violent as well as petty crime, and terrifying to the public. It generated crime at all levels and threatened the society we cling to for security, economic progress and social well-being. The unbelievable profits of the trade represent enormous power to corrupt our systems, control large segments of our economy and fuel the machinery of organized crime.

We believe that no other present domestic national problem comes close to approximating this one in terms of its chilling effects on our tranquility and daily life. Nonetheless, mention must be made of the second major aggravant in the South Florida crime situation -- entry of illegal aliens.

South Florida has been for a number of years a local entry point for immigrants from Central and South America. And the bulk of them tend to remain in South Florida because of our proximity to their former homes, climatic conditions and the international flavor of our business and cultural community. The vast majority have become useful, loyal and contributory members of our society. Two things had aggravated that situation beyond our control.

First, as is well known, over 120,000 Cuban illegal aliens entered South Florida in the late Spring and Summer of 1980. As with other immigrants, the vast majority have since melded into our society. But this has not been without severe strain on many facets of our local society and economy, because of the overwhelming numbers in a short space of time and because virtually all of these persons were destitute financially. In addition, a small portion of the 120,000, approximately 5,000, were criminals in Cuba and continue to commit crimes here.

At one point, responsible local law enforcement officials estimated that as much as 35% of the violent crime in the Miami area was attributable to this group, although that figure has since diminished.

Secondly, illegal aliens from Haiti were for a period entering South Florida at the rate of approximately 500 per week. There is no evidence that they were a significant contributor to our crime problem. But like the Cuban aliens, they were destitute and had the added difficulty that most did not speak English or Spanish. The burden they put on our social and economic systems was severe.

The foregoing describes in summary form our crime situation in 1981, particularly as regards Federal responsibilities. Happily, that situation has changed substantially. The South Florida Federal Task Force has been a major contributor in bringing about this change.

On December 29, 1981, four of the leaders of our organization, including myself, travelled to Washington and spoke with Vice President Bush and with Presidential Advisor Edwin Meese. We outlined the plight of our community, urgently requested more vigorous Federal pursuit of their border protection and law enforcement responsibilities in this area and suggested some specifics that should be included in such a program.

On February 5, 1982, President Reagan announced formation of the South Florida Federal Task Force. February 16th Vice President Bush was personally here to publicly announce details of the Federal Task Force undertakings and its specific goals. He returned again on March 16th to provide an extremely encouraging report on actions already taken to get the Task Force underway and ancillary moves to strengthen the Federal criminal justice system in South Florida.

These beginnings were tremendously important to this community. The demonstrated commitment of the Federal Government brought a great lift in spirits when badly needed, and it provided the impetus for a new and determined effort to rid this area of crime.

A great deal of progress has since been made at the local and state levels, through a strong coalition of citizens and government. New taxes for crime fighting were requested by the citizens and approved; increased law enforcement and justice system resources were approved by governing bodies; and people from throughout our community and State began to participate in the process of restoring public safety. Little of this would have been possible without the lead of the Federal commitment.

In the ensuing months the form and mode of operations of the Federal Task Force rapidly took shape. Indeed, the swiftness of getting into action was, in itself, another strong element in encouraging commensurate local and State endeavors.

It is not, however, one of my purposes here today to attempt to describe the structure and day-to-day work of the Task Force. You will hear that from others more qualified. But I would like to outline for you some of the factors which we the citizens believe to have been important in the inception of the Task Force and its successful operation.

These factors are, without particular regard for relative importance, the following:

- ✓ Firm backing and involvement of the top level of the Federal Administration. This is extremely important not only because of the commitment, but also because of the necessity for cross-agency coordination.
- ✓ A strong and experienced Local Coordinator of the Task Force, able to work with local law enforcement as well as with the various Federal agencies involved. The South Florida Federal Task Force has been particularly blessed to have Mr. Charles Rinkevich in that capacity.

- ✓ Extensive participation by the U.S. military, within the confines of the revised Posse Comitatus Act. It is obvious, even to the novice, that this this brings to bear equipment and resources vital to the off-shore interdiction of drugs and illegal alien traffic that would not otherwise be available.

- ✓ Significant and balanced strengthening of the entire Federal criminal justice system in the area, from law enforcement through Assistant U.S. Attorneys, Federal judges, courts and the like. It does no good to put the Task Force label on a system that cannot expeditiously process those who are apprehended.

- ✓ Task Force liaison with the local non-governmental community. There are undoubtedly a number of ways of accomplishing this, but it is very important that the general public of the area support the work of the Task Force and look upon it as part of their own total efforts in reducing crime.

While our focus has obviously been on South Florida, we are tremendously encouraged by the President's plans to establish 12 additional Task Forces throughout the Nation, a process we understand to be underway. The drug traffic problem certainly needs this kind of nationwide attack; nothing currently parallels this cancer in terms of its effects on our domestic society.

In that regard, we believe the factors for success for any such Task Force should include those which I have just enumerated in addition to the following:

- ✓ Forceful focus on a limited number of primary problems. In our area that was interdiction of drugs and illegal aliens; elsewhere it might be different although, as mentioned, we believe the drug problem requires urgent nationwide attention. In any event, the Task Force approach should not be diluted by assignment of all Federal law enforcement responsibilities in the area.
- ✓ Long-term bipartisan commitment. Serious damage to the massive drug traffic network cannot be done in any short period of time. We must prepare for a lengthy, difficult and nationwide fight that will not be abandoned based on short-term expectations, and we must be willing to pay the price.
- ✓ Permanent, as opposed to temporary, duty augmentation of applicable Federal forces. Circumstances did not originally permit that with the South Florida Task Force, although the transition is now taking place. The reasons for permanent forces are obvious, i.e., endorses the long-term commitment, prevents shifts to one area at the expense of another, and eliminates the inefficiencies inherent in temporary duty manning.

Finally, by way of summary, let me address our perceptions as a community of the success or failure of the South Florida Task Force.

First, the flow of illegal aliens into this area has been reduced to a comparative minimum. That is a solid success. Factors other than the presence of the Task Force certainly were working in the equation, but there is no doubt in our minds that the Task Force has been a major ingredient.

Second, drugs are still coming into our area from offshore, we are still one of the management centers for this loathsome traffic, and drugs are still available on our streets. That is neither a success nor a failure. It is a reflection of the huge effort required, the fallacy of short-term expectations, and the importance of long-term national determination. What is encouraging is the greatly increased seizures of drugs, drug traffickers and drug trafficking equipment, the significant disruptions and displacements of the flow patterns, the reduced incidence of drug traffic-related violence and the increased incidence of apprehension and prosecution of the key figures involved.

In addition, it should be noted that the work of the Task Force in the drug arena has to some degree freed local law enforcement agencies to concentrate on street crime.

Third, and sometimes unnoticed, the Task Force has led a very effective effort in the reduction of traffic in illegal firearms, with seizures and arrests greatly increased. Here again much work remains to be done, but this is another blow struck against the drug traffickers who are the principal users of these firearms.

Fourth, this progress, although incomplete, together with the demonstrated commitment of the Federal Government, has brought renewed hope and enthusiasm to this community and has been a major factor in our determination to press on with our own responsibilities.

In February of 1981 a local poll of Dade County residents asked the following question: "In view of the crime situation in Dade County at this time, would you say you are so concerned you would seriously consider leaving Dade County?" The response was 38.9% "yes." In February, 1983, the same question was polled again; response: 9.3% "yes." We believe the Federal Task Force had much to do with that change.

Last, we want to express to you, as we have to them, our deep appreciation for the individual sacrifices -- including life itself, in one instance -- of the men and women of the Task Force and its allied agencies. They have been superb.

We urge your committee, Mr. Chairman, and all of our national leaders to support these essential efforts to free our nation of crime.

Thank you for the opportunity to appear today.

Mr. ENGLISH. Thank you very much, Mr. Chapman. I have always admired from afar your organization. I have heard a great deal about it, but now that I have learned the degree of dedication necessary to be a member, making 7 o'clock breakfasts, I am more impressed.

Mr. CHAPMAN. We have a good turnout too.

Mr. ENGLISH. You are to be commended, sir. As I brought out with the General Accounting Office a little earlier, we have been focusing some of our attention on this trip on the Bahamas. The situation there, from what we can see, is that some of the people that are smuggling drugs are being discouraged from coming into south Florida. They are going into the Bahamas, off-loading onto boats, refueling and moving on, and from what we understand in talking to the people there, that becomes a serious drug problem in that area as well.

The State Department's budget indication is that there is going to be virtually no money spent in attempting to strengthen the interdiction effort over in that area. Do you all have any knowledge as to what has taken place in that area, and if so, any type of response or observation that you would care to make with regard to that problem?

Mr. CHAPMAN. We have no knowledge of what is or is not taking place in that area, because we are not an investigative organization. We are a citizens organization and we really aren't in that business. Nevertheless, many of us go to the Bahamas from time to time, so we are generally familiar with the situation.

Our organization feels very strongly that the effort in south Florida should be continued, the effort nationally should be expanded. We believe in that. We believe it is a major responsibility of the Federal Government to protect our borders from this type of crime.

If the Federal Government really gets serious with the countries that produce these drugs, and with the Bahamas who serve in many cases, without official sanctions, as havens for people who store these drugs, we believe that will be a very important step toward the total eradication of the drug business in our country,

and we would urge that the State Department expand its efforts in the Bahamas specifically and in the producing countries as well to eliminate drugs at their source or at wait points such as the Bahamas.

Mr. ENGLISH. One of my questions is about how you would rate the success of the task force here. I am not sure I need to ask that. I think you may have answered my question with your enthusiasm for the South Florida Task Force, but how important would you rate the Vice President's involvement in the South Florida Task Force, itself?

Mr. CHAPMAN. I think the Vice President's involvement is very, very important to the success of the task force. This task force came in under his leadership and with the backing of President Reagan, and it simply galvanized this community when it happened. The interagency cooperation involved, the cooperation with the State Department, with the Department of Defense and the other agencies involved at the Cabinet level under the Vice President's leadership in my view and in the view of our committee, are extremely important factors to the successes that have been achieved here.

Mr. ENGLISH. I share your concern. I wrote the President shortly after the announcement was made of the adoption of the new task force, and I must say that my observation during the years that I have looked at this problem, that it is hard to pull the agencies and departments that have jurisdiction together, to get them to cooperate. You must have someone who not only has the authority, namely someone who has been designated by the President, but also who has the type of stature that of course the Vice President of the United States has. He must also be someone who is perceived as a neutral, so to speak. I think that is critical to bring these people together.

I know from the work that we have been doing that without being able to go to the Vice President or his people and say "You have got a problem over here you had better take a look at," that that problem would have most likely remained. They have been successful in bringing people around who, well, weren't as cooperative as we would like or as enthusiastic as we would like about cooperation.

Mr. CHAPMAN. Mr. Chairman, I think it is important for us all to note we are always dealing in estimates on this business of drugs and the amounts involved, but I don't think anyone would dispute the fact that the great majority of the drugs that come into the United States come in through Florida, have been coming in through Florida.

The task force has been helpful we think in eliminating some of that, diverting some of that, and that is important, but Florida, by virtue of its geography, is going to continue to be the focal point, simply by the fact that this part of Florida is the closest part of the United States to the areas where these drugs are produced, and a major effort should continue here, whatever happens in other parts of the country, and I commend the fact that there are 12 other task forces being formed. We think that is very, very important, but south Florida, with respect to drugs at least, is going to be a major center simply by the fact that we are the closest to the supply, and

these people are going to use the closest means by air or by water to get those drugs in here, and so we need to maintain a major strong effort in Florida to not only interdict them as they come in but to work on the producing countries to eliminate the supply.

Mr. ENGLISH. Thank you. Mr. Kindness.

Mr. KINDNESS. Thank you, Mr. Chairman. Thank you, Mr. Chapman. I appreciate the energy, activity, and dedication that is involved in the members of Miami Citizens Against Crime.

I would like to know if your organization has a position or has considered this factor and formulated a position on it. There are several critical points in the whole drug problem, none of which can be ignored in the effort to erase the problem, but one of them that is critically important to south Florida I think is that it takes an organizational structure of some sort to distribute the drugs.

It would appear that the movement of drugs into and then out of south Florida, and some drugs moving into the United States through other channels and coming back into Florida perhaps in order to take in the distribution system, suggests that it may be far more important than the resources that have been devoted to it, to get at the investigation phase, to get at the larger operators, those who control and order the distribution system.

What sort of priority does that part of the effort take in the views or policies of your organization?

Mr. CHAPMAN. Again, we are a citizens organization, and we are not an investigative organization. What we have tried to do is to provide the climate wherein the citizens of Florida, particularly the citizens of south Florida, would realize that they have some responsibility. If they encounter any part of this apparatus anywhere along the line, then they as citizens have the responsibility to make that known.

These people who are part of the apparatus eat in local restaurants, they bank in local banks, they buy cars from local car dealers, and they do all kinds of things with our local people, and it is not only possible but probable that many of their activities are known by people who say, "Well, that is not my business."

We try to create a climate that it is the business of the citizens of this community to pay attention to that, and we have run ads in the paper reminding our citizens of that. We have spoken from the pulpit and other public meetings about that. We have given telephone numbers of the various law enforcement agencies they should call when they have this kind of information; we think that citizen involvement to breakdown criminal activity can be very, very effective.

Mr. KINDNESS. I think those efforts are very important, from the standpoint of citizen organizations. I think that is a very constructive part of your function. The emphasis on investigation that I am talking about though arises out of the concern that a great many of the cases handed by Customs and the Coast Guard to us are not investigated; that is, there is interdiction of movement of drugs, but because these are lower level violators, people who are involved in transportation but not the direction of enterprise, many of those cases are not investigated on up to see where the control comes from, and it seems to me that that is a very important link in the chain.

With all the discussion and emphasis on interdiction, I believe we have perhaps not emphasized sufficiently the importance of this other phase that is bound, when successful, to get more closely to the root of the problem, so to speak.

I really am just making the observation that I would hope that in the policies of your community there might be some room for emphasis on that investigation aspect of it.

Mr. CHAPMAN. We would certainly support that concern. One of the results of the significant increase in funding through the Florida State sales tax increase was a very large number of increased prosecuting attorneys and investigators for the State attorney's office here in Dade County and in other places in the State; the Florida Department of Law Enforcement, which just testified here, received an increase in their budget; so these investigative organizations by virtue of this additional funding have the additional resources to do the kind of thing that you are referring to, and we not only applaud it but we think we have had some role in helping that to happen.

Mr. KINDNESS. Right, and I commend your organization for that. I just harbor the fear—we all like to hear about the good news on interdiction and confiscation of drugs, but we really are even happier to hear about the breakdown of the organization to really get at the heart of the matter. Thank you.

Mr. CHAPMAN. That is important.

Mr. KINDNESS. I yield back, Mr. Chairman.

Mr. COLEMAN [presiding]. Thank you. Mr. Fascell.

Mr. FASCELL. Thank you, Mr. Chairman. Mr. Chairman, I think it would be useful for this committee to give them a brief overview of how the committee proceeded to determine the priorities in both Federal, State, and local areas, in which the citizens wanted some action done.

I say that because if we are going to expand the 12 task forces, gentlemen, let's face it, that the thing that turned things around in south Florida was when the leadership of the community represented by these gentlemen who are here came together and decided what kind of community they were going to have, and pushed all of the buttons at the local, county, State, and the Federal levels including in the White House, to get things done that had to be done. They cut through all of the bureaucratic redtape.

Now in order to do that, they had to do a lot of things—hold meetings, determine priorities, set goals, and then get those things done. I think it would be very useful to have all that on the record here as a model for other people who are going to follow these hearings with great interest.

I am convinced beyond any question that without the effective interception of the leadership of this community, broadly supported by individuals and organizations, there would have never been a turnaround in the drug fight in this area.

Mr. CHAPMAN. It was a remarkable story, and this community is due a lot of credit for the way it came together. We were formed in the middle of November 1981. We were formed frankly after the Time magazine article came out and after Burger King, a major national corporation, spoke publicly about moving their headquarters out of Miami.

I was asked to be the chairman. Armando Codina and Frank Borman were asked to be chairmen of the Federal Committee, and we have top leadership of the community leading nine other committees. We have 10 committees.

We first of all agreed on our basic mission. Our basic mission was to deal with the surge in crime. We are not dealing with root causes of crime as an organization. Individually some of us are involved through other programs to deal with the root causes of crime. We felt we would be effective only if we dealt with a fairly narrow spectrum of activity.

The surge of crime was our target. We organized 10 committees. We asked those committees to go to work together and to think through what should be done at the Federal level, that was Armando Codina and Frank Borman's committee, what should be done at the State level, what should be done at the local level.

We put courts and prisons in a separate committee, because courts and prisons are partly local and partly State under the State system, so we formed a separate committee for that. We formed a religious heritage committee, because frankly we knew the problem, but we didn't know the answers. One of the things we did was to start every meeting with a prayer, and we had our religious leaders helping us to work on this citizenship thing.

We formed a citizenship committee and a communications committee with a speakers' bureau. We formed a sponsors committee. Each of those committees went to work and we gave them until the 31st of January to come back with specific goals that they had thrashed through.

We also had another group that worked very closely with us, almost indispensable to our success, the professionals in criminal justice; the chief of police of the city of Miami, the director of the Dade County Public Safety Department, head of the FBI, head of Customs, head of the DEA, our chief State judge, and Federal Judge Peter Faye.

These professionals guided us and worked with our committees. We said we didn't have time to invent the wheel. We don't want crazy ideas that won't work. We need the professional input of all you people. Just as an aside, we asked 30 people under Armando's leadership, all these professionals, what would you do if you were President of the United States to stop this, and we had about 30 to 40 ideas that came out, and we came down with about 16 that finally made some sense.

Before taking those ideas to the White House, we had a legal firm check them out and tell us whether they were constitutional and legal and within the power of the executive branch. So when Armando, Frank Borman and others went to Washington to talk about the task force, they said, "Here are some things the task force can do" and gave them a list of those things; many of those things were on the Federal Government's original list when they came back and organized the task force.

The other committees came up with specific goals at the State and local levels.

We had a remarkable meeting the 31st of January. The timing could not have been better because the Presidential task force was announced on the 28th of January. The meeting included 100 mem-

bers of our committee, representatives of the sponsors' organizations and the leading local officials, the mayor and the commissioners of our five largest cities and the managers of those five largest cities.

The Governor of Florida was there, our two U.S. Senators were there, Congressman Fascell and a number of our State congressmen were there. The Attorney General was there, the chief justice of the State of Florida was there.

We were in session from 9 o'clock in the morning until almost 5 in the afternoon, and each committee presented its goals and its plans and its timetable to do this job, and in this very large session, we whittled down to what we called do-able deeds.

Some of the ideas even at that stage of the game were impractical and we discarded them, but we came up with a list that this very large group bought and endorsed, including at that point a recommendation that we should have the increase in State sales tax, even though the Governor had just spoken to us at lunch and said he didn't think it was a good idea; but despite that, we overwhelmingly put that on our list of priorities, and it ultimately prevailed, with his support I might add.

That meeting on the 31st of January was a remarkable coalition of governmental leaders and citizen leaders coming together to present a program, and that program resulted in our goals booklet. Admiral Edsall has a copy in his pocket, I hope.

We printed many, many copies of these goals. We ran them in some seven or eight daily newspapers in this community. Our speakers' bureau talked about them. This is what we are all about. Currently, a great majority of those goals have already been buttoned up and we feel very good about that.

It was an interesting process as Dante has said, and I would recommend it to any other community that wants to get seriously involved in what I consider to be one of the major problems of freedom in our country.

Mr. FASCELL. Mr. Chairman, could I just follow that up for a second because that is a very quick overview of what actually happened. But I think it is important to stress here the local commitment in addition to this, as a result of the action of this committee. I am talking about specific financial changes that were brought about at the local level.

Mr. CHAPMAN. That is right.

Mr. FASCELL. The city of Miami and Dade County required additional police, so you want to address those kinds of things, all of the tax changes, the financial changes that came about as a result of the committee making a decision on priorities that had to be met by local government, in other words, to match whatever the Federal Government might do.

Mr. CHAPMAN. There were major local commitments made involving significant local utilization of taxes. Our goal was to have 600 additional policemen added to the total combined forces in the county this year and 600 next year. We got not quite 500, but we think in the kind of fiscal environment and the kind of an economy in which we found ourselves, that is a very remarkable accomplishment.

At a time when local government was cutting out many, many very important functions, they gave strong support to this business of law enforcement. We have, as I mentioned, some 20 municipalities who have publicly committed themselves to move toward the three per thousand level of law enforcement officers here in this community, and we expect that the others, most of whom are relatively small, will adopt that philosophy.

Mr. FASCELL. How about the bond issue?

Mr. CHAPMAN. The bond issue, a \$200 million bond issue, was passed overwhelmingly in this community, general obligation bond issue.

Mr. FASCELL. For what purpose?

Mr. CHAPMAN. For the purpose of building new courtrooms, two new jails, new medical examiner facilities, new facilities for the Dade County police department, new offices for the State attorney and public defender. The whole criminal justice system will be getting facilities appropriate to the level that they should have right now.

We found we had inadequate numbers of judges. We needed more, and we had a plan to move our justices in the criminal court division up from 15 to 30. We are in the middle 20's now. As soon as we can get more courtrooms built and more prosecuting attorneys and public defenders, we will move further.

Mr. FASCELL. Thank you.

Admiral EDSALL. May I emphasize one point that is weaving its way through this conversation, and that is that a Federal task force, wherever it is established, will not be successful unless there is a commensurate community, local and State corollary and commitment to the goals.

Mr. ENGLISH [presiding]. A very good point. Mr. Coleman.

Mr. COLEMAN. Mr. Chairman, I will pass. I just want to listen. I am very interested to see a citizens group that, by the way, is known in Texas. They have heard of you. I would like to say that. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. MacKay.

Mr. MACKAY. Mr. Chairman, Mr. Fascell's questions and the answers have just sort of given rise to a thought which may be a wayout thought, but that is before you cease, why not put in one more goal? Why not figure out how to make this process available as sort of an outreach effort? I believe that one of the things that has been said about how things are happening in this country is very true.

I think that this clearly got the Federal task force started. I think it is the ripple effect, and one of the things that you could do, which may be far beyond the scope of what you originally set out to do, is be available to other communities that ought to be looking at it.

Mr. CHAPMAN. Congressman MacKay, that is a good suggestion, a very appropriate one, and one to which we would respond favorably. We have had some conversations with President Ted Foot of the University of Miami who is a member of the executive committee of our Miami Citizens Against Crime, and he has some professors working now to set up seminars here in south Florida to which we will invite appropriate citizen groups from other communities

to come in here, and we would be glad to meet with them and to share the things that we have done and some thing that we have learned, some of them the hard way, with people who will be starting out in this program.

Mr. MACKAY. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. Shaw.

Mr. SHAW. Thank you, Mr. Chairman. I would like to add my comments to Mr. Fascell's, with regard to what has happened here. I was at many of those meetings that you have referred to. I recall one particularly, when George Bush came down and was running down his list of things that they were going to do. I felt like a small kid watching a John Wayne movie and the Marines had finally arrived.

It had been a long, long dry spell. It was a community that really was on the brink of hell. It was about ready to fall over and it came back and pulled back, and this community, my district in this community, goes back 43 years. I was born and raised here, and I know what a great community it was, a community of unlocked doors, a community of people working together, but I don't think, even if you go back that far, that you will find that this community has ever pulled together like it has on this one issue, and it was a community that finally said it was fed up, enough was enough, it wasn't going to tolerate any longer what was transpiring here, and as a result, something was turned around that many people throughout the country thought was irretrievable, and you proved that wrong.

I think when you speak of how grateful you are for Federal help, I think perhaps you can almost turn that around and say and why was it so long in coming? Why did we have to deteriorate to the point that we did? Why did Miami have to experience the economic chaos, the crime in the street and all the things that it experienced as a result of Federal neglect, not only in this area but other areas?

I would say I would turn your thanking around to thanking you on behalf of the Federal Government for giving us a sense of consciousness, to come in and take care of the Federal responsibilities, and this citizens group certainly has been the conscience of south Florida, and as a result I think has raised the conscience level of the entire country as to its responsibility to a particular area that only could be solved by the Federal Government.

So I want to say thank you to you gentlemen for what you have done to turn this whole issue around.

Mr. CHAPMAN. Thank you, Congressman Shaw.

Mr. ENGLISH. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

I am very proud to see these gentlemen sitting here today. About a year ago, I had the opportunity to sit down with them at one of a number of meetings at the State level, and start to work out on some of the plans that they had for what needed to be done at our level. It really proves I think that not only can things that are affecting a community be turned around by the involvement of citizens, but also proves that the Government is responsive and can be responsive rapidly when the issue is presented correctly and legiti-

mately and believably by people who are really concerned in the community.

One thing that should never be forgotten, and I know that Mr. Chapman and Mr. Codina and the admiral all understand this, is that this was not an issue that affected either business or affected any other segment of the community on an individual basis.

This was a collective fight from all facets of the community that they undertook, because all facets of the community were being hurt very badly. There wasn't any part of the community, whether it was the upper strata of the business community or upper level income or the poorest welfare recipient in this city who was not adversely affected by drugs and by the crime that the drugs fostered, besides the independent crime of the drug trade.

People, as Mr. Chapman said, lived in fear, and those fears and those problems needed to be solved, and I am very grateful to the gentlemen that are sitting here and all the people that they represent, Mr. Chairman, for the job that they undertook to do.

We at the State level, and frankly I think that they are taking credit where credit is due, these gentlemen had a great deal to do with being able to persuade a lot of people who were not previously persuadable about the 5-cent sales tax. I was not one of them thank goodness.

A number of us had said for years that we needed to do that because there was somewhat of a Federal Government abrogation of responsibility in this area, and now we are seeing the fruits of what a positive campaign can result in, and I am very grateful that I had some small part to play at the State level, including, Mr. Chairman, not only the ultimate mass task force kind of situation, but also changes in the laws which were most important, to facilitate the ability to fight crime on a level where you could deal with it effectively.

We, and this community in this past election, passed some laws relating to bail reform, which came out of this committee's collective judgment in terms of issues. We passed a change in the exclusionary rule in Florida, a constitutional change, bitterly fought by many people in this State and in this area on legitimate legal grounds, a 5-cent sales tax, a number of issues that the citizens spoke out on, and then of course the local involvement, and I think that overall the people, seeing their own community leaders involved in this fight, joined in, and that to me was the single most important thing.

This was not an effort by a small group of people who became loud enough to be heard. They were only the catalyst for bringing in ultimately everybody who cared about south Florida as a decent place to live.

Unfortunately, maybe we had to worry about Time magazine and 60 Minutes and Newsweek and 20/20 and a lot of other newspapers around the United States peeling back maybe the insulating cover that we had laid over ourselves trying not to let the rest of the world know we had a problem even though we knew it and it was festering very badly.

There is really nothing that I could possibly say more than the testimony of what was done, the facts that stand out, and I think that every community, as Congressman MacKay has said, every

community could use a good, strong movement in the right direction that your group could provide, and I think that that means that you may have to stay online, Mr. Chapman and Mr. Codina, Admiral Edsel. Maybe you are going to have to stay online quite a while, but I think you are going to find that it will be of great benefit to the U.S. communities at large and hopefully we will all be there to help you.

I commend you for the work you did. It is wonderful, because the bottom line—I spoke to these gentlemen individually, Mr. Chairman, you haven't even discussed it today, we may get to it—is the youth of this community that ultimately suffer. We are leaving them a legacy that was terrible to imagine.

The future of this country is in a very bad way, if we allow drugs to stay as the pervasive negative force in our society, and these people have done something about that, and the children of this community stand to be benefited over the next many years.

Thank you. I commend you again. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. MacKay.

Mr. MACKAY. I have no questions.

Mr. ENGLISH. Are there any further questions of the witness?

Mr. CHAPMAN. Mr. Chairman, could I make one comment, and that is to thank Congressman Smith for his early involvement with our organization when he was a member of the State Legislature, and also Congressman MacKay for his support. We are proud that both of these gentlemen are now in the Congress, a promotion from their prior service with the State that we think is certainly well deserved, and also thank Congressman Shaw and Congressman Fascell, who have been very helpful to us in many, many endeavors.

Both of them have been very, very active in the things that we have been doing as has Senator Hawkins, Senator Chiles, and many others who are in the Congress.

Mr. ENGLISH. Thank you very much, Mr. Chapman. It is my understanding that you have a pamphlet which outlines the goals of the organization. I wonder if you would submit one of those for the record.

[The information follows:]

MIAMI CITIZENS AGAINST CRIME GOALS

**Affiliated with
FLORIDA CITIZENS AGAINST CRIME**

MIAMI CITIZENS AGAINST CRIME

OFFICERS

CHAIRMAN: Alvah H. Chapman, Jr.
VICE-CHAIRMEN: Lester Freeman and Bill Colson
TREASURER: J. Stephen Hudson
SECRETARY: William M. Stokes
EXECUTIVE DIRECTOR: Van T. Edsall

FOUNDERS

GREATER MIAMI CHAMBER OF COMMERCE
 MIAMI-DADE CHAMBER OF COMMERCE
 LATIN CHAMBER OF COMMERCE
 ORANGE BOWL COMMITTEE
 CITIZENS CRIME COMMISSION OF
 GREATER MIAMI

COMMITTEES

FEDERAL: Frank Borman and Armando Codina,
 Co-chairmen
STATE: David Blumberg and Lester Freeman,
 Co-chairmen
LOCAL: William M. Stokes and Ronald Frazier,
 Co-chairmen
COMMUNICATIONS: Hank Meyer, Chairman
PROFESSIONAL ADVISORS: William M. Stokes,
 Chairman
RELIGIOUS HERITAGE: Archbishop McCarthy,
 Chairman
SPONSORSHIP: Merle Frank and William S. Frates,
 Co-chairpersons
COURTS/PRISONS: Robert Shevin and James
 McLamore, Co-chairmen
CITIZENSHIP: Betty Huck and Janet Gemmill,
 Co-chairwomen

MISSION STATEMENT

MCAC was created in direct response to an unusual increase in our community's violent crime rate—an increase we are determined to make temporary.

Our goals are:

1. To persuade the Federal government to meet its obligations to safeguard Florida's international borders, stemming the flood of illegal drugs entering the United States and maintaining effective pressure against the entrance of further illegal aliens.
2. To encourage measures by state and local officials that will increase visible and effective law-enforcement presence in our community, thus deterring criminal activity and responding swiftly when it does occur.
3. To push for those actions that will enhance the overall effectiveness of the local, state and federal criminal justice systems in South Florida. Our objective is to assure fairer and more expeditious administration of criminal justice.
4. To reassure our citizens that the current levels of crime are not a permanent feature of life in Miami, and that an intelligent and vigorous campaign to improve the situation is now under way. We intend to rally public opinion in support of our efforts—and search for useful ways to involve individual citizens and organizations from all parts of our community.

5. Finally, to spur the renaissance of the greatest force in this community—its conscience. If all of us together resolve in every way possible to make violence and crime unacceptable in our lives and in this community, law-breakers will no longer consider our town a happy haven. We once again will enjoy the constitutionally protected domestic tranquility that is the inalienable right of every American.

MCAC acknowledges that these objectives are relatively narrow in scope. Even when achieved, they will not rid our community of its historic levels of deeply rooted urban crime—crime that we deplore, but that unfortunately is now part of daily life in urban America.

These measures, dramatic and important as they are, will be only a first step toward solutions to the patterns of crime traceable directly to economically depressed conditions in some areas of our community.

MCAC, however, believes that the current severe crime situation penalizes all our citizens. If together we can significantly reduce existing crime levels and the economic depressant they represent, we thereby will strengthen the community's overall vitality and enhance its ability to improve the economic prospects of all ethnic and income groups.

The membership of MCAC commits itself—working individually and through other organizations dedicated to these larger purposes—to press for correction of those underlying social and economic conditions that spawn so much of our continuing crime problem.

We are determined to improve the quality of life for all our people in the 1980's. If that is to happen, a successful attack on the current unusual crime problem is an absolutely essential prerequisite.

LOCAL ACTION GOALS

1. Increase jail space in Dade County by 1250.

A. Immediate

- (1) Utilize authorized space at Federal Correctional Institution in Tallahassee for sentenced Federal responsibility prisoners: up to 150 continuous.
- (2) Obtain approval from Federal Courts to increase the authorized capacity of the Pre-Trial Detention Center from 846 to 1100 beds, and provide necessary furnishings upon approval.
(One time cost of furnishing \$22,000)

B. Short Term

- (1) Acquire and renovate a U.S. surplus military base in Dade County, for a maximum security work facility. Capacity 250. Provide for necessary additional correctional officers.
(Capital Cost <Renovation> \$3.0 million)
(Annual Personnel and Operating Cost \$3.2 million)

C. Longer Term

- (1) Erect 24 pre-fabricated steel structures at the Training and Treatment Center, to house 576 inmates in a maximum security facility. Provide for necessary additional correctional officers.
(Capital Cost \$10.0 million)
(Annual Personnel and Operating Cost \$3.6 million)

2. Increase county-wide sworn personnel to 3.0 per 1,000 population ratio.

A. Immediate

- (1) Accelerate recruiting and training to fill existing authorizations for sworn and civilian personnel, through combined efforts of government and private industry personnel specialists.
- (2) Vest all sworn officers in Dade County with county-wide arrest powers.

B. Fiscal Year 1982/83

- (1) Authorize and recruit, county-wide, an additional 600 sworn officers, together with commensurate support personnel.
(Incremental Annual Cost \$15.0 million)
- (2) Authorize and acquire existing shortfalls in police related equipment and technical support items; do likewise for the 600 sworn officer addition.
(Capital Cost \$4.4 million)
- (3) Authorize and employ additional Public Service Aides in order to free regular sworn officers for other duties.
(Dade County Cost \$2.1 million)

C. Fiscal Year 1983/84

- (1) Authorize and recruit, county-wide, an additional 600 sworn officers, together with commensurate support personnel.
(Incremental Annual Cost \$15.0 million)
- (2) Authorize and acquire related equipment and technical support items.
(Capital Cost \$4.0 million)
- (3) Authorize and employ additional Public Service Aides in order to free regular sworn officers for other duties.
(Dade County Cost \$3.2 million)

3. Provide "take-home" police vehicles for each uniformed patrol officer, to increase police effectiveness and visibility in the county. Implementation of this "Indianapolis Plan" will increase patrol cars in the Metro Public Safety Department from 220 (present) to over 1,000. (The city of Hialeah and Miami are considering a similar plan.)

(Capital Cost <Metro Public Safety Dept.
only> \$13.5 million)

(Incremental Annual Operating Cost \$2.0 million)

4. Continue, with State funding assistance, implementation of the Dade County Public Schools

program "Safe Schools," and expand the program to community colleges.

Fiscal year 1982-83 cost:

K-12	\$15.0 million
Community Colleges	<u>1.5 million</u>
TOTAL	\$16.5 million

(State to fund \$6.5 million)

(Leaving \$10.0 million local funding)

(See State legislative goal #15.)

5. Implement an effective Early Intervention Program in the Dade County School System, to identify as early as possible, without labelling, potential juvenile offenders, in order to work with them and impede tendencies toward a life of crime.

(Cost \$25,000)

6. Prepare and implement a code of ethics (for local financial institutions) relative to suspicious and possibly illegal cash transactions. Code of ethics should be beyond minimum federal requirements in this regard.

7. Implement throughout Dade County schools, elementary through high school, the Comprehensive Substance Abuse Program, to include:

- A. Training of teachers, available through the Drug Enforcement Agency.
- B. The curriculum should cover prevention, identification, awareness, counseling, referral and rehabilitation.

(Dade County Cost \$650,000)

8. Assist Citizens Crime Watch (by helping recruit voluntary citizen effort) to organize and manage three additional programs to enhance citizen effectiveness in preventing and reducing crime.

- A. Expand the use of C.B. radios in an organized fashion as a part of Citizens Crime Watch.

(Cost \$35,000) (Private Funding)

- B. Obtain assistance of neighborhood U.S. Post Office personnel in Citizens Crime Watch activities.

- C. Expand Business Crime Watch program in order to reach additional businesses to teach business-related crime prevention techniques and encourage their cooperative participation in same.

STATE and COURTS/PRISONS ACTION GOALS

(With the exception of items #2, #7 and #9, all cost estimates are for Dade County only. Many of these suggested programs will have application in other parts of the State, but our Governor and legislative leaders will best determine the degree of applicability and Statewide impact.)

1. Authorize one additional cent of Statewide Sales Tax, with a substantial amount going to the Criminal Justice System at both the State and local government levels.
2. Declare that a state of EMERGENCY exists within Florida.
 - A. Emergency fund: Appropriate up to \$50 million into the emergency fund which can be released by the Governor and Cabinet to pay for critical short-term needs such as:
 - (1) Temporary facilities to be used as courtrooms.
 - (2) The make-ready cost and staffing costs of temporary facilities, such as abandoned military bases.
 - B. The state of EMERGENCY should be automatically ended when predetermined levels of crime rates are achieved.

(Note: In connection with 15 additional Criminal Court judges needed immediately in Dade County, Governor Graham and Chief Judge Wetherington have determined that there is space available in the State building near the Dade County Jail that can be converted to courtrooms almost immediately. Governor Graham indicated on January 30th that the \$2 million necessary for conversion is available in the State budget. Therefore, the principal use of the emergency fund would be to convert abandoned military facilities to temporary medium-security prisons, and to pay the operating and staff costs of these facilities until they can be included in the regular State budget.)

3. Increase number of judges in the Criminal Division of the Eleventh District Judicial Circuit by immediate transfer or certifying additional judges by 15 in fiscal 1982-83.
4. Increase Assistant State's Attorneys by four per judge, Public Defenders by three per judge; and other support personnel in the Eleventh Judicial Circuit, timed and in proportion to the recommended increases in Criminal Division judges. (The estimated annual cost of 15 additional Criminal Court judges plus support personnel — items #3 and #4—is \$750,000 per additional Criminal Division X 15, or \$600,000 per year per additional division, or \$9.0 million.*

*Includes local and State portion of these additions.

5. Begin to provide for State responsibility for operational and capital costs of the State court system in the counties, as mandated in the 1972 Constitutional Revision.
6. Increase by 50 (over fiscal year 1981-82 budget) authorized Florida Highway Patrol Troopers in Dade County, and fill immediately these positions and prior 69 existing vacancies. (The estimated annual cost for 119 Troopers is \$4.8 million,* including equipment.)

*First full year plus equipment, subsequent years less.

7. Provide additional Probation Officers to reduce the present caseloads to approximately 40 cases per Probation Officer, to allow for meaningful supervision. Present caseload is 120. (Annual Statewide cost \$6.0 million.)
8. Fund Witness Support Program, including staff, administrative support and transportation and counselors for the witnesses. (Dade County cost \$500,000.)
9. Establish determinate sentencing and probation guidelines for Florida criminal divisions, such guidelines to stipulate maximums and minimums and to require written explanations of deviations.

10. Provide statutory control of plea bargaining, to wit:
 - A. All plea bargaining to be conducted in accordance with American Bar Association standards, without the judge participating in the negotiations, and with judicial acceptance or rejection taking place only in open court.
 - B. In the case of repeat felony offenders, serious violent crimes such as rape and murder, and crimes committed using a gun or knife, the sentence, whether arrived at through plea bargaining or otherwise, will be commensurate with the seriousness of the crime.
 - C. Opening up of the entire process of charge bargaining and sentence bargaining is very important. There should be no plea bargaining where it is done only to clear congested court calendars or decrease heavy case loads.
11. Revise Florida parole system, to provide for:
 - A. Determinate release.
 - B. Revocation hearings in the area where the crime was committed.
 - C. Consultation with arresting police organization, presiding trial judge and victims and/or their families.
12. Revise bail bond system to provide for court operation and a "menace to society" test.
13. A. Strengthen Youthful Offender Program. (Funding included in Item #7 above.)
 - B. Provide for more community-based constructive alternatives for dealing with juvenile offenders, such as halfway houses and the Serious Offenders Pilot Project in Dade/Broward counties. (Cost \$650,000 for Dade and Broward only.)
14. Expedite appropriations necessary to fund previously authorized additions to the State prison system and relate to realistic future needs considering the proposed strengthening of the State's Criminal Justice System.

15. Provide supplementary funds to "Safe Schools" program. (See Local Committee goal #4.)
(Annual cost to fund K-12 program \$5.0 million.)
(Annual cost to fund Community College program \$1.5 million.)
(Total State funding required: \$6.5 million.)
16. Expand prison industry and other rehabilitation programs in state prisons.
17. Continue the Guardian Ad Litem program at current level of funding of \$360,000. Statewide incremental cost -0-.

FEDERAL ACTION GOALS

EXECUTIVE

1. Urge the President of the United States to recognize special federal responsibilities in South Florida's unique and recent crime surge. Urge the appointment of a Federal Task Force designed to deal promptly with this program. A senior White House official should chair this task force, and the following specific suggestions should form the initial action agenda of this task force:
 - A. Promptly and forcefully implement recent legislation amending the Posse Comitatus Act, to bring into play the assistance of the Department of Defense in the interdiction of illegal drug and alien traffic.
 - B. Deploy additional Coast Guard cutters to the South Florida area, along with a commensurate increase in the allotted funding and personnel resources for the Coast Guard in this area, to permit vigorous prosecution of all actions directed toward stemming the illegal flow of drugs and aliens. (More than 75% of U.S.-destined drugs enter through Florida's air space or coastline.) (See Vice President Bush's speech, #10.)
 - C. State Department should develop new and stronger relationships with those countries from whence come the major portion of illegal drugs flowing into the U.S. and a strong national policy eliciting the cooperation of these nations in stopping the production and export of U.S.-bound drugs. (See Vice President Bush's speech, #13.)
 - D. Increase funds and personnel allotted to the U.S. Attorney's Office, Southern District of Florida, to cope with the crisis situation created by the illegal drug and alien traffic. (See Vice President Bush's speech, #2.)
 - E. On an emergency and temporary basis, reassign additional Federal judges to the Southern District of Florida, to permit reduction of dramatic increase in criminal caseload over past few years. (See Vice President Bush's speech, #8.)

- F. Implement a Federal Aviation Administration requirement that all private flights (scheduled airlines excepted) approaching the United States from the Bahamas, Caribbean and Central and South America land only at certain designated airports to clear customs and immigration. Such airports to be nearest to the point of crossing the U.S. border.
- G. Deport immediately convicted criminal illegal aliens, to rid the community of these undesirables. Incarcerate in Federal facilities pending physical deportation.
- H. Provide for Federal incarceration of persons in pretrial detention on Federal charges, to alleviate crowding in South Florida county facilities. (See Vice President Bush's speech, #15.)
- I. Increase funds and personnel allotted to U.S. Marshal's office, South Florida, to permit expeditious movement of Federal detainees and defendants.
- J. Expedite the appointment of a permanent U.S. Attorney in South Florida. (See Vice President Bush's speech, #1.)
- K. Increase U.S. Customs agents assigned to South Florida, and provide for coordinated and concerted action by Customs, FBI and DEA in war on drug-related crime. (See Vice President Bush's speech, #3.)
- L. Increase by 43 the number of FBI agents assigned to South Florida office. (See Vice President Bush's speech, #4.)
- M. Increase by 20 number of DEA agents assigned to South Florida office. (See Vice President Bush's speech, #5.)
- N. Establish a financial law enforcement center at the Treasury Department with 20 experts designated to work on national problem involved in laundering money and an additional 20 experts to focus on the Miami and South Florida area exclusively. (See Vice President Bush's speech, #6.)
- O. Strengthen Secret Service efforts in curbing illegal use of firearms, particularly machine guns. (See Vice President Bush's speech, #7.)

- P. Appoint an on-scene Task Force Coordinator, headquartered in Miami, to coordinate local, state and federal anti-crime activities. (See Vice President Bush's speech, #9.)
- Q. Deploy to South Florida an Airborne Warning and Control-type aircraft (AWAC's) for exclusive use in curbing illegal entry of aircraft engaged in drug traffic. (See Vice President Bush's speech, #11.)
- R. Create a new IRS position, Assistant Commissioner for Criminal Investigations, enabling IRS to conduct more aggressive approach to the prosecution of tax-related drug crime. (See Vice President Bush's speech, #12.)
- S. Implement in Dade County a program covering passenger security on public transportation. (See Vice President Bush's speech, #14.)
- T. Expedite the transfer of certain currently unused military facilities to the State of Florida for use by the State as prisons.

LEGISLATIVE

- 2. It shall be the goal of the Federal Committee to brief all members of the Florida Congressional Delegation on the importance of the following proposed Bills to the welfare of all Floridians. A procedure to regularly monitor and report progress on this legislation shall be established.

A. Amendment to the 1976 Tax Reform Act (S-732).

This Bill amends the 1976 Tax Reform Act, which inhibits IRS from disclosing information to other Federal agencies. S-732 would create a very carefully monitored procedure, including supervision by Federal District Courts, which would allow IRS to cooperate with the Justice Department and transmit evidence of crimes to the FBI and DEA for further investigation.

The Justice Department in Congressional Testimony has stated that this is the single most important piece of legislation to assist Federal law enforcement.

B. Organized Crime Act of 1981 (Murder for Hire Bill S-814, HR 4705).

These Bills provide for:

- (1) FBI limited jurisdiction to investigate cases involving professional killers or "hit men" who are used by criminal organizations.
- (2) A statute that protects Federal officers (and their families) who investigate federal crimes.
- (3) A statute that protects informants and potential witnesses.
- (4) A statute that protects the disclosures of informants' identities under the Freedom of Information Act.
- (5) A statute that allows the court to reduce the sentence of cooperating prisoners upon application of the Government.
- (6) A statute that increases penalties for any federal offender who uses violence in connection with committing a federal crime.
- (7) A statute that permits a federal judge to protect secrecy of wiretap investigations which are on-going.
- (8) A statute that permits limited disclosures of federal grand jury information to state and local law enforcement offices which are assisting in an investigation.
- (9) A statute that amends the Bail Reform Act and authorizes a judge to take into consideration a person's danger to the community in addition to the likelihood that he will appear in court.

C. Amendment to the Omnibus Crime Control Act of 1970 (S-494)

To revise and increase the mandatory penalties for using or carrying a firearm during the commission of a federal felony.

D. Increases penalties for persons trafficking in drugs (S-1246, S-1522).

Increase the penalties for persons trafficking in marijuana and controlled substances and also

increase the penalties for individuals who are arrested on the high seas smuggling marijuana and controlled substances.

E. Sentencing for crimes committed while on bail (S-1357).

Provides that a person who commits a crime while out on bail for another crime shall, if convicted of both crimes, serve his sentence consecutively and not concurrently.

F. Amendment to RICO & CCE Acts (S-1126).

Amends the Racketeer Influenced Corrupt Organizations Act (RICO) and the Continuing Criminal Enterprise statute (CCE) to subject to criminal forfeiture all proceeds acquired indirectly or directly from illegal enterprises or from continuing narcotics enterprises.

G. Revisions in control of immigrants (S-776).

Increases the size of the border patrol. Establishes a new firm ceiling on the total number of immigrants allowed to enter the U.S. each year. Revises asylum procedures and limits the use of parole power to individual cases. Establishes sanctions for employers who hire illegal aliens and sets up, over these, a system which would enable employers to verify whether prospective employees are in fact entitled to hold a job in the U.S. under the immigration law.

H. Bail Reform Bill (S-1755, HR 4705).

Allows safety of the community and safety of individuals in the community to be considered as factors in bail determinations for all federal drug offenses. Also requires that the judge insure that money used for bail does not come from criminal activities.

I. Habeas Corpus Reform (S-653, HR 3416).

Revises procedures concerning challenges to State criminal convictions.

J. U.S. Judgeship Bill (HR 2645).

Creates two new permanent Federal judge positions and one temporary for the Southern District of Florida. Urgently required to adequately cope with existing and forecasted criminal case load.

K. Revision to Surplus Property Disposal regulations (S-1422).

Would allow disposal at no cost when purpose is to establish a penal institution. Would also allow disposition of property in an "excess" status, as opposed to "surplus," when purpose is for prison.

3. National Legislative Liaison Goal:

The Federal Committee of MCAC shall contact other groups throughout the Nation with a mission similar to MCAC's and serve as a clearinghouse on citizen involvement in the Federal legislative process on any legislation pertaining to MCAC's mission statement.

CITIZENSHIP COMMITTEE GOALS

1. Work with the Leadership Miami Alumni and Youth Crime Watch organizations in presentations to junior and senior high school grades 7 through 12, to stress the Youth Crime Watch Program and citizenship responsibilities.

Deadline for completion: 6/1/82

2. Work with the Miami Junior League and Youth Crime Watch organizations in presentations to elementary school grades 1 through 6, to stress the Youth Crime Watch Program and citizenship responsibilities.

Deadline for completion: 6/1/83

3. Work with the Junior League of Miami to develop a citizenship responsibilities and human relations curriculum for use in schools and youth groups. The target population for the initial implementation will be 4th and 5th grades.

Deadline for completion: 9/1/82

4. Encourage citizens to participate in fighting crime by volunteering service to crime fighting agencies and programs seeking such help. Compile and publish a list of these agencies and programs.

Deadline for completion: 4/1/82

COMMUNICATIONS COMMITTEE GOALS

1. Involve the citizenry of Dade County.
2. Get our story to the public, through press releases and/or paid advertising.

SPEAKERS SUBCOMMITTEE

1. To respond to television, radio and civic groups in their requests for speakers for their programs.
 - A. Preparation of speakers' kits with audience hand-outs for each speaker to use as he makes his address.
 - B. Assembly of a library of information and evidence to support testimony and statements of committee chairpersons before legislative and city, county and state lawmakers.
2. Provide speakers for support of the state legislative program through major speeches in other Florida communities (chambers of commerce) relative to the work of Miami Citizens Against Crime.

RELIGIOUS HERITAGE COMMITTEE GOALS

1. Prepare prayer for community-wide use.
2. Promote a Civic Responsibility Sabbath in churches and synagogues.

SPONSORS COMMITTEE GOALS

Seek sponsors from representative organizations throughout Dade County.

Sponsors on January 16	51
Sponsors on February 1	82
Sponsors on March 18	126

Goal	200
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EXECUTIVE COMMITTEE MEMBERSHIP

Mr. James K. Batten	Mr. Robert C. Josefsberg
Mr. Ed T. Benton	Mr. Charles A. Kimbrell
Mr. David Blumberg	Archbishop Edward A.
Col. Frank Borman	McCarthy
Mr. Richard G. Capen, Jr.	Mr. Jesse McCrary
Mr. Alvah H. Chapman, Jr.	Mr. Richard W. McEwen
Mr. Philip N. Cheaney	Senator Robert McKnight
Mr. Armando Codina	Mr. James W. McLamore
Mr. Bill Colson	Mr. Hank Meyer
Hon. Arthur England	Mr. Robert L. Parks
Mr. Willard T. Fair	Mr. Rocky Pomerance
Hon. Peter T. Fay	Ms. M. Athalie Range
Mr. Edward T. Foote, II	Mr. Garth Reeves, Sr.
Mrs. Merle Frank	Mr. Walter L. Revell
Mr. William S. Frates	Mr. William S. Ruben
Mr. Ronald E. Frazier	Mr. Luis Sabines
Mr. Lester Freeman	Mr. Robert L. Shevin
Mrs. Janet Gemmill	Mr. Robert H. Simms
Mr. Eloy B. Gonzales	Mr. Chesterfield Smith
Mr. R. Ray Goode	Dr. William M. Stokes
Mr. H. V. Green	Mr. Sam Verdeja
Mr. Marshall S. Harris	Mr. Warren Wepman
Mrs. Betty Huck	Mr. Kenneth W. Whittaker
Mr. J. Stephen Hudson	Mr. Basil S. Yanakakis
Mr. David Hume	

The total membership of Miami Citizens Against Crime now consists of 160 persons broadly representative of the entire Greater Miami community.

Mr. SMITH. Mr. Chairman, might I request—I don't believe anyone has asked—that the statement of Mr. Chapman be made a part of the record?

Mr. ENGLISH. Without objection. Thank you very much, Mr. Chapman. We appreciate your contribution.

Mr. CHAPMAN. Thank you, gentlemen.

[See page 92 for Mr. Chapman's prepared statement.]

Mr. ENGLISH. Mr. MacKay, I am happy to recognize you.

Mr. MACKAY. Mr. Chairman, the next witness who was scheduled, Janet Reno, the State's attorney, will not be able to make a presentation. Our schedule got off unavoidably. Her schedule is very tight, and she has trial commitments this afternoon. I would like to say on behalf of Larry Smith and others of us who have worked with Ms. Reno, she is an outstanding person in law enforcement. She is an elected State attorney. She is in a very difficult situation down here.

I would like to suggest to the subcommittee if you have further hearings, it would be well to hear from Ms. Reno and from local law enforcement officials. I think that their perspective would be excellent, and I would like to just say to the subcommittee on her behalf that she regrets not being able to make our schedule.

Mr. ENGLISH. I hope, Buddy, that you will extend to her our personal apologies for running so late.

Mr. MACKAY. She understands.

Mr. ENGLISH. And invite her to submit for the record any written statement that she might like. I am certainly disappointed because I was looking forward to her testimony. I don't believe we have any further witnesses before lunch, so we will recess until 2:30.

[Whereupon, at 12:55 p.m., the subcommittee recessed to reconvene at 2:30 p.m., the same day.]

AFTERNOON SESSION

Mr. ENGLISH. The hearing will come to order.

Our first witness this afternoon is Mr. Dominick DiCarlo, who is Assistant Secretary of State for the Department of State's Bureau of International Narcotics Matters. Mr. DiCarlo, we want to welcome you here this afternoon. I might tell you, as I have the other witnesses, that if you would care to summarize your statement, without objection, your complete statement will be made a part of the record.

STATEMENT OF DOMINICK DI CARLO, ASSISTANT SECRETARY OF STATE, BUREAU ON INTERNATIONAL NARCOTICS MATTERS, DEPARTMENT OF STATE, ACCOMPANIED BY ANDREW F. ANTIPAS, CHARGE' D'AFFAIRES, A.I., EMBASSY OF THE UNITED STATES, NASSAU, THE BAHAMAS, AND JAMES VAN WERT, EXECUTIVE DIRECTOR/CONTROLLER, INM

Mr. DiCARLO. Fine, sir. What I have here is a shorter version of my statement. If it gets too long, I will be very happy to stop it and go into any questions and answers.

Mr. ENGLISH. That will be very good.

Mr. DiCARLO. Sir, with your permission, to my left I have Mr. James Van Wert, Controller of INM, and, to my right Mr. Andrew Antippas, Chargé d' Affaires in the Bahamas.

Mr. ENGLISH. Very good.

Mr. DiCARLO. Mr. Chairman, the subcommittee has asked the Bureau on International Narcotics Matters to testify on narcotics control planning and programs for the Caribbean, with concentration on our activities in the Bahamas.

The subcommittee has also asked that we discuss our contributions to the South Florida Task Force. The administration goals and objectives were incorporated in the Federal strategy which President Reagan endorsed October 5. The five elements of the administration's drug program are: international; enforcement; education and prevention; detoxification and treatment; and research.

The overall effort concentrates its resources on domestic drug abuse treatment, prevention and enforcement. The Departments of State, Justice, Transportation, and Treasury are part of a network of agencies attempting to reduce the availability of drugs within our country. Our joint objective is to reduce imports of heroin, cocaine, marihuana, and dangerous drugs from Latin America.

The Department of State gives priority to control of narcotics cultivation and production in source countries. We believe that preventing cultivation and destroying illicit narcotics at their source will ultimately prove to be the most effective means of reducing availability.

In Latin America, our priority goals are cooperation with producer nation governments on opium poppy control in Mexico; coca control in Peru, Bolivia, and Colombia; and marihuana control in Colombia, Mexico, and Jamaica. This priority was reinforced by the South Florida Task Force assignments; Vice President Bush emphasized State's task of pursuing crop control agreements with Colombia, Bolivia, Peru, and Jamaica.

In hopes of doing more in crop control, our budget request for fiscal year 1984 includes significant increases to fund eradication programs in South America. Our budget document, which provides descriptions of our country programs, including our activities in the Caribbean and Central America, was submitted to the Congress on February 22 with copies to this subcommittee.

We recognize a need for interdiction and other enforcement activities in the international program. Thus we support interdiction and other enforcement efforts in the producer countries, in transit countries, and in areas such as the Caribbean—directly or in cooperation with other U.S. agencies.

Our interdiction programs complement the broader Federal effort targeted on the interdiction of trafficking from Latin America to the United States: from Mexico across our Southwestern border; from Jamaica to the east and southeastern Coasts; and from the source countries of Bolivia, Peru, and Colombia through Central America and the Caribbean. But, while interdiction is an important component in the U.S. Government's Latin American and Caribbean strategies, it is an expensive and resource intensive effort which, even with modern technology, has stopped only a small percentage of the drug flow.

We concentrate INM funded interdiction efforts in the source countries, and then in transit countries.

In the Caribbean we take into account interdiction activities of the Drug Enforcement Administration, the U.S. Customs Service, Coast Guard, and military. We encourage and support interdiction efforts by governments in the Caribbean and Central America through diplomatic initiatives, direct assistance, and training.

INM obligations for interdiction programs in the Caribbean over the 5 years ending in fiscal year 1982 were about \$5 million. This total includes \$2,224,000 in INM funding for a project by Colombian customs which is designed to interdict trafficking in the Caribbean; a special project undertaken by the Colombian Navy which includes INM providing a ship—valued at \$2,210,000—which will be used for narcotics patrols in the Caribbean and Pacific; and, more than \$700,000 in support for other interdiction projects in the region.

We have provided small patrol vessels to the Government of the Bahamas to increase the mobility of its narcotics forces; we have also provided communications equipment and language instruction to facilitate cooperation by Bahamian police. We assisted the Haitian Navy in rejuvenating its fleet for narcotics patrols in the Windward Passage, a key route between Colombia and Florida; the Haitian Navy, which provides tracking information to our Coast Guard, seized a boat carrying 9 tons of marihuana in January. Our efforts in this region have also included cooperation with the Coast Guard on the establishment of a telex link between selected Caribbean and Central American countries and the Coast Guard for transmitting vessel-tracking intelligence.

We are considering requests to provide equipment to Jamaica to assist its narcotics enforcement activities. We have provided a launch to the Turks and Caicos. In Central America, we have provided telecommunications equipment to Costa Rica; communications and laboratory equipment to the Panamanian National Guard; vehicles and radios to the Honduran police; and, we will provide vehicles and other commodities to Belize to support future eradication programs.

We cooperate with host governments on the development of local police and customs capabilities to enforce domestic narcotics laws effectively, by funding training of foreign narcotics enforcement personnel by DEA and Customs. In just the past 2 years, 225 persons from Caribbean countries, as well as 233 persons from Central America and Mexico, received INM-funded training—20 percent of the foreign nationals receiving such training in these 2 fiscal years. In the past 5 years, a total of 807 officials from this region have received INM-funded training, including 475 from the Caribbean and 332 from Central America—among them 53 officials from the Bahamas.

Other units in State and Justice are actively exploring with various Caribbean countries mutual legal assistance and extradition treaties to strengthen bilateral cooperation on criminal law enforcement matters, including the sharing of financial information that is critically needed to deprive traffickers of their profits.

In providing assistance to any country, INM takes a variety of factors into account. Government efficiency, integrity, political will,

and the capability of controlling narcotics trafficking vary significantly from government to government, as does the degree of cooperation with the United States. The range of impediments to effective United States antinarcotics assistance in producing the transit countries include logistical problems, frequent changes in government, local populations heavily dependent upon cultivation and trafficking for their income, populations indifferent to U.S. interests, a belief that drug abuse is a U.S. problem, created by U.S. demand, demands that we virtually reconstruct the economies of large sections of such countries as an inducement to narcotics control, widespread official corruption and even government involvement in the narcotics trade.

Interdiction remains part of an overall regional effort to disrupt the flow of drugs and make drug transportation as costly and difficult as possible, an effort which begins with control of the source supported by interdiction in source countries, with additional enforcement at transit points.

This conclusion is heavily influenced by the reality of the traffickers' mobility, the difficulties in identifying smuggler planes and ships from among the vast hordes of craft plying the Caribbean air and water routes, and the best use of available resources. The U.S. interdiction effort must be as mobile as those of the traffickers. We believe the administration's policy of relying heavily on DEA, Customs, the Coast Guard, and U.S. military, all of whom can move their resources freely, is correct for this situation. Moreover, the latter agencies have greater flexibility in technical support programs and agreements than INM's grant program, which conveys equipment and other resources to host governments.

We remain confident of our policies and directions. We will continue our part in the administration's strategy of applying pressure on the grower to user chain—through effective crop control, through interdiction and enforcement, and through increased seizures of financial assets.

[Mr. DiCarlo's prepared statement follows:]

TESTIMONY
ASSISTANT SECRETARY OF STATE
DOMINICK L. DICARLO
SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE AND AGRICULTURE
COMMITTEE ON GOVERNMENT OPERATIONS
U.S. HOUSE OF REPRESENTATIVES
February 25, 1983
Miami, Florida

MR. CHAIRMAN:

The Subcommittee has asked the Bureau of International Narcotics Matters to testify in behalf of the Department of State on our narcotics control planning and programs for the Caribbean, with concentration on our activities in the Bahamas. The Subcommittee has also asked that we discuss the Department's contributions to the South Florida Task Force.

Given our policies and program priorities, it is important to consider the role played by the Department of State in the Federal Strategy for Prevention of Drug Abuse and Drug Trafficking, and to consider the Caribbean within the context of our broader Latin American strategy. Any perspective of the Caribbean must also consider the particular relationship between the interdiction and other enforcement activities of the various U.S. agencies involved in the area.

The Administration's goals and objectives were incorporated in the Federal Strategy which President Reagan endorsed October 5. The five elements of the Administration's drug program are: international cooperation; drug law

enforcement; education and prevention; detoxification and treatment; and research. The overall effort concentrates its resources on domestic drug abuse treatment, prevention and enforcement. The Departments of State, Justice, Transportation and Treasury are part of a network of agencies attempting to reduce the availability of drugs within our country. Our joint objective is to reduce imports of heroin, cocaine, marijuana and dangerous drugs from Latin America.

The Department of State gives priority to control of narcotics cultivation and production in source countries. We believe that preventing cultivation and destroying illicit narcotics at their source will ultimately prove to be the most effective means of reducing availability.

In Latin American, our priority goals are cooperation with producer nation governments on opium poppy control in Mexico; coca control in Peru, Bolivia and Colombia; and marijuana control in Colombia, Mexico and Jamaica. This priority was reinforced by the South Florida Task Force assignments; Vice President Bush emphasized State's task of pursuing crop control agreements with Colombia, Bolivia, Peru and Jamaica. In hopes of doing more in crop control, our budget request for Fiscal Year 1984 includes significant increases to fund eradication programs in South America. Our budget document, which provides descriptions of our country programs, including our activities in the Caribbean and Central America, was submitted to the Congress on February 22 with copies to this Subcommittee.

We recognize a need for interdiction and other enforcement activities in the international program. Thus, we support interdiction and other enforcement efforts in the producer countries, in transit countries, and in areas such as the Caribbean -- directly or in cooperation with other U.S. agencies. Our interdiction programs complement the broader Federal effort targeted on the interdiction of trafficking from Latin America to the United States: from Mexico across our Southwestern border; from Jamaica to the East and Southeastern Coasts; and from the source countries of Bolivia, Peru and Colombia through Central America and the Caribbean. But, while interdiction is an important component in the U.S. Government's Latin American and Caribbean strategies, it is an expensive and resource intensive effort which, even with modern technology, has stopped only a small percentage of the drug flow.

We concentrate INM-funded interdiction efforts in the source countries, and then in transit countries. The levels and types of assistance provided reflect this strategy of staging interdiction efforts close to the production source. The strategy also takes into account the Caribbean interdiction activities of the Drug Enforcement Administration, U.S. Customs, the Coast Guard and military, as well as other units in State and Justice. We encourage and support interdiction efforts by governments in the Caribbean and Central America through diplomatic initiatives, direct assistance, and

training. We also provide support to other agencies in their Caribbean activities. .

INM obligations for interdiction programs in the Caribbean over the five years ending in Fiscal Year 1982 were about \$5 million. This total includes \$2,224,000 in INM funding for a project by Colombian Customs which is designed to interdict trafficking in the Caribbean; a special project undertaken by the Colombian Navy which includes INM providing a ship (valued at \$2,210,000) which will be used for narcotics patrols in the Caribbean and Pacific; and, more than \$700,000 in support for other interdiction projects in the region.

We have provided small patrol vessels to the Government of the Bahamas to increase the mobility of its narcotics forces; we have also provided radios, telex equipment and language instruction to facilitate cooperation by Bahamian police. We assisted the Haitian Navy in rejuvenating its fleet for narcotics patrols in the Windward Passage, a key route between Colombia and Florida; the Haitian Navy, which provides tracking information to our Coast Guard, seized a boat carrying nine tons of marijuana in January. Our efforts in this region have also included cooperation with the Coast Guard on the establishment of a telex link between selected Caribbean and Central American countries and the Coast Guard for transmitting vessel tracking intelligence. We are considering requests to provide equipment to Jamaica to assist its narcotics

enforcement activities. We have provided a launch to the Turks and Caicos. In Central America, we have provided ~~limited~~ telecommunications equipment to Costa Rica; communications and laboratory equipment to the Panamanian National Guard; vehicles and radios to the Honduran police; and, we will provide vehicles and other commodities to Belize to support future eradication programs.

We cooperate with host governments on the development of local police and customs capabilities to enforce domestic narcotics laws effectively, by funding training of foreign narcotics enforcement personnel by DEA and Customs. In just the past two years, 225 persons from Caribbean countries, as well as 233 persons from Central America and Mexico, received INM-funded training -- 20 percent of the foreign nationals receiving such training in these two fiscal years. In the past five years, a total of 807 officials from this region have received INM-funded training, including 475 from the Caribbean and 332 from Central America -- among them 53 officials from the Bahamas. Other units in State and Justice are actively exploring with various Caribbean countries mutual legal assistance and extradition treaties to strengthen bilateral cooperation on criminal law enforcement matters, including the sharing of financial information that is critically needed to deprive traffickers of their profits.

An addendum to my testimony provides the Subcommittee with a summary of our country programs in Latin America, and other agency activities. These summaries illustrate our priorities in action, from crop control emphasis in Mexico and South America, to interdiction programs in the source countries, to interdiction programs in the intermediate countries. These summaries provide data on interdiction in source countries.

In providing assistance to any country or region, INM takes a variety of factors into account, and these are reflected in our Caribbean and Central American strategy, which is being revised to reflect recommendations made at an inter-American conference in Panama, in September 1982. The participants included representatives from U.S. missions in 19 countries and officials from 13 Federal agencies, including State, DEA, Customs, Coast Guard, AID, USIA, the White House Drug Abuse Policy Office and South Florida Task Force.

The factors include: narcotics crop production; new and potential sources of cultivation; proximity to production source; role in trafficking; domestic capability to control trafficking; interdiction potential (an assessment based on prospective government cooperation, logistics, costs, and potential impact upon trafficking); and, appropriate roles for the various U.S. agencies.

We are particularly aware of the mobility of the traffickers. The Caribbean traffic, once targeted so heavily

on South Florida, is reportedly spreading to other parts of the Southeastern United States, across the Gulf States, and even to our interior, as smugglers use long-range general aviation aircraft and commercial flights.

Logistical considerations are a factor in planning interdiction efforts and resource allocations. Central America has a landmass of 539,953 square kilometers, a coastline of 6,603 kilometers, land boundaries of 6,705 kilometers, 16 major ports, 32 minor ports and 1,661 airfields -- not counting clandestine strips.

The logistics become even more complex in the Caribbean. There are more than a thousand islands, including 700 in just the Bahamas, and several thousand cays. The landmass is only 225,838 square kilometers, half that of Central America, but, this mass includes 13,576 kilometers of coast line, 32 major ports, 122 minor ports, and 403 airfields, not counting clandestine strips. This landmass of only 225,838 square kilometers is spread across a Caribbean region that measures 2,640,000 square kilometers. In sum, a combined area that has one-twelfth the landmass of the United States has slightly more coastline, almost as many major ports, and Central America and the Caribbean have one airfield for every 371 square kilometers, compared to one for every 635 square kilometers in the United States. Not least among our considerations is that the Caribbean and Central America have 23 governments, not counting dependencies.

Government efficiency, integrity, political will and the capability of controlling narcotics trafficking vary significantly from government to government in Latin America, as does the degree of cooperation with the United States. The range of impediments to effective U.S. anti-narcotics assistance in producing and transit countries, include: frequent changes in government; local populations heavily dependent upon cultivation and trafficking for their income; populations indifferent to U.S. interests; a belief that drug abuse is a U.S. problem, created by U.S. demand; demands that we virtually reconstruct the economies of large sections of such countries as an inducement to narcotics control and enforcement cooperation; widespread official corruption; and even government involvement in the narcotics trade.

Our conclusion is that the interdiction effort in the Caribbean, including the Bahamas, is important and should be continued. But, such interdiction remains part of an overall regional effort to disrupt the flow of drugs and make drug transportation as costly and difficult as possible, an effort which begins with control at the source, supported by interdiction in source countries, with additional enforcement at transit points. This conclusion is heavily influenced by the reality of the traffickers mobility, the difficulties in identifying smuggler planes and ships from among the vast hordes of craft plying the Caribbean air and water routes, and

the best use of available resources. The U.S. interdiction effort must be as mobile as those of the traffickers; thus, to date, we have believed it inadvisable to provide major commodities or significant other resources to Caribbean nations under our grant assistance program, since this restricts the flexible distribution of enforcement resources near our border. We believe the Administration's policy of relying heavily on DEA, Customs, the Coast Guard and U.S. military, all of whom can move their resources freely, is correct for this situation. Moreover, the latter have greater flexibility in technical support programs and agreements than INM's grant program, which conveys equipment and other resources to host governments; also, Foreign Assistance Act regulations require INM to assure that any resources provided will be used by the host government and not by U.S. Government agencies.

Our assessment of the situation in the Caribbean takes into consideration the fact that our efforts can only be as effective as the programs of the governments with whom we collaborate. The Department of State will continue to work with the Justice Department in achieving arrangements with Caribbean countries and dependencies for pursuing criminal investigations. The utilization of offshore banks by trafficking organizations presents a major challenge to controlling the drug trade. Cooperation by Caribbean governments, such as the Bahamas, in legal assistance remains a key Department objective as well as evidence of the political commitment of these governments to drug control.

We remain confident of our policies and directions. We will continue our part in the Administration's strategy of applying pressure on the grower to user chain -- through effective crop control, through interdiction and enforcement, and through increased seizures of financial assets.

End

ADDENDUM
TESTIMONY OF ASSISTANT SECRETARY DICARLO

The following is a brief summary of program efforts in Latin America, the Caribbean and Central America:

COUNTRY PROGRAMS

Mexico and South America

Mexico

Mexico's production of narcotics has been significantly curtailed since the mid-1970s as a result of U.S. assisted Mexican aerial herbicide spraying, a program to which we have contributed over \$100 million in the last decade. Together with Turkey, Mexico, our largest program, has shown the effectiveness of crop control. At the high point in the effort, some 10,000 hectares of opium poppy, which could have produced 10 tons of heroin, were destroyed. The program reduced imports of Mexican heroin from 6.5 to 1.5 metric tons, from 1975 to 1980. The National Narcotic Intelligence Consumers Committee estimates that 1.6 metric tons of Mexican heroin entered the United States in 1981.

In the period December 1981 to December 1982, the Mexican Government reported spraying 15,956 opium fields totalling 943 hectares and 11,046 marijuana fields totalling 788 hectares. Total eradication during this period, including manual operations, is somewhat higher: 1,211 hectares of opium poppy in 22,772 fields. These figures reflect in part the countering tactics of the growers: as efforts to eradicate become more successful, Mexican authorities are finding that the fields are becoming smaller, more isolated, and more difficult to detect.

Colombia

Colombia is the source of about 79 percent of the marijuana and the major source (up to 75 percent) of the cocaine consumed in the United States. The marijuana is produced in Colombia; while Colombia has a small but growing coca cultivation, it dominates the cocaine market as a refiner and transhipper of cocaine produced from Bolivian and Peruvian coca. About 90 percent of our illicit methaqualone (quaaludes) was transiting through Colombia when that government applied new import and export controls. During the past 18 months, Colombia has substantially increased its interdiction of marijuana and methaqualone trafficking and has begun systematic eradication of coca plants.

The President is participating in the diplomatic effort and raised the narcotics issue with President Betancur during his December visit. We are working with the Colombian government on interdiction but our goal is crop control, with a priority on marijuana eradication. We have fulfilled requirements of our National Environmental Policy Act, a process which led to our decision on December 21 to support herbicidal eradication of marijuana throughout the Western Hemisphere.

In 1981, the Colombian interdiction program supported by the Bureau succeeded in seizing 3,310 metric tons of marijuana, a 345 percent increase over 1980, and 66.4 million units of methaqualone, a 380 percent increase. In 1982, Colombian officials seized another 3,408.7 metric tons of marijuana, 41.3 million units of methaqualone, and 881.2 kilograms of cocaine. The manual destruction program INM supports resulted in the destruction of 8.5 million marijuana plants and 19.7 million coca plants during 1982.

Bolivia

Bolivia supplies about half of the coca processed into cocaine and consumed in the United States. Our activities in Bolivia have been minimal since the July 1980 coup which brought into power a military government with close ties to international cocaine traffickers. However, since September, 1981, we have had discussions on coca control with the successive Torrelío, Vildoso and Siles governments.

One of the main conditions for the recent resumption of U.S. economic aid was that Bolivia make "significant progress toward crop control" before the second and third tranches of the assistance package can be granted. This requirement has not yet been met. We have formulated a proposal for a multi-year project to reduce coca cultivation to licit levels. Subject to reaching agreement on such a proposal, we are planning with AID complementary programs of enforcement and integrated rural development to meet Bolivia's political and economic concerns.

Peru

Our current efforts in Peru, the other major source of coca leaf for the international cocaine market, are targeted on crop control in the Upper Huallaga Valley -- source of approximately 25 percent of the cocaine entering the United States. An AID rural development project in this region is the first which coordinates INM's support for enforcement with AID's development assistance. The Government faces domestic opposition in proceeding with this program which has caused

delays in beginning eradication. However, Peruvian officials assured us in January that progress would occur shortly in our collaborative coca control project.

Reports for 1982 indicate that Peruvian seizures of cocaine, cocaine paste and base were down from 1981 levels, but that the amount of dried coca leaf rose sharply from 26,781 kilograms to 85,454 kilograms, and that 178 jungle-based cocaine labs were captured, compared to 53 in 1981. These reports indicate that the amount of leaf captured was equivalent to 850 kilograms of cocaine paste, a partial offset against the decline of 1,681 kilograms in cocaine paste seizures.

Ecuador

The country is of some importance as a trafficking link for coca derivatives and cocaine moving from Bolivia and Peru to Colombia. INM has provided commodity and training support to the Customs Military Police and the National Police. In September, 1980, a program agreement was signed with the newly-formed National Directorate for the Control of Illicit Narcotics (DINACTIE) in the Attorney General's office.

Brazil

Since 1979, Brazil has shown evidence of becoming an important cocaine transit country, and is the principal source for acetone and ether used in cocaine refinement in Bolivia. Sophisticated drug distribution networks move coca derivatives from Bolivia to Colombia or cocaine through Brazil for ultimate sale in the United States and Europe. INM signed an agreement with the Federal police in September 1981, which provides support for interdiction operations aimed at disrupting trafficking at selected border areas. The agreement provides the Federal police with updated communications equipment and operational support for their border patrols.

Approximately 700 tons of marijuana were reportedly grown in Northeastern Brazil in 1981 and at least some of this product was exported. Some coca production is also reported.

While there is now a general recognition that drug abuse is an increasingly serious problem in certain urban areas, and there is a growing sensitivity to the crime, corruption and other problems associated with drug trafficking, drug enforcement has a relatively low priority in Brazil.

Bahamas:

The Bahamas, given its geographic proximity to the United States and expanse of territory, has served historically as a conduit for contraband being smuggled into as well as from the United States, including the revolution, the Civil War, and prohibition. The use of the Bahamas by drug traffickers increased significantly in 1976 when Mexico implemented its drug crop eradication program. The bulk of marijuana consumed in the United States in 1975 was Mexican produced; by 1981 Mexican marijuana had fallen to 3 percent of U.S. consumption, and drug traffickers were forced to develop alternate production areas in Jamaica and Colombia. (Jamaica now provides an estimated 9 per cent of the marijuana consumed in the United States and Colombia is the source of 79 per cent of the marijuana as well as 75 per cent of the cocaine). The Bahamas evolved as an important drug trafficking zone for Colombian marijuana and then other Latin American narcotics.

Our Embassy in Nassau has worked closely with the Bahamian government, the South Florida Task Force, DEA and other U.S. law enforcement agencies in the effort to interdict drugs being transshipped through the Bahamas to the United States. While much of the commodities used in interdiction efforts in the Bahamas are supplied by U.S. military or enforcement sources, INM has provided boats, radios, telex equipment and language instruction to facilitate cooperation by Bahamian police.

Haiti:

We authorized our Embassy in December 1982 to negotiate an extension of the 1981 assistance agreement with the Haitian Government. The \$209,000 program extension includes the costs of fuel and spare parts for continuing surveillance operations by the Haitian navy. The project is overseen by a U.S. Coast Guard officer assigned to Port au Prince and is supported by USCG maintenance technicians training Haitian navy personnel. The Haitian Navy attempts to locate drug boats moving through the Windward Passage and informs the U.S. Coast Guard of their location, or interdicts the vessel itself, as occurred on January 27, 1983, when the Haitian navy seized a boat carrying nine tons of marijuana.

Jamaica:

Jamaica is important to our Caribbean strategy because it not only is a major transshipment point, but it is the only significant narcotics producer in the region. We are interested in engaging the GOJ in a cooperative program to reduce and, eventually, to eliminate its exports of marijuana

to the U.S. Jamaica is the source of about 10 percent of U.S. marijuana imports. In October 1982, the Jamaican police reportedly destroyed 138 acres of marijuana. We do not know to what extent this Jamaican action represents a significant shift in policy toward controlling marijuana production.

There has been an active cooperation effort between DEA, other U.S. and Jamaican law enforcement agencies for many years, including Coast Guard collaboration with its Jamaican counterparts in controlling seaborne trafficking. We have funded training by DEA and U.S. Customs for Jamaican police and customs officials in narcotics detection and enforcement. We are considering requests to provide equipment to the Jamaican police to assist its narcotics enforcement activities.

We remain hopeful that the Government of Jamaica will find it possible to collaborate with us on a cooperative control effort in the near future.

Turks and Caicos Islands (TCI)

The TCI is a scattered group of small, sparsely populated islands just south of the Bahamas, situated perfectly for air and seaborne trafficking between Colombia and the Southeastern United States. Although TCI authorities cooperate fully in periodic DEA initiated sweeps of known trafficking points, under normal conditions traffickers can operate with virtual impunity. Islanders who participate in servicing aircraft or transferring marijuana from motherships to smaller vessels for the final leg to the U.S. are well paid by traffickers, which is virtually the only source of cash income for many. The only effective local enforcement unit is a small narcotics squad under the direct supervision of a British police advisor. INM provided in 1981 a seagoing launch intended to enable the police advisor to mount independent, surprise raids on suspected drug caches on outlying islands.

Central America

Costa Rica

The Costa Rican government now recognizes that drug control is an issue which must be addressed, and we believe it is in our interest to support the Costa Rican government in drug control issues. INM has provided training and communications gear to the Drug Control Policy (DGCD) and we are currently exploring other areas where cooperation can be effective.

Panama

A transportation hub for Latin America, Panama is a connecting stop for commercial airlines, a flag of convenience for shippers, and a waterway between the Atlantic and Pacific. Panama is also a bank haven and its "free zone" is a transit point for a large volume of commerce, which facilitates drug smuggling. The drug unit in the National Guard has arrested numerous couriers and its chief of staff, Col. Noriega, is very cooperative in authorizing the Coast Guard to board and, if drugs are found, seize Panamanian flag vessels on the high seas. INM has provided communications equipment, radio, and laboratory equipment to the drug unit of the National Guard, but has no current program.

Honduras

A significant number of drug trafficking boats fly the Honduran flag. The Honduran government has been very cooperative in authorizing enforcement action against them in international waters. INM has provided vehicles and radios for its police, and such modest assistance plus continuing training programs, are probably the appropriate level and type of cooperation in this country.

Guatemala

The eradication campaign in Mexico has displaced some cultivation of illicit crops across the border into Guatemala. There is evidence of limited opium cultivation in addition to some "more traditional" marijuana production. The largest single narcotics issue in the country is, however, its use as a major transshipment point for cocaine -- both by commercial and private aircraft. U.S. assistance has recently consisted of in-country DEA training. At this juncture, little else appears appropriate, as the Guatemalan Government is concerned with pursuing counterinsurgency activities.

Belize

Our Embassy in Belize, based upon extensive DEA field surveys, reported a rapid expansion in marijuana cultivation, most of which was intended for exportation to the United States. The Belizeans asked the Mexicans for assistance, and the two governments formed a bilateral effort to destroy the marijuana crops by the aerial spraying of herbicides. We have decided to provide the Belizean police vehicles and other commodities to better support future eradication operations.

Mr. ENGLISH. Thank you, Mr. DiCarlo.

The fiscal year 1984 budget, which has recently been proposed for the international narcotics control program, contains a little over \$53 million, which is up about \$16 million, or about 44 percent over what it contained in 1983. Forty-four percent is a pretty sizable jump in the budget, given difficulties that we are facing during these times. According to our copy of the budget submission, however, there is no money that is targeted specifically for the Bahamas, the Turks, the Caicos Islands, or any other Caribbean country.

This is particularly alarming, I think, since on page 9 of your budget book, you say that one of your major goals and objectives is, "The interdiction of drugs as they move from producing areas through transit countries to the United States," and I notice again, today, in your formal statement on page 3 you state, "We concentrate INM-funded interdiction efforts in the source countries, and then in the transit countries."

How are your fund priorities established which cut out the Bahamas and the whole Caribbean area from fiscal year 1984 funding, in view of the area's well-known role as a major fueling and transshipment point of drugs?

Mr. DiCARLO. I am sure the Congress wishes the Department of State as well as every other agency of Government to look at this as a coordinated attack on narcotics. We target dollars for the Caribbean but do not view our budget as the only budget that is utilized for interdiction efforts or for any aspect of drug control in that region.

We are cognizant of the fact that the Bahamas, Turks, Caicos, and the Caribbean Islands are located in very close proximity to the United States where the U.S. Coast Guard does sail those particular waters. The U.S. Coast Guard, Customs, and the DEA and their budgets play an important part in that interdiction role. We view this as a coordinated attack, and are not looking to any one budget for the so-called fair share of each budget.

Within that context, knowing that more money is probably spent in the Caribbean region from the total U.S. budget for interdiction than any other place in the world, we believe that this is a proper way to examine the situation and come to the conclusion that we did.

Mr. ENGLISH. Let me see if I understand this now, Mr. DiCarlo. You are telling me that you sit down with folks over at DEA, Coast Guard, Customs, and anybody else in the Federal Government that has anything to do with interdiction, and discuss now how much money each of you is going to put in your budget to be directed at the Bahamas?

Mr. DiCARLO. No, sir, I can't in specific dollar amounts. All I am saying is this, that from our discussions we know that the Customs is involved in the area of the Bahamas out of south Florida.

Mr. ENGLISH. Wait just a minute now. Exactly, what is it that Customs is doing in the Bahamas that you know about? What is it that they have done that you are aware of?

Mr. DiCARLO. They have the capability of patrolling in the vicinity that faces to the Bahamas.

Mr. ENGLISH. I know that, but that is very general. You are telling me that you coordinate and you cooperate. Now, tell me exactly what it is that you understand that the Customs has at hand to use in the Bahamas during the month of February for this operation.

Mr. DiCARLO. Sir, I cannot give you the specific month, specific year, or any of that information. I don't have—

Mr. ENGLISH. Just a minute. You don't have it?

Mr. DiCARLO. I don't have that.

Mr. ENGLISH. It doesn't sound to me like we have got too much coordination and too much cooperation directed at the problems that are contained in the Bahamas or anyplace else.

Mr. DiCARLO. Sir, what I am saying, in effect, is that we know that there are substantial efforts in that area.

Mr. ENGLISH. How do we know?

Mr. DiCARLO. Sir, I know I have discussed it with my colleagues in the Coast Guard. We know of their activities in the Windward Passage.

Mr. ENGLISH. Wait a minute. The Bahamas is what we are talking about, not the Windward Passage.

Mr. DiCARLO. Sir, I am talking about the range of efforts to stop drugs coming into the United States.

Mr. ENGLISH. Your statement here says, "We concentrate INM-funded interdiction efforts in the source countries, and then in the transit countries."

Mr. DiCARLO. That is correct, sir.

Mr. ENGLISH. Now, it is my understanding, in what I have heard down here, that the Bahamas are a major transshipment point.

Mr. DiCARLO. Sir, there are many major transshipment points. The budget that INM has does not cover every transshipment point in the world. To do so we would need a budget of perhaps \$50 billion. We cannot cover every route. What that statement means—and perhaps it is imprecisely stated—is that within our resources we concentrate on the source countries.

Then our second priority is in the transit countries. I am sorry, and I apologize, if that statement led you to believe that we cover every country through which drugs are transited. We do not.

Mr. ENGLISH. I am just trying to figure out in the Caribbean and the transit countries; exactly what country it is that you are concentrating on?

Mr. DiCARLO. In the Caribbean, sir?

Mr. ENGLISH. That is correct, for transshipment point.

Mr. DiCARLO. I am saying we concentrate very heavily on Colombia as a transshipment point.

Mr. ENGLISH. I didn't know Colombia was a transshipment point. I thought it was a source country.

Mr. DiCARLO. It is also a transshipment point not only of marijuana but also of methaqualone and also of cocaine.

Mr. ENGLISH. Let me see if I understand it then. The closest country as far as State is concerned that they are willing to respond to as a transshipment point to Florida or as far as the southern United States is concerned, is Colombia?

Mr. DiCARLO. No, sir.

Mr. ENGLISH. Where else?

Mr. DiCARLO. Sir, we do target funds in the Caribbean, and if you look at the figures for the Latin American region, we have also increased it there. We do have some funding, and it is limited in areas such as Haiti, where we are cooperating with the USCG. We look to see if there is something we can do to assist these countries, to assist our forces, which are in close proximity, which, we believe, have the training and capability of doing the job much better than if we attempted to train and provide a navy, an air force, police forces, and defense forces for all of the countries in the Caribbeans. We cannot do that.

The advantage we have in the Caribbean, through your efforts, sir, and this committee's efforts, is the ability to utilize our military. Our Coast Guard patrols in those areas, and we believe those are the primary resources that can be used most effectively. We don't believe, sir, that supplying nations in the Caribbean with the aircraft that would be necessary to give them the capability, the power to really respond as well as our forces can do would be the best and the most effective way of utilizing the dollars that are given by Congress to us.

Mr. ENGLISH. That is rather interesting. In the discussions that we have had with Bahamian officials, I wasn't aware that they had granted the authority for us to move into their territory, into their waters, in their area and make arrests. From what you are inferring here we don't have to worry about that, we don't have to worry about those Caribbean islands down there, because in effect U.S. agencies are going to move in there and make all these arrests?

Mr. DiCARLO. No, sir. The Mansfield amendment prevents U.S. agencies from making arrests outside of the United States.

Mr. ENGLISH. It is a little bit offensive to some countries involved.

Mr. DiCARLO. It would be. And if I have indicated that in any of my statements, I wish to withdraw that statement. I don't believe I have, but perhaps I have.

Mr. ENGLISH. You did in the comments you just made previous to this. So what in effect we have are sovereign nations down there, many of which don't have the ability either financially, or in terms of resources, to respond to the problems. And as far as you are concerned, and with the funds that we are discussing here, there is nothing available to anybody any closer than Colombia?

Mr. DiCARLO. No, sir. We have limited funds, and they are available for Haiti as well as other countries in the region. We have provided some monies to these countries.

Mr. ENGLISH. Let's concentrate on Haiti. Exactly what is it we are doing in Haiti?

Mr. DiCARLO. In Haiti in 1983 we have provided \$209,000 to refurbish some equipment. We have given them \$181,000 in fiscal year 1982, and in fiscal year 1981 \$125,000, for a total of \$513,000.

Mr. ENGLISH. And given the trafficking studies that you have undertaken within the Department of State, what percentage of the drugs do you estimate are coming through Haiti as opposed to, say, the Bahamas?

Mr. DiCARLO. Sir, I don't have those figures. I would rely most heavily upon the DEA for seizure information and trafficking infor-

mation. Perhaps they have it. I think the importance of Haiti is not due to drugs coming through Haiti, but it is the fact that Haiti's location along the passage, where, with ships that we have refurbished, they can furnish us with information, transmit that information to the U.S. Coast Guard in an attempt to have our forces, the U.S. Coast Guard, be better able to track those particular operations.

It is not coming through Haiti in the sense that it is transiting Haiti, but it is the ability for Haiti to assist us in interdicting drug traffic that is going through the Windward Passage.

Mr. ENGLISH. Let me see, then, if I understand this. Your effort as far as the State Department is concerned is based primarily in Haiti. That is the closest point?

Mr. DiCARLO. No, sir. I have not said that.

Mr. ENGLISH. If you have anyplace else now that you have got an effort going, then I think this is the proper time to let us in on the secret. I asked you first of all, where have you got it going? You told me Colombia. And I asked, is that the closest place you have got something going? You said, "No, we have got something going in Haiti." If you have got something else going on, let us know. I wish you would lay it on the table instead of us dragging it out piece by piece.

Mr. DiCARLO. I am attempting to do that. I did give you a run-down on each country where we have provided certain equipment as part of my appendix to the addendum.

Mr. ENGLISH. Yes, we would like that for the Bahamas in particular.

Mr. DiCARLO. I mentioned to you, I believe, the three patrol vessels in the Bahamas that were given or delivered to the Bahamian Government several months ago. I mentioned, I believe, sir, some telex equipment which puts the Bahamian Government in communication with the United States. Government. I don't think we can base the importance of our efforts entirely on the amount of money and resources, but we have been cooperating with the Bahamian Government in operations in the Bahamas, which I know you are aware of.

Mr. ENGLISH. Tell me now, I am still interested in how you reached the decision on where to put all these available resources, particularly since we are going to have a request for a 44-percent increase in the funding. I am particularly interested in where that money is going to go. You certainly have a threat assessment that the State Department uses in basing these decisions, don't you?

Mr. DiCARLO. Threat assessment, I believe, is a military term which I am not too familiar with, sir.

Mr. ENGLISH. Well, it means where the greatest danger might happen to be, and particularly I am talking about from the standpoint of drugs.

Mr. DiCARLO. Yes, sir. I think DEA provides us with a great deal of information, and we have other information on where the drugs are being grown and the problems facing the United States.

Mr. ENGLISH. I am talking about transit.

Mr. DiCARLO. Sir, I am basically also talking about the fact where they are produced. Do you wish me—

Mr. ENGLISH. Transit is what we are talking about.

Mr. DiCARLO. You are talking about transit?

Mr. ENGLISH. Yes.

Mr. DiCARLO. Yes, sir. In that program we will be giving additional assistance. If I can explain the purpose of the program and the money—

Mr. ENGLISH. Do you know where the drugs are going, where the transit points are? If so, roughly what percentage of the drugs are going through what areas? And if so, does this have anything to do with the decisions on where you put your resources? That is what I am trying to determine.

Mr. DiCARLO. Sir, I am probably repeating what I have been saying, but what I am trying to explain—I am doing it perhaps inarticulately—is that most of the drugs are coming from South America, and we deal not only with South America but our budget also deals with the Far East, Southwest Asia, and other places, and Mexico.

Mr. ENGLISH. I know. Worldwide. But right now we are looking at south Florida.

Mr. DiCARLO. Yes, sir.

Mr. ENGLISH. It is my understanding, particularly when you are talking cocaine, marihuana, and quaaludes, that roughly 90 percent are coming into this area.

Mr. DiCARLO. Sir, virtually all of the additional resources that you mentioned are an attempt to affect south Florida and this area, because virtually all of that money is going into South America, and we believe that the most effective way of impacting upon the problem in this area is to attack the drugs at the source, and that is where the resources are going.

Mr. ENGLISH. So you are telling me you don't have any transit money identified for anything between Colombia and south Florida.

Mr. DiCARLO. Sir, we have increased our Caribbean regional moneys. It is not a large amount of money, but we believe, sir, that one—

Mr. ENGLISH. How much money is it?

Mr. DiCARLO. It is \$650,000.

Mr. ENGLISH. For what?

Mr. DiCARLO. For Latin American regional programs. We are looking for targets of opportunity, where we can best cooperate with foreign governments to assist our existing forces, our Coast Guard, if something comes up, the DEA, and Customs in their work and their effort.

Mr. ENGLISH. You are talking about the whole Latin American area; right?

Mr. DiCARLO. Yes, sir; however, our Latin American regional projects refer to the Caribbean area.

Mr. ENGLISH. So you are telling me you will decide later on where the money goes. We can't tell you anything now, and nothing is earmarked for anyplace. This is earmarked general for the region; is that correct?

Mr. DiCARLO. Regional funds are earmarked for general targets of opportunity, where someone comes to us in a country and we have some moneys available to do something. Yes, sir. I would say, also, sir, that is we are presented with a specific program which we feel truly falls within our purview, we will not hesitate to ask Con-

gress to shift money from one place to the other, if that comes up. But we believe that the way we are operating now, with the resources that are being devoted to this area, that our limited money should be devoted to the drug source areas in South America.

We believe ultimately, as I said in my statement, the most effective way of aiding people who are involved in interdiction is to do something about the supply. That is the President's position as far as the international effort is concerned, and it is the position of my Bureau as well.

Mr. ENGLISH. I think that is all well and good, Mr. DiCarlo, but it seems to me anyone who is going to be coming to Congress asking for a 44-percent increase ought to be able to explain to Congress exactly what it is that they plan to do with that money.

Mr. DiCARLO. I will—

Mr. ENGLISH. Just a minute. Let me finish what I am going to say.

Now, that includes some idea of exactly where the threat is, where the problem is. Instead of sitting back and cooling your heels waiting on somebody to come up and bring you a program that you can evaluate and decide to support, don't you imagine that this problem is serious enough for you folks to participate a little bit, try to help out, come up with some ideas? Don't you think that it would be helpful to talk to DEA and Customs and Coast Guard and all these other folks, and say where is the threat, where can we best use it?

Now, I can tell you of the discussions that I have had down here within the last 24 hours. I can tell you where the transit points are. I would dare say if you or someone out of your office spent 24 hours, they could find out where those are, if you care.

Mr. DiCARLO. Sir, I know that drugs are coming through the Bahamas. I know the routes of the traffic. I read the DEA maps. We get the information.

Mr. ENGLISH. Why haven't you stepped right in and tried to address that problem and do something about it? Why isn't there something earmarked here? Can't you come before the Congress and say of this 44-percent increase, x amount is going to be used to try to cut off those transit points in the Bahamas?

Mr. DiCARLO. Sir, I would say that I believe we are working in the Bahamas. I believe we are doing it in the most effective way, with our people working together with the Bahamians, with their training and their background, this is a much more effective way to work than spend \$5 million. It is better to train people who perhaps cannot use the sophisticated equipment that is now being used.

I believe what the administration is doing now, utilizing the Coast Guard, utilizing the military—thanks to your efforts in posse comitatus—using all of those measures is a much more effective way of stopping what I am sure all of us are out to get, the drug traffic, than by attempting to make each one of the countries in the path of the transit trade independent by building an infrastructure, building a navy, building an army, building a defense force.

I don't believe it will work. I don't believe it is cost effective. Yes, we do keep a small amount of money because sometimes that is all that is needed.

Mr. ENGLISH. Mr. DiCarlo, I am going to give you a real evaluation, an indication of how successful your fine effort has been in the Bahamas. You are talking about people getting equipment today they can't use, not sophisticated enough to use.

That is right, because what you gave them was 12 ancient radios. Now, of those 12 radios, only one of them works. They can't even talk to another radio.

[Mr. DiCarlo submitted the following clarification subsequent to the hearing:]

These 12 radios were supplied by the U.S. Navy, not INM.

Mr. ENGLISH. Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman.

Thank you, Mr. DiCarlo. I would like to get an idea of exactly the problems that arise out of the structure that we have, a structure established by the Congress in law, with respect to budgeting, and the interaction of the departments and agencies, and where the weak spots are, and where improvement is needed, how we could better bring about interaction between the departments and agencies that are concerned in this area.

For that purpose, I would like to ask you when another nation asks for assistance in training personnel for customs purposes or for their counterpart of DEA or whatever it might be with law enforcement agencies, would you describe the role of the Department of State in bringing that to pass, causing it to happen?

Mr. DiCARLO. Sir, we cooperate with the Customs and the DEA. They are in communication with their counterparts. They may refer individuals in advance of the training from nations where they believe it would be appropriate to have training.

We have criteria within the Department as to whether or not we fund it out of our funds or whether or not the nation involved has sufficient funds of its own to pay for training.

Mr. KINDNESS. Does this originate through Customs or through DEA or through the Department of State?

Mr. DiCARLO. They will originate normally through Customs and through DEA. They will make recommendations as to the type of person they think should be trained.

Mr. KINDNESS. That seems to say to me that the impetus for such an action may be internal, that is, our Customs people or DEA people say we would be a whole lot better off if we had some people in another nation trained to do this work.

Are there cases where the other nations come to the Department of State and say, "We want some help in training people to better enforce the law or interdict drug trafficking"?

If so, in those cases, how does the Department of State interact with them?

Mr. DiCARLO. We will discuss it with them, normally in communication with our Embassies overseas as to the person involved. We would discuss it with the appropriate agency, be it DEA and Customs.

We will determine how many slots we have open at the particular time, and based on the criteria set up, we either accept or reject those people.

Mr. KINDNESS. So that the Department of State really operates, although in consultation with other agencies, pretty much on the basis of its budgetary considerations with respect to how many people can be trained from other nations?

Mr. DiCARLO. Yes, sir.

Mr. KINDNESS. And where the priorities ought to be established; is that correct?

Mr. DiCARLO. Yes, sir.

Sir, if I can explain further, we have in consultation with the other agencies set up certain priorities and criteria as to first preference, second preference as to where these people will come from.

We will give priorities to those countries where drug trafficking most affects the United States, where they need training, where they don't have the ability to do it on their own, and other criteria.

Mr. KINDNESS. But if I understand correctly what you have told me or told us, the impetus ordinarily comes from DEA or Customs for training requests, that is, the requests ordinarily reflect our needs and in response to what is happening in the United States, I take it.

Mr. DiCARLO. Or the needs in other countries. We also take that into consideration. We are concerned with what is going on on a worldwide basis. It is a combination of factors.

I can't say that there is any one factor that would govern. We are concerned with what is going on in other countries.

We are concerned as well with their needs. Training, by the way, is one area, sir, which was cut back by virtue of the fact that where the Executive asked for \$40 million for INM, it was cut back by congressional action on the continuing resolution down to \$36.7 million, and one of the areas to suffer was the training effort.

Mr. KINDNESS. Now, is there a specific amount in the fiscal 1984 budget proposal for training that would be done by DEA for law enforcement personnel from Caribbean countries?

Mr. DiCARLO. No. It wouldn't be broken down in that way, I don't believe.

Mr. KINDNESS. By region.

Mr. VAN WERT. Excuse me. May I clarify that for the record, Mr. Congressman?

Normally the first step is to list countries in priority order, based on joint consultations with Customs and DEA, as well as the State Department's assessments overseas through several vehicles such as the Narcotics' Assessments and Strategy Papers and our Annual Narcotics Status Reports. There are—I won't use the word threat assessments but assessments of where the needs are to allow us to prioritize countries into first, second, third priority areas.

At that point, both personnel in the overseas missions, as well as people in Washington look at what funds are available and what slots can be dedicated.

In 1984, there is approximately \$2 million available for DEA, and \$1 million roughly for Customs that would be spread among the priority countries. Once the appropriation comes through—which we won't know for several months—of course, we and DEA and Customs will sit down then and try to finalize the positions from the countries.

To answer your question, there definitely will be training positions in the Caribbean area. There always are.

We have doubled our budget for the Caribbean in 1984. I refer the committee to page 35 of our budget report. There is \$650,000 for the Caribbean and for central America, in addition to training money.

Mr. KINDNESS. Now, this money in addition to training money, does the budget proposal indicate the purposes for which that is intended?

Mr. VAN WERT. The Latin American regional projects refer to the Caribbean and central America. I don't mean South America because those countries are broken out separately as country programs in our budget proposals—we use the Latin American funds in that regional project writeup as targets of opportunity, namely for transport, for communications, and for performing production estimates.

The funds are for providing technical assistance. Regional funds are available if it requires a regional telecommunications advisor, if it requires sending down someone to develop ways of establishing improved information through files, through intelligence networks if it requires funds for refurbishing of boats, which we did for the Turks and Caicos.

Latin American regional projects provide a variety of possibilities all related to interdiction in that area as well as, by the way, some funds in the event that we could do some crop control in that area also.

Funds are not allocated country by country in the budget writeup, granted. You will not read on page 35 that x amount is for Caicos, x amount for the Bahamas, x amount for Jamaica, x amount for Haiti.

You will not see that breakout because at this point in time projects are not developed. Basically funds are available for a particular purpose as it develops.

Mr. KINDNESS. So if in a period of, say, 2 months priority shifted, the traffic patterns shifted because of law enforcement efforts, interdiction efforts in one area becoming effective enough that routes of travel were changed, you have the flexibility within your budget to shift to try to meet that changed set of circumstances.

Is that a fair assessment of what you could do?

Mr. VAN WERT. Very definitely.

Mr. DiCARLO. One of the problems we would have, if we went into the various nations in the Caribbean, and traffic patterns shift, would be the large amounts of money spent. The equipment we are talking about—the commodities—could be very expensive, if we want to give the capability of interdiction to each individual area.

The traffic patterns may shift but under our grant programs. We would have to continue that support. In the event that the traffic pattern shifts back, we could be piling up huge amounts of money into the area.

That is why we say that to do what we are doing now—to rely heavily upon the U.S. Forces which are more maneuverable and under our direction—is more appropriate than putting the assets in individual countries.

Mr. KINDNESS. I am reminded that the lack of a good market doesn't seem to keep Midwestern farmers from producing corn. Similarly, perhaps the raising of coca or marihuana goes on when the market is temporarily affected or destroyed or seriously affected. It does occur to me that this interdiction effort, the middle of the process, the ruining of the market, is extremely important. But I can sort of see that from the standpoint of the Department of State, your outlook is directed much more toward the beginning of this process, the production of the crop, so to speak. This is by way of comment rather than question, and perhaps I ought to ask for your response if you have any.

But it does seem to me to point up the need for some central point of authority within our Government, within the executive branch, to help to bring together the considerations, those of the State Department, those of the Justice Department and its various portions, those of the Treasury Department, Customs Service, Coast Guard, and so on.

Mr. Chairman, I should say if there is a response, I would welcome it, but more and more, as we get into this thing, I am convinced that the nature of our executive branch set-up created as I say by legislation over the many years does require something new, something different by way of correlation of these various interest areas in order to get at the problem in the best way.

I would invite any response you may have.

Mr. DiCARLO. I would just say, sir, that we do have coordinating mechanisms. We might differ on whether or not they are working effectively.

I believe they are working, and coming from an administration review, you would be surprised if I said anything other. We do have our discussions. We do have our meetings. We do have our communications.

I heard of references to a drug czar. Czar, to me, means someone with absolute power. I don't know whether that power would exist. I don't know what the term means. I don't know whether or not it means that this person is going to direct the so-called war against drugs and cut across agency lines, or dictate to people in other fields what their priorities should be.

I don't know what the dimensions are of this czar that we keep talking about. I find it difficult to respond to it.

Mr. KINDNESS. Even the President of the United States doesn't have dictatorial powers, and I don't think anyone is intending to mean that, but a way of correlating and coordinating it in a rather authoritative way does seem to be necessary, in other words, to touch the shifting picture effectively from time to time.

I yield back, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Kindness.

Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman. I guess with the word "czar," we are just asking who is in charge. At least, that is the kind of feeling I get about what we want is someone to coordinate all of the efforts, and that would be my definition of the term, if we were to use that term.

Let me ask you a question specifically about your report. In your statement you indicated that you had provided besides radios, telex

equipment and language instruction, boats. I think this was on page 4 of your statement, small patrol vessels.

What kind of vessels are they?

Mr. DiCARLO. Boston Whalers.

Mr. COLEMAN. How many of them are there?

Mr. DiCARLO. Three.

Mr. COLEMAN. How are they equipped? Did we equip them?

Mr. DiCARLO. We don't put any guns or any equipment on them. We are precluded from doing that. They are equipped with radios and other devices, and spare engines.

Mr. COLEMAN. Sir?

Mr. DiCARLO. Spare engines, I have just been informed. They are basically, I think, to move people around so they can get people from island to island, rather than be a hot pursuit type of vessel.

Mr. COLEMAN. One of the other statements I had a question about was that cooperation by Caribbean governments in legal assistance remains a key department objective.

Could you elaborate on that a little bit?

Mr. DiCARLO. Yes; we are attempting to negotiate agreements with the Government of the Bahamas, with the Cayman Islands, and with other governments, in order to get greater cooperation in extradition, mutual assistance and bank secrecy laws. We have not been entirely successful in that area.

We have not negotiated those agreements as yet. Hopefully, we will.

Mr. COLEMAN. Maybe we can get the chargé d'affaires to tell us if there is a specific problem with that.

Mr. ANTIPPAS. We have an existing extradition agreement with the Bahamas. It is the 1931 United States-British extradition agreement.

We do not have a section within that agreement that covers narcotics offenses. We have suggested to the Government that we negotiate such an addition, and we haven't worked it out yet.

Mr. COLEMAN. Who would be doing those negotiations?

Mr. ANTIPPAS. Well, it would be our legal affairs division of the State Department, and the attorney general of the Bahamas, who is also the Foreign Minister.

Mr. COLEMAN. Have they not responded?

Mr. ANTIPPAS. They haven't been able to work it out, sir, in their priority activities.

Mr. COLEMAN. How important is that, do you think in terms of the overall efforts in the Caribbean?

Mr. ANTIPPAS. I think it would be important.

Mr. COLEMAN. Because of the financial parts of it dealing with banks and others?

Mr. ANTIPPAS. Yes. Well, it is, of course, very useful in terms of obtaining custody of fugitives. We are able to do that now under the existing extradition law, but obviously it is a little more difficult to do with narcotics offenders, because we don't have that agreement.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Coleman.

Mr. Shaw.

Mr. SHAW. Thank you, Mr. Coleman.

How much of the State Department budget is in eradication for the Latin American area?

Mr. DiCARLO. I can give you the Latin American breakdown in country programs versus others. On the question of how much is in eradication, how much is in interdiction, if that is what we are looking for, it is rather difficult.

Mr. SHAW. I am looking for eradication and crop substitution.

Mr. DiCARLO. Our Mexican program, which I can break down this way, is almost wholly eradication and the figure planned for 1983 is \$7,700,000, and planned for 1984 is \$8,500,000.

Mr. SHAW. That is Mexican?

Mr. DiCARLO. In Colombia we have planned for 1983 \$3,500,000. I cannot break that up between eradication and interdiction, because the same equipment is used in both cases. In Colombia, where they are eradicating some marihuana and cocaine, cocaine has to be eradicated manually, it is not a question—the equipment, the helicopters are used for moving troops, moving people, moving equipment, and they are used interchangeably for both eradication and for the interdiction effort.

Then we have Peru. In Peru we have a program that has \$3,800,000 budgeted in 1983, and \$4,200,000 requested for 1984. There it is also a question of control where we are supporting mobile police units in the eradication effort that will be used.

We entered into a 5-year agreement with the Government of Peru, a total of \$33 million. The Agency for International Development funds \$18 million for a rural development crop substitution program, and our share of that program over a period of 5 years will be \$15 million for the purpose of providing law enforcement assistance and other assistance in that effort.

So, again, it is difficult to break—would you call that eradication or enforcement or crop control or enforcement? They are used interchangeably, and they can be used for both purposes.

Mr. KINDNESS. Would the gentleman yield?

Mr. SHAW. Yes.

Mr. KINDNESS. Could we go back to Colombia with respect to the difference in the budget request in the fiscal year 1983 plan.

Mr. DiCARLO. Yes, sir.

Mr. KINDNESS. I don't believe we covered that.

Mr. DiCARLO. The plan for 1983 is \$3,500,000. The amount requested for 1984 is \$8,945,000.

Mr. KINDNESS. Thank you.

Mr. SHAW. Does that indicate to you that Colombia is going to cooperate this year, with an eradication program? What I am getting to is that we have completed as I understand it our environmental studies with respect to spraying herbicides on marihuana crops. What is the indication that Colombia is going to cooperate on this?

Mr. DiCARLO. As you know, it has been several years that we have been unable to deal with Colombia because of congressional and U.S. action.

Mr. SHAW. I know, people on this committee have worked very hard to change that law and we did get the change.

Mr. DiCARLO. The law was changed.

In the following year we had several other laws that we had to comply with, the NEPA, National Environmental Protection Act. That was completed in December, so that we have had now a 2-month period on this question.

We are now able to deal with all countries in the Western Hemisphere, including South America, and if it is determined that they wish to proceed in an eradication program, we have the ability to offer assistance in a herbicidal eradication program.

I cannot give you any indication now as to what might happen. We have not reached that stage where I can give you a definitive answer as to whether or not any country in Latin America, where marihuana is grown, will decide, and it is their decision to make, will decide whether or not to go into the program.

Mr. SHAW. I want to come back to that, but I want to leave that for just one moment.

What do you consider to be the primary purpose of the State Department?

Mr. DiCARLO. I would say the primary purpose of the State Department—I am not a foreign service officer—is to engage in relationships or be the United States representative and engage in relationships between foreign governments and our own, deal in international policies and international arrangements.

Mr. SHAW. To make good relationships, building fences, being good neighbors, this sort of thing. I want to get back now to what we were talking about.

You have a situation where, according to your own figures, which I believe are quite correct, 79 percent of the marihuana coming into the United States is coming out of Colombia. Seventy-five percent of the cocaine comes out of Colombia mainly as a transshipment company but as a processing company. As a matter of fact the center for that I believe is the sister city of my own home city of Fort Lauderdale, Medellin, and we are talking about Mexico which came as a primary producer of drugs down to about 3 percent, and it is because of a government in Mexico that believes as we do, and that is we ought to get on with the business of eradication and rid ourselves of these awful drugs.

Then we look down to Colombia, and we are looking at an expenditure, for 1984 it would be the same as considered for Mexico where you have only got 3 percent of the marihuana and Colombia you have got 79 percent.

Here is what I am getting to. I think that the State Department needs to reexamine its positions and policies. Now the law that we talked about changing requires countries to be serious about controlling the flow of illegal drugs into this country, if they are to receive any site-type of foreign aid. We have a great deal of effect over what happens to the World Bank, what happens to our own foreign aid programs, what happens to what this country trades with. There are a jillion ways we can turn the screws down on some of these countries, and I have very serious questions.

I quite frankly don't think Colombia gives a damn. I wonder how much the Bahamas really cares about the problems of the United States. They are constantly turning their backs and saying it is our program, our problem, and the shipment continues. I think we ought to really seriously reexamine our relationship with these

various countries, and be sure that they are serious and they are not continuing to send this poison over to our country.

I know there are some serious problems. In Thailand I saw the problem where they actually had to send soldiers out in the field to get the poppy crops, and I do believe that there has been a reluctance on the part of the Thailand Government to cooperate with the United States. I think that the rest of the world, particularly when I am talking about the producing countries and the transshipment countries, I don't think most of them really care that much, and I think there are ways, economic ways, that the United States can get their attention, and I think we ought to do it.

Mr. DiCARLO. I would say, in fairness to the Colombians, that up until this point, we have set the limits on our cooperation, by virtue of our statutes, and by virtue of our laws.

Mr. SHAW. Let me interrupt you. It may have been a statute of convenience for them. I agree with you and I worked very hard to get rid of that statute and now it is gone I think now we are going to face the moment of truth as to whether they really care.

Mr. DiCARLO. The Colombians have cooperated in the area of narcotics. Colombia probably interdicts and seizes more marihuana than we do since they are at the source.

Mr. SHAW. Isn't there cooperation though after it leaves the dock, after their farmers have been paid?

Mr. DiCARLO. There has been eradication of marihuana in Colombia to some extent. More has been seized than eradicated. The Colombian police took the position that we really hit the traffickers in the pocketbook if it was seized after the work was done, the field was cut and then seized it. We estimate they have seized something like 7.5 million pounds or 3,000 metric tons.

As far as interdiction is concerned, they have done a job, and they have been cooperating.

In the area of cocaine eradication, they are extremely concerned about that new drug abuse problem in their country. I don't believe it will benefit the United States and its narcotics policies since a great deal of the delay in accomplishing what all of us want to accomplish was caused—not by foreign governments like Colombia but by our own statutes, our own regulations. If we then say if they don't do something within 1 or 2 months something is going to happen.

Mr. SHAW. Mr. DiCarlo, I have got a great deal of respect for you and I have worked with you on many things, but I cannot buy that argument. I have seen photographs of the docks in Colombia. You have seen it. You have shown them to me, and we know exactly where the bales are piled up bale on bale. Now why in the world cannot the Colombian Government get rid of them? They choose not to. I think the problem, and when you look at almost 80 percent of the problem is in one country, and we know exactly where it is going from, we know where the crops are and everything else, I think we should reexamine our whole policies with regard to that particular country.

Mr. DiCARLO. All I am suggesting, sir, is that we give some time to the problem. I think we have an opportunity to discuss with the Colombians; that is, the Colombians are going to make a decision; I don't believe it will be in our best interests at this time to make

statements that they will not look into other methods of cooperation. This is under constant review between both nations.

We are actively participating with them in our narcotics assistance units. The Colombians have been cooperative, and I don't think at this point we can say they will not continue to be cooperative.

Mr. SHAW. I will close with this remark. I don't think we have, and I don't think we should give them much.

I yield. Thank you.

Mr. ANTIPPAS. Mr. Chairman, would it be in order if I can make a comment?

Mr. ENGLISH. Surely.

Mr. ANTIPPAS. On behalf of where I am coming from.

I cannot speak to Colombia, sir, but I would like to say that I think we can say that the Bahamas has cooperated significantly. I mean this is a problem certainly, and a very significant problem, and we are going to need to work a lot harder on it, but they have worked closely. The government has expressed to us its concern over what the impact of narcotics has been on its own society. They see it happening. It is a mirror image of what is happening in our own country here, so I don't think it is fair to say that they don't understand what is happening, and I would just like to state that for the record.

Mr. SHAW. I think you are seeing a growing menace, particularly in the Bahamas. The drug situation is actually starting to consume that country.

Mr. ANTIPPAS. Yes, sir.

Mr. SHAW. And we can see it in Andros. We know where it is, and it is going to take that country over. They are going to lose their own sovereignty if they don't get tough in the situation, and I think that if they wanted some assistance from this country on the particular issue of getting tough and ridding themselves of that menace, we certainly have the assets and resources to assist them and get the job done, but I think it is a problem of them making up their minds that this is an item, a priority item that they have to focus on, and I also would suggest that the State Department focus more on this particular issue than it has in the past.

Mr. ANTIPPAS. I would like to say that the interests of this committee and of the Congress in the problem is very heartening to those of us who are sitting over there in the Bahamas, believe me.

Mr. SHAW. Thank you.

Mr. ENGLISH. Mr. DiCarlo, what was the result of the DOD assessment team that was sent to the Bahamas?

Mr. DiCARLO. Sir, I do not have the results of the recent assessment of DOD.

Mr. ENGLISH. Are you aware of the assessment team that was over there?

Mr. DiCARLO. I believe there was an assessment team but I am not aware of the specific problems.

Mr. ENGLISH. Are you scheduled to be briefed any time in the near future on what their findings were?

Mr. DiCARLO. Yes, if there is a finding and there is a report I will make sure I am briefed on it.

Mr. ENGLISH. But you are not scheduled to be briefed now?

Mr. DiCARLO. The report is in the works, sir. I haven't received it as yet. It is in the works, it is not out yet.

Mr. ENGLISH. It is my understanding and I will clue you in a little bit—

Mr. DiCARLO. Excuse me, sir, I have more information on it. Last week I was in Vienna. My deputy assistant was briefed by Mr. Juliana on the assessment and I will be speaking with them when they get back. We are in communication on that issue. I was attending the meeting on narcotics drugs in Vienna and I will be fully appraised and read the report when it is coming.

Mr. ENGLISH. Just in case you get too busy, I will give you a little peek today as to exactly what the findings were by that assessment team. This is the Department of Defense Assessment Team, Army, Navy, and Air Force, sent to take a look at exactly what the situation was in the Bahamas.

The reason for it, the reason that it was necessary to send the team over there, was because that is the one area which the South Florida Task Force cannot deal with, because that deals with other territory, sovereign territory. We cannot send all these fine law enforcement people that we have down here in south Florida, we cannot use all these fine pieces of equipment that they have at their disposal in the Bahamas because that is another sovereign nation.

In the Bahamas, even though we have had some indication of a willingness to assist, that assessment team found that there was no communications, as I pointed out about those 12 radios that you sent over there.

Mr. DiCARLO. No, sir, we did not send them.

Mr. ENGLISH. You didn't?

Mr. DiCARLO. No.

Mr. ENGLISH. Who sent those?

Mr. ANTIPAS. Those were borrowed by the task force.

Mr. ENGLISH. Excuse me?

Mr. ANTIPAS. Those were borrowed by the South Florida Task Force from the U.S. Navy.

Mr. ENGLISH. I thought the statement implied that there were radios sent. Here it is. "INM has provided both radios."

Mr. DiCARLO. It may have been radios but these are not the ones.

Mr. ANTIPAS. These may have been handy-talk sort of things.

Mr. ENGLISH. There are only 12 that we know of so it shouldn't be hard to keep track of any others.

Mr. ANTIPAS. These were surplus Navy radios that didn't work.

Mr. ENGLISH. Is that pre-Korean war?

Mr. ANTIPAS. Yes, sir, maybe even earlier than that.

Mr. ENGLISH. So that is INM radios we are talking about.

Mr. ANTIPAS. No, sir, those were borrowed specifically from the Navy through the South Florida Task Force.

Mr. ENGLISH. What radios are we talking about from INM?

Mr. ANTIPAS. As I say, I think there may have been some handy-talk types but certainly not interisland type of communications.

Mr. ENGLISH. So they are even less than that. That is short distance walkie-talkie types?

Mr. ANTIPPAS. That is right, but I think the other communications that INM has provided is, of course, the telex link between police and defense forces, Coast Guard.

Mr. ENGLISH. Anyhow, there is only 1 out of 12 of those radios that is long-range. Whoever sent it over there? The others are walkie-talkies and that is not going to do a whole lot in the law enforcement area.

I think you will agree with me, Mr DiCarlo. That is not too effective law enforcement.

Mr. DiCARLO. I agree, we have not supplied the kind of equipment that would build the Bahamian law enforcement. We have not done that in many nations. I concede that.

Mr. ENGLISH. That is an interesting thing. You concede that we haven't done it, and this is the one major area in which we are getting beaten—not just the South Florida Task Force but also other parts of this country—that is where 90 percent of the drugs go that are coming out of Colombia. You are going to double the funding out of the State Department to try to eradicate, but those that you don't eradicate are getting ready to come up that Windward Passage going right to the Bahamas and headed straight on north.

on north.

You are telling me you haven't done anything in that area?

Mr. DiCARLO. No, sir, we have. In fact, we have attempted to do things. In fact, in 1978 we attempted to negotiate a project agreement with the Government of the Bahamas. As you said, in involved issues of sovereignty. There are certain times that we do give equipment for a specific purpose; a country may not wish to utilize it for that purpose. We have some of those concerns.

Perhaps we can read some of the items in 1978.

Mr. ENGLISH. Just a second before you get to that. You have a chargé d'affaires here. What equipment have we offered to the Bahamas since the South Florida Task Force came into operation? Exactly what offers have we made in assistance to deal with anything that has come through that area?

Mr. ANTIPPAS. We have made some offers of training through our military, our foreign military assistance program.

Mr. ENGLISH. Exactly what kind of training does that entail?

Mr. ANTIPPAS. Well, we have offered principally officer training, specialist training, the Coast Guard has assisted us with small engine specialist training. We are looking into the possibilities of sending candidates to the Coast Guard Academy. We have one candidate for the Naval Academy. That is, of course, very long term.

Part of the problem that we have had with the training is the fact that, and this is directed toward the defense force rather than the police force, is that they are British trained principally, and they have not wanted to mix service schooling for officers, general service schooling. They prefer to have specialist training rather than, say, officer candidate training.

Mr. ENGLISH. Yes, I know that Annapolis is a fine school, the Naval Academy. I think it is a fine place, and I believe a lot in it, but exactly how does that do anything about stopping the drug traffic coming through the Bahamas next week?

Mr. ANTIPPAS. Well, it doesn't obviously, sir.

Mr. ENGLISH. How are they going to do anything to deal with it next month?

Mr. ANTIPPAS. That is a problem. That is why we have gone to the shorter route trying to get on-the-job training for maintenance specialization, to keep their boats working, and the other thing—and, of course, on the police side, we have continuing training programs through FBI sponsored programs as well as other things.

For example, there were recent courses being given at Roosevelt Roads in Puerto Rico, where we sent at least four candidates in the year that I have been there.

Mr. ENGLISH. What kind of interdiction work do they do?

Mr. ANTIPPAS. Mostly investigatory.

Mr. ENGLISH. That doesn't do much about—

Mr. ANTIPPAS. Well, intelligence gathering is very important in trying to stop some of the rings that are operating.

Mr. ENGLISH. I thought that we had a drug enforcement agency.

Mr. ANTIPPAS. Yes, sir, we do that are assigned.

Mr. ENGLISH. Don't they have intelligence capability?

Mr. ANTIPPAS. Yes, sir, that is their function.

Mr. ENGLISH. And isn't that their responsibility when they are stationed abroad?

Mr. ANTIPPAS. Well, in terms of intelligence gathering. I am talking about training now.

Mr. ENGLISH. Yes.

Mr. ANTIPPAS. Law enforcement training.

Mr. ENGLISH. I am talking about what this hearing is about, interdiction.

Mr. ANTIPPAS. Yes, sir.

Mr. ENGLISH. Exactly what is it that we have offered to the Bahamians since the South Florida Task Force has been in operation, and particularly these last few months since all this increased activity has been taking place in the Bahamas, both as a transit point and a refueling stop? Exactly what kind of assistance have we given on an interdiction basis?

Mr. ANTIPPAS. In terms of hardware, the most significant piece of hardware we have offered is an amphibious aircraft, which was declined after review by the Bahamians.

Mr. ENGLISH. What kind of an aircraft is it?

Mr. ANTIPPAS. It is a Grumman Widgeon aircraft which is surplus to the Department of the Interior. We offered to refurbish it. INM budgeted money, and they found that it just wouldn't have been adequate for their needs.

Mr. ENGLISH. Why?

Mr. ANTIPPAS. They claim that it just wouldn't work in the context that they needed. It wouldn't operate in heavy seas. It wouldn't carry enough people, et cetera.

Mr. ENGLISH. How fast was it?

Mr. ANTIPPAS. Oh, I think it probably runs something on the order of 120 knots.

Mr. ENGLISH. And how old is it?

Mr. ANTIPPAS. Well, it is a 40-year-old aircraft.

Mr. ENGLISH. Forty?

Mr. ANTIPPAS. Yes, sir, but it had brand-new engines. It operated right down here in the Everglades Park Service.

Mr. ENGLISH. What else?

Mr. ANTIPPAS. That was an immediate stopgap effort on our part. They wanted helicopters, and I think we came to the agreement that helicopters didn't make sense for the Bahamas.

Mr. ENGLISH. We are looking at the primary transit route.

Mr. ANTIPPAS. Yes, sir.

Mr. ENGLISH. We are looking at how drugs now are getting into the United States, now that we have done all this fine work down here with the South Florida Task Force, and we plan to do even more, involving the U.S. military. We are trying to strengthen the customs operation on interdiction. We are putting forth a visible effort.

The administration has requested for interdiction this next year for new equipment in the neighborhood of \$18 million, but one place that we are getting beaten then is through the Bahamas, and our response to that is to offer them a 40-year-old airplane. That is pretty sad.

Mr. ANTIPPAS. I have to say, Mr. Chairman, that is in the context of the general effort that we are making, which is the joint effort.

Mr. ENGLISH. The joint effort?

Mr. ANTIPPAS. In terms of using our equipment and their law enforcement people.

Mr. ENGLISH. You are talking about the BAT operation?

Mr. ANTIPPAS. The BAT operation, yes, sir.

Mr. ENGLISH. Since we are doing that, what equipment do we have over there that we are using in the BAT operation?

Mr. ANTIPPAS. We have several fixed-wing aircraft and several helicopters.

Mr. ENGLISH. How many helicopters have you got?

Mr. ANTIPPAS. At one time or another we have two. Usually one that is available.

Mr. ENGLISH. Usually one helicopter?

Mr. ANTIPPAS. Yes, sir.

Mr. ENGLISH. What kind of a helicopter is it?

Mr. ANTIPPAS. An Army Huey.

Mr. ENGLISH. A Huey?

Mr. ANTIPPAS. A Huey.

Mr. ENGLISH. What is the speed of a Huey?

Mr. ANTIPPAS. Again, about 120 miles. It is not an interceptor aircraft. It is not a chase aircraft.

Mr. ENGLISH. And I would assume then what we are doing, the purpose of this Huey then is to carry that BAT team, how many people?

Mr. ANTIPPAS. It is to carry Bahamian law enforcement people.

Mr. ENGLISH. I know, but how many people would be included?

Mr. ANTIPPAS. Three or four police.

Mr. ENGLISH. We have two or three or four police along with an American pilot; is that correct?

Mr. ANTIPPAS. Yes, sir.

Mr. ENGLISH. And one Huey aircraft, and we are going to go out here and make an arrest in one of the islands in the Bahamas?

Mr. ANTIPPAS. Yes, sir.

Mr. ENGLISH. With one engine. Now how many arrests have resulted from that operation, and how long are the legs for that airplane?

Mr. ANTIPPAS. The legs aren't long enough, sir. It is a 2-hour range. It doesn't have the ability to go great distances. We are hoping with this additional military equipment we will be able to lengthen those legs, longer endurance, greater carrying capacity. Obviously, it has not been sufficient.

Mr. ENGLISH. How long does it take the BAT team to respond?

Mr. ANTIPPAS. Too long too frequently. I can't give you the arrest factors. I will supply that to the committee if you wish.

[The information follows:]

Upon notification by U.S. Customs Air Wing of a target, it would take several hours to get either a fixed wing or a helicopter with Bahamian police aboard into the air.

Mr. DiCARLO. We would like to be as responsive as possible to Congress, of course. The question that comes to my mind now, is there a suggestion that we perhaps purchase helicopters, train Bahamians, provide for maintenance rather than use the American vehicles if possible?

Mr. ENGLISH. The suggestion here, Mr. DiCarlo, is very simply this. First of all, that the State Department and those officials who are responsible acquaint themselves with the problem, understand that problem, that they communicate with law enforcement agencies to determine how they might be of assistance, to determine what role they might fill, and when the Department of State comes before congressional committees and testifies that they are concentrating their INM funding in transit countries, that they actually be doing that.

Now, I have no objection whatsoever in providing flexibility. Quite frankly, I think it makes some sense, but given the fact that you don't know what the threat is, and evidently even coming before this subcommittee have not taken the time to find out, then I think, Mr. DiCarlo, there is a serious question about how much faith this Congress can put in a request for a 44-percent increase in that funding during these difficult times.

And I would suggest to you, sir, that that funding which is set out and authorized by the Congress and appropriated by the Congress, should be used for that purpose and should be wisely spent, and I would say, sir, that it can be wisely spent by focusing those funds in those areas where the threat exists.

Mr. DiCARLO. I will not go into the question of whether we know of the threat. I think we do, but the point that I would like to concentrate on at this point is this: That in our budgets throughout the years, we have stated quite specifically how much we requested for those areas of the Caribbean. The Congress agreed with those estimates and the way we were spending our money in the various areas we were spending it in. It is not a secret that we spent from our budgets in 1982, \$300,000 for Latin American regional. That we requested, and the Congress gave to us.

In 1983 we requested \$500,000, and in 1984, we are requesting \$650,000, and nowhere did we mislead the Congress as to exactly whether or not we were going to use money in a particular area.

Mr. ENGLISH. No one is questioning the fact that the funds were authorized and appropriated for the area. I think that indicates trust in the State Department, that those funds would be used wisely. What we are calling into question here is were those funds wisely used, given the fact that there haven't been any used in the principal threat areas. This area has such a high priority with this administration, that the President named the Vice President of the United States to head up a task force to deal with this problem. How can you, sir, come before this subcommittee and not even acquaint yourself with how great the threat was in the Bahamas?

Mr. DiCARLO. I believe I have made my point, sir, on that issue.

Mr. ENGLISH. I believe I have too, sir. Any further questions? Mr. Kindness.

Mr. KINDNESS. Yes, Mr. Chairman. We can speak in terms of percentages of particular drugs coming into the United States and the places from which they are coming, and yet I don't think percentages tell the whole story except that worldwide that takes in the whole universe of the problem, and in the Caribbean and south Florida areas that is one segment of the overall problem.

I have a little difficulty in assessing that part of the problem in relation to the rest of the world. I would solicit any comment that you might have, Mr. DiCarlo, with respect to the proportion of the worldwide effort in suppression of drug trafficking that is represented by the effort in that Caribbean, or let's say Latin American areas.

Mr. DiCARLO. Yes, sir. Our country programs in Latin America, the plan for 1983, are budgeted at \$16,750,000. In East Asia it is \$7,600,000 and in Southwest Asia it is \$3,900,000. Knowing of the threat that the problem in South America is bringing to our country, and through the Caribbean that is transported, in our request for 1984 we have requested \$30 million for the Latin America region, \$3,895,000, a slight increase in East Asia, and \$4,650,000 for southwest Asia, so the emphasis next year will be on Latin America, in the hope that we can develop those programs which will affect this area of the United States, and we do that because we feel that it is a target of opportunity.

Sometimes our priorities are not made because of the fact that one region is more important than the others, or because one drug is more important than the others. Because at that particular time we have an opportunity we believe to do something, and this is reflected in our budget.

It is not a reflection of how we view heroin, cannabis or how we view cocaine necessarily, but it is a reflection of where we think we can do something.

Mr. KINDNESS. That is helpful to me, because somewhere down the road we are going to be concentrating our concerns on what happens with the narcotics produced in Afghanistan and the extent to which the Pakistan and Afghanistan product is finding its way into the U.S. market and so on. We will be—I feel sure, and it is a difficult thing to balance back and forth, and you do need the flexibility.

I think we have been concentrating our attention here in south Florida on the Caribbean situation and the Colombian source, and it is a good illustration of why the flexibility has to be there, and it

hasn't really occurred to me until during the course of your testimony that if we put heavy resources of the sort that have to be continuously maintained over a period of years into one particular area, we are going to regret it 6 months down the road when we really need to be concentrating our resources someplace else.

And I thank you at least on a personal basis for concentrating my attention on that. It does make some sense that what we have is a transitory situation in terms of the transit points in particular, the areas of indiction effort, that we develop more mobile means of aiding, moving equipment about and personnel about, and it suggests the need for bilateral or perhaps multilateral international agreements that would provide for something in the nature of a strike force, a task force in which other nations would agree to cooperate with us in this interdiction and investigation of the whole area from crop eradication through the transit of the material.

Mr. DiCARLO. I would agree. That I think is most essential. I don't believe we are going to lick this problem worldwide until the rest of the nations of the world assume their responsibility and get involved in this problem. We are seeing more of that.

At the Commission on Narcotic Drug meeting last week, no longer do the people say that this is basically a U.S. problem. We now have for the first time very serious interest on the part of many European governments in doing something in the Andean region. We have been working for that.

Involvement by other European governments in the Andean region, knowing that this problem is going to come to them just as surely as it came to the United States, and we are seeing the light at the end of the tunnel at least in regard to that kind of cooperation, and we are trying to direct the resources again to the source, to the countries in the Andean region where the product is produced.

That is ultimately the most effective way of solving the problem, and hopefully with greater participation, as you say, on either a bilateral or multilateral basis, we will be successful.

We have not as yet been successful. We have not as yet stemmed the traffic, and we will not stem that traffic until we get cooperation, greater cooperation in the worldwide community. The State Department is working on that aspect of the problem as well.

Mr. KINDNESS. I thank you, Mr. Chairman.

Mr. ENGLISH. Thank you, Mr. Kindness. Thank you, Mr. DiCarlo. We appreciate it. Thank you very much.

Mr. DiCARLO. Thank you, sir.

Mr. ENGLISH. Our next witness is Mr. Charles Rinkevich, coordinator of the South Florida Task Force. Mr. Rinkevich, we certainly welcome you here today, and I want to tell you, like I told our other witnesses, if you have a written statement that you would like to submit for the record and summarize that statement, without objection we will be delighted for you to do so.

STATEMENT OF CHARLES F. RINKEVICH, COORDINATOR, SOUTH
FLORIDA TASK FORCE

Mr. RINKEVICH. I do have a written statement, Mr. Chairman, and I will try to summarize it in the interest of the hour and give you the opportunity to address questions.

After a full year of operation as the on-scene coordinator for the South Florida Task Force, I am pleased today to be able to report to you on the activities of the task force and the task force's dealing with crime in south Florida.

As you know, at the end of 1981 crime in south Florida had become alarmingly high because of a set of unique circumstances. Mr. Chapman outlined those extensively, and I know you are quite familiar with them. On January 28, 1982, the President announced that the Government had a special responsibility to temporarily assist Florida and the State and local governments in reducing these problems and the Federal task force was established.

It is comprised of the highest officials of the administration and chaired by the Vice President, George Bush. The task force was not created to supersede the responsibilities of State and local law enforcement, but rather to assist and coordinate Federal efforts with those authorities in order that safer streets and a higher quality of life could be restored to south Florida.

The task force's major initial objectives were to significantly reduce the influx of illegal drugs coming into the United States through Florida by greatly increasing air, sea and land interdiction efforts and to arrest and convict smugglers apprehended during these activities.

Concentrated efforts were also to be made to reduce the availability of illegal automatic weapons through intensified enforcement of Federal machinegun laws. And, insofar as there is a nexus between illegal aliens and violent crime, we also concentrated some of our efforts on removing illegal aliens from south Florida.

It was clearly recognized at the beginning of our effort that criminal activity in south Florida had almost overwhelmed the ability of the State, local and Federal criminal justice systems to deal with it. To realistically address our major mission, therefore, the task force addressed a whole subset of systemic problems including: Adding additional manpower to all Federal law enforcement agencies including prosecutors, judges, adding additional courtrooms, seeking additional jail space at the county, Federal, and State levels and improving off-shore surveillance—both air and sea.

On March 5, 1982, I was appointed the on-scene coordinator for the Vice President's South Florida Task Force. I have been on site, in Miami, since March 9, 1982. In February and March 1982, Vice President Bush addressed the Federal task force effort in speeches given here in Miami. He outlined the initial strategy of the decisions made by the task force, and reported on progress which had been made by the task force, including Department of Defense resources—utilizing the recently modified posse comitatus authority.

As you know, the DOD entities and Federal law enforcement agencies participating in the task force operate in every respect through their normal chains of command. I do not serve as an

operational commander, but rather I serve to facilitate cooperation and coordination among the various Federal agencies involved and between them and State and local criminal justice agencies. In this regard, I am available to assist in the resolution of any problems or issues that cross agency lines.

I am also responsible to the Vice President's task force for the monitoring of all Federal activities in this effort to insure that they are consistent with the task force objectives. Finally, my office has looked for additional methods within limited Federal resources by which we could appropriately help south Florida deal with its serious crime problem.

When I last testified before this committee in May 1982, the task force had not been in operation only some 3 months. All of our forces had not yet arrived on-station, nor had our planned activities been fully implemented. That situation has changed dramatically since then.

Keyed to the commitments and objectives laid out by the Vice President in his Miami speeches of early last year, I can now report the following.

All of the temporary personnel that were committed to this effort for the U.S. Attorney, DEA, USC, ATF, U.S. Marshals, and U.S. Coast Guard (USCG) arrived and have been, we believe, effectively utilized. Further, the augmentation of cadre offices in south Florida by the assignment of additional permanent personnel for the FBI, DEA, USMS, USC, and USCG has been completed and most of those personnel have arrived on station.

I might mention at this point, Mr. Chairman, that in the year since the task force has been operational, the cadre offices, that is the permanent agents, law enforcement agents and criminal justice people that are directly involved in this whole effort, have increased by over 17 percent. There has been, in effect, nearly a 1,000-person increase in permanent criminal justice personnel—principally law enforcement people—assigned to the various cadre offices in south Florida.

A major component of the task force is the DEA/U.S. Customs Joint Task Group [JTG] which has greatly enhanced our capabilities to interdict drug smuggling. Divided into several enforcement groups, these mixed DEA/Customs units are located in five cities throughout Florida from Key West to Jacksonville. Their primary mission is to serve as apprehension teams in the intensified air and sea drug interdiction effort.

We continue to work with the U.S. Coast Guard in their efforts to increase the interdiction rate of smugglers operating in the waters off south Florida. The Coast Guard significantly increased its allocation of maritime and air resources assigned to the task force.

For example, two medium endurance cutters were permanently assigned to the Caribbean, in addition to an average of two out-of-district cutters patrolling these waters at any time. They also added a number of new Falcon long-distance jet search aircraft. They have increased their overall capability in south Florida in support of our effort, including two very fast modern surface effects ships, which they put in operation at Key West, that are committed to law enforcement activities in the south Florida waters.

Much in the area of firearms law enforcement has been accomplished through a concerted effort by a contingent of special agents of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms [ATF] assigned to south Florida. Because of budgetary problems, ATF could not fully participate in the task force until the end of July 1982. However, at that time they were able to immediately initiate many very productive investigations in this most fertile area of the south Florida crime phenomenon.

As of February 4, 1983, ATF had removed from circulation a total of 804 weapons. Of these, 318 were automatic weapons, silencers, or sawed-off shotguns—all typical gangster weapons. The inherent danger involved in law enforcement was tragically underscored on December 2, 1982, when ATF Special Agent Ariel Rios was shot and killed and his partner, Alex D'Atri, severely wounded in the performance of their duties here in Miami. Special Agent Rios was the first and only Federal officer killed in the line of duty as part of the south Florida task force.

We also have worked closely with the Immigration and Naturalization Service on the illegal alien problem. One tool put at our disposal by the INS was a Border Patrol checkpoint located at Florida City. They are also coordinating the Border Patrol efforts with our joint task group so that, as illegal aliens are apprehended, INS Border Patrol personnel can take the appropriate measures to expel them from the country.

An Urban Mass Transportation Administration grant, which was awarded to Metro Dade County in March 1982, was designed to insure passenger safety on the county's buses through intensified police attention to public transit facilities.

The project became operational in June 1982. As of January 31, 1983, project officers have accounted for a total of 684 arrests—111 felonies; 573 misdemeanors. Of these, 185, or 27 percent, were drug related. This project has been so successful that we understand it has become a national model.

As you know, the FBI now has concurrent jurisdiction with DEA for drug investigations. With the additional personnel resources assigned to its Miami field office, the Bureau has become more heavily involved in long-term drug investigations in south Florida. Additionally, they have worked with the JTG in the exchange of drug related intelligence.

The Federal Aviation Administration [FAA] has been very helpful to our efforts by requiring flight plans for private aircraft entering U.S. airspace over Florida. In addition, new regulations issued by the U.S. Customs Service require private aircraft to contact the FAA 15 minutes before entering U.S. airspace and to land at one of eight predetermined airports in Florida in order to clear Customs. We can, therefore, better sort the "good guys" from the "bad guys."

With the strong support of the Attorney General, the new U.S. attorney for the southern district of Florida, Stanley Marcus, has been provided with additional assistant U.S. attorneys and support personnel to handle new criminal cases resulting from our efforts as well as to handle the case backlog which previously existed.

I might add here that under the auspices of the task force, the U.S. attorney implemented a unique and innovative cross designa-

tion program with the Dade County State's attorney for the prosecution in State court of illegal aliens charged with homicide. Upon conviction, these aliens are housed in the Federal prison system.

As of February 4, 1983, of a total universe of 39 defendants identified for this program, 33 have gone to trial, 1 failed to appear, and 5 have not yet gone to trial. One has escaped. Of that universe of 39—33 have gone to trial—29 or 87 percent have been convicted, receiving sentences ranging from 3 years to life.

Additional courtrooms were provided for four visiting judges, sitting in south Florida, commencing in June 1982. These Federal judges are temporarily assigned to the southern district of Florida by the Chief Justice of the United States on a volunteer basis in response to the Vice President's request. Each month four new judges rotate into the district. After a brief hiatus, in late 1982, this arrangement continued into 1983.

Dade County and the State of Florida faced a severe overcrowding problem in their respective jail and prison facilities. This was also true in the Monroe County Jail in Key West. We worked with the U.S. Marshal's Service and the U.S. Bureau of Prisons not only to increase our capacity to handle larger numbers of Federal prisoners, but also to relieve some of the State and local prison overcrowding.

To relieve State overcrowding, in May 1982, the U.S. Bureau of Prisons [BOP] accepted the transfer of 100 inmates from the State system. Almost two-thirds of those transferred were aliens, primarily Cubans.

We worked with the U.S. Corps of Engineers in expediting the necessary approvals for a site in south Florida proposed for the construction of a State prison diagnostic and reception center.

The task force, in early May 1982, made arrangements with the U.S. General Services Administration [GSA] to locate and acquire some 300 surplus beds and mattresses to accommodate the increasing inmate population in the State prison system.

The task force, again working with GSA, helped to expedite the transfer to the State of certain excess Federal property in south Dade County to be used to establish a corrections training facility.

To assist Dade County's jail system, the task force reactivated an existing but underutilized court sanctioned agreement between the county and BOP to accept convicted and sentenced prisoners from Dade County into the Federal Correctional Institution [FCI] in Tallahassee. Between April and August 1982, 99 sentenced prisoners were transferred to the FCI-Tallahassee.

Finally, one of the objectives of the U.S. attorney's cross designation program, to which I previously referred, is important here because those aliens who were convicted were and will be housed in Federal prisons thus further relieving local overcrowding.

Additional measures are being pursued in an attempt to provide assistance to the Key West/Monroe County Jail. I underscore here that the task force has been engaged in a very diverse number of activities, aside from the drug interdiction effort, that have been designed to try to deal with the systemic problems that South Florida has experienced, and which have a direct relationship to the State's mounting crime problem. We have, of course, been very

heavily involved in the drug interdiction, which is a principal concern of this committee.

One of the most significant accomplishments of the task force has been the forging of prototype linkages between the military and civilian law enforcement agencies under the revised posse comitatus restrictions which apply to the Department of Defense.

Mr. Chairman, I know this issue is of particular interest to you personally, as well as other members, because of your extensive involvement in changes to posse comitatus and your strong support of them. AWAC-type aircraft from both the U.S. Navy and U.S. Air Force have been flown by military personnel in support of our efforts.

You would also be interested in knowing that that arrangement has worked so well that there now exists the capability for our Customs Service here in Miami on an "as-needed" basis to actually scramble E2-C's, if they are available, as opposed to using them only on a scheduled basis—which had been our pattern in the past. We are now in a position to actually put them in the air, upon requests, based on the Customs Service's needs.

The Cobra helicopters on loan from the Army, flown by Customs' pilots, are another integral part of the air interdiction strategy. I know you are very familiar with that component.

Additionally, two helicopters were provided by the U.S. Army as well as single-side band [SSB] radios by the U.S. Navy, thus permitting task force contingents to launch a long-planned special operation that could not have commenced without this equipment. This is Operation BAT.

I would point out, since the beginning of that operation in spite of some of the equipment problems, in 1982, nearly 50 tons of marijuana, 21 vessels, 19 aircraft, 16 weapons, and \$89,000 have been seized by Operation BAT, and they have arrested 75 people.

In late January, 1983, the U.S. Army provided to the U.S. Customs Service—thanks, in no small part, Mr. Chairman, to your personal efforts—a new Blackhawk helicopter to test for 6 months in this environment. As you know, the Blackhawk is a very sophisticated state-of-the-art helicopter and will provide the same function for us that the Cobra does—but carrying a larger contingent of agents—increasing our bust team capacity, thus increasing their safety.

Close cooperation and joint operations between our nation's two sea-going services, the U.S. Navy and the U.S. Coast Guard, has always been deemed essential for us to greatly increase our maritime drug interdiction efforts.

I would say at this point that all of the Department of Defense has worked with us in trying to implement the posse comitatus, but none has moved as far, or as effectively and efficiently, as the U.S. Navy. I think the Navy really deserves kudos for what it has done to assist the Coast Guard specifically and the task force in general.

By May 1982, the final legal and logistical details had been carefully ironed out in the form of a Navy Operational Order. The Navy's support and assistance to the U.S. Coast Guard now includes: reporting of suspect vessels, towing, escorting, replenishing,

utilizing Navy vessels in "a show of force" and as boarding platforms for U.S. Coast Guard personnel.

For the first time, on June 4, the U.S.S. *Farragut*, a guided missile destroyer, towed and escorted two vessels into San Juan, Puerto Rico. Shortly afterwards, the minesweeper, U.S.S. *Fidelity*, towed a smuggling vessel to a continental U.S. port, Key West.

U.S. Navy support has also been used to demonstrate a "show of force" and to reprovision U.S. Coast Guard cutters, thereby allowing them to continue ongoing surveillance activity or effect an interdiction. The classic example of this type of U.S. Navy support to the U.S. Coast Guard occurred in September, 1982.

Two small 95-foot U.S. Coast Guard cutters had intercepted a large drug smuggling vessel off the Georgia coast that refused to stop when requested to do so by pursuing Coast Guard. We had received information that the suspect vessel was heavily armed and that they might resist a boarding by the U.S. Coast Guard.

Clearly, the Coast Guard vessels could be out-distanced and, we thought, perhaps they were "out-gunned." The chase went on for almost two days. In the process, one of the cutters was running short of fuel. The U.S. Coast Guard requested U.S. Navy assistance. The Navy responded by dispatching the guided missile destroyer, U.S.S. *Clifton E. Sprague*, and two A-7 attack aircraft.

When the *Sprague* arrived on the scene, she refueled the cutter and stood by while the aircraft flew over the suspect vessel, below mast level. The suspected smuggler decided to stop and submit to a peaceful search. The vessel was seized and arrests were made.

The deployment of U.S. Coast Guard boarding teams to interdict smugglers from U.S. Navy vessels is yet another aspect of joint U.S. Navy/U.S. Coast Guard operations that has come to fruition.

In November 1982, a suspect vessel was sighted by aircraft from the supercarrier, U.S.S. *Nimitz*. A U.S. Coast Guard boarding team had been aboard *Nimitz* for several days. They were transferred from *Nimitz* to the nuclear-powered missile cruiser, U.S.S. *Mississippi*. She intercepted the druggie and deployed the U.S. Coast Guard boarding team. The vessel was seized with some 25 tons of marihuana on board.

Of course, the lesson here, the message that we are trying to transmit, is that now, and in the future, smugglers will have to contend with the prospect that the Navy, with its hundreds of ships, in addition to the Coast Guard, is looking for them on the high seas, thereby adding to our deterrent effect.

Additionally, surveillance of south Florida and Caribbean waters has been intensified through the use of Navy patrol aircraft from Florida and Puerto Rican air stations. As of January 31, 1983, 797 sightings of profile suspect ships had been reported by vessels and air units of the U.S. Navy, which has added to our intelligence immensely.

As you know, the U.S. Air Force's Seek Skyhook tethered aerostat, located at Cudjoe Key, Fla., has unique downward looking radar capabilities, and we are taking advantage of that data information source.

Mechanisms have been put in place to transmit that radar picture from Cudjoe to C-3 for USC use. Thus, much of the traditional air corridor favored by smugglers will be covered. When the Seek

Skyhook destined for Patrick Air Force Base, Cape Canaveral, Fla., is installed—in the summer of 1983—a significantly larger portion of the corridor will be encompassed. Thanks, again, Mr. Chairman, to your personal interest and efforts in seeking that additional balloon for us.

As the task force coordinator, one of my major objectives has been to facilitate and, at times initiate, coordinated, cooperative multiagency activities and efforts to assure that we obtain maximum productivity from the resources allocated to the task force. Another objective has been to maximize the collection, analysis, evaluation, exchange and dissemination of information and intelligence—operational and strategic in nature.

In the context of these objectives, therefore, a number of efforts have been undertaken. To mention just a few: in late summer, 1982, a special operation, titled OP STOP, was launched to blitz small boat smuggling traffic coming from the Bahamas into south Florida.

Personnel, air and maritime assets from a number of Federal, State and local agencies—USCG, USC, DEA, BP, ATF, Florida Marine Patrol, the Broward and Palm Beach County Sheriff's Offices; Dade County Public Safety Department, and the Pompano, Lighthouse Point, North Miami, Miami Beach and North Miami Beach Police Departments—were mustered in a closely coordinated effort.

Over a period of 13 days, some 1,200 boat stops/inspections were made. The procedures and mechanisms to put this operation back in place on short notice, as the situation warrants, are still viable.

In October, 1982, commencing with the marihuana harvest, a special multiagency effort was mounted utilizing the resources and capabilities of DEA, USC, USCG, USN, USAF and other U.S. Government assets. Vessels traversing the Caribbean are identified, sorted, tracked and when appropriate, boarded.

The gathering and analysis of all operational intelligence inherent in this effort is handled by a mechanism that was established by the U.S. Coast Guard under the aegis of the task force. This mechanism, the Interdiction Operations Information Center [IOIC], also plots all the friendly assets of DEA, USC, USCG, USN and USAF, and makes recommendations to the appropriate agency's chain of command regarding the interdiction of suspect vessels.

The operation of this mechanism has proven invaluable. As of February 24, 1982, it has accounted for the seizure of 35 vessels, 345 tons of marihuana, and over 241 arrests. This capability continues to operate and is being institutionalized to remain when the Vice President's task force is shifted to the Department of Justice under the Attorney General's leadership.

Another mechanism, the Intelligence Information Coordination Center [IICC], has been established. It has been charged with reaching out to all participating agencies here in south Florida and to EPIC, State/local and Federal agency sources in Washington, to examine specific strategic implications that have arisen because of our efforts.

For example, the IICC looks for changes in air and maritime smuggling patterns and changes in methods and techniques used

by smugglers. The IICC, too, is being institutionalized by the DEA/Customs joint task group.

As I stated earlier, 1 full year has passed since the Vice President announced his south Florida task force plan in February 1982. Productivity indicators for the first 10.5 months of the task force's existence, for the State of Florida, comparing the period February 15, 1982, through December 31, 1982, with the same period in 1981, are as follows:

First, the number of drug-related arrests is up 30 percent—from 1,678 to 2,181.

Second, the number of total drug seizures is up 42.4 percent—from 595 to 847. Seizures of cocaine, marihuana and methaqualone account for 96.3 percent of all drug seizures in south Florida, are up 51.1 percent. The number of cocaine seizures is up 33.7 percent—from 255 to 341. The number of marihuana seizures is up 84.5 percent, from 232 to 428.

Third, the amount of cocaine seized is up 56.4 percent—from 4,118 pounds in 1981, to 6,441 pounds in 1982.

Fourth, the amount of marihuana seized is up 29.5 percent—from 1,702,455 pounds [851.2 tons] in 1981, to 2,205,441 pounds [1,102.7 tons] in 1982.

Fifth, regarding the value of drugs seized, as you know, drugs are not subject to precise price fixing. Therefore, there is no way I can give you an absolute figure. However, we have estimated that the cumulative street value for all drugs seized for the period indicated is about \$3.9 billion.

Sixth, the value of nondrug seizures made as a result of the task force effort—vehicles, vessels, aircraft, currency, and firearms, et cetera—is estimated to be approximately \$79 million.

As a result of our efforts of the past year in south Florida, we have sent, we think, a very clear message to the drug smuggling community. They no longer can hope to penetrate the south Florida coast and airspace with an arrogant sense of impunity; and when they do try it, they will be met by expanded Federal resources, including state of the art equipment and technology from our Armed Forces.

That message has obviously been understood, for there have been significant indications that both air and maritime smuggling patterns have been disrupted and damaged. The cost and danger of doing business through south Florida has been significantly raised for the druggers.

To some extent, they have shifted their attempts to penetrate our Nation's borders to other locations: The gulf coast; the Carolinas, south Georgia; and further up the east coast. This displacement, which is also equivalent to disruption in my view, will be dealt with by some of the newly created 12 task forces under the direction of the Attorney General.

In conclusion, Mr. Chairman, I believe that the Vice President's South Florida Task Force has established an impressive record to date. We have provided critically needed resources and heightened coordination of Federal anti-crime efforts in south Florida.

We are not claiming to have stopped crime or fully stopped the flow of narcotics into this country, through Florida. As we act, the "bad guys" react, and as we detect their reaction, we react accord-

PREPARED STATEMENT OF CHARLES F. RINKEVICH, COORDINATOR, SOUTH FLORIDA TASK FORCE

Mr. Chairman, after a full year in operation as the on-scene coordinator for the South Florida Task Force, I am pleased to be able to report to you, and the subcommittee today on the key activities of the Federal Government in assisting State and local authorities in dealing with crime in south Florida.

As you know, by the end of 1981, violent crime in south Florida had become alarmingly high because of a set of unique circumstances. Massive immigration, epidemic drug smuggling, laundering of illegal "mega-bucks", and the proliferation and wide spread use of illegal automatic firearms had created a crime crisis in south Florida that seriously threatened the safety and quality of life of all its citizens--circumstances that were totally unacceptable to local and State governmental and community leaders, Floridians in general and the President and his Administration.

On January 28, 1982, President Reagan announced that the Federal Government had a special responsibility to temporarily assist Florida State and local governments in reducing these

ingly—not unlike a “cat and mouse game.” This produces wins and losses on both sides at any given time.

However, Federal law enforcement in south Florida is no longer on the defensive or overwhelmed by the smugglers and the purveyors of automatic weapons. We have their attention, and we have forced them to react to us. We are confident that with the continued cooperation of the Congress and the judiciary, Federal law enforcement in south Florida can make even more progress in the future.

I appreciate your interest and the willingness of the committee and committee staff to work with us and would be pleased to answer any questions that you may have.

[Mr. Rinkevich's prepared statement follows:]

problems. A Federal Task Force was established comprised of the very highest officials in the Administration and chaired by Vice President George Bush. The Task Force was not created to supersede the responsibilities of State and local law enforcement, but rather to assist and coordinate Federal efforts with those authorities in order that safer streets and a higher quality of life could be restored to south Florida.

The Task Force's major initial objectives were to significantly reduce the influx of illegal drugs coming into the United States through Florida by greatly increasing air, sea and land interdiction efforts and to arrest and convict smugglers apprehended during these activities. Concentrated efforts were also to be made to reduce the availability of illegal automatic weapons through intensified enforcement of Federal machine gun laws. And, insofar as there is a nexus between illegal aliens and violent crime, we also concentrated some of our efforts on removing illegal aliens from south Florida. Incidentally, we know that people in the business of smuggling drugs are also in the

business of smuggling weapons or aliens and our efforts to interdict one impact on the other two.

Further, it was clearly recognized that the level of criminal activity in south Florida had almost overwhelmed the ability of the State, local and Federal criminal justice systems to deal with it. To realistically address our major mission, therefore, the task force addressed a whole subset of systemic problems, including:

- Adding additional manpower to all Federal law enforcement agencies, i.e., Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), U.S. Customs (USC), Immigration and Naturalization Service (INS), Bureau of Alcohol, Tobacco and Firearms (ATF), U.S. Marshals, and the Internal Revenue Service (IRS);
- Adding additional Federal prosecutors;
- Adding additional Federal judges, courtrooms and support personnel;
- Seeking additional jail space (county, State and

Federal);

-- And improving off-shore anti-smuggling surveillance
(both air and sea).

On March 5, 1982, I was appointed the "on scene" Coordinator for the Vice President's South Florida Task Force. I have been on site, in Miami, since March 9, 1982. In February and March, 1982, Vice President Bush addressed the Federal Task Force effort in speeches given here in Miami. He outlined the initial strategy of and decisions made by the Task Force, and reported on progress which had been made by the Task Force, including the Department of Defense (DOD) utilizing the recently modified posse comitatus authority.

As you know, the DOD entities and Federal law enforcement agencies participating in the Task Force operate in every respect through their normal chains of command. I do not serve as an operational commander, but rather I serve to facilitate cooperation and coordination among the various Federal agencies involved and between them and State and local criminal justice

agencies. In this regard, I am available to assist in the resolution of any problems or ^{issues}~~concerns~~ that cross agency lines.

I am also responsible to the Vice President's Task Force for the monitoring of all Federal activities in this effort to insure that they are consistent with the Task Force objectives. Finally, my office has looked for additional methods within limited Federal resources by which we could appropriately help south Florida deal with its serious crime problem.

When I last testified before this committee, in May 1982, the Task Force had been in operation only some 3 months. All of our forces had not yet arrived "on-station"--nor had our planned activities been fully implemented. That situation has changed in the months since then.

Keyed to the commitments and objectives laid out by the Vice President in his Miami speeches of early last year, I can now report the following.

All of the temporary personnel that were committed to this effort for the U.S. Attorney, DEA, USC, ATF, U.S. Marshals, and

U.S. Coast Guard(USCG) arrived and have been, we believe, effectively utilized. Further, the augmentation of cadre offices in south Florida by the assignment of additional permanent personnel for the FBI, DEA, USMS, USC & USCG has been completed and most of those personnel have arrived on station.

In April, 1982, Stanley Marcus assumed his duties as the U.S. Attorney for the Southern District of Florida. At about the same time, Mr. Richard Wassenaar was appointed IRS' Assistant Commissioner for Investigation. The creation of this position has permitted IRS to more aggressively pursue the prosecution of tax related drug crimes in south Florida.

A major component of the Task Force is the DEA/U.S. Customs Joint Task Group which has greatly enhanced our capabilities to interdict drug smuggling. Divided into several enforcement groups, these mixed DEA/Customs units are located in 5 cities throughout Florida from Key West to Jacksonville. Their primary mission is to serve as apprehension teams in the intensified air and sea drug interdiction effort. They also conduct short term

follow-up investigations and develop their own intelligence sources with corollary investigations. The Joint Task Group (JTG) has had an additional significant benefit in that it frees up DEA's Miami Field Office personnel, who in conjunction with the FBI, have concentrated upon long term drug investigations, a capability heretofore severely limited.

We continue to work with the USCG in their efforts to increase the interdiction rate of smugglers operating in the waters off south Florida. The Coast Guard significantly increased its allocation of maritime and air resources assigned to the Task Force. For example, two medium endurance cutters were permanently assigned to the Caribbean, in addition to an average of two out of district cutters patrolling these waters at anytime. They also added a number of new Falcon long distance jet search aircraft. By the end of 1982 the USCG had also assigned two very maneuverable, high speed surface effect ships and additional helicopters to south Florida.

Much in the area of firearms law enforcement has been accomplished through a concerted effort by a contingent of Special Agents of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms(ATF) assigned to south Florida. Because of budgetary problems, ATF could not fully participate in the Task Force until the end of July, 1982. However at that time they were able to immediately initiate many very productive investigations in this most fertile area of the south Florida crime phenomenon. As of February 4, 1983, ATF had removed from circulation a total of 804 weapons. Of these, 318 were automatic weapons, silencers, or sawed-off shotguns--all typical gangster weapons. The inherent danger involved in law enforcement was tragically underscored on December 2, 1982, when ATF Special Agent Ariel Rios was shot and killed and his partner, Alex D'Atri, severely wounded in the performance of their duties here in Miami. Special Agent Rios was the first and only Federal officer killed in the line of duty as part of the South Florida Task Force.

We also have worked closely with the Immigration and Naturalization Service on the illegal alien problem. One tool put at our disposal by the INS was a Border Patrol checkpoint located at Florida City. The Border Patrol has also established a close liaison with the JTG by assigning personnel and establishing a referral system which ensured their awareness of illegal aliens arrested in the course of other investigations--thus allowing deportation action to be taken against illegal aliens over and above action taken against them within the criminal justice system.

The Treasury Department's Financial Law Enforcement Center in Washington was supplemented with additional staffing. This center identifies potential targets/suspects that may be involved in drug money laundering and refers them to joint Federal law enforcement teams, such as the Miami based "Operation Greenback," which conducts further investigations.

An Urban Mass Transportation Administration (UMPTA) grant, which was awarded to Metro Dade County in March, 1982, was

designed to ensure passenger safety on the County's buses through intensified police attention to public transit facilities. The project became operational in June, 1982. As of January 31, 1983, project officers have accounted for a total of 684 arrests (111 felonies; 573 misdemeanors). Of these, 185 (or 27%) were drug related. This project has been so successful that, we understand, it has become a national model.

As you know, the FBI now has concurrent jurisdiction with DEA for drug investigations. With the additional personnel resources assigned to its Miami Field Office, the Bureau has become more heavily involved in long term drug investigations in South Florida. Additionally, they have worked with the JTG in the exchange of drug related intelligence.

The Federal Aviation Administration (FAA) has been very helpful to our efforts by requiring flight plans for private aircraft entering U.S. airspace over Florida. In addition, new regulations issued by the U.S. Customs Service require private aircraft to contact the FAA 15 minutes before entering U.S.

airspace and to land at one of 8 predetermined airports in Florida in order to clear Customs. Both of these changes increased our capability to sort out the "bad guys" from the legitimate private aircraft arriving from the Caribbean, thus enabling us to more precisely target our limited resources.

With the strong support of the Attorney General, the new U.S. Attorney for the Southern District of Florida, Stan Marcus, has been provided with additional Assistant U.S. Attorneys and support personnel to handle new criminal cases resulting from our efforts as well as to handle the case backlog which previously existed. I might add here that, under the auspices of the Task Force, the U.S. Attorney implemented a unique and innovative cross designation program with the Dade County State's Attorney for the prosecution in State Court of illegal aliens charged with homicide. Upon conviction, these aliens are housed in the Federal prison system. As of February 4, 1983, of a total universe of 39 defendants identified for this program, 33 have gone to trial, one failed to appear and 5 have not yet gone to trial. Of these

defendants who have gone to trial, 29 (or 87%) have been convicted--receiving sentences ranging from 3 years to life imprisonment. The other four were acquitted (one by reason of insanity).

Additional courtrooms were provided for four visiting judges, sitting in south Florida, commencing in June, 1982. These Federal judges are temporarily assigned to the Southern District of Florida by the Chief Justice of the United States on a volunteer basis in response to the Vice President's request. Each month four new judges rotate into the district. After a brief hiatus, in late 1982, this arrangement continued into 1983.

Dade County and the State of Florida faced a severe overcrowding problem in their respective jail and prison facilities. This was also true in the Monroe County Jail in Key West. We worked with the U.S. Marshal's Service and the U.S. Bureau of Prisons not only to increase our capacity to handle larger numbers of Federal prisoners, but also to relieve some of the State and local prison overcrowding.

To relieve state overcrowding, in May, 1982 the U.S. Bureau of Prisons accepted the transfer of 100 inmates from the State system. Almost two-thirds of those transferred were aliens, primarily Cubans.

We worked with the U.S. Corps of Engineers in expediting the necessary approvals for a site in south Florida proposed for the construction of a State prison diagnostic and reception center.

The Task Force, in early May, 1982, made arrangements with the U.S. General Services Administration(GSA) to locate and acquire some 300 surplus beds and mattresses to accomodate the increasing inmate population in the State prison system.

The Task Force, again working with GSA, helped to expedite the transfer to the State of certain excess Federal property in south Dade County to be used to establish a corrections training facility.

To assist Dade County's Jail system, the Task Force reactivated an existing but underutilized court sanctioned agreement between the County and BOP to accept convicted and

sentenced prisoners from Dade County into the Federal Correctional Institution (FCI) in Tallahassee. Between April and August, 1982, 99 sentenced prisoners were transferred to the FCI-Tallahassee.

Finally, one of the objectives of the U.S. Attorney's Cross Designation Program, to which I previously referred, is important here because those aliens who were convicted, were and will be housed in Federal prisons thus further relieving local overcrowding.

Additional measures are being pursued in an attempt to provide assistance to the Key West/Monroe County Jail.

One of the most significant accomplishments of the Task Force has been the forging of prototype linkages between the military and civilian law enforcement agencies under the revised posse comitatus restrictions which apply to the Department of Defense. Mr. Chairman, I know this issue is of particular interest to you personally, as well as other members, because of your extensive involvement in changes to posse comitatus and your

strong support of them. AWAC-type aircraft from both the United States Navy and United States Air Force have been flown by military personnel in support of our efforts. These aircraft have made critical contributions to our air interdiction efforts by providing much needed radar coverage.

Cobra helicopters, on loan from the Army, flown by Customs' pilots, are another integral part of the air interdiction strategy. These fast helos provide increased assurance that Customs agents will get to the scene of a smuggling plane's off-loading operation in time to apprehend the smugglers.

Additionally, two helicopters were provided by the Army as well as single side band(SSB) radios by the US Navy thus permitting Task Force contingents to launch a long planned special operation that could not have commenced without this equipment. Since the beginning of that operation known as BAT in April, 1982, over 49.4 tons of marijuana; 21 vessels, 19 aircraft; 16 weapons; and \$89,000 have been seized, as well as 75

persons arrested by foreign authorities working in concert with us.

In late January, 1983, the Army provided to the U.S. Customs Service--thanks, in no small part, Mr. Chairman, to your personal efforts-- a new Blackhawk helicopter to test for six months in this environment. We believe that the Blackhawk, a sophisticated, "state of the art" helicopter, will allow the Customs Service to carry additional personnel on apprehension missions thus lessening the hazard to their agents' safety. Further, we are now attempting to arrange for two later model helicopters and more sophisticated radios to replace those currently in use by Task Force contingents in the previously mentioned special operation. The arrival of these radios and helos, and their deployment, will greatly enhance the range and scope of operations and capabilities of the already successful BAT forces.

Close cooperation and joint operations between our nation's two sea going services, the USN and the USCG, has always been

deemed essential for us to greatly increase our maritime drug interdiction efforts. By May, 1982, the final legal and logistical details had been carefully ironed out in the form of a Navy Operational Order. The Navy's support and assistance to the USCG now includes: reporting of suspect vessels, towing, escorting, replenishing and utilizing Navy vessels in "a show of force" and as boarding platforms for USCG personnel.

For the first time, on June 4, the USS FARRAGUT(a guided missile destroyer) towed and escorted two vessels into San Juan, P.R. On June 10, the USS FIDELITY(a minesweeper) towed a vessel into Key West, Fla--the first tow to a continental U.S. port. All three vessels were laden with marijuana. The towing/escort of seized smuggler vessels and transportation of prisoners had, prior to the revision of posse comitatus, required USCG cutters to leave their patrol stations sometimes for days--thus creating an "opening" for other smuggling vessels. Now, USN ships can relieve the USCG of seized vessels and prisoners thereby permitting the USCG cutters to stay on station.

USN support has also been used to demonstrate a show of force and to reprovision USCG cutters, thereby allowing them to continue ongoing surveillance activity or effect an interdiction. The classic example of this type of USN support to the USCG occurred in September, 1982. Two small 95' USCG cutters had intercepted a large drug smuggling vessel that refused to stop. Information had been received that the suspect vessel was heavily armed and would not surrender. Clearly the USCG vessels could be outdistanced and were perhaps "out gunned". The chase went on for almost two days. In the process, one of the cutters was running short of fuel. The USCG requested USN assistance. The Navy responded by dispatching the guided missile destroyer, USS CLIFTON E. SPRAGUE, and two A-7^{ATTACK} aircraft. When the SPRAGUE arrived on the scene she refueled the cutter and stood by while the aircraft flew over the suspect vessel (below mast level). The suspected smuggler decided to stop and submit to a peaceful search and the vessel was seized, and taken to port.

The deployment of USCG boarding teams to interdict smugglers from USN vessels is yet another aspect of joint USN/USCG operations that has come to fruition.

In November, 1982, a suspect vessel was sighted by aircraft from the super carrier, USS NIMITZ. A USCG boarding team was transferred from NIMITZ to the nuclear guided missile cruiser USS MISSISSIPPI. She intercepted the drugger and deployed her USCG boarding team. The vessel was seized with some 25 tons of marijuana.

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reported by vessels and air units of the U.S. Navy, which has added to our intelligence immensely.

As you know, the USAF's "Seek Sky Hook" tethered aerostat, located at Cudjoe Key, has unique downward looking radar capabilities covering a quadrant of air space south and southeast of the Florida Keys. This information is of immense value to the USC air interdiction program and its radar interception command center in Miami (known as C-3). Mechanisms have been put in place to transmit that radar picture from Cudjoe to C-3 for USC use. Thus, much of the traditional air corridor favored by smugglers will be covered. When the "Seek Sky Hook" destined for Patrick A.F.B. (Cape Canaveral) is installed in summer 1983, a significantly larger portion of the corridor will be encompassed. Thanks, again, Mr. Chairman, to your personal interest and efforts.

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Task Force. Another objective has been to maximize the collection, analysis, evaluation, exchange and dissemination of information and intelligence--operational and strategic in nature.

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In October, 1982, commencing with the marijuana harvest, a special multi-agency effort was mounted utilizing the resources and capabilities of DEA, USC, USCG, USN, USAF and other U.S. government assets. Vessels traversing the Caribbean are identified, sorted, tracked and when appropriate, boarded. The gathering and analysis of all operational intelligence inherent in this effort is handled by a mechanism that was established by the USCG under the aegis of the Task Force. This mechanism also plots all the friendly assets (of DEA, USC, USCG, USN and USAF) and makes recommendations to the appropriate agency's chain of command regarding interdiction of suspect vessels. The operation of this mechanism has proven invaluable. As of February 24, 1982, it has accounted for the seizure of ³⁵~~28~~ vessels, 345 tons of marijuana, and ²⁴~~19~~6 arrests. This capability continues to operate and is being institutionalized to remain when the Vice President's Task Force is shifted to the Department of Justice under the Attorney General's leadership.

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In conclusion Mr. Chairman, I believe that the Vice President's South Florida Task Force has established an impressive record to date. We have provided critically needed resources and heightened coordination of Federal anti-crime efforts in south Florida. We are not claiming to have stopped crime or fully stopped the flow of narcotics into this country, nor through Florida. As we act, the "bad guys" react, and as we detect their reaction, we react accordingly--not unlike a cat and mouse game. This produces wins and losses on both sides at any given time. However, Federal law enforcement in south Florida is no longer overwhelmed by the smugglers and the purveyors of automatic weapons and on the defensive. We have "their" attention and we have forced them to react to us. We are confident that with the continued cooperation of the Congress and the judiciary, Federal law enforcement in south Florida can make even more progress in the future.

I appreciate your interest and willingness to work with us and would be pleased to answer any questions which you or the members of the subcommittee may have.

Mr. COLEMAN [presiding]. Thank you very much. Mr. Kindness. Mr. KINDNESS. Thank you. Mr. Rinkevich, when you leave this assignment, do you know who will be taking over the direction of the task force coordination effort here?

Mr. RINKEVICH. No, sir, I do not. A date certain for my departure as the on-site coordinator has not been established. Of course, the Vice President's Office and his chief of staff continue to be very heavily and personally involved in the direction of the task force, but as to when I leave personally from south Florida, and who may replace me, should that occur—those decisions have not yet been made.

Mr. KINDNESS. What have been the greatest areas of problems or the greatest problems that you encountered in terms of inter-agency coordination and cooperation, and if you could, would you describe whether the greatest problems have been overcome in some degree, and how that is achieved.

We all struggle with the concept of effective coordination, but you have been dealing almost exclusively with that for over a year, and I would appreciate your thoughts about any mechanisms that are effective in accomplishing those results.

Mr. RINKEVICH. Mr. Kindness, there are a number of factors that I would identify in answer to your question. To the extent that we have been successful in the interagency coordination here, I think that that is due in part to probably four or five basic factors.

First, this community, in law enforcement and the whole system of government, had a very strong consensus on the seriousness and the dimension of the problem that we were called here to address. There was no question that there was a serious problem. It was almost of crisis proportions. In fact, it was of crisis proportions.

You heard this morning from the MCAC. The community support for the Federal Government, the State government and the local government, undertaking this effort, was there and continues to be there. That was, and continues to be, a very important factor in the successes we have obtained to date.

I think, frankly, the quality of the law enforcement in this community * * * in all of south Florida * * * at the local, State, and Federal level * * * the quality of leadership of that law enforcement, which was here then and continues to be here, aided us in this coordinating effort that we undertook.

Law enforcement at all levels was willing, absolutely to cooperate with us. We have never had a request that we have made, and we have made many of them, denied by any law enforcement agency to work with us. There was never anything more than complete willingness from the beginning to participate.

Agencies were willing to submerge or subordinate their individual agency priorities or their individual agency imperatives, if you will, to the good of the orders—to the overall effort that the task force was undertaking.

I think also the thing that has made our coordinating effort here successful has been the cooperation from the Department of Defense. Many of the things that have happened here I don't think could have happened without posse comitatus, modification, and the DOD participation.

Of course, the fact that this task force was under or had the direct interests of the President of the United States, and under the direct chairmanship of the Vice President had a great deal to do with helping us to sort out those coordination problems.

In answer to the first part of your question, "What have been the most significant problems that we have dealt with?" I think, when you consider that for 112 years the military of this country was forbidden, principally by law, but also by regulation, from providing the kind of assistance that we have asked them to give; that when you consider that longstanding predisposition not to help, because of legal constraints, that one of the problems has been in turning that around.

Now I don't mean in any way to be critical of DOD. What I am trying to say is that this is a new game for them. This is a new authority for them, and it was an authority that we all began to deal with very cautiously, because of very serious ramifications if we misused it.

That has been a problem, but it has been a problem I think that we have addressed adequately. I think it has been a problem that the military has responded to adequately, and I think it has worked itself out. There is a continuing need for that issue to work itself out, but I think a beginning has been made.

Getting the kind of detection systems that we need, in place, with which I know the chairman is intimately familiar, has been a problem. We still don't have a balloon at Patrick, although that is about to come on line. We have had equipment problems with getting the Cudjoe Key data up to C-3 here in Miami. That is now working. I am told that even this afternoon that the scope, which had been replaced recently, is providing better data than they had before. So those kinds of problems which have involved interagency coordination are the ones that we have dealt with and have been the difficult ones to deal with.

I think we have come a pretty good distance in resolving them.

Mr. KINDNESS. That is a very positive answer, and I appreciate that, but let me just ask your response to this. Isn't the biggest problem that you have to deal with in an undertaking of this sort communication or developing understanding? There is just so much contact and discussion that is necessary to iron out the restrictions that affect this whole police agency or law enforcement agency or the Department of Defense and its component parts and this sort of thing, pulling it together through communicating and developing understanding is probably the biggest problem of all?

Mr. RINKEVICH. I think that there is no question about that. And, of course, the organization of the Federal Government and its law enforcement is part of that. Agencies have individual authorities, individual budgets, individual laws, and part of the difficulty, although I certainly don't think that it has been a fatal defect by any stretch of the imagination is to understand those individual interests, and in many cases mandates from the Congress as well as other mandates that agencies have, and try to fold them into a common purpose. That is why, I think, our job was made much easier because of what I call consensus on the problem.

It wasn't as if anyone had to come here and convince anyone that there was a problem. It was just the reverse, and there was a

willingness at all levels of government to really get into the issue, and, with the additional resources that could be provided, tackle it.

So, what you might presume to have been significant coordination or communication problems, while there were some, they were made much easier, because there was a recognition that there was an issue that had to be dealt with, and there was a willingness on the part of the agencies to do it. I think that is generally the case with Federal law enforcement, when a crisis arises—and that is what we were dealing with, and to some extent still are, here in south Florida.

Mr. KINDNESS. Thank you, Mr. Chairman.

Mr. ENGLISH [presiding]. Thank you, Mr. Kindness. Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman.

I just wanted to ask a couple of questions with respect to the idea of new task forces. How big a role—we heard from the citizens' organization here earlier today—how much assistance was there in terms of making sure the people understood your function?

Mr. RINKEVICH. I cannot say enough good things about the Miami Citizens Against Crime. I have been in criminal justice, at the Federal, State, and local level in this country for 20 years, and this is the first time I have seen a citizens' group do the kinds of things regarding crime reduction, and prevention, that really can be done in this country. They should become a classic model of what an effective citizens' group can do.

They have been, in addition to the reason why we were brought here to begin with, extremely supportive of us through some fairly tough times, and have been right there when we have needed them in terms of bouncing off our strategies against their interests as far as representing the community.

On the human side, they reached out to us and to the Bureau of Alcohol, Tobacco, and Firearms when the agent was killed in December of last year. They went well beyond the expectation of any of us to provide the kind of services that meant a lot to the Federal agents. They arranged for Eastern Airlines to fly an agent delegation to Puerto Rico. It would not otherwise have been possible for those agents to attend the funeral, and many things like that.

That kind of community support makes for good law enforcement. We have known that for years, but this is a classic example of how it can really work. That kind of community support makes the law enforcement role much, much easier to deal with.

Mr. COLEMAN. And your cooperation with State enforcement agencies was enhanced by that.

Mr. RINKEVICH. Yes. I cannot cite to you a significant example of interagency lack of cooperation that I am aware of. I am sure that there is a patrolman someplace in Florida that had a problem with a DEA or Customs agent or someone else, but as far as a significant interagency cooperation problem with this task force, I can't think of one that has been called to my attention of any significance.

Mr. COLEMAN. Let me ask you a little bit about—we asked questions earlier concerning Customs and the number of TDY personnel versus what they hope to become permanent, with respect to the budget constraints that we have on it. Do you have any views

about how we can best handle that? Do we need to increase the number of personnel?

Mr. RINKEVICH. Well, I think that there are two observations I would make on that. First with regard to TDY personnel, one of the problems that we faced in the effort in south Florida, and it was unavoidable in my judgment, was the fact that many of our people were here on a TDY temporary assignment ranging from 60 to 90 to 120 days. They are quality people, but there is a learning curve whenever anyone comes into a new area that must be recognized. We lost some efficiency as a result.

We are now moving to a permanent grouping of people, and that is the way to go. I don't think we could have gone any other way and still have been responsive in the timeframes that this community needed for us to be responsive. We had to do the TDY, but now we have got the time, the breathing space to move into a permanent mode.

Second, the permanent increase here from the time when the task force began to right now is significant in criminal justice. An increase of over 17 percent representing nearly 1,000 additional people. Those aren't all agents. Some are U.S. attorneys, but many are agents, and that is significant. So, when people talk about what will happen after the task force leaves, at least when the vice president's involvement in the task force ends, I think you have to remember that among all the legacies we are leaving here, such as prototype linkages with the military, we are leaving a cadre of nearly 1,000 additional Federal criminal justice personnel, principally enforcement people, in south Florida to deal with this problem.

Mr. COLEMAN. I was going to ask you how many others were interdiction people.

Mr. RINKEVICH. I can't give you a breakdown by interdiction. Most of those are enforcement people, but they would include Drug Enforcement Administration, Customs Service, FBI, marshals service, border patrol, Coast Guard, U.S. Attorney's Office, probation office, Bureau of Alcohol, Tobacco, and Firearms, Treasury agents that are assigned to Operation Greenback—either Customs or IRS agents—and some additional district court personnel.

So, that is the range, but obviously not all of those would be related directly to interdiction, but of course most of the agents would be.

Mr. COLEMAN. Let me ask you one other question. You mentioned that you did have border patrol, also. Were they also additions here?

Mr. RINKEVICH. Yes, sir. There were significant additions in the border patrol. For example—of course now we are dealing with a relatively smaller number when we compare them to Coast Guard or Customs Service—but border patrol increased its south Florida, permanent cadre over 100 percent, as a result of the task force.

Mr. COLEMAN. You may have a check point you pointed out, also. Is that a border equivalent?

Mr. RINKEVICH. Yes, sir, it is. The check point capability still exists. We have not seen fit to implement it in some several weeks, but that capability is still there, the authority and mechanism for its utilization remains.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. I thank you very much, Mr. Coleman.

Mr. Shaw.

Mr. SHAW. Thank you, Mr. Chairman. I have just a question in one particular area which I am sure you anticipated the closing of the Broward County office. What was the purpose of that decision, and what do you think the implications are going to be and whose decision was it?

Mr. RINKEVICH. The decision was a management decision made by the leadership of the joint task group, Congressman, and that is the DEA headed organization.

The implication is in my judgment not much different in a negative sense than what would have existed had the task force office continued up there.

The reason for the change was that we are moving from the temporary duty resources that have been assigned to all agencies—including the joint task group—to permanent resources. In some cases, we are decreasing numbers. We are regrouping. We are reorganizing, and the decision in regard to the Fort Lauderdale Office of the joint task group was made in that context.

It does not affect the operation of or the continuation of the cadre office of the U.S. Customs Service or the Drug Enforcement Administration Office, which are located in that area. As a matter of fact, when you look at the mission of the people in the joint task group, which is basically to respond to the interdiction efforts of either Coast Guard or the Customs Air Wing, the time-sensitive nature of that quick response is such that moving them from Miami to a problem in Fort Lauderdale, should the need arise, given the existence of the cadre offices up there, doesn't cause us much more problem than having them directly in Fort Lauderdale.

Lastly, we also closed a Homestead office as part of this process. We didn't just pick on Fort Lauderdale. I think that our efforts in Fort Lauderdale will continue with the same vigor as in the past.

Mr. SHAW. I am not wrong in interpreting what you are saying, that the focus is still on the South Florida Task Force and it is not just going to become a Miami task force. We have heard a great deal today from members of this board, including me and the various witnesses, about the Miami effort, and I think it is an effort we can justifiably be proud of, and it certainly was a great catalyst in getting started.

However, when you talk about displacement of crime as we have across the Nation, the same argument can be used when you are talking about from one county to another. I know of your commitment to continue to work for the entire south Florida area.

I received similar commitments from the Vice President as well as from Admiral Murphy, but I think that it should be noted in this record of this hearing that we are emphasizing that this is a South Florida Task Force which is regional in nature, even though it is based here in Miami as it properly should be, that we are viewing the entire problem of south Florida.

Mr. RINKEVICH. I can assure you, Congressman Shaw, that that is exactly our view on the subject.

Mr. SHAW. With that assurance, I want to thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Shaw. Mr. Rinkevich, I was struck by your comment in your statement where you were talking about the BAT teams in the Bahamas, pointing out the successes that they had. When one considers the assets that they have to work with over there, I think that it is truly amazing, the results that they have had. One just wonders, if given adequate assets to deal with, what the results would be under those circumstances. It boggles the mind to think what will be possible under those conditions. I think it is very good.

I want to also bring up again this question of the success of the South Florida Task Force. In the coordination that has taken place, how much has the fact that the Vice President was heading up that task force had to do with its success?

I know that you are the man who is on the scene and who is responsible. I think perhaps you may be the best man to gage how much it helped to be the Vice President's representative and to invoke the Vice President's name when you have had conflicts arise in trying to coordinate activities with State, local, and Federal agencies.

Mr. RINKEVICH. I will give you a couple of observations on that, Mr. Chairman. One, it is true that the Vice President is the chairman of the task force, and he and his chief of staff, Admiral Murphy, have invested an enormous amount of time and have been extremely supportive in the direction and the leadership that they have provided to the effort. In my judgment they have been absolutely superb. But, in fact, this is a Presidential task force. It was created by the President, and he, of course, appointed the Vice President as Chairman, and we, of course, still have the same President and Vice President no matter what happens to this task force.

As I recall, I have never had to invoke the authority of the Vice President to get things done here. I recall when we met last in Washington in May of last year, that same question arose. The answer is still the same. I have never issued a direct order on behalf of the Vice President to get something done.

Now, of course, I realize that the direct interests of a man such as George Bush does have an influence on cooperation. There is no question about that. I think what I am suggesting is that that interest, no matter what happens to his leadership of this task force, will continue, because after all, he does remain the Vice President. The President remains the President.

I think that the commitment of those two men to do something about this problem down here has been demonstrated, and I see no reason to believe or to suspect that it is not going to continue with the same level of personal commitment as we have had in the past. Indeed the Vice President has a direct and personal understanding of the problems and the solutions that we have effected. I fully expect that no matter what happens to him in his capacity as Chairman, that that interest and that understanding will continue.

Mr. ENGLISH. The President makes all kinds of appointments. He appoints U.S. attorneys. He appoints U.S. marshals, he appoints all kinds of folks, but the fact that he appoints a U.S. attorney to head up a task force doesn't carry quite with the same inference of Presidential interest as saying "the Vice President of the United

States, the second man in this administration, is the one that I charge, because I feel so seriously about this." I think with the South Florida Task Force that was never lost, was it, to that degree?

Mr. RINKEVICH. No.

Mr. ENGLISH. I am throwing out an idea here. We have had in Congress, and it has been referred to here today, the idea of a drug czar of some type to take over all these new task forces that have been formed. I am quite concerned that we don't fall back into the same old trap that we have had in the past, where you have conflicts arising and jealousies arising and the turf battles arising between agencies and departments. I think if you pick out one of those departments involved and say the head of that department is in charge, that it does cause problems with other departments and agencies.

It is difficult for that individual, and I don't care how well meaning he may be, and how fair he may act, he is suspect by other departments and agencies who fear that they are going to get the short end of the stick or they are not going to get a fair shake, or he is giving special treatment to his own people in his own department and agency, and as counsel points out, especially if he gets all the task force money. I think that that probably is a good point.

It seems to me the direction that we are going is that in fact we are going to have at least 2 task forces—I shouldn't say for each of the 12—but there are going to be 2 counterparts and maybe more that will develop or evolve out of this thing from the direction it is going.

Interdiction is going to be a separate operation from investigation, and while I know investigation people say oh, no, it is all going to be one, it is already beginning to move in that direction, to evolve in that direction.

I am wondering if it isn't wise just to let it go ahead and happen, let it evolve that way, but still have someone, and I still think that the logical choice, for obvious reasons, is the Vice President, as something of a mediator—not to become involved in the day-to-day activities and direction of what is taking place, but when conflicts arise, when difficulties arise, when logjams arise, someone who the President designates to step in and to invoke the President's personal interest, and given his stature, to deal with difficulties in many of the same ways that the Vice President has dealt with this South Florida Task Force.

Now, if you don't feel comfortable in commenting on that, and we are not going to put you on the record on the basis of speaking for the administration, but if you have any observations that you would like to make along those lines, I would certainly be interested in hearing them.

Mr. RINKEVICH. I would make one or two observations, Mr. Chairman. One, I think that the model that has been created here will not go away. And its effect will not be lost on the Federal Government. What I mean by that is that it was proven here that agencies can cooperate, can coordinate, and that they can more effectively target their resources, much like there was with a consensus on the problem when we came here. There is no longer any ar-

gument that Federal agencies can cooperate and can submerge individual agency interests and priorities and imperatives.

That record is clear. You have helped establish that and others have as well, and that will be difficult to cast aside and to go back to "business as usual" to the extent that there is a "business as usual."

Second, in my judgment, one of the principal reasons that the Vice President was involved in this effort was the crisis nature of the problem. There are no other parts of the country, from my limited perspective, that have that same crisis situation that south Florida has had in regard to the volume of cocaine and marihuana that comes through here for all the reasons that you know and are so familiar with. Therefore it is sort of a special role for the Federal Government in south Florida, which had realized the very dramatic need which called for very, very dramatic action to get things done very quickly. And I think that that rationalized, and rightly so, for the President asking the Vice President to take it on.

I am not sure that the other task force cities, and I don't mean to denigrate the problems that they have, but I am not sure the other task force cities had the same set of crisis kind of circumstances. For example, in interdiction—which has been a principal area in which we utilized our coordinating mechanism, Coast Guard, Navy, DEA, Customs—you obviously won't see that in Denver or St. Louis. You will see it in a fairly limited number of cities, perhaps Houston (for the Gulf), and Atlanta (covering the Georgia coast).

The last point I would offer to you is that the Constitution of the United States and laws passed by Congress, place in the Attorney General of the United States, responsibility to serve as the chief law enforcement officer of the country.

I think that it is in some ways inappropriate, on a long-term basis, in our system of government for the Vice President to exercise that kind of continuing law enforcement responsibility. I don't pretend to be a constitutional scholar, so I leave my comment at that, but clearly a crisis existed, and the President reacted and assigned the Vice President, but now in some regards that crisis has abated. I think it is time for the proper institutions of Government to begin to deal with the problem.

There is a need for reorganization of some of those institutions of Government. That rightfully belongs in the lap of the Congress or with the President, himself, in terms of executive reorganization.

Mr. ENGLISH. Well, I guess that is an area that perhaps has a level of urgency, too. But I know the district attorney in Oklahoma City, which is part of my district right now, tells me that in Oklahoma City 70 percent of all the violent crimes are drug related. And I know the Justice Department came before this subcommittee in December and testified to the fact that there was no way that the American people can hope for a significant reduction in crime unless we can deal with the drug problem. Even being successful in slowing down direct flights of drugs or shipment of drugs into south Florida still doesn't mean that you don't have drugs in south Florida or the United States, and from what DEA has shown us on their figures, the availability is about what it was.

You don't have the direct trafficking straight in here as we have had in the past, but it is going to go around and it is going to go

someplace, and unless we recognize that the crisis is still there, and unless we are willing to live with 70 percent of our violent crimes being drug related, which I think is unacceptable, I think it does still need that mark of Presidential concern and urgency, and I would agree with you now on the long term.

Obviously, you are getting into a position then if you are going to go administration-in and administration-out regardless of who it is, and you are going to designate this as a Vice Presidential responsibility, each year that loses a bit of its credibility.

I would agree with you there, but I think at least in the short run, perhaps over the next couple or 3 years, there has got to be some way that the President can show the American people this is a problem he is singling out and this is a crisis, and we are going to place the same kind of thrust on it or emphasis on it that we did in south Florida.

Mr. RINKEVICH. Well, my answer would be, of course, he did that in October when he announced the other 12 task forces. The issue is, Should the Vice President remain involved in those? If you understood that I meant to denigrate the seriousness of the problem of drug abuse in this country—I was not.

It is a great problem, but much of the interagency coordination that we have demonstrated here has been related to interdiction—to cooperation between Coast Guard and Navy, Customs and DEA. That needs to continue here, and I think it will continue.

You don't have that need in some of the other task force cities. You do have the need for investigations, street level investigations, which should be done by State and local authorities. The Federal Government should undertake the more complex, long-term conspiratorial investigations to get into the infrastructure of the drug organization. I don't see that as needing the level of Presidential interest of coordination that you do, perhaps. In Florida, because of the larger number of agencies that needed to cooperate in interdiction effort, we did need that level of interest.

I would just stop at that point. I think there is a legitimate issue there, and I think it is something that the Congress and the executive branch are simply going to have to work out. I know the administration has taken a position on the drug czar and I know certainly the Congress has taken a position on it as well.

I think that there is a different set of circumstances, when you look at what is happening, what has happened in south Florida and in some of the other task force cities.

Mr. ENGLISH. I think what we are talking about is another hearing for another day.

Mr. RINKEVICH. I think so.

Mr. ENGLISH. We are slipping on to a different subject.

Mr. RINKEVICH. With a different witness, by the way.

Mr. ENGLISH. I think we are doing fine with the witnesses, and I would keep on moving in that direction.

I would like to say in closing, Mr. Rinkevich, that when I was down here a year ago—I am being very candid with you—I didn't think the chances of succeeding in your kind of job was very great. I thought that you probably had bitten off a bit more than you could chew, or somebody bit it off for you anyway and handed it to you, but you have done a marvelous job, and certainly the hat of

this subcommittee is off to you. You are to be commended and we appreciate your fine effort. Thank you for coming.

Mr. RINKEVICH. I thank you for that, Mr. Chairman. I would like to say something in response. We have enjoyed, I think, a very close set of objectives in terms of what your interest is and what our interest is, and I think that the support that you members of the committee and your staff have provided to us has been absolutely outstanding.

One of the things I am very proud of in this effort, and I think it is a compliment to all of us who have been participating in it, is this is a nonpartisan, very much bipartisan undertaking, and I think that is one of the ingredients that has made it so successful.

I think we ought not to leave this hearing without my saying that, and I appreciate the contribution that you and your staff and your committee have made to that part of the effort, and we certainly think that that has been a great part of our success. Thank you.

Mr. ENGLISH. Thank you very much. With that harmonious note, we will recess until 9 a.m. tomorrow. Thank you very much.

[Whereupon, at 5:05 p.m., the subcommittee adjourned, to reconvene at 9 a.m., Saturday, February 26, 1983.]

REVIEW OF THE ADMINISTRATION'S DRUG INTERDICTION EFFORTS

SATURDAY, FEBRUARY 26, 1983

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION, JUSTICE,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Miami, Fla.

The subcommittee met, pursuant to notice, at 9 a.m., in the Dade County Court House, Miami, Fla., Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English, Ronald Coleman, Buddy MacKay, Thomas N. Kindness, and Tom Lewis.

Also present: Representatives Dante B. Fascell, Dan Daniel, Charles E. Bennett, E. Clay Shaw, Jr., and Senator Paula Hawkins.

Staff present: William Lawrence, counsel; Edward Gleiman, counsel; Theodore J. Mehl, professional staff member; and John Parisi, minority professional staff, Committee on Government Operations.

Mr. ENGLISH. The subcommittee will come to order.

This morning we are continuing hearings with regard to the drug interdiction effort taking place by the South Florida Task Force and related areas.

We have with us this morning Representative Dan Daniel, who will sit with the subcommittee.

Dan, I understand that you have some comments that you would like to make. Would you care to join us up here to give us your views? We will be happy to hear from you at this time.

STATEMENT OF HON. DAN DANIEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. DANIEL. Thank you, Mr. Chairman.

My name is Dan Daniel, Member of Congress from the Commonwealth of Virginia, and I chair the Subcommittee on Military Readiness.

It is a great joy for me to be here this morning, particularly with my esteemed colleague, Charlie Bennett, for whom I have the greatest respect, the man who really fathered the enterprise, insofar as the military participation is concerned.

I know, Charlie, that all of the members of the subcommittee are very proud of the work you have done in this field.

Mr. Chairman, it's a genuine pleasure for me to join with your committee. I believe that this committee is performing a vital serv-

ice in leadership in America's war against drugs. You know, Mr. Chairman, as a member of the Armed Services Committee, I learned a long time ago that the one way to find out what is really going on is to visit and talk with the troops.

After our exchange of views with the Prime Minister of the Bahamas yesterday, I visited one of his law enforcement units and our drug enforcement officers who are helping the Bahama police on the Outer Islands.

I might tell you, quite frankly, Mr. Chairman, that I was shocked by some of the things that I learned. For example, had our single-engine helicopter been forced down in the ocean or in those remote islands, we couldn't have talked with anyone. Our radio wasn't compatible with any of the others engaged in this effort.

Helicopters in the area which shouldn't be operating over waters in the first place share one set of rubberized floats between the two, and those floats are easily punctured by coral or by gunfire.

I don't use the term "war" lightly. We are in a war, in a war to protect our young people, our national future, against the invasion of deadly drugs. This is a national problem and should have a national commitment.

Our Committee on Armed Services and the Department of Defense should be proud to give support to your efforts, but one of the things that has become very clear to me in my brief association with your delegation is that it is not enough that we have our military support in a national effort, and it is not enough to safeguard our readiness for combat while helping the fight against the drug invasion.

Mr. Chairman, you, personally, and the distinguished members of your committee, have performed a vital service in framing the real issue, and that is the issue of leadership, and unless and until there is someone in command of our total domestic enforcement effort, unless and until the Department of State takes charge and coordinates the overseas assistance program, it makes no sense to squander precious defense resources. So let us send a signal from this hearing and force some effective, rational leadership in this total war against drugs.

Mr. Chairman, I think what I am really trying to tell the committee is that our defense resources are in short supply for the task at hand, but I don't know of any more serious problem facing America today than drugs.

This is not only true on the domestic scene, but it is true insofar as the readiness of our troops is concerned, and I want you to know that insofar as this one Member is concerned, you are going to have my total support. You are going to have that support, if you have the support of the resources and assets, if we can get the proper leadership to coordinate the effort.

As I viewed the scene yesterday and the day before, it seems to me that no one is in charge, and until that happens I think there is going to be some reluctance on the part of the Armed Services Committee to fully support any effort, because we simply cannot squander the resources which we have.

I thank the gentleman for the privilege of participating, and you have my very best wishes in this very real effort that you undertake.

Mr. ENGLISH. Thank you very much, Dan. I deeply appreciate that, and I appreciate the fact that you were willing to stay behind and check things out a bit for us in the Bahamas, look over the status of the equipment that the people are using over there, and I deeply appreciate your help to us in that regard.

Thank you for your support.

Mr. DANIEL. Thank you.

Mr. ENGLISH. Senator Hawkins has joined us.

Senator, would you care to make some comments?

**STATEMENT OF HON. PAULA HAWKINS, A SENATOR IN THE
CONGRESS FROM THE STATE OF FLORIDA**

Mrs. HAWKINS. Thank you, Mr. Chairman.

I want to thank you and your colleagues so much for holding this hearing and inviting me to participate in this fifth in a series of hearings into drug interdiction.

Through your leadership and the excellent work of your staff, this hearing is an important opportunity to review the effectiveness of drug interdiction and seek opportunities to enhance its operation.

Illegal drugs threaten to undermine the future of our country through corruption, violent crime, addiction, and related health hazards. A few statistics might be helpful, if you don't already have them, that reveal the shocking impact of drug abuse and drug-related crime which go hand in hand.

Illegal drug consumption now exceeds \$80 billion per year, an amount in excess of \$350 per capita and about the amount spent for gasoline.

Researchers at the National Institute on Drug Abuse found that 243 addicts had committed 500,000 crimes over an 11-year period.

While the health of all other Americans has been improving, the death rate for young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts are convinced that drug abuse has been the major factor in this frightening trend.

A December 1982 special report in the Harvard Business Review revealed that in 1981 drug use by employees cost employers \$16.4 billion in lost productivity.

Florida has become the national port of entry for 80 percent of the marihuana, 90 percent of the cocaine, and nearly 100 percent of the quaaludes entering our country. The 1981 FBI crime statistics showed that of the top 11 most crime-plagued communities in the United States, 6 were in Florida. Miami was designated the "murder capital" of the United States with over 580 murders in Dade county in 1981.

It's no wonder that the citizens of this beautiful community were really outraged by the things that have been happening in this lovely community, and demanded help.

The Miami Office of Public Safety estimated that approximately 50 percent of the murders in the State and in Dade County were drug related, 28 percent of the murders were committed with machineguns.

As chairman of the Senate Drug Enforcement Caucus, one of my first actions was to urge President Reagan and every Cabinet officer with jurisdiction to adopt an 8-point plan for specific action against narcotics trafficking and illegal immigration in Florida.

President Reagan heard Florida's plea, and heard Greater Miami united. United is the word. We get a lot more attention if we are united, as you know, on a problem, and through great teamwork of this community and all the organizations pulling together, we were able to get the attention of the President, and we have I think had significant Federal resources for the first time committed to combat crime in Florida. We have some good intelligence, and we need to constantly oversee what you are doing, what they are doing.

On January 28, 1982, the President announced the establishment of the South Florida Task Force providing significant Federal resources to combat crime in Florida. Since its establishment, enforcement statistics and intelligence data indicate this effort has had a deterrent effect on the flow of illicit drugs.

Wholesale prices of marihuana and cocaine in Colombia have dropped substantially while street prices for these two drugs in the United States are on the rise, indicating that we have increased the risk if you want to come here with drugs.

Numerous smuggler aircraft appear to be on standby. I went up to the NORAD headquarters in Panama City and watched how you can spot a drug plane on the radar versus all of the other aircraft in the area in Florida, which is a staggering amount of aircraft, and they showed us how you can pick out the drug planes. A noticeable decline in aircraft intrusions is reported by C-3 Customs radar operations.

Two-man flightcrews are demanding \$100,000 to \$150,000 per load which is almost double what they were paying before Operation Florida.

Smuggler pilots refuse to land in the United States but are air-dropping their cargos.

The Miami Police Department reports a marked decline in major crimes in Miami, including a 43-percent drop in the murder rate, and I think we should advertise that highly because this is a community that has turned around, and we want to really attribute this in part to the interdiction efforts of the Vice President's task force.

Drug control must be fought on three fronts: Eradication at the source, demand reduction, and enforcement. Because 90 percent of the illegal drugs in the United States is produced abroad, eradication at the source and interdiction at our borders are the most cost-effective means of stopping illegal drugs.

It is at the border where drugs enter this country in their purest form and largest quantity. Historically, we can see that interdiction and eradication at the source effectively reduces illegal drugs. During World War II, when the supply lines of opium and heroin to the U.S. market were cut off, our heroin problem fell quickly to insignificant levels.

In two recent instances, Mexico and Turkey, crop eradication proved successful in effectively reducing drug crop cultivation and protection.

As chairman of the Senate Drug Enforcement Caucus, I learned last year that nearly 100 percent of the illegal quaalude abuse in this country had been produced in the People's Republic of China, then diverted to Colombia and smuggled to the United States.

I met with Chinese officials and urged from the top down in their Government, that they cease exporting this dangerous drug, that it was indeed illegal in the United States and we did not need it.

They immediately agreed to do this; an interesting personal diplomacy mission that I went on, one on one. They immediately agreed, and the DEA has found that during this last year emergency room admissions of quaaludes has dropped 67 percent and its street price has increased 800 percent since we have cut the source off.

China felt that they were delivering the medicine to a legitimate drug house in Amsterdam. That was where the shipments were going. They did not know where it was going after that. When we showed them the drug trail of the methaqualone from Amsterdam, through Colombia, down to Miami, they were most considerate and said they had felt they had been oppressed for years by drugs themselves and they did not want to contribute to that.

We owe them a great debt by their voluntary ceasing to ship that methaqualone. I also want to applaud the important role played by the Miami Citizens Against Crime in spearheading community efforts to combat crime.

I met with the Vice President yesterday afternoon and have some information that I would like to announce at this time.

We were at the White House, and the Vice President stated that the Florida drug and Florida task force would be changed from a temporary to a permanent status. The change will take place by late spring or early summer this year, and he assured me that these efforts would be continued.

Dante, are you listening?

Mr. FASCELL. I certainly am.

Mrs. HAWKINS. He assured me that emphasis would continue to be placed on south Florida, which is what you and I discussed just the day before that in the White House on another matter.

Vice President Bush stated that the temporary personnel will be made permanent in the new drug task force arrangement, and he also commended the Chief Justice of the United States, and I really had failed to write him, but the Chief Justice has been most helpful in ordering judges to south Florida to help us move the case-load, and he spoke most favorably about the role in this crime war that the Chief Justice of the Supreme Court has been doing to help us with the traditional judges and courtroom space to handle the overflow of criminal cases.

We also discussed what do we do with the overcrowded prisons in Florida. We have a terrible problem here. As you know, we arrest people but what are we going to do with overcrowded prisons, and the Vice President said that he would explore further the suggestion of housing Florida's exploding prison population on Federal land, which may be a solution that we could work together for in this State.

Mr. FASCELL. Just so they don't put them in the Krome Detention Camp.

Mrs. HAWKINS. I have the same feeling. We do need help in those areas, and the Vice President is working on it today, I hope.

Under the leadership of Mr. Alvah Chapman, Frank Borman, Armando Codina, and other outstanding community leaders, the private-sector organization has been instrumental in promoting Federal, State, and local action.

I am deeply grateful that this subcommittee has been investigating and holding hearings into the Federal Government's drug-interdiction strategy and implementation.

Thank you for allowing me to join your subcommittee for today's important hearing.

Mr. ENGLISH. Thank you very much, Senator Hawkins.

About those discussions with the Vice President, I know that yesterday we had quite a bit of discussion and concern expressed, not only from members of the committee, but also from citizens that were testifying, about the change of status of the South Florida Task Force. A lot of people attributed that success to the Vice President's personal involvement. Of course, the President had in fact delegated that authority, and it was viewed from the standpoint that the involvement of the Office of Vice President signified the President's personal concern and involvement.

Was there any indication whether or not there is going to continue to be a role for the Vice President to play, not only with south Florida but on the other task forces?

Mrs. HAWKINS. That question was asked, because all these questions had come up because you were coming to Florida and the people here did call my office.

He said that in most instances there is no line authority for the Vice President to do very many things, as we all know. In this particular case, in the south Florida instance and in Atlanta, he did have line authority because he was given direct authority by the President to do that.

As you know, he has been traveling abroad extensively and helping the President probably more than any other Vice President has. He did state that he would always have his attention. He is always going to have his attention. He has family here and he is not going to let this get away from his attention, but he felt that Adm. Dan Murphy would be made head of the task force. But he felt that there will be a weaning away of his attention, but as far as the appointment, he said: "You can always call me any time you need help."

Mr. ENGLISH. There has been a great deal of discussion, as you know, in the Senate as well as in the House with regard to the appointment of a drug czar. In fact, we had legislation that went to the President along those lines. I wonder, again I am just floating an idea here, I can recognize and understand that the President wants to utilize the services of the Vice President to the fullest, and certainly, as we have seen, that includes foreign policy, travels abroad, and working on various problems that we might have. But it seems to me that the one point that we have got to consider is that success here in south Florida, and success for the other task forces, is dependent on the Presidential interest that is expressed in the concern that was demonstrated with the appointment of the Vice President.

I wondered if it might be possible to maybe have some type of oversight role for the Vice President for this entire effort.

Mrs. HAWKINS. It's a very good suggestion. He is interested.

Mr. ENGLISH. I know the Vice President is. I have had discussions with him myself, and the idea occurred to me that perhaps he could be put in some sort of oversight role, which I think might work to be some type of compromise between those who would like an absolute drug czar and those with concerns for the Vice President's time. Perhaps we should give the Vice President that kind of authority to step in and mediate when these differences arise between Government agencies and departments and perhaps to break those logjams that seem to occur in bureaucracies from time to time.

Mrs. HAWKINS. That is a very good suggestion. I voted for a drug czar on the Senate side. A lot of us did, and we immediately got telephone calls saying that that wasn't the plan that the President favors. He favors the cooperation of all the agencies, and someone that can be, I guess, more flexible, but I think your idea would merit following through as a group from these hearings.

Let us work on it together.

Mr. ENGLISH. I think that is a good point.

Mr. SHAW. May I add one thing to it. The Florida delegation on the House side, Charlie Bennett, Dante Fascell, and many of us met with Admiral Murphy within the last couple of weeks. We expressed our concern about the Vice President no longer being involved in the task force and of moving over directly under the authority of Justice. He advised us at that time that the Vice President would be involved until April. That schedule has been revised at this point.

When I met with the Vice President he advised me that he is going to be directly involved as he is today at least until June. I made a specific request of him at that time that he maintain control over the task force as it is today, without change, at least until such time as the new task forces are set up and are actually operating.

He was going to take that request up with the President, Mr. Meese, and other decisionmakers, including, of course, the Attorney General, to see if he might honor that request. We are still sort of waiting for a reply to that, and I am hopeful that he will continue in this particular function at least until the end of the year.

I think it is going to take that long to iron out the chain of command. We are going to hear from Defense today on these items, but I think that when you are trying to bring all these factions together, as we have certainly discussed over the last couple of days, it is really necessary to have the full power of the Presidency. I know of no better way to have the presence of the President than through the Vice President.

Mr. ENGLISH. How does the mediator role strike you as a compromise between those who want a drug czar or—

Mr. SHAW. I think the drug czar concept, which we never really had hearings on our side because it was born in the Senate. I think we need to do more than we are doing now in coordination. The drug adviser if you look at existing law, the job that Mr. Carlton

Turner has at this time, can very well be interpreted to be exactly that, that of a drug czar.

The President and the administration has not sought to give that spot that particular amount of power, but they certainly have the authority to do it now. I think your suggestion is an excellent one. We certainly need coordination. We have seen just years of neglect and turf problems which have constantly come up at this hearing and other hearings. I can't think of any better committee than Government Operations to be looking into this issue under your leadership.

Mr. ENGLISH. I recognize Mr. Turner supposedly under the law has the authority, but it doesn't have quite the same ring to it, Mr. Turner versus Vice President Bush. The status is not quite on an equal plane there and that may be what we are talking about.

Mr. Fascell, I know, had a comment that he wanted to make. In particular, as pointed out yesterday, he is the reason that we are down here. He invited us and urged us to come down and we deeply appreciate it. We certainly appreciate the hospitality of the entire Florida delegation and the people here in the Miami area.

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. FASCELL. Thank you, Mr. Chairman.

Let me express my appreciation today, as you wind up these hearings in south Florida, for your leadership and the work of the staff and the subcommittee in pursuing this matter.

The oversight of this is extremely important. I was very pleased to hear Senator Hawkins get the personal assurance of the Vice President on the announcement that had been made with respect to the permanency of the task force in south Florida.

It is very important, as we all know, to have the direct commitment of the President of the United States in this fight, and without that any mechanism we put together is not going to be worth a hoot, in my judgment.

We have had this problem from the very beginning, and the only reason we have any measure of success, in my judgment, is twofold:

One is direct commitment of the President with the Vice President in charge and, two, is the cooperation of the military. That leads me to the next thing, Mr. Chairman. I will just take one brief second.

I am delighted to welcome my distinguished colleagues here from the Armed Services Committee, Charlie Bennett, dean of the Florida delegation, ranking Democrat, chairman of the Seapower Subcommittee, and Dan Daniel, who is chairman of the Readiness Subcommittee. It's very important for them to be here.

I was struck by Mr. Dan Daniel's statement. I think that he raises obviously a very important point from a military standpoint, which you have been concerned about all during this consideration of these matters, and that is the role of the military in this effort.

None of us want to in any way impinge on the role of the military or take away their capability or their readiness, and yet in the short term, we really have no alternative. Without the military, we are lost.

I would suggest that we—we meaning all of us, the administration and Congress—begin to look at a plan that could wean the military out of this. I am personally ready today, to spend the money, to provide the equipment, the manpower, the training, whatever it takes, to give us the enforcement capability without having to rely on the military. We can't do that now, but let's plan on it.

Let's lay out a plan. It may take 3 years, 6 years, whatever it is, but let's do something so that we are not constantly intruding on the military and their having to play a chess game to figure out how they are going to get their men and their material around and available to us without affecting their readiness.

The commitment that the gentleman has made that the military will be there, predicated upon firm leadership at the very top level in Government, is a very important thing. And with our ranking Democratic Member of the Armed Services Committee, we can all work on this kind of an effort, and I am sure that we will both serve our respective interests extremely well.

So I would just like to leave that suggestion on the table, Mr. Chairman, because of the comments that were made here this morning.

Thank you.

Mr. ENGLISH. Thank you very much, Dante. I appreciate it.

Our first witness this morning is known in Washington as the Father of the posse comitatus military cooperation idea with regard to drug enforcement, and very affectionately known as such. I think that without question his hard driving effort to try to combine resources, and make the country recognize that the drug problem has become so serious and so critical that our law enforcement was simply overmanned, outgunned—

Mr. FASCELL. Overwhelmed.

Mr. ENGLISH [continuing]. Overwhelmed, and without the assistance of the military both from a technical sense, and loan of equipment, and so on, that we really didn't have much of a chance.

This morning I certainly want to give a very, very warm welcome to Representative Charles Bennett, who is our first witness.

STATEMENT OF HON. CHARLES E. BENNETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BENNETT. Thank you very much for this opportunity. I enjoyed hearing the remarks that were made previously by Mr. Daniel, the Senator and others, Clay, who have done so much in this effort. I think they are all good sound proposals.

I think Dante's suggestion is an excellent proposal, to have some kind of a proposal that would lead eventually to the withdrawal of the military, in the meantime fully using the military to the extent that they are needed. I do think that there are questions which the military has accommodated to bring this out and to help.

They are not complaining about it at all. They are happy to do whatever they can, but from the very beginning I felt that Coast Guard and Customs Service procedure was the way to go and not necessarily to rely as heavily as we have had to rely upon the military.

It was only in desperation when I realized that instead of raising the funds for Customs and Coast Guard we were cutting them; in the face of this, then is when I got to work on comitatus, and I hope I can contain my emotions at this point, but you see, this is not an indifferent fight for me, because I lost a son to drugs.

Mr. Chairman, there are no greater challenges to the survival of our Republic than to fight the menace of illegal drugs.

The three great needs to fight drugs are interdiction of the illegal imports, and helping American citizens to stop their demand for the drugs, and destroying them at the source. Three words: Destruction, interdiction, demand.

Today we will think mostly about interdiction, but the most important thing in fighting the curse of illegal drugs is to educate and inspire the American people to cease the demand for their own good and for the good of the country.

In fact, we have heard here today about the fine work that has been done by the South Florida Task Force, and the way in which they pointed to success. That is the most important thing of all.

A major problem in drug enforcement policy has been a lack of coordination, allowing resources to be wasted or duplicated when they could be shared and coordinated. A December 1982 Gannett News series, culminating a 14-month investigation, charges that: "The FBI, IRS, DEA, and CIA often become so bogged down in bitter and sometimes violent turf wars that they do as much to impede an effective drug enforcement effort as they do to promote it." If this charge is even only partially true, it is certainly serious.

A prime example of the national level lack of coordination and efficiency in our drug interdiction and enforcement efforts can be seen in the longstanding jurisdictional dispute between the Drug Enforcement Agency and the U.S. Customs Service. As a result of governmental reorganization a decade or so ago, responsibilities were set so that the U.S. Customs Service had the authority only to interdict drug traffickers and which set DEA as the sole Federal authority to investigate the drug smugglers.

However, in practice, DEA has been far more interested in the kingpins of the drug smuggling rings than in the lower level traffickers, which Customs apprehends.

I am advised DEA does not follow up on a significant percentage of Customs' interdiction cases, thereby wasting what could possibly be valuable information about drug smuggling rings. I understand that DEA will only conduct followup investigations if the cases will be accepted for prosecution by the U.S. attorney, less than 40 percent of the cases. Eighty-five percent of those arrested by Customs and Coast Guard on drug smuggling charges, I am told, are not prosecuted in Federal court.

Customs maintains, on the other hand, that in order to carry out its interdiction responsibilities, it must be allowed to conduct investigations regarding its own drug interdiction cases. It is unconscionable that while Customs and Coast Guard continue to strive for higher and higher interdiction rates, our lack of resourcefulness allows so few to spend time in jail.

Information which could be gained about the organization backing these traffickers is lost when DEA refuses to investigate. Moreover, we send an unintended message to the drug smugglers,

saying that we are not serious about putting a stop to their illegal activity. The answer, however, does not lie in accepting these statistics as the drug smuggling facts of life. In fact, we have heard here today about the fine work that has been done by the South Florida Task Force, and the way in which they pointed to success.

I understand that through a special arrangement the Attorney General has authorized customs officers to conduct limited investigative, intelligence, and other law enforcement activities under the direction of DEA. Unfortunately, however, this cooperation has been limited only to the South Florida Task Force.

This is an example of the kind of coordination which can be achieved when all agencies pull together for a single mission. There is general agreement among those involved in drug enforcement that the cooperative approach established in the South Florida Task Force has been ultimately very successful in bringing together all available Federal resources and cooperation has been the goal and attainment here.

The reason cooperation developed in the South Florida Task Force I believe is the direct line of authority of Charles Rinkevich, the onsite coordinator for the task force, and that of Adm. Dan Murphy, the Vice President's Chief of Staff. They have been the main chain through which all Federal law enforcement people coordinate their activities here. Their authority, coming directly from the Vice President, transcended interagency turf battles.

You sort of wonder if it wouldn't be a wonderful thing to have somebody like General Hershey, or somebody like that, who could give us a national leadership like this. The Vice President would be an excellent one if he would undertake it.

As chairman of the Florida delegation, I would like to state that we are very pleased with the results of the South Florida Task Force and strongly believe that this approach must be applied nationwide to stem the growing tide of illegal drugs which are diverted away from Florida's coast to less guarded shores.

Because the cooperation between DEA and customs and the central authority of the Vice President's representatives were the most promising points of success here, the administration would be making a grave error if it were not to learn from these lessons. We do not want to lose the basic central leadership that the task force has developed. We should urgently try to improve on the coordination and single focus of the fight against drugs on a national level.

It is not clear to me, from what has been said here today, that a czar, if you will—you don't call him a czar—couldn't be established in the Department of Justice. In other words, it is not something I think you should close your minds to. It doesn't necessarily have to be somebody removed from all of the agencies that have something to do with it, and the Department of Justice does have the final authority for enforcement in law. So it seems like to me an easy compromise with the executive branch would be to create an Assistant Attorney General that would be more or less autonomous but under the general leadership of the Department of Justice.

That is a possibility which seems like it would not offend the President. We ought to be tactful if we can. We are calling taxes today user fees and things like that. Well, we can do a little more

semantics on this too and maybe we can find an answer which would be suitable to everybody. Let's hope so, anyway.

Since October 1982, the Department of Justice has been telling the country that the South Florida Task Force has been such a success that the administration is planning 12 more around the country.

I would like to interject a thought here. From the very beginning, in the efforts of fighting drugs in this country, I thought it was a terrible mistake to just put everything in a little tiny spot and say, this is what it is going to be. I think the drug people ought to be kept guessing. I think there ought to be a program which goes for all of the United States. If you want to have 12 task forces and you move them around, fine, but all of those task forces have geographical limits. All smugglers have to do is move to the place where they are not going to be.

That is the reason I wanted in the comitatus thing. It was not a complete success as far as I was concerned, it was a compromise in the end, but I wanted to have the Rio Grande and other areas, Canadian border and everything else being protected by allowing the military to be used, but that was taken out of the law.

My feeling was, if everything else is cut out, they are going to move to the places where it is not cut out, and that worried me. But, as in everything, we have compromises, and the only thought I wanted to interject at that point is that although I am for 12 task forces throughout the United States, I think there ought to be an umbrella which stays all over the United States, and the task forces should just be tools of an overall umbrella.

Otherwise, you have said you can't go near St. Louis but you can go into Oshkosh or something else and you are all right. That is kind of a dumb thing to do really when you get down to announcing there are going to be greater areas where you would have easy penetration.

We have understood from the Associate Attorney General that perhaps there is no need for a "drug czar" to provide the central authority to insure cooperation and coordination between the relevant agencies responsible for drug enforcement policies.

The Attorney General and Associate Attorney General are hoping to do what GAO says no administration has yet been able to do: Implement a coherent, coordinated, and effective drug enforcement and interdiction policy. And, moreover, they apparently plan to do it by throwing out the most successful, cooperative and effective approach devised thus far, that being what was developed in the South Florida Task Force, centralized authority.

The Associate Attorney General states in his column in the Washington Post:

President Reagan has fully committed his Administration to bringing the drug menace under control. The Attorney General, as this country's chief law enforcement officer, is responsible for overall coordination of that effort . . . every aspect of drug-abuse prevention and control is now coordinated at the policy, management and operating levels.

That follows on what Clay said a moment ago about the possibilities of working out something that might be agreeable to the administration.

I strongly believe that there is indeed a need for one central, authoritative source for the implementation of a coordinated Federal drug policy. The success of the South Florida Task Force was apparently greatly helped by the clear authority of the Vice President and his staff. Any governmental entity which proposed to continue the success of the Vice President's task force would therefore seem to require clear authority to coordinate and direct using both law and delegated powers of the President.

We need again in the 98th Congress to pass legislation to establish a centralized drug enforcement policy position. There were only 15 votes against the House crime package legislation last year containing the so-called drug czar legislation.

Following the passage of the change in the posse comitatus legislation in the last Congress, the military has been allowed to give much more direct help to civilian law enforcement agencies in their drug interdiction efforts. That certainly shows the need for somebody who has an overriding responsibility in this area to knock heads together and get that sort of thing done. Nevertheless on the whole there has been a good and effective cooperative effort between the military and civilian agencies.

I have been very closely in touch with this since the very beginning, and I am encouraged by a lot of things that have happened. No. 1, I was really met, as you know, with opposition originally from the Pentagon to do this. They didn't want to do it. Now, not only are they doing it, but they are absorbing large portions of the cost which they could readily bill somebody else for.

I am not talking about small money. They are absorbing large, large portions of the cost because some of these things they are using, if you had to buy them, would cost a few hundred thousand dollars, and there is nothing like that that has been suggested by the Department to be repaid, so they have had a very fine cooperative effort and it has grown.

As a former infantry soldier in World War II and a man who read Stephen Crane's book, "The Red Badge of Courage," I think the greatest deterrent to military service really is boredom and a lack of purpose, particularly in peacetime, and I think this gave a purpose to a lot of people.

A lot of people see almost a mission out of what they are doing, and it turns a great morale factor in a lot of the military, from the bottom to the top.

In addition to that, now, although it was once where there were a lot of drugs being taken, that has been turned around now. You can't really expect the military to reform everybody although a lot of people do. That doesn't make any sense to think that that could happen, but the truth is today the incidence of drugs in the military is much less than it is in the same age group outside. That is astounding and wonderful, and so I think that is something we ought to look at.

I would like to make one last recommendation. I have introduced H.R. 41, which would require that none of the funds appropriated under the Foreign Assistance Act of 1961 were to go to, I think the law was originally to go to countries which are known sources of illicit drugs, unless the President certifies to Congress that the gov-

ernment of that particular country is fully cooperating with U.S. efforts to stop the flow of illegal drugs from that country.

Although a similar law is already on the books, section 133 of Public Law 97-377, it only allows the President to cut off foreign aid to a country if he certifies that the country is not cooperating with the United States. It does not require that he ascertain whether they are cooperating or not.

If, by some chance, he finds out they are not, he may cut off aid. Unfortunately, we are all well aware of the power of bureaucratic inertia. My bill, on the other hand, would require that the President certify that each known source country be fully cooperating before any foreign aid money can be given to them. This is analogous to the law on the preservation of human rights, which is now already in operation. I believe that this is an important distinction, and that the law needs to be strengthened.

As I conclude my remarks, which I should probably have said in the beginning, the feeling that I have is one of great kindness to this subcommittee in what it is undertaking to do and how well it is doing it, and I am very, very deeply grateful for that.

Then I have another feeling of deep gratitude, and that is the feeling of deep gratitude to the military for not only taking this responsibility on its shoulders, but having done it with a degree of enthusiasm and good will and hard work and expenditures of a lot of funds, a real dedication to getting the thing done. Those are some of the sentiments I have.

I would like to conclude on a positive note, because I think very few things in the world are ever accomplished by negative things, and a lot of things we have said by nature have been negative.

As I was coming down on the plane, I read in the U.S. News and World Report of February 28 this: Page 46, and I will conclude by reading this. I think everybody will be happy when they read it.

Among young people, the most encouraging development is a drop in teenage drug abuse. A recent report by the Department of Health and Human Services showed that illicit teenage drug use fell sharply between 1979 and 1982. The percentage of high school seniors using marijuana decreased from 10.3 percent to 6.3 percent, while monthly alcohol use among teenagers dropped from 37 to 26 percent.

Then it goes on to say:

In addition, there is a revival of interest in institutions promoting old concepts of discipline, loyalty, and honor among youngsters. For example, membership has suddenly risen in Boy Scouts, Girl Scouts and Junior Reserve Officer Training Corps programs in high schools.

I think all of us who are parents and are concerned about young people are delighted that that is the case.

Mr. ENGLISH. Thank you very much, Charlie. We appreciate that very, very much.

Any questions?

Mr. SHAW. I have a comment, Mr. Chairman. Yesterday, Mr. MacKay was telling us about the crosseyed rooster. I want to tell you about a pit bull in our delegation, and that is in the form of the witness. What Charlie has done, I watched him. We went with him over to the Pentagon when we were arguing the differences in posse comitatus.

In my opinion the House had a much superior bill which he, along with me and the rest of the Florida delegation, fought very

hard to pass and, as a compromise we made it, the Senate bill and the resulting bill, into a much stronger bill than we would have had, had we gone completely with that which had come out of the Senate.

When Charlie is on the scent of something he doesn't let go. I don't know how many people have seen a pit bull but sometimes when they get hold of something the only way to get them loose is to pry them loose with a two by four, and I can tell you that the military as he has rightly said has done a very commendable job.

They did have to be prodded, and I think that once Charlie sunk his teeth into them they found that the only way they were going to get him to let loose was to give him at least a piece of what he wanted, and I think he did come up with a good consensus. Charlie has done a marvelous job in this area.

I also would like to comment just very briefly on H.R. 41, I believe you said, the bill that he has introduced, and I think that goes in very good when you are talking about looking at the testimony we had yesterday when you find that almost 85 percent of our problem is coming out of Colombia in the form of marijuana and cocaine. I think that we have to look at taking very severe and serious steps in dealing with that problem.

I can think of no better way to do it or a more proper way for this country to react to the problem than through economic measures.

Mr. BENNETT. Thank you very much, Clay.

Thank you very much.

Mr. DANIEL. Mr. Chairman, may I make one further comment?

Mr. ENGLISH. Sure.

Mr. DANIEL. Let me underscore two things that Charlie Bennett said. No 1 is that this effort must be national in scope. Those of you who visited with the Prime Minister in the Bahamas the day before yesterday will recall that he said in effect that certainly he wanted to cooperate but he asked the question if, after we stop the flow of drugs into south Florida, we will stay here and continue the interdiction effort, and this is what Charlie Bennett is saying.

If this thing isn't a national effort it really is not going to be effective.

Then the other thing he said, and the same thing that Dante Fascell said, there has to be some coordination. There has to be someone at a higher level who has the respect of the American people, in other words, to get the funds that are going to be required to get this job done.

Mr. ENGLISH. Thank you very much.

Any other comments?

Mr. KINDNESS. Mr. Chairman, I would just like to inject a note of disagreement here. Everyone has been so pleasant this morning, but it's not in a vein that is intended otherwise than to stimulate some thinking.

Mr. Bennett has pointed out I think quite ably the response from the Department of Defense, from Armed Services, to the need in which they are participating, and it has a very constructive aspect to it. Whether we ought to consider weaning the military out of this effort in a long term or not is something that I think needs to be considered very closely, because I am not convinced that we

should be thinking in that direction quite yet at this particular time.

There is some value attributable to the participation of the armed services in an effort that has to do with the securing of our international boundaries. We are not engaged in a declared war in one sense, but it's a declared war in another. Attempting to win the war on drugs, without the participation of the extremely valuable resources in the armed services, I think, is like tying both arms behind our backs, so that these most valuable resources ought not to be looked upon as separate from the maintenance of our national security with respect to drugs.

I just throw that out for consideration, perhaps in an attempt to balance the record for the moment, but to stimulate thinking about whether in the long run we ought to be looking for ways to incorporate the armed services, the effort that is a part of maintaining our national security.

Thank you, Mr. Chairman.

Mr. ENGLISH. A good point. I think that is a very good observation. Perhaps given these times of criticism from some quarters with regard to the size of the defense budget, perhaps the Department of Defense may want to point out that there are multiple taxpayer uses of each dollar, using them not just for a piece of equipment that is going to set on a shelf or set on—

Mr. BENNETT. The military is not asking to get relieved of this. I was just following up on what Dante said. I guess what Dante and I were both saying, you know it's kind of a pity that the Coast Guard has not adequate facilities.

He and I voted for the amendments to add the money on there. They are just so undermanned and underequipped that really I guess we were indirectly making a plea for them.

As a practical matter, there is no way that we are going to have an effective program that the military is going to get out in any near future. If we don't keep plugging at this there is not going to be enough in the civilian part of our Government to take care of this. That is what Dante and I are trying to say.

Mr. ENGLISH. I think the taxpayers may take some comfort in knowing that their tax dollars are being used for dual purposes, not just for a piece of hardware to win a war.

Mr. BENNETT. The military looks at it that way. They are not asking to be relieved.

Mr. ENGLISH. That may be something we are overlooking.

Any comments?

Mr. MACKAY. Mr. Chairman, I am just curious, and I would like to make sure I understand the administration's position.

My understanding is that there has been a net reduction in the Administration's proposed budget in personnel for the Customs Service. I mean it's all well and good to talk about what is going to happen in concept, but to say, and Mr. Coleman was exploring this yesterday, to say on the one hand that we are going to organize 12 more task forces and we are going to staff them permanently, those are great ideas with which we agree, but we are going to do that out of a reduced total number of personnel in that agency is to say something that is patently nonsense, and I think one of the things this committee should explore while we are here is which ones of

those statements are the true statement of the administration's intentions.

Mr. ENGLISH. A very good observation.

Are there any other comments?

I think we are just about ready to hear our next witnesses.

Our next witness is Mr. John Walker, who is the Assistant Secretary for the Department of Treasury in charge of enforcement and operations.

Welcome this morning, Mr. Walker. I believe you have some folks that will be accompanying you. In fact, it's my understanding that the Commissioner of Customs, William von Raab, will also be joining you at the table.

STATEMENT OF JOHN M. WALKER, JR., ASSISTANT SECRETARY FOR ENFORCEMENT AND OPERATIONS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY WILLIAM VON RAAB, COMMISSIONER, U.S. CUSTOMS SERVICE; SEYMOUR BOLTEN, SENIOR ADVISER; AND ROBERT BATTARD, REGIONAL COMMISSIONER, SOUTHEAST REGION

Mr. WALKER. Yes; I will have Commissioner von Raab here and also one of my senior advisers, Seymour Bolten. We have got a big reputation down here in Florida.

Mr. Chairman, Senator, members of the committee, other Members of the House, all of you who are so deeply concerned with this very vital public issue, thank you very much for this opportunity to appear before you today on the subjects of Federal drug enforcement and implementation in the wake of the posse comitatus amendments.

With me today is Commissioner von Raab of the Customs Service, who will be testifying on the specific interdiction efforts that the Customs Service now conducts, and on new initiatives for enhancement of Customs' drug interdiction program.

In my testimony today, I will comment on our overall drug interdiction strategy and how the progress in south Florida relates to our overall enforcement effort.

First, I want to express my sincere appreciation for the continuing interest and support that you have demonstrated in Treasury's and this administration's efforts to stem the flow of drugs into this country. From the standpoint of Treasury law enforcement, the battle against drug smuggling is our paramount concern.

As you are well aware, the costs imposed on our society by drug smuggling, drug use, and the crimes they foster are alarmingly and unacceptably high. Your continued interest and efforts have been a valuable contribution to our overall drug enforcement program.

I want to also acknowledge the ongoing support of Treasury law enforcement by the chairman of Treasury's House Appropriations Subcommittee, Chairman Roybal, and by Treasury Senate Appropriations Subcommittee, chaired by Chairman Abdnor, as well as other members of these committees who are vitally concerned about Treasury law enforcement and drug enforcement.

That includes, of course, Senators DeConcini and others who have been so active in behalf of Treasury law enforcement, and I certainly feel that the support that has been shown here by Con-

gressman Daniel, Congressman Bennett, Congressman Shaw, and Congressman Fascell and the other members of your committee, Mr. Coleman, Mr. MacKay and Mr. Kindness, has been superlative.

I would also like to take this opportunity to commend Senator Paula Hawkins for her tireless efforts in the Senate and as chairman of the Senate Drug Enforcement Caucus in the war against drug abuse and drug trafficking.

We at Treasury are constantly reminded by her encouragement and real support that drug law enforcement has a working partner on Capitol Hill, in the form of Senator Hawkins.

The U.S. Government's efforts to reduce the supply of illegal drugs have four basic lines of defense. First, through crop eradication and substitution efforts coordinated with the governments of drug-producing countries, raw materials for drug production can be prevented from being produced or destroyed while they are still in the ground.

Second are the enforcement measures abroad to stop the commerce in drugs that are still in transit: From the harvest of these raw materials to the point from which the drugs will be smuggled across our borders, the foreign sector.

The third line of defense, drug interdiction, with which Customs is indirectly involved, is our final line of defense against drugs entering the country if the eradication and foreign enforcement efforts fail.

It is the last opportunity that the Government has to keep drugs from entering U.S. distribution networks and, significantly, it is also the last opportunity to intercept drug supplies while they are still in their bulk, undiluted form.

The fourth line of defense consists of drug and financial investigations that target the major drug trafficking organizations in the United States. The purposes of these investigations are to seize drugs, to prosecute and convict major offenders for drug violations, to target the major trafficking organizations and their money launderers for financial crime, such as Bank Secrecy Act, title 31, and income tax violations, title 26, and to seize and forfeit assets wherever possible. These investigations often lead to information that results in drug interdictions both at home and abroad.

Each of these four phases of drug enforcement must receive our full attention and support. A concentration on any one at the expense of another would result in a weakening of our total enforcement effort. All are equally important. Interdiction at the border remains a critical part of the overall drug enforcement process. It is at the border that drugs enter this country in their purest form and largest quantity.

The criminal stature of the individual who actually smuggles drugs in the United States ranges from the high-level, sophisticated smuggler with organized crime connections to the low-level courier "mule" commissioned specifically to serve as a courier. Whether this individual is a high-level smuggler or a low-level "mule," he or she will still have intelligence that can be developed by an investigation aimed at both the foreign source of the drugs and at their destination in this country.

Hence, the smuggler provides an indispensable link between the foreign origin of the drugs and the points of domestic delivery.

Historically, some of the biggest international conspiracy cases in drug enforcement have been initiated by the capture or detection of couriers who, either unwittingly or in a cooperative manner, lead investigators to top violators.

The fact that most individuals arrested in interdiction cases are typically low-level violators cannot justify a failure to follow up and investigate these arrests. Even the low-level smuggler knows where and from whom he got the drugs and knows where and to whom he is to deliver them.

For Customs purposes, the low-level smuggler has information that can lead to important seizures and arrests. Thus, we can see that border interdiction is critical, but still, if it is to have long-term effectiveness, it must be conducted in conjunction with the other phases of drug supply reduction.

If I could just take a moment to point out something that was brought to my attention about 2 weeks ago, I was at a retirement dinner for a well-known Customs agent in New York City, a man named Albert Seley, who in the early 1970's had put together through careful drug smuggling investigations another major investigation against probably the top violator who is operating in South America in the early 1970's, a man named Andre Record.

Now Al Seley operated by collecting data based upon little investigations, little investigations arising out of each courier who came into the country. There were about 25 couriers running into the country and each was dealing with a middleman and a contact man here and a contact man in South America, but through the identification of common people who are involved in this organization and some intelligence we were getting from abroad, we learned, or I should say Al Seley learned that Andre Record, who was originally from France and had fled after the war into South America and was a hardened criminal dealing in prostitution and other forms of illegal activity, had set up a major heroin drug ring operating out of Paraguay, and he was a master criminal.

Now each one of those little investigations, those little courier investigations, if they had not been followed up or if they had just been turned over to an agency that dropped them, that intelligence would have been lost, but because Customs at that time was investigating these cases and Al Seley was in charge, he was able to take all the little bits and pieces, all the careful little bits and pieces of this drug operation, put them together and draw the necessary conclusions that ultimately led to the capture and arrest of Andre Record and his return under extradition to this country.

I am pleased to say that he is sitting in the Atlanta Penitentiary at this time, so that is an example of how important these kinds of investigations are.

When I last appeared before this committee, in August of last year, I reported that our drug interdiction program in south Florida had been considerably strengthened by the support and technical assistance provided by the Defense Department.

At that time, we had seen the positive results of increased radar surveillance, both airborne and stationary, and the use of Cobra helicopters for pursuit and seizure of smuggler aircraft. This enhancement of our detection, pursuit and apprehension capabilities produced measurable results in south Florida, such as in the reduc-

tion in the air smuggling traffic in the Florida area and the lowering of the crime rate in greater Miami.

We also began to note changes in the locations and methods of the drug smuggler. Air drops near the Bahamas, diversions of air smuggling up the Atlantic coast and into the Gulf States, and an increase in smuggling through concealment by commercial air passengers, all provided indications that our Florida operations were causing the smugglers to change their method of operation and to divert to other areas. It was apparent that we were disrupting their operations and forcing them to incur increased expense and risk of apprehension.

These developments pointed to the need for a Federal response that was nationwide in scope. I believe that we would be remiss as an administration if we did not attempt to correct a situation wherein we now know that numerous private aircraft are bringing large quantities of drugs into the country at different points along our border.

The strategy and capability which we hope to develop will be, I believe, cost-effective in terms of utilizing equipment already in the hands of the Department of Defense, at a cost which will not exceed resources already requested in the Customs 1984 budget.

Again I want to state that the assistance which you and Senator DeConcini and members of your respective staffs and all of the others who are here today have given to the Treasury Department and continue to give in this matter is very helpful and represents a bipartisan effort against the national problem which threatens the well-being of our country.

Even before the inception of the South Florida Task Force, we recognized that the threat posed by smuggling of contraband in small aircraft was of severe proportions, particularly in the Florida area. Understandably, Customs chose to concentrate its air interdiction resources in this strategic area of the country. Customs' ongoing air operations became more critical when the South Florida Task Force became operational in March 1982.

As our south Florida operations progressed, it became increasingly clear, from diversions of air smuggling traffic, that Customs' air interdiction capability needed to be expanded to a national basis. The problem was clarified in the 1983 national air threat study, which Customs submitted to Congress in mid-November of 1982.

Accompanying this document was a revised national air program strategy, which was based on an earlier strategy but was updated to reflect the DOD contributions that had been authorized under the posse comitatus legislation. Treasury has continued to refine this strategy and work toward its implementation. Through consultations with the Defense Department and this committee and its staff, we have been better able to identify the particular components of an expanded program.

As you know, Treasury strongly supports the establishment of an air interdiction capability for Customs that will provide for our three critical air interdiction needs: One, detection of intruding aircraft, and its accompanying sorting out in that detection process, two, interception and tracking of the aircraft following detection, and, finally, three, apprehension of air smuggler suspects followed by arrests and seizures.

The magnitude of the drug smuggling threat, and the increasing sophistication in the methods of the drug smuggler, dictate that the equipment for this undertaking be of a highly advanced design. Because of the associated high costs of acquisition, operation, and maintenance, we are looking to the Department of Defense for the loan of the necessary aircraft and radar systems.

On January 17 of this year, our efforts culminated in my formal request to the Defense Department for general categories of aircraft and detection equipment, with suggestions for specific hardware that would provide the capability to accomplish all three phases of air interdiction on a national basis.

Since that time, the Defense Department, assisted by your able committee staff, by yourself and Customs, has been researching their inventory, and I believe they are now close to making final recommendations based in great part upon suggestions you have made.

The Department of Defense, and particularly Jim Juliana, have been tremendously cooperative to date, and I have every expectation that their continued cooperation will result in the appropriate equipment being provided.

Since I last appeared before you, this administration has developed a national drug investigative strategy involving the 12 drug task forces announced by the President last October. These task forces will coordinate efforts of enforcement bureaus of Treasury and Justice in conducting investigations against the major drug trafficking organizations in this country.

Three Treasury Bureaus will be active in these task forces: IRS and Customs, which will target the financial aspects of the trade, and ATF, which will concentrate on firearms trafficking by drug dealers.

Customs and IRS will jointly conduct financial investigations against major drug trafficking organizations and their money launderers. Our financial investigative techniques will concentrate on disrupting the illegal laundering of drug profits by asset forfeitures, the imposition of penalties and jeopardy tax terminations and assessments. Customs and IRS agents will seek prosecutions of drug-related violations of the Bank Secrecy Act and the income tax laws.

ATF agents will target major drug traffickers who violate the firearms and explosives laws. They will also concentrate on the insidious traffic in machineguns and silencers in support of the drug trade. Their attention will also be focused on violations of the firearms laws committed by members of outlaw motorcycle gangs who are trafficking in drugs.

The ultimate goal of Treasury Department efforts in this program will be to destroy as many high level drug trafficking organizations as possible, both by putting them in jail and by seizing their assets.

I would like to briefly comment on our south Florida enforcement effort, past and future, and how the lessons learned will be carried forward to the rest of the country.

With regard to our effort in south Florida, I am pleased to report to this committee that the Departments of Justice and Treasury have reached agreement on the organization and structure for the

permanent Florida Joint Task Group to conduct interdiction-related follow-up investigations of the kind I have been describing.

The basic principle which has supported the successful task group operation in the past will be retained. Just as before, DEA and Customs will jointly conduct drug smuggling investigations, and each agency will remain responsible for management of its personnel and resources. This group can serve as a model for similar groups outside of Florida.

In addition to DEA and Customs, the Bureau of Alcohol, Tobacco and Firearms has played an increasingly significant role in Florida in the battle against drug-smuggling organizations and violent crime through its investigations of drug-related weapons violations.

In the 7 months since being deployed in south Florida, ATF agents have opened 385 investigations, leading to 112 arrests, 90 indictments, and 49 convictions. They have seized 810 weapons, 319 of which are title II weapons, associated with gangland operations. If our struggle against drug smuggling is to succeed, we believe it is critical that we continue to attack the important connection between drug smuggling organizations and illegal trafficking in firearms, both here in Florida and across the country.

I am sorry to report to this committee that since our last hearing, my last appearance before this committee, on December 2, ATF lost Special Agent Ariel Rios during an undercover firearms investigation in Miami. Another ATF special agent, Alexander D'Atri, was seriously wounded in the same incident. Events such as this one remind us, once again, that the drug trafficker is a vicious and ruthless enemy.

With respect to financial investigations, the highly successful Operation Greenback, jointly spearheaded by the IRS and Customs in Florida, will continue to attack the asset base of drug traffickers and money launderers. In just the past year, money laundering operations responsible for the processing of approximately 400 million drug dollars per annum have been destroyed.

Indeed it is Greenback's success here in Florida that has led to the establishment of 20 additional financial task forces across the country by the Treasury Department, and to heavy financial investigative emphasis in the 12 new task forces announced by the President in the fall.

I would like to close with some general observations about the importance of our task. We are now at a critical juncture in the war against drug smugglers. The South Florida Task Force, under the leadership of Vice President Bush and the day-to-day guidance of his able Chief of Staff, Admiral Murphy, has broken new ground in linking interdiction and investigation and in achieving a high degree of cooperation among Federal agencies and with State and local law enforcement.

It has demonstrated the value of a concerted Federal enforcement effort that combines drug investigations, interdiction, financial investigations, DOD support, and enforcement against firearms trafficking. However, we have to recognize that the drug smuggling and drug trafficking problem is of enormous dimensions. It had flourished amid conventional law enforcement efforts for many years.

It is our view that the additional investigative component represented by the new task forces, and the enhanced air interdiction capability represented by the planning that we, with the aid of this committee and the essential leadership that this committee has shown in this area, have undertaken, will be essential to the overall Federal drug enforcement effort, if we are to have a permanent effect on drug trafficking and the enormous volume of related crime that it supports.

Finally, as we undergo nationwide expansion of the drug enforcement effort, we must heed the central lesson of south Florida, full and complete interagency cooperation. As cooperation has been the linchpin of our program here in Florida, it will be the linchpin of our strategy nationwide.

I appreciate the opportunity to appear before you to review our progress and discuss any pertinent issues. I would be pleased to provide any additional information the committee requires, and I welcome any questions you may have.

Mr. ENGLISH. Thank you very much, Mr. Walker. I appreciate that very much.

[The prepared statement of John M. Walker, Jr., follows:]

FOR RELEASE UPON DELIVERY
February 26, 1983

STATEMENT OF THE HONORABLE JOHN M. WALKER, JR.,
ASSISTANT SECRETARY OF THE TREASURY
FOR ENFORCEMENT AND OPERATIONS
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE
AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. Chairman, Senators, Members of the Committee, thank you for this opportunity to appear before you today on the subjects of Federal drug enforcement and Posse Comitatus implementation. With me today is Commissioner von Raab, who will be testifying on the specific interdiction efforts that the Customs Service is now conducting and on new initiatives for enhancement of Customs' drug interdiction program. In my testimony today, I will comment on our overall drug interdiction strategy and how the progress in South Florida relates to our overall enforcement effort.

First, I want to express my sincere appreciation for the continuing interest and support that you have demonstrated in Treasury's and this Administration's efforts to stem the flow of drugs into this country. From the standpoint of Treasury law enforcement, the battle against drug smuggling is our paramount concern. As you are well aware, the costs imposed on our society by drug smuggling, drug use, and the crimes they foster are

alarmingly and unacceptably high. Your continued interest and efforts have been a valuable contribution to our overall drug enforcement program. I want to also acknowledge the ongoing support of Treasury law enforcement by the Chairman of Treasury's House Appropriations Subcommittee, Chairman Roybal.

I also want to take this opportunity to commend Senator Paula Hawkins for her tireless efforts in the Senate and as Chairman of the Senate Drug Caucus in the war against drug abuse and drug trafficking. We are constantly reminded by her encouragement and real support that drug law enforcement has a working partner on Capitol Hill.

The U.S. Government's efforts to reduce the supply of illegal drugs have four basic lines of defense. First, through crop eradication and substitution efforts coordinated with the governments of drug-producing countries, raw materials for drug production can be prevented from being produced or destroyed while they are still in the ground. Second are the enforcement measures abroad to stop the commerce in drugs that are still in transit: from the harvest of these raw materials to the point from which the drugs will be smuggled across our borders. The third line of defense, drug interdiction, is our final line of defense against drugs entering the country if the eradication and foreign enforcement efforts fail. It is the last opportunity that the government has to keep drugs from entering U.S. distribution networks and, significantly, it is also the last opportunity

to intercept drug supplies while they are still in their bulk, undiluted form. The fourth line of defense consists of drug and financial investigations that target the major drug trafficking organizations in the United States. The purposes of these investigations are to seize drugs, to prosecute and convict major offenders for drug violations, to target the major trafficking organizations and their money launderers for financial crimes such as Bank Secrecy Act (Title 31) and income tax violations (Title 26), and to seize and forfeit assets wherever possible. These investigations often lead to information that results in drug interdictions.

Each of these four phases of drug enforcement must receive our full attention and support. A concentration on any one at the expense of another would result in a weakening of our total enforcement effort. All are equally important. Interdiction at the border remains a critical part of the overall drug enforcement process. It is at the border that drugs enter this country in their purest form and largest quantity. The criminal stature of the individual who actually smuggles drugs into the U.S. ranges from the high-level, sophisticated smuggler with organized crime connections to the low-level "mule" commissioned specifically to serve as a courier. Whether this individual is a high-level smuggler or a low-level "mule", he or she will still have intelligence that can be developed by an investigation aimed at both

the foreign source of the drugs and at their destination in this country. Hence, the smuggler provides an indispensable link between the foreign origin of the drugs and the points of domestic delivery. Historically, some of the biggest international conspiracy cases in drug enforcement have been initiated by the capture or detection of couriers who, either unwittingly or in a cooperative manner, led investigators to top violators. The fact that most individuals arrested in interdiction cases are typically low-level violators cannot justify a failure to follow up and investigate these arrests. Even the low-level smuggler knows where and from whom he got the drugs and knows where and to whom he is to deliver them. For Customs purposes, the low-level smuggler has information that can lead to important seizures and arrests. Thus, we can see that border interdiction is critical, but still, if it is to have long-term effectiveness, it must be conducted in conjunction with the other phases of drug supply reduction.

When I last appeared before this Committee, in August of last year, I reported that our drug interdiction program in South Florida had been considerably strengthened by the support and technical assistance provided by the Defense Department. At that time, we had seen the positive results of increased radar surveillance, both airborne and stationary, and the use of Cobra helicopters for pursuit and seizure of smuggler aircraft. This enhancement of our detection, pursuit and apprehension

capabilities produced measurable results in South Florida, such as in the reduction in the air smuggling traffic in the Florida area and the lowering of the crime rate in greater Miami. We also began to note changes in the locations and methods of the drug smuggler. Air drops near the Bahamas, diversions of air smuggling up the Atlantic coast and into the Gulf States, and an increase in smuggling through concealment by commercial air passengers all provided indications that our Florida operations were causing the smugglers to change their method of operation and to divert to other areas. It was apparent that we were disrupting their operations and forcing them to incur increased expense and risk of apprehension.

These developments pointed to the need for a Federal response that was nationwide in scope. I believe that we would be remiss as an Administration if we did not attempt to correct a situation wherein we know that numerous private aircraft are bringing large quantities of drugs into the country. The strategy and capability which we hope to develop will be, I believe, cost-effective in terms of utilizing equipment already in the hands of the Department of Defense, at a cost which will not exceed resources already requested in the Customs 1984 budget. Again I want to state that the assistance which you and Senator DeConcini and members of your respective staffs have given to the Treasury Department and continue to give in this matter is very helpful and represents a bipartisan effort against the national problem which threatens the well-being of our country.

Even before the inception of the South Florida Task Force, we recognized that the threat posed by smuggling of contraband in small aircraft was of severe proportions, particularly in the Florida area. Understandably, Customs chose to concentrate its air interdiction resources in this strategic area of the country. Customs' ongoing air operations became more critical when the South Florida Task Force became operational in March of 1982.

As our South Florida operations progressed, it became increasingly clear, from diversions of air smuggling traffic, that Customs' air interdiction capability needed to be expanded to a national basis. The problem was clarified in the 1983 National Air Threat Study, which Customs submitted to Congress in mid-November of 1982. Accompanying this document was a revised National Air Program Strategy, which was based on an earlier strategy but was updated to reflect the DOD contributions that had been authorized under the Posse Comitatus legislation. Treasury has continued to refine this strategy and work toward its implementation. Through consultations with the Defense Department and this Committee and its staff, we have been better able to identify the particular components of an expanded program.

As you know, Treasury strongly supports the establishment of an air interdiction capability for Customs that will provide for our three critical air interdiction needs: One - detection of intruding aircraft, Two - interception and tracking of the aircraft following detection, and finally, Three -

apprehension of air smuggler suspects followed by arrests and seizures. The magnitude of the drug smuggling threat, and the increasing sophistication in the methods of the drug smuggler, dictate that the equipment for this undertaking be of a highly advanced design. Because of the associated high costs of acquisition, operation, and maintenance, we are looking to the Department of Defense for the loan of the necessary aircraft and radar systems.

On January 17 of this year, our efforts culminated in my formal request to the Defense Department for general categories of aircraft and detection equipment, with suggestions for specific hardware that would provide the capability to accomplish all three phases of air interdiction on a national basis. Since that time, the Defense Department, assisted by your able Committee staff and Customs, has been researching their inventory, and I believe they are now close to making final recommendations based in great part upon suggestions you have made. The Department of Defense and particularly, Jim Juliana, have been tremendously cooperative to date, and I have every expectation that their continued cooperation will result in the appropriate equipment being provided.

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of Treasury and Justice in conducting investigations against the major drug trafficking organizations in this country.

Three Treasury Bureaus will be active in these task forces:

IRS and Customs, which will target the financial aspects of the trade, and ATF, which will concentrate on firearms trafficking by drug dealers.

Customs and IRS will jointly conduct financial investigations against major drug trafficking organizations and their money launderers. Our financial investigative techniques will concentrate on disrupting the illegal laundering of drug profits by asset forfeitures, the imposition of penalties and jeopardy tax terminations and assessments. Customs and IRS agents will seek prosecutions of drug-related violations of the Bank Secrecy Act and the income tax laws.

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The ultimate goal of Treasury Department efforts in this program will be to destroy as many high level drug trafficking organizations as possible, both by putting them in jail and by seizing their assets.

I would like to briefly comment on our South Florida enforcement effort, past and future, and how the lessons learned will be carried forward to the rest of the country.

With regard to our effort in South Florida, I am pleased to report to this Committee that the Departments of Justice and Treasury have reached agreement on the organization and structure for the Permanent Florida Joint Task Group to conduct interdiction-related investigations. The basic principle which has supported the successful Task Group operation in the past will be retained. Just as before, DEA and Customs will jointly conduct drug smuggling investigations, and each agency will remain responsible for management of its personnel and resources. This group can serve as a model for similar groups outside of Florida.

In addition to DEA and Customs, the Bureau of Alcohol, Tobacco and Firearms has played an increasingly significant role in Florida in the battle against drug smuggling organizations and violent crime through its investigations of drug-related weapons violations. In the 7 months since being deployed in South Florida, ATF agents have opened 385 investigations, leading to 112 arrests, 90 indictments, and 49 convictions. They have seized 810 weapons, 319 of which are Title II weapons, associated with gangland operations. If our struggle against drug smuggling is to succeed, we believe it is critical that we continue to attack the important connection between drug smuggling organizations and illegal trafficking in firearms, both here in Florida and across the country.

I am sorry to report to this Committee that on December 2, ATF lost Special Agent Ariel Rios during an undercover firearms investigation in Miami. Special Agent Alexander D'Atri was

seriously wounded in the same incident. Events such as this one remind us, once again, that the drug trafficker is a vicious and ruthless enemy.

With respect to financial investigations, the highly successful Operation Greenback, jointly spearheaded by the IRS and Customs in Florida, will continue to attack the asset base of drug traffickers and money launderers. In just the past year, money laundering operations responsible for the processing of approximately 400 million drug dollars per annum have been destroyed. Indeed it is Greenback's success here in Florida that has led to the establishment of 20 additional financial task forces across the country and to the heavy financial investigative emphasis in the 12 new task forces announced by the President in the fall.

I would like to close with some general observations about the importance of our task. We are now at a critical juncture in the war against drug smugglers. The South Florida Task Force, under the leadership of Vice President Bush and the day-to-day guidance of his able Chief of Staff, Admiral Murphy, has broken new ground in linking interdiction and investigation, and in achieving a high degree of cooperation among Federal agencies and with State and local law enforcement. It has demonstrated the value of a concerted Federal enforcement effort that combines drug investigations, interdiction, financial investigations, DOD support, and enforcement against firearms trafficking. However, we have to recognize that the drug smuggling and drug trafficking

problem is of enormous dimensions. It had flourished amid conventional law enforcement efforts for many years. It is our view that the additional investigative component represented by the new Task Forces, and the enhanced air interdiction capability represented by the planning that we, with the aid of this Committee, have undertaken, will be essential to the overall Federal drug enforcement effort, if we are to have a permanent effect on drug trafficking and the enormous volume of related crime that it supports.

Finally, as we undergo nationwide expansion of the drug enforcement effort, we must heed the central lesson of South Florida - full and complete interagency cooperation. As cooperation has been the lynchpin of our program here in Florida, it will be the lynchpin of our strategy nationwide.

I appreciate the opportunity to appear before you to review our progress and discuss any pertinent issues. I would be pleased to provide any additional information the Committee requires, and I welcome any questions you may have.

Mr. ENGLISH. Commissioner von Raab, do you have some comments you would like to make?

Mr. VON RAAB. Mr. Chairman, members of this committee, Senator Hawkins, I appreciate this opportunity to appear before you today to discuss the operations and performance of the Customs Service as it relates to Federal narcotics interdiction efforts.

First, I would like to let you know that Customs over the past 2 years has made its first priority the fighting of crime and its contribution there is in the drug interdiction. We have devoted all other resources at our command to this particular effort, and I would like to take this opportunity to commend the structure of the U.S. Government to see that not only does the executive branch have a role to play in fighting crime through drug interdiction, but to see Members of the legislative branch who are right there behind us fighting this.

In that respect, I would like to commend you, particularly, Mr. Chairman, with your efforts on posse comitatus, and with the military, and also not to leave out Ted Mehl and Bill Lawrence who have certainly ably assisted you in this effort. They have done an absolutely terrific job and we really appreciate it.

In that sense, I am delighted to see my colleague and comrade in arms, Senator Hawkins, who has been with me throughout this battle and has particularly helped me in the Florida area, and

would like to commend her on her wonderful statement, which I know no doubt John Dudinsky had a tremendous hand in, and in that respect I would ask permission to skip over the first part of my formal statement as I think probably Senator Hawkins put it a lot better than I did and I will just submit that part of my statement for the record.

Mr. ENGLISH. Without objection, it will be made a part of the record.

Mr. VON RAAB. Without going on, I would like to respond to some comments that have been made about lack of cooperation in the executive branch, and to say at least from my perspective, my dealings with Bud Mullen of the DEA, Admiral Gracey of the Coast Guard and Jim Juliana of Defense have been absolutely terrific, so I would like to at least mention at least at my level and from at least what I have seen over the past 2 years we have had very little problem in cooperating among the managers of the various enforcement organizations.

I understand and am prepared to respond to the prime concern of this particular committee as to the effectiveness of the Customs interdiction program, particularly air interdiction program which we hope serves as a deterrent against the smuggling of narcotics and contraband by private aircraft, a threat that has dramatically increased over the past several years.

In an effort to respond to this serious problem Customs air agents are using an updated strategy. This strategy, a module concept, is now in place in Florida. By concentrating air personnel and equipment in a high threat area and using them in conformance with the new detection, interception and tracking strategy, it has been shown that significant results can be achieved.

Customs has invested much of its air enforcement resources to combat the smuggling of narcotics and dangerous drugs into Florida. The continued intensive operations in Florida with the equipment now available because of the relaxed posse comitatus restrictions and the efforts of this committee are forcing many smugglers to take greater risks, travel longer distances, and shift operations to the Gulf and Southwest borders and up along the Atlantic coast. We know this because of the improved ability to track suspect vessels and aircraft.

In order to meet the threat we have requested \$18.3 million in fiscal year 1984 for a complete air module for operational use at other critical air smuggling locations. Although our ability to detect the movement of suspect aircraft has greatly improved, we do not have the appropriate number or types of aircraft to make successful interdictions.

Recently, because of the easing of posse comitatus restrictions and with the invaluable assistance of congressional committees, especially this committee and Congressman English, we have held discussions with the Defense Department which may lead to the loan of an additional number of aircraft and other air interdiction equipment. This option, should it materialize, will provide us with an alternative which would not cost any more than our current request and would provide us with a greater capability.

There is no question that the efforts of your staff working in conjunction with the Customs air program personnel have designed a

viable air interdiction capability; which will undoubtedly pose a serious threat to the drug smuggler along nearly the entire border of the United States.

For your efforts we are extremely grateful and look forward to continued successes in air program operations.

Another significant area of Customs activity which has received less attention, but is just as critical to our overall narcotics interdiction strategy, is the marine enforcement program. Customs marine units perform the exceptionally difficult task of patrolling for drug smugglers along the inlets and coastal waters up to the 12-mile limit.

Beyond the 12-mile limit we rely on the very capable work of the Coast Guard to interdict illegal narcotics shipments.

Admiral Gracey and Admiral Thompson, who will be testifying after me, have done an outstanding job in their efforts in the Caribbean. Though the Coast Guard has removed much of the threat from marine smuggling, there are still thousands of miles of coastline which must be patrolled by Customs officers. Presently we employ over 750 people and use 110 boats to carry out this mission.

In May of this year we will begin enhancing our marine interdiction program by testing a new marine module concept. These modules will contain faster, more reliable boats, they will rely more on intelligence and they will use state of the art technology to increase our effectiveness in enforcing the Customs laws along coastal waters.

Once our air programs begin to take shape I will be turning more attention to this area of the Customs enforcement mission.

If I may, I wish to take a moment to address the new initiatives of the President's Drug Task Forces being implemented throughout the country.

Customs will participate with other Federal law enforcement agencies in these task forces. Its involvement will focus principally on financial investigations of large-scale smuggling groups responsible for the laundering of large sums of money.

Consistent with administration determination to crack down on crime and strengthen the economy, Customs will play an increasingly important role. We will be working closely with Defense and the Coast Guard to improve interdiction nationwide, and with DEA to develop interdiction investigative groups patterned after the south Florida DEA-Customs operations.

In fiscal year 1982, Customs began a series of new law enforcement initiatives and strengthened all its ongoing programs. To increase effectiveness, additional resources were allocated to law enforcement programs and new approaches were developed and implemented to meet specific problems. My goal this year, fiscal year 1983, is to fine tune the operations of the law enforcement programs and bolster their capabilities as new opportunities for effective action occur.

Mr. Chairman and members of the subcommittee, this completes my opening statement. I will be happy to address any questions you may have.

[The prepared statement of William von Raab follows:]

U.S. CUSTOMS SERVICE
STATEMENT OF WILLIAM VON RAAB
COMMISSIONER OF CUSTOMS
FOR PRESENTATION TO THE SUBCOMMITTEE
ON GOVERNMENT INFORMATION, JUSTICE & AGRICULTURE

Mr. Chairman, Members of the Committee and Senators,
I appreciate this opportunity to appear before you today to discuss the operations and performance of the Customs Service as it relates to Federal Narcotics Interdiction efforts.

Before I start, I would like to take a moment to recognize the outstanding work of a few individuals. Mr. Chairman, your efforts with posse comitatus and with the military have been extraordinary and greatly appreciated.

Senator Hawkins, we are grateful as well for your efforts in a number of areas, especially in your support for our work here in South Florida. Bud Mullen at DEA, Admiral Gracey at the Coast Guard, and Jim Juliana at Defense, have all worked closely with John Walker and myself to see that this scourge which narcotics smugglers would bring upon our land is stomped out.

I look forward to the continued support of this committee in our efforts.

As Assistant Secretary Walker has testified the Customs Service plays a critical role in interdicting drugs and other contraband seeking illegal entry across U.S. borders.

The effort to reduce the flow of narcotics into the U.S. is of the highest priority for the Customs Service, and I would like to review for you the design and direction of this critical element of the Customs' law enforcement mission.

As background, in FY 83 the Customs workforce has cleared in excess of 300 million persons entering the U.S. as well as over \$250 billion in cargo involved in legitimate commerce. To give you a sense of this mission these figures represent over 91 million separate vehicles, vessels and aircraft processed through Customs in FY 83.

In FY 84 it is anticipated that these figures will again rise anywhere from 7 to 9%.

In FY 82 a record level of over \$10 billion dollars in revenue was collected by the Customs Service from its enforcement of the Tariff Act, an almost 10% increase over the previous year.

I am proud to report that in FY 82 Customs seized 290 pounds of heroin; 11,150 pounds of cocaine, 58,277 pounds of hashish; and, in conjunction with other agencies, almost 4 million pounds of marijuana. I wish to call your attention to the tremendous increase in cocaine seizures from the 3,741 pounds in FY 1981. Many of our current enforcement efforts were directed to controlling this drug and I believe these results are a good indicator of Customs accomplishments.

My initial goal for Customs was to raise law enforcement to our highest priority. Massive drug smuggling has been with us for at least a generation. This past year, as part of

the Vice President's Task Force on Crime in South Florida (commonly known as Operation Florida), we have successfully concentrated our enforcement efforts in the South Florida area where the major share of illegal narcotics activity is centered, and huge sums of drug-related currency enter and leave the country daily to finance this deadly international traffic. The assistance provided by the military, in my opinion, is the single most important factor which contributed to Customs efforts and success during Operation Florida.

As you are aware the Customs Threat Analysis for FY 83, recently submitted to the Congress, estimates that as much as 40% of the cocaine entering the U.S. does so via small aircraft. Of that amount approximately 60% enters through the SE and 30% via Southwestern states. The Customs Service is responding to this threat through the Customs Tactical Interdiction Program.

Customs Tactical Interdiction was organized to detect and apprehend smugglers operating between the ports of entry, generally those areas where a significant percentage of today's drug smuggling occurs. Customs maintains a highly mobile land, sea, and air tactical enforcement force tailored to changing smuggling patterns. Customs tactical units have introduced new operational approaches, equipment, and technology to control and reduce smuggler options for choosing the method, time, and location for crossing our borders.

Our principal tactical interdiction forces are stationed at land, sea, and air ports of entry, and supported by air-

planes helicopters, and boats. Primary emphasis, in the past several years, has been the Southeast Border, where massive amounts of drugs enter the country, and associated large flows of currency enter and leave daily to finance this international drug trafficking. Customs in cooperation with the Coast Guard and the Drug Enforcement Administration, has implemented a series of joint interdiction operations at these critical smuggling border areas.

This Administration is committed to fighting crime and we in Customs are in a unique position to contribute since drugs have become a major illegal and untaxed revenue source for crime syndicates around the country.

Current Efforts

Customs Tactical Interdiction Program conducts a variety of traditional enforcement operations such as surveillances, patrols, intelligence-gathering, monitoring sensors, examinations of passengers and crew members, which resulted in the seizures of 2,600 pounds of cocaine, and in conjunction with the Coast Guard, over 4 million pounds of marijuana, as well as 2,400 arrests.

If I may I would like to move directly to an area which I know is of particular interest to the Committee, that being the threat of aircraft used in the smuggling operations throughout our Southeast, Gulfcoast and Southwest borders.

A prime concern of the U.S. Customs Service has been the effectiveness of our Air Interdiction Program as a deterrent against the smuggling of narcotics and contraband by private aircraft, a threat that has dramatically increased over the past several years.

In an effort to most effectively respond to this serious problem, Customs air operations use an up-dated strategy. This strategy, a "module" concept, is now in place in Florida. By concentrating air personnel and equipment in a high-threat area and using them in conformance with the new detection, interception, and tracking strategy, it has been shown that significant results can be achieved.

Customs has invested much of its air enforcement resources to combat the smuggling of narcotics and dangerous drugs into Florida. These efforts were intensified in support of the Vice President's Task Force. In addition to our successes in terms of seizures and arrests the present enforcement posture in Florida has seriously disrupted attempts to smuggle contraband into our country. The continued intensive operations in Florida with the assistance of Department of Defense equipment (now available because of the relaxed Posse Comitatus restrictions) are forcing many smugglers to take greater risks, travel longer

distances and shift operations to the Gulf and Southwest Borders and up along the Atlantic coast. We know this because of improved ability to track support vessels and aircraft.

In order to meet the threat we have requested \$18.3 million in FY 84, for a complete air module for operational use at other critical air smuggling locations. Although our ability to detect the movement of suspect aircraft has greatly improved, we do not have the appropriate number or types of aircraft to make successful interdictions. Recently, because of the easing of Posse Comitatus restrictions and with the invaluable assistance of Congressional Committees, especially this Committee and Congressman English, we have held discussions with the Defense Department which may lead to the loan of an additional number of aircraft and other air interdiction equipment. This option, should it materialize, will provide us with an alternative which would not cost any more than our current request and would provide us with a greater capability.

There is no question that the efforts of your staff working in conjunction with the Customs Air Program personnel have designed a viable air interdiction capability; which will undoubtedly pose a serious threat to the drug smuggler along nearly the entire border of the U.S.

For your efforts we are extremely grateful and look forward to continued successes in air program operations.

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Customs will participate with other Federal Law Enforcement Agencies in these task forces. Its involvement will focus principally on financial investigations of large-scale

smuggling groups responsible for the laundering of large sums of money.

Consistent with Administration determination to crack down on crime and strengthen the economy, Customs will play an increasingly important role. We will be working closely with Defense and the Coast Guard to improve interdiction nationwide, and with DEA to develop interdiction investigative groups patterned after the South Florida DEA/Customs operations. In FY 1982, Customs began a series of new law enforcement initiatives and strengthened all its ongoing programs. To increase effectiveness, additional resources were allocated to law enforcement programs and new approaches were developed and implemented to meet specific problems. My goal this year, Fiscal Year 1983, is to "fine tune" the operations of the law enforcement programs and bolster their capabilities as new opportunities for effective action occurs.

Mr. Chairman and members of the Subcommittee, this completes my opening statement. I will be happy to address any questions you may have.

Mr. ENGLISH. Thank you very much, Commissioner. We appreciate that fine statement.

Mr. Secretary, I should comment before we start questions that the General Accounting Office—and I am sure you will be pleased to hear this—yesterday under questioning indicated that they plan to have in the final version of their report the recommendation that Customs be allowed to continue and follow up investigations, which I think addresses the very point that you attempted to make in your testimony.

Mr. WALKER. Yes, it does.

Mr. ENGLISH. We will limit members to 5 minutes.

You mentioned, Mr. Secretary, the proposal that you submitted to the Department of Defense, I believe in January. I have seen that proposal, and I don't want to go over the details of your request but generally most of it falls in the categories of detection platforms, sensors, interceptors, and tracker aircraft, which was for Customs, I would assume.

Mr. WALKER. Yes.

Mr. ENGLISH. Yesterday I laid out a proposal which contained these same types of items, namely six of the P-3A's, or the so-called Electras that the Navy has, which has a radar enabling ground tracking that they use over water. We propose to add the F-15 radars on those aircraft, along with acquiring eight C-12 King

Airs, or tracker aircraft which would be loaned by the Army, four Black Hawks and four Cobras.

Does that list that I outlined address adequately the aims that you were attempting to address, I shouldn't say attempted to address, did address in your request to the military?

Mr. WALKER. Yes, Mr. Chairman; it does. My request to the military on January 17 was a bit more general. In other words, we proffered suggestions as to kinds of equipment that we thought would be suitable for fulfilling the various aspects of the air interdiction mission, and we left open the possibility of alternatives that could be suggested by the Defense Department.

I know that your suggestion certainly is an alternative that would be I think totally compatible with our desires. It's one that we are fully familiar with, because we worked so closely together on it, and I think that if carried out, if implemented, that would certainly satisfy the needs of Customs.

Mr. ENGLISH. And so from an official standpoint the Treasury Department feels that this is totally compatible and would address these particular areas, if the Department of Defense found that this fit with their needs and their problems?

Mr. WALKER. Absolutely.

Mr. ENGLISH. Very good. I think it should also be pointed out that your list also contained some other areas that you are interested in. It did not just address the particular points in these particular areas.

Mr. WALKER. That is right.

Mr. ENGLISH. I should say for the public that many discussions have taken place over the last couple of months with Secretary Walker, Commissioner von Raab and with your very fine staff, but that was not on an official basis. It was very unofficial, and a lot of discussion about what might fit, so this is the first opportunity we have had to get an official response, a pronouncement with regard to this particular proposal, and we appreciate that.

Mr. WALKER. We are as enthusiastic about it today as we were then.

Mr. ENGLISH. Great. There is one more area that I wanted to address, and I would like for both you and the Commissioner to address. This is a question that has been raised quite frankly by the military, and I think that it's something to worry about.

They have addressed the question as to whether or not Customs is going to have adequate personnel to both operate and maintain this kind of equipment or this amount of equipment. It's a sizable amount that we are talking about, and some very sophisticated equipment at that. It has already been raised here by members of the committee that the 1984 budget calls for a reduction, it's my understanding, a reduction of somewhere around 1,775 Customs positions. Many of those would be key personnel who would actually be flying, operating, or maintaining this equipment that we are talking about.

In view of that, I understand the limitations that you have put on you once a budget goes to Capitol Hill.

Do you think that there could be a willingness or an interest on the part of the Department of the Treasury, Customs, perhaps OMB and others in the administration, that there be a reconsider-

ation of the budget and particularly a reconsideration of these particular slots, given the seriousness of the drug effort?

Mr. WALKER. Let me comment on that, and then I would like to ask the Commissioner to comment on it a little further.

The principal policy objective of strong law enforcement was adhered to throughout the budget process by the executive branch. A customs mission as we all know is a highly complex and a diverse one. While it has a major and we believe critical law enforcement function, it also has an equally important trade facilitation function, duty appraisement, inspection of goods and cargo coming into the country, with a view to classification evaluation. It has many offices all over the country. It has many regions. It's an agency that has been built up over 200 years. It was one of the first agencies created by this Government at its birth.

We believe that management, good management, requires a constant evaluation of how the agency functions. Therefore, in planning our budget request, we felt that, through automation, through the better processing of goods coming into the country and clearing of entries, that sizable reductions could be achieved, but we have never sought to reduce one iota the law enforcement capability of the Customs Service, and indeed Customs will be receiving additional personnel as a result of the new task forces that were announced by the President, additional new law enforcement personnel.

I know that Commissioner von Raab, as he is able to achieve savings through careful management in the nonenforcement aspects of Customs, has a policy of shifting personnel from nonlaw enforcement functions into law enforcement functions in the Customs Service, so that what we are seeing is a preservation and indeed an enhancement of the law enforcement capabilities of the Customs Service, even as we go through careful planning and budgeting of that agency.

Now certainly it's the intention of the Customs Service and the Treasury Department to support the Customs Service in making sure that there are sufficient operational personnel to man and service any additional aircraft that will be made operational as a result of the efforts of this committee and of Treasury, as has been discussed here at these hearings.

Mr. ENGLISH. I think that is certainly going to be of great concern, certainly to this committee, and I think to other Members of Congress and other committees. But what you are telling me then is that of these slots, the 1,775 that were outlined, that those are not law enforcement slots. Second, none of those slots that would be eliminated would be people who are in the business of flying, operating or maintaining the aircraft that Customs uses for its air interdiction and its total law enforcement effort; is that correct?

Mr. WALKER. Yes. In other words, that has been our guiding principle. Now there may be in specific instances certain adjustments that are being made at a very local level that would not be in total conformity with that, but that has been our guiding policy.

Maybe the Commissioner would like to add to this.

Mr. ENGLISH. I want to get the Commissioner's comments. I might say very quickly before he does that, that is something that I think I am going to urge the committees of Congress to take a very

careful look at, those who have jurisdiction in this area, both in the Senate and the House, to make certain that that is not the case. I think it would be sad indeed if the Department of Defense finds it in their heart to be able to loan this equipment, and then finds that we don't have the people to operate and take care of it. I think that that would certainly be a detriment all the way around.

Commissioner von Raab.

Mr. VON RAAB. First of all, I don't want to let 1,775 or whatever it is continue. The actual reduction is 2,000. 1,750 or 1,775 would be the actual RIF that would be required in order to effect the reduction.

Assistant Secretary Walker is correct, and that is that the program reductions that the Customs Service would implement in order to reach the overall reductions would not involve personnel that are in serious criminal law enforcement.

The blue sheets do reflect some reduction in the tactical interdiction area. However, the program reductions that we are working with here do not place any of the individuals in the tactical interdiction area.

I would also point out that adjustments would have to be made to the Customs budget in any case, because we do not have an operating and maintenance account, or whatever you call it, that would carry the maintenance of this equipment, and we would probably have to take some of the money out of the request that has been approved for the creation of an air module, some \$18 million, and ask it to be reprogramed to allow it to be used for operating and maintenance.

That more or less answers both of your questions, and that is the Customs Service does not propose to reduce manpower in the criminal area, the interdiction area, and as far as the funds are concerned, they would have to be reprogramed in order to meet the maintenance requirements.

Mr. ENGLISH. Very good. Thank you, Commissioner.

Mr. Kindness.

Mr. KINDNESS. Thank you, Mr. Chairman.

Secretary Walker, I would like to ask on page 5 of your testimony you refer to the "1982 National Air Threat Study," accompanied by a "National Air Program Strategy," which was submitted to the Congress in mid-November of 1982. Might I ask how that was distributed. Somehow or other it hasn't come to my attention prior to reading your testimony last night about 11 o'clock. I would have asked about it earlier, had it come to my attention.

Mr. WALKER. It was really done in order to enable Customs to have a plan, first of all, to understand the problem, and second, to develop, to work toward a solution of the problem. There are two documents. One is a threat assessment. The other is a strategy, and arising out of these two documents was the letter that I sent to DOD in January.

These documents were completed, these studies were completed in the latter part of last year, and then in January I responded with a letter to DOD, and it is just precursors, if you will, of the requests that are currently under advisement by DOD.

Mr. KINDNESS. Is this a voluminous document?

Mr. VON RAAB. If I can help you on that, I am not sure of the formal mechanism but basically it was Senator Schmitt and Senator DeConcini who made the request through one or the other congressional committees.

Mr. KINDNESS. Will you make it available?

Mr. VON RAAB. Absolutely. I have half of it here, but the other piece is a lot bigger. We will be more than happy to give it to you.

Mr. KINDNESS. Mr. Chairman, I move that that report and accompanying strategy be made a part of the record.

Mr. WALKER. Right. We have supplied it to Congressman English and his staff.

Mr. KINDNESS. If there is no objection I would appreciate seeing it.

Mr. WALKER. Absolutely.

Mr. VON RAAB. We would appreciate it not being made available to the public, only because there are obviously pieces of it that do reflect our strategy, and if you want us to we can identify those particular areas that we would like not to have made available, just because it does lay out something that would be very helpful to the drug smugglers.

Mr. KINDNESS. Mr. Chairman, I would withdraw my motion to have it made a part of the record.

Commissioner von Raab, I noted on page 2 of your statement, for the records and figures relating to fiscal year 1983, and I wonder if you could explain for us what period they cover. It is noted that the customs work force has cleared in excess of 300 million persons entering the United States as well as over \$250 billion in cargo in fiscal year 1983, which I assume would be less than 5 months, perhaps 4 months, and then other figures that follow are related to that, and therefore I wonder if we could identify the period that is involved, please.

Mr. VON RAAB. That is a mistake. That is for fiscal year 1983.

Mr. KINDNESS. Thank you.

So those would be for the complete fiscal year.

Mr. VON RAAB. Those are typical year figures. I should have caught it. I apologize.

Mr. KINDNESS. That is all right. I just wanted to get that clear for the record.

Mr. VON RAAB. Maybe we should check our testimony with you before we give it. I appreciate that help.

Mr. KINDNESS. I think that clears up that point.

Now let me turn if I may to our panel on this point about the reduction in force, and the number of positions that would be eliminated if the fiscal year 1983 budget proposal is approved as submitted.

Would it be possible for the subcommittee to determine just what those positions are in fact?

Mr. VON RAAB. Until we actually have a final picture of what the budget looks like, what we are really dealing with is our tentative proposals to meet those reductions, but we would be more than happy to submit our tentative proposals to meet them for you.

Mr. KINDNESS. Mr. Chairman, I would suggest that the subcommittee receive those not as a part of the record, because it is a ten-

tative mechanism that is involved, but in order to get an idea of exactly what is being proposed.

Mr. WALKER. Fine. We can supply those.

Mr. KINDNESS. Mr. Secretary, I have a concern with regard to the aircraft that are proposed to be loaned to the Customs Service, and the interplay of those resources, including the personnel and the equipment. It appears to me, from all that I have been able to learn, that the amount of air traffic and boat traffic has all been smuggling even just in the south Florida area, it is so considerable that with the advance in identification and trafficking of the smuggling areas that is represented by these pieces of equipment that are under discussion, it seems to me that you could come up far short in the aircraft, the helicopters, for the apprehension, and personnel, of course, you would come up short for the actual arrest functions of getting the personnel to that point.

I would like to solicit your comments at this point. You may be talking a couple of years down the road, but you certainly have to be looking toward it with increased capability all across the southern border that is contemplated by the proposal that is under consideration, I think the resources that are proposed for identifying and tracking particular aircraft seem to me to be a whale of a good start in the right direction, but that when it comes to making the actual apprehension and arrest, you are going to come up well short of the numbers of aircraft and personnel required.

Would you care to comment on that?

Mr. WALKER. Yes; there is a bit of history here. Until the fall of 1981, we didn't have a helicopter, a Cobra helicopter. We would use Hueys where we could and they were slower, less desirable helicopters and often were outrun by the smuggler aircraft, so our apprehensions had to be conducted by chasing the smuggler aircraft with a fixed-wing aircraft.

When the fixed-wing aircraft would come in behind the smuggler, by the time the pilot shut down his engine and got over the smuggler aircraft, very often the pilot had run into the bush. He disappeared. We were losing 40 percent of our pilots at that time. When I say we were losing them, they were getting away, the smuggler pilots.

We started using the Cobra in the fall of 1981, after Secretary Regan had made a specific request to Secretary Weinberger, and this, of course, was before the passage of the posse comitatus amendments, and it was really the initiative of Secretary Regan that led to Secretary Weinberger's consideration of this request, and we got a Cobra helicopter, and we started testing it and using it.

We found that in these circumstances we were able to arrest 100 percent of the pilots, so it was obvious to us that a fast helicopter was really a very desirable tool in this effort.

After the establishment of the South Florida Task Force, the Army loaned us three more Cobras. We put two of them down here at Homestead, and I believe the other two were in the northern part of the State, in Jacksonville, so we then had a pretty good pursuit capability, that is pursuit on the efficiency of apprehension capability with these helicopters.

Since that time, and working with the committee, we have learned of the Black Hawk, which is really the state of the art. It is a really superb piece of equipment. At least it looks like it is going to be a superb piece of equipment once the test is completed, but the impression I have gotten so far has been very positive about the Black Hawk.

Now if our request is responded to by the Defense Department along the lines of this committee's suggestion, we would then end up with approximately four Cobras and four Black Hawks. Now there are eight air branches in the Customs Service, and you could then assign presumably one helicopter to each air branch, or you could keep the helicopters in a pool, and assign more than one to specific air branches, depending on the threat, and we think that this would be a very good start at this point to meeting the threat.

Mr. KINDNESS. Let's emphasize that it is a start then. I think we might agree on that.

Mr. WALKER. I don't think we could ever say that it is the end.

Mr. KINDNESS. I realize that there has been a lot of progress from the state of your equipment not too long ago, but in realistic terms, I think it would be desirable to be looking toward planning toward what will be the realistic requirements to fit in this mix, with the increased identification and tracking capability expected to come on line, and the match up is going to be very essential, in other words, to not waste that increased capability.

Thank you. I yield back, Mr. Chairman. I think my time has expired.

Mr. ENGLISH. If I could follow up just very briefly on the point, as I understand it, you are wondering if, given the number of detection devices you are going to have, do we have enough people to cover all the targets that are defined?

Mr. KINDNESS. And arrest them.

Mr. ENGLISH. And arrest them, right. I think that is a very good point.

Mr. WALKER. Yes, I think it is, and it is obviously something we have to keep on top of.

Mr. ENGLISH. Does the Commission have an idea what percentage you have to take a look at and possibly arrest?

Mr. VON RAAB. It is a little bit difficult. The only thing I can say the better detection capability we have we will probably come up with more targets, so our present numbers would probably increase. I think the fairest statement to make about this entire proposal is that it is a major step forward, if it takes place, for the Customs Service. It has major personnel and monetary implications, all of which are going to have to be worked out as it develops, and it was not foreseen at the time the budget was put to bed, and therefore I think it has to be looked at as a project that will have to be explored and handled and budgeted accordingly.

We hope to support it, but it will develop, and the numbers will necessarily have to grow, in other words to support it.

Mr. ENGLISH. I believe that is called digestion time.

Mr. VON RAAB. That is right.

Mr. SHAW. Mr. Chairman, will you yield for a followup question?

Mr. ENGLISH. Sure.

Mr. SHAW. Exactly what are the arrest powers of the customs office?

Mr. VON RAAB. The arrest powers?

Mr. WALKER. Mr. Shaw, the customs officers have every arrest power that a regular police officer has. In addition to that, he has extraordinary powers at the border that are historical in nature. He can stop and search a vessel or a person crossing the border just upon reasonable suspicion. Probable cause, the normal standard for arrest and search for peace officers in the United States, is not required at the border, and has historical, and indeed one of the great weapons that we have in law enforcement against smuggling is the ability of a customs officer, based upon suspicion or information, to follow a shipment into the interior of the country, as long as there is some connection still with the border. In other words, it is still considered a border shipment, it hasn't changed, and then be able to effect a seizure.

Mr. SHAW. Are the arrest powers sufficient to follow up on the investigative powers that we are talking about?

Mr. VON RAAB. Let me try to clarify one point on arrest powers of the customs arrest powers as related to specific Federal statutes, and I would be happy to get a list of them for you. Only in a few local or State jurisdictions do customs officers have complete common law, if you will, arrest authority.

Mr. SHAW. Then we might want to follow up on that when we talk about expanding investigative powers, we may want to follow up by taking a close look at what the arrest powers are, to be sure that they are parallel, and be sure that you are not going ahead with an investigation where you have to stop at a point to bring in somebody with more arrest powers. This is what I am concerned about.

Mr. WALKER. I think it is certainly worth examining. I am not aware of a particular problem in that area at the present time, but I think we should look into it.

Mr. VON RAAB. The major problem of a customs officer with respect to arrest, I am not talking about investigative authority or when they come across a Federal crime for which they are either not authorized to arrest or, more particularly, a local crime, for example, a stolen car, they are not authorized in many jurisdictions to arrest the individual at the border because of the fact that it is a stolen car.

Mr. SHAW. This is one of the things we are talking about on the posse comitatus argument. We had the arrest power put into the House bill as part of the amendment that I put in. It is a question of what happens if a military vessel stops someone and finds contraband, and they have no right to arrest. They had better get away from the scene at that particular point.

Mr. VON RAAB. If you are a fast talker you can usually hold the suspect long enough to get someone over there. The forfeiture bill, which contained the drug czar provisions in it, did have provisions that would have extended to the customs officer the more typical and broad-based arrest powers that peace officers have.

Mr. SHAW. I thank the chairman.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman.

First of all, I would like to make a comment for the record on behalf of the citizens of west Texas that I represent with respect to ATF. We are extremely proud of the effort and the work that you have done there, and I would like to just comment for the record that we think that the agents there are doing a truly excellent job.

Mr. WALKER. Thank you, Mr. Coleman.

Mr. COLEMAN. Let me however get to the point that I think needs to be made here with respect to that request for fiscal year 1984. I think it puts Customs in a terrible position, and I would hope that it would be reviewed. While we talk about trade facilitation and other matters, saying that we are not going to affect law enforcement, I think we are fooling ourselves. I have always considered border checkpoints where Customs are located, indeed in dealing with trade facilitation, as a very integral and important part of law enforcement, particularly those cities in the United States that border those areas, and would say to you that I am extremely hopeful that you will take that message to the administration. Some of us are not enamored with the administration's view toward cutting back Customs. Indeed yesterday we heard testimony with respect to the south Florida task force and the view that they needed permanent personnel to be located here, the number as I recall was about 150 personnel.

Certainly the kind of cutbacks and slots that were going to be cut back in this proposal indicated that 820 of those were inspectors. There were 98 customs patrol officers cut back as I understand it also.

I think that they place the Commissioner as well as the regional directors in a terrible position.

Let me ask you this question. Is there a possibility that we are going to see a complete review on the overall matter of Customs?

Mr. WALKER. Right now, of course, the budget is on the Hill, and the matter is really in the hands of the congressional appropriations committees. There was a review at various levels, of course, in the executive branch, culminating with the Office of Management and Budget and from there the Hill.

Right now it is on the Hill, and I am sure that the various appropriations committees who are seized with this budget at the present time will be examining every aspect of it.

Mr. COLEMAN. Do you agree with me that the Office of Management and Budget doesn't understand?

Mr. WALKER. Let's say their perspective is somewhat different than some of the others in the administration. They understand many things, and maybe there are some areas that their understanding is somewhat less than perfect.

Mr. COLEMAN. I just say to them, you are welcome along the Rio Grande at any time. We will be happy to show them around.

Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you, Mr. Coleman.

Mr. Lewis.

Mr. LEWIS. Thank you, Mr. Chairman.

I don't have any questions at this time but I would like to make a few comments.

Mr. ENGLISH. I would be delighted.

Mr. LEWIS. Thank you, Mr. Chairman.

As a member of the Florida delegation I want to add my thanks to you for your interests and efforts in bringing the committee to this State. As a new member of the subcommittee I hope to make a contribution to your efforts. Over the past 4 years as a member of the Florida Legislature in the house and senate, I was very active working with the Florida Department of Law Enforcement and so the organizations represented who are as far as working on the drug problems in Florida. Naturally we in Florida are pleased with the achievements of the south Florida task force in the 1 year in which it has been in operation and I hope that we can maintain the forces necessary to prevent a backslide.

Floridians have argued and I think convincingly that Florida's crime problem is a national crime problem, but we know that the extra effort here in Florida has resulted in some diversion of drug traffic up the east coast along the other points of the southern border. We need to keep the pressure on here in Florida, but also must take reasonable steps to secure the rest of our borders.

Your plan, Mr. Chairman, as I understand it, is deserving of a tryout. It offers more than has been done before, and at what appears to be a reasonable price tag. I would also like to thank my ranking minority member, Tom Kindness, for providing bipartisan support in the committee's efforts during this matter in the past year.

Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Lewis.

Mr. MacKay.

Mr. MACKAY. I would like to ask a budget person, perhaps Commissioner von Raab, to run down your proposed fiscal 1984 position reductions by specific principal position categories as they appear in your blue sheets, and for each category tell us how many of those cuts would be in law enforcement activities.

For example, your budget appears to contemplate a cut of 820 inspectors, 98 customs patrol officers, and 315 other district and regional headquarters positions and so forth. Let me tell you what I am trying to get at, and perhaps you can answer this underlying question.

The inspectors are in fact performing an interdiction function as part of inspecting. I suppose we would agree that they are in that regard doing an interdiction function, and it would appear if you are cutting 800 of them, that either there is going to be less inspection or you are going to have far more overtime, which I understand is already a problem, and I would like to know what are the premises which underlie this budget.

Mr. VON RAAB. I offered last night to Congressman Coleman either the short or the long speech on doing more with less.

Mr. MACKAY. Give me the King James version.

Mr. VON RAAB. There are no reductions that the Customs Service plans under the reduction in the pure enforcement area. The numbers that you are referring to are probably from the blue sheets.

Mr. MACKAY. That is correct.

Mr. VON RAAB. We have some flexibility within those, and our plans are slightly different from those, although not noticeably, so there is no sense in argument over 100 here or 100 there.

As far as inspection is concerned, it is our belief that we should move away from rote inspection of every individual, of a large number of suitcases or cargo or what have you which is terribly time consuming, and in many cases not very productive.

Therefore, we are trying to free up our inspectors to use their judgment on the physical inspection they make. They can make a sort of intellectual inspection as it were and then move to a physical inspection, and we are trying to support them in this exercise by giving them more judgmental authority, if you will, and better information, better intelligence, better systems to work with, better configurations at the airport or better arrangements at the cargo station, and we truly believe that this approach will enable fewer inspectors to be as effective in discovering contraband than a larger number.

I certainly can't argue with you that there are more people working on a job provided they are doing it well, that you build a pyramid just with people. The Egyptians did that. But we do believe that the given number of inspectors could be reduced, and we could do a better job than we are doing today with a fewer number, using more judgmental techniques rather than just a rote inspection of every individual as he or she comes through. So that is the theory, and we put this under the rubric of being more selective, and that is the approach that we intend to employ if we are required through the final approved budget to reduce our overall number of inspectors.

Does that help you?

Mr. MACKAY. I guess I am asking if it is your opinion that you can sustain this kind of cut without a degradation in the interdiction capacity of the Customs Department.

Mr. VON RAAB. We believe we can sustain the cut without a degradation in the present level of interdiction capacity.

Mr. MACKAY. But what I meant is we are only getting 10 percent.

Mr. VON RAAB. I am trying to answer your question as literally as possible, and that is my answer on that one if you will.

Mr. MACKAY. So it won't go to nine?

Mr. VON RAAB. No.

Mr. MACKAY. And despite hundreds of millions of dollars of new equipment, what we are getting is an assurance that it is not going to get worse?

Mr. VON RAAB. That is right.

Mr. MACKAY. In the GAO report yesterday, and in their testimony, they indicated that a major problem was the fragmentation between the investigation and the interdiction function, and they essentially said that one of the reasons for the success of the South Florida Task Force was that there has been agreement worked out whereby customs could do followup investigations.

As you say, they could use their judgment. Their criticism was that in the other task forces now being developed there is no such agreement, and, in fact there is no interdiction function apparently contemplated.

I would like to know from some of you how you respond to that. Is that out of date in the sense that it has now been thought through better, or is that a valid comment?

Mr. WALKER. No, I think it is a valid comment, and I think one has to understand that the 12 new task forces are not interdiction oriented. Their function is to investigate domestic drug trafficking organizations, particularly those that are run by organized crime, in traditional methods of long-term investigations.

Interdiction will be conducted outside, primarily outside of those 12 new task forces, and when one examines the component parts of the new task force, one will see that the personnel in those task forces are largely investigators who will be conducting domestic investigations. That is, if you will, when I describe the four phases of stopping drugs, starting with foreign supply reduction, foreign investigations and interdictions, interdictions at the border and domestic investigations, I think we can agree that the 12 new task forces are directed at the last of those, the domestic investigation.

Mr. MACKAY. That was my understanding. My understanding of the GAO's comments was that the South Florida Task Force seemed to have had success in the interdiction phase, and yet instead of applying that lesson we are now forming 12 others to deal with a separate phase, so for those of us who came here thinking that the lessons of south Florida were being expanded, the answer is nothing of the sort.

Mr. WALKER. Well, I think that it is fair to say that some of the lessons of south Florida certainly will be carried forward. I think that what we are calling for here is a high degree of interagency cooperation in the new task forces. That is a lesson from south Florida that is being carried over, but in terms of the actual nature of the operations, I think it would clearly be misleading to conclude that they are the same.

However, the interdiction function which is viewed certainly by Treasury, Coast Guard and others as being critical is going to be strongly emphasized, will be emphasized by the Treasury Department and by these other agencies involved, and that is of course why we have been working so closely and so hard on this proposal to broaden our air interdiction capability.

Commissioner von Raab mentioned the need to improve our maritime capacity. We have also been meeting in the Treasury Department with all of the agencies involved in interdiction, to make sure that the interdiction function is strengthened and coordinated to the best possible extent.

There is an interdiction coordination group which has been meeting in Treasury since last fall, to face issues of common concern to those agencies involved in interdiction, and also to reach a clear understanding as to the interrelationship between the 12 new task forces and interdiction as we move ahead, and I think it is fair to say that the 12 new task forces will have a positive payoff as far as interdiction is concerned, even though they themselves will not be directly involved in interdiction. Much of the intelligence which is involved in the 12 new task forces with regard to drug trafficking organizations, and particularly those involved in the smuggling of drugs, will be invaluable in our interdiction approach, provided we make sure that the coordination is there to see that that intelligence is made available in a timely fashion, so that we can make the interdictions based on that intelligence.

Mr. MACKAY. My time has expired.

Mr. Chairman, I would like to come back to this at some point and ask if any of these gentlemen would care to give us a benchmark by which we can test a year from now whether what you are doing has worked or not.

Mr. ENGLISH. Mr. Fascell, a member of the Government Operations Committee.

Mr. FASCELL. Mr. Chairman, I will defer to the members of the subcommittee. A lot of questions have been raised in this testimony this morning, and I would like to just have the opportunity to discuss them with the staff at length.

I am concerned about the 1984 budget as all of you are. I am not sure that I understand fully what is happening yet. It might be useful for the subcommittee to look at both budgets, because they are in different appropriations bills, and without an overall look I am not sure any of us will know what has happened.

Treasury and Justice are in different bills, and I have no idea what the overall plan is right now, so that will be up to the Appropriations Committees, but it seems to me this committee would have a very useful function in the overall view, because those two subcommittees probably won't get together.

The other thought that concerns me has already been raised, and that is the relationship, if any, between the organized crime strike forces and the new task forces. I am not sure I understand that yet, if the major purpose of the new task forces on drugs is to look at organized crime in the drug business, what are the major responsibilities of the organized crime strike force, how many of those do we have, where are they and what is the relationship between them and the task forces.

The lessons that we have learned about fragmentation and guise of responsibility have been around for a long time, so I don't know that that is a transfer of new technology.

Mr. ENGLISH. Thank you very much, Mr. Fascell.

Senator Hawkins.

Mrs. HAWKINS. Thank you, Mr. Chairman.

I have questions for all of the witnesses, but I will just submit them for the record and they can answer them.

Mr. ENGLISH. Thank you very much, Senator Hawkins.

Mrs. HAWKINS. If that would be your wish. I would like to commend both these fine gentlemen, Mr. von Raab and Secretary Walker, whom it has been delightful to work with. They are so cooperative that I cannot say enough nice things about both of them in this great war on crime that we are trying to win here, and the cooperation with all of them is just absolutely tremendous. They set a good example for other turf fighters around this country, and I think it all starts at the top, and they certainly are great individuals, to give time and attention that they give constantly.

I was thinking about their overtime today, and how many late hours we have worked with these two gentlemen during our battles here. I want to thank you on behalf of all Floridians for the great job that you both are doing.

Mr. ENGLISH. Thank you very much, Senator. We appreciate that.

Mr. Bennett.

Mr. BENNETT. I want to thank you, too, for the fine work you have done and the fine presentation you made here. I don't want to greatly trespass on your time, but my feeling is that it is better to do things by cooperation than by confrontation.

As you listen to these hearings, and you know what has been said in the country, and you know the thinking that is going on in Congress on this matter. That being so, and when you look at the statutes that exist that don't really address themselves to the exact problems you have here, and the fact that the South Florida Task Force has been able to cut across those statutes to some degree, it would seem to me that the administration might well, and you might take it upon yourself to do it, might well present something to Congress rather than having Congress force something down your throat.

In other words, you know that there are statutes which make it difficult for you to carry this thing out the way it should be carried out. Knowing that, why let Congress criticize you or public servants trying to do a good job? Why not come forth with something that cuts the knots that need to be cut and puts it in shape where it can be utilized.

You can't be indifferent to what has been said here. Two things have been said very loudly. There is a lack of coordination that is likely to be true throughout the country in this program, and second, that the agencies that really should be doing this are not being adequately funded, are not being given adequate personnel. The country wants this thing to be solved, and therefore I just urge you to not make the Congress have to confront you in an antagonistic way, but instead to come forth with constructive suggestions as to what you would like to do. You are in a better position to evaluate them than all the others.

I didn't mean to take all this time, but I do want to thank you and thank this committee and everybody who is working to find these answers. God bless you.

Mr. WALKER. Mr. Chairman, if I could just reply very briefly to that, the prime packaging that the administration did forward to the Hill last year, parts of which were carried forward in a mini-crime bill which contained the drug czar provision, which was ultimately blocked or vetoed by the President for what we believe were certainly understandable reasons and good reasons, did contain the initial package, did contain administration provisions that Treasury had worked on very carefully, and many of the provisions were essential, we felt, that we had recommended, and some of which were not carried forward were essential to Treasury law enforcement.

For instance, we are very anxious to bring about some amendments to title 21, the Bank Secrecy Act. We would like to have an attempt to transport currency out of the country without reporting it as a crime, because if the actual transportation is a crime it isn't really committed until a person is out of the country, and then you have got a problem in terms of enforcement.

There is legislation regarding informants that we would like to see enacted. There are forfeiture provisions that we would like to see enacted, so we have advanced a lot of measures and proposals for legislation which would strengthen law enforcement in our ad-

ministration. We will be happy to put those together again and make them available.

Mr. ENGLISH. Thank you very much, Mr. Walker. It is my understanding that Senator DeConcini is going to recommend over on the Senate side at least a separate operation and maintenance line be established for Customs in the 1983 and 1984 budgets. I understand that Congressman Daniel has indicated to the Senator's staff since we have been down here that this proposal has his full support, and I was wondering, would Treasury have any objections to having such a line item created for Customs to cover operation and maintenance resources for loan military aircraft and Customs equipment?

Mr. WALKER. No, I can't think that we would.

Mr. FASCELL. It is the same reprograming.

Mr. WALKER. Yes.

Mr. ENGLISH. Mr. Kindness.

Mr. KINDNESS. Thank you, Mr. Chairman.

Mr. WALKER. Let me just say in response to that question, if a new account were established, we would anticipate that the funds that we had set aside now for the second air module would be transferred or reprogramed into that account.

Mr. ENGLISH. That is correct.

Mr. WALKER. So that it would not develop an overall enhancement of the budget in this area.

Mr. ENGLISH. That would be our understanding, too.

Mr. WALKER. Yes.

Mr. KINDNESS. Secretary Walker, under the urgent supplemental there were funds provided for the task forces, the 12 task forces to be organized, as I recall, and if I am informed correctly, Customs gets 220 new investigative personnel to work with DEA personnel in an investigation capacity.

If I am correctly informed in that respect, I believe there is a duplication pretty much of what is occurring in the Florida task group with Customs and DEA personnel working together, that is, the Justice Department doesn't like to go over the investigatory function altogether, but there is a cooperative carrying through of that function as contemplated in the new task force. Is that your understanding?

Mr. WALKER. No, there are some points I would like to make with respect to this. First of all, with respect to the 220 positions for Customs, that figure is in the budget that was submitted to the Hill. Since that time, and we have consulted with the committees with respect to this, our overall allocation within Treasury of the resources devoted to the 12 new task forces has shifted.

When it became apparent to us that interdiction was not going to be a major component of the 12 new task forces, we allocated the 500 positions allocated to Treasury as follows: 220 IRS, 200 Customs, 80 ATF, as we thought those were more in line with the purposes of the 12 new task forces as we perceived them to be evolving in our deliberations with the Justice Department.

Mr. KINDNESS. This is for fiscal year 1984.

Mr. WALKER. That would be right. That would be fiscal 1984. It would also be brought on line in 1983, but the full budgetary amount, of course, wouldn't be expended in 1983. We would be rev-

ving up in 1983, and then in 1984 we would expect to have the 500 positions on board.

Mr. KINDNESS. Would this suggest that the funds that have been appropriated for those additional personnel, the 225—

Mr. WALKER. That would be the 200 personnel.

Mr. KINDNESS. Excuse me, let me complete the question. Would that suggest that the funds that have already been appropriated have not been used or begun to be used?

Mr. WALKER. That is correct.

Mr. KINDNESS. So none of those personnel have been brought on board yet.

Mr. VON RAAB. We released hiring authority for the President's task forces not last Thursday, but the Thursday before that. Therefore, I don't have an up-to-date understanding of exactly how many agents have been brought on board, but hiring began formally at that time. Obviously a lot of preparation and background investigations had already taken place. We authorized 134 new hires, which is just about two-thirds of the 200. We expect to bring them on. There will be individuals working in the President's task forces immediately, because we would take experienced agents, put them into that activity. Therefore the lag in hiring would not be in putting personnel into the drug task forces, but would be in filling the positions that these agents would leave in whatever else they were doing if it were less important.

Mr. KINDNESS. Right, and so you would have a period of time involved in the training of new personnel.

Mr. VON RAAB. Not for the task forces, but to replace the experienced personnel who went into the task forces.

Mr. KINDNESS. Right. You would have a period of time involved in the training of those personnel, and there is a limited capacity for training them, is that true?

Mr. VON RAAB. Yes, the formal training is correct. Since it is such a large number, it will be difficult I understand for the Federal Law Enforcement Training Center to take them on immediately, so to some degree there will be a little on-the-job training, and they may have to take their formal training in slightly reverse order. They will work on smaller matters.

Mr. KINDNESS. So you have utilized up to 200, putting them into the system this time anyway.

Mr. VON RAAB. No, that is not true. We could have used the 200 because we could have come up with 200 experienced agents, but what we would have done was left other positions vacant instead, but for the most part we are hiring experienced agents from other either Federal organizations or State and local organizations. The training is not a big problem right now in coming up to speed.

Mr. WALKER. Mr. Kindness, if I could reply to one other thing that you mentioned, I think there might be some uncertainty on the part of the committee with respect to this. Twelve new task forces are not related directly at all to the possibility of Customs-DEA cooperation in interdiction followup investigations. It will not be a function of the 12 new task forces to conduct interdiction related followup investigations.

The 12 new task forces will be developed in domestic internal inside-the-country, long-term investigations against organized crime, drug trafficking organizations.

The Treasury component of that will be twofold. One, ATF will go after the firearms traffickers related to drug trafficking, and Customs and IRS working together will conduct financial investigations into these organized crime investigations.

Any followup investigations on interdiction will be joint groups, DEA and Customs groups, patterned after the south Florida task group, which will operate in specific areas where interdiction is a problem, to follow up on those cases.

The 12 new task groups are all over the country. We don't have an interdiction problem in all 12 regions where the task groups are located. We have an interdiction problem in some of those regions, perhaps seven of them or eight of them, so it is in those regions that we will be working with DEA to develop an investigative capability outside the task forces to follow up on the interdictions. I hope that makes it clear.

Mr. KINDNESS. I appreciate that clarification. I have referred to the interdiction followup investigations, but it is good to get that clear for the record.

As I understand it, these additional personnel that were in the urgent supplemental or provided for by the urgent supplemental were intended to work in the task forces along with DEA personnel, is that correct?

Mr. WALKER. That is true. Well, the task forces will not be separate law enforcement entities. They will be organized around task force cases, cases that are considered worthy of task force investigations, joint investigations, and then as these cases are developed and are monitored as task force cases, then the resources which have been added to the various agencies as a result of this initiative will be brought to bear on a case-by-case basis, and in many of these cases, of course, there will be joint work by Customs and IRS and DEA in working the financial and the drug side of these investigations.

Mr. KINDNESS. Thank you.

Thank you, Mr. Chairman.

Mr. ENGLISH. To follow up, if I may, very quickly—Mr. Walker, as I understand it, and I think you have certainly pointed to that today, what in effect is happening is that we are having an investigative task force set up, 12 investigative task forces, not interdiction task forces but investigative task forces. They are set up primarily to investigate, not to interdict. That is the reason they are set up under the Justice Department. The Justice Department traditionally has not gotten involved in interdictions.

The real question that I wonder about, and I am not really asking you to comment, you can make any statement that you want to, is what happens to interdictions?

The question now is, do we set up a separate 8, 12 or whatever the number may be, interdiction task forces? The question I wonder about, are we going to have an interdiction effort?

Mr. WALKER. I think we definitely are working very hard toward developing a fine interdiction effort, and I think that the work that your committee has done has gone towards this. I am not sure

frankly as a matter of policy that the two are closely linked. Interdiction must be national in scope. The threats shift. They shift from Florida to the Southwest. They go from the Southwest to the mid-Atlantic, and if you allocate interdiction resources to specific task forces in specific areas, and say that these resources are dedicated to the Gulf of Mexico or to New Orleans for perpetuity, you then run into the problem that the threat might shift. I think we are better off maintaining a separate more flexible response as far as interdiction is concerned, both at the marine and at the airlift.

Mr. ENGLISH. But for those people who are anticipating that the 12 new task forces as set out by the Justice Department are going to be reflections of the South Florida Task Force, that is where the error is, because in the South Florida Task Force there was a united effort. You did have both investigations and interdictions coming under the South Florida Task Force as a part of the overall south Florida effort, and these other task forces are going to be investigative in nature. The question then becomes what do we do about interdiction with the rest of the country, or in those areas where those investigative task forces may be taking place, and this is where I think some of this concern comes about. I have been talking about the need for someone who is going to be neutral to mediate any disruptions that arise. In south Florida you had the Vice President or his designee to hold it together, so to speak. Now we are separating. We are going back to the more traditional roles of Customs, namely in Treasury, with an interdiction effort in Treasury and investigations over in Justice, and there are bound to be areas where cooperation should take place, there are bound to be areas of conflict. While I am sure that the Commissioner and yourself and the folks over in Justice are all good friends and you get along great and you see eye to eye on 90 percent of the things, there is going to be that 10 percent where there are going to be problems. Given the traditional history within the bureaucracies of Justice, of Treasury, of Customs and DEA, that is going to be something that is going to arise again. You will need someone there to step in and mediate those differences, someone who is viewed by both sides as being, I shoulun't say impartial, but someone who is considered not to have taken sides. I don't think you could have the Attorney General come in and dictate to Customs, for instance, or to Treasury, without at least some within the bureaucracies, if not some of those in the politically appointed positions, saying, "Well, golly gee, he is just trying to look after those guys in DEA or elsewhere," and that is where I see the real problem would arise.

I didn't mean to go this far, but I think that this distinction should be made, that when we talk about 12 new task forces, they are not the type of task force that people are familiar with in the South Florida Task Force.

Mr. WALKER. No, some of the principles and in general lessons in south Florida I think are being transposed I think in terms of just the concept of coordination between agencies, and also I feel that there is, because of south Florida, a better working relationship between the various departments involved than there was before. That will obviously benefit the new task forces.

I have to agree with you that the new task forces in terms of their mission are different.

Mr. ENGLISH. Mr. MacKay.

Mr. MACKEY. I would like to get back to where I was when my time expired. You have outlined a multifactor approach to drug eradication: crop eradication overseas, enforcement abroad, interdiction, which by definition you wouldn't need if those other two were working.

Now, all the evidence I get is that they are not working. They both are a failure because the amount coming through is greater and greater. We are interdicting 10 times as much and the price is going down, which means there is an awful lot more coming through.

Now, if you assume those two are going to continue to be a failure, and I see no reason to assume otherwise, then it seems to me that it is inappropriate as a response to reduce the personnel who are involved in interdiction, to make the South Florida Task Force permanent but reduce the personnel in the South Florida Task Force interdictorwise from 337 to 147, to send the Vice President, he will always be on call as he was before the task force was organized, but send him on to something else, to organize 12 task forces plus 3 more groups, and to somehow pretend that we are really serious about dealing with this problem.

Interdiction, it would seem to me, does not stop at the boundaries of the United States. Apparently what has happened now is that drugs are going around Florida and coming back into Florida from the North.

It seems to me interdiction is interdiction. Now, to a plain person on the street, how can I explain that the administration is serious about doing something about drugs?

What we believe should be done—we, meaning the normal people on the street—is Treasury should be beefed up, the Coast Guard should be beefed up, you ought to put more agents out there, and take some of the personnel that are involved in trying to coordinate and put them out in the field chasing smugglers.

Could you comment on that? Does that make sense or is there something here I am missing?

Mr. WALKER. No; I think that it is right to be, and I pointed out in my statement, vitally concerned about interdiction, and our stress, our emphasis at Treasury, of course, is with interdiction.

We don't intend to relax our efforts in that area one bit. We are working toward a national program for interdiction. We have never had one before, really, an effect of one, certainly on the air side.

The Customs budget has not permitted it, and it is only through the work of Congressman Bennett and others here who have relaxed the laws relating to posse comitatus that have enabled us to really start thinking in effect globally on this issue.

We are now working through this and developing the program, but I think that it is also fair to say that the administration is making an effort in terms of foreign investigations and in terms of crop eradication and production.

Assistant Secretary DiCarlo testified yesterday on the latter, and certainly there are efforts. DEA spends a tremendous amount of

money every year on foreign investigations and working with foreign law enforcement, to try and have an impact there.

I think it is also fair to say that if we could be successful in these foreign efforts, a lot of our interdiction expenditures would not be required because it is very cost effective, if you can be effective in doing it abroad.

Mr. MACKEY. It is like Christianity. We will never know it will work because nobody has ever tried. Now, if they could be effective absolutely, we wouldn't need these customs guys; we wouldn't need all this fancy equipment. That would solve the whole problem.

How long does it have to go along failing before we admit we need interdiction?

Mr. WALKER. Well, I think that we certainly are strong believers in interdiction. You are preaching to the choir on this one.

Mr. MACKEY. Look, we have got the good guys here. I understand that. The point I am trying to get at, and I don't know who we would get here who could say this—that is part of the coordination problem—it looks like we have got the priorities wrong.

It looks to me like the good guys are being cut back.

Mr. FASCELL. There are no four ways about that.

Mr. MACKEY. It looks to me like under the rhetoric, under what we perceive as the progress that is being made with the South Florida Task Force, which is interdiction oriented, we are getting 12 organized crime strike forces.

Mr. FASCELL. Which is all right.

Mr. MACKEY. Which is not the problem. Maybe I am cross-eyed or maybe you are. But somebody has got to divide the problem up. That is not the problem I thought we were trying to solve.

Mr. WALKER. Again I am not sure—I believe that with the new task forces that we will be attacking the problem in a different way, and one can debate about the effectiveness of that approach versus the interdiction approach, but what became apparent to us as the new task forces evolved was that they weren't going to encompass interdiction, so we have developed strategies to deal with that.

We have worked on the air threat assessment. We have worked to get additional equipment into the picture. We have our interdiction coordination group which we are running out of Treasury to try and coordinate our activities in this area, and to rationalize our effort, interagency efforts in this area, so we are concentrating on the problem.

Now, we can always debate whether we are doing it right or we are doing enough, and I can tell you right now our motives are to do as much as is humanly possible.

Mr. MACKEY. Look, I understand that. And I went with you all and I have got a good idea of which efforts are effective, and I personally, based on relatively little knowledge, but some common-sense, believe in Customs and the Coast Guard. If I had to put what limited money I had, I would put it in those two agencies, but I am saying that whoever made the policy decisions within the administration does not share that view.

Mr. FASCELL. Absolutely.

Mr. ENGLISH. I think it is also fair to make the observation that these are many of the questions that we would have liked to have

asked the Justice Department if they had been willing to send someone in a policymaking position who was familiar with the new proposals on those task forces, but they refused to send anyone in a policymaking position.

Mr. KINDNESS. They will, won't they, Mr. Chairman?

Mr. ENGLISH. They will indeed, either voluntarily, or there are other ways, Mr. Kindness.

Mr. Lewis?

Mr. LEWIS. Thank you, Mr. Chairman.

Secretary Walker, I fly into Sugarloaf Key every now and then. I fly around a big cable every now and then that is holding Fat Albert.

Mr. ENGLISH. Are you sure you flew around it, Tom?

Mr. LEWIS. Not into it, that is sure.

With the problem of wires and things like that, and we are looking at additional types of Fat Alberts, are you satisfied with the information you are receiving?

Mr. WALKER. Yes; right now I think that some efforts are still being made to improve the reception as a result of the digitizer, and there are still modifications, I understand, that can be made, enhanced software and so forth, but I am satisfied that we have got a workable system now.

Mr. LEWIS. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. Fascell.

Mr. FASCELL. Have you defended your budget yet before the Appropriations Committee in the House?

Mr. WALKER. No, we have not. We haven't had the hearings yet.

Mr. FASCELL. You don't have a date yet?

Mr. WALKER. Not yet.

I am sorry. We do. I believe next week we are supposed to have hearings. But I understand that the House committee may be putting it off a little bit further to await the submission by DOD of their plan so that we can take that into consideration.

Mr. VON RAAB. The only hearing that we have had so far has been before the House authorization committee.

Mr. FASCELL. Mr. Chairman, the discussion that you have pursued and Mr. MacKay has pursued leads to this observation, which I would like to put on the record. I will be very brief. That is that if Treasury and Customs are going to be given the national interdiction responsibility as I understand it—is that correct?

Mr. VON RAAB. Well, it is really a joint Coast Guard-Customs effort.

Mr. FASCELL. Whatever it is, it is in your shop. You have the national interdiction responsibility for drugs; is that correct?

Mr. WALKER. I think they certainly have a principal part in it if not all of it. Coast Guard is in a different department. It is in the Department of Transportation. Certainly working with the Coast Guard, yes.

Mr. FASCELL. So those two are going to have the national responsibility for interdiction?

Mr. WALKER. I think that is a fair assumption, yes.

Mr. FASCELL. Nobody else?

Mr. WALKER. No.

Mr. FASCELL. So interdiction responsibility of the South Florida Task Force will be folded into the normal Customs-Coast Guard responsibility?

Mr. WALKER. Well, it is going to be kept as a separate task force as such.

Mr. FASCELL. I understand that. I am talking about only the interdiction responsibility.

Mr. WALKER. That's right.

Mr. FASCELL. Will be folded into this new concept or old concept?

Mr. WALKER. That's right.

Mr. FASCELL. It is the old concept is what it is.

Mr. WALKER. Yes.

Mr. FASCELL. So we are going back and folding interdiction into the regular programs as far as South Florida Task Force is concerned?

Mr. WALKER. I guess I am not entirely clear what you mean. We are keeping a separate south Florida task force. It will have interdiction responsibilities.

Mr. FASCELL. I know, but will it have separate interdiction capability and responsibility? That is the question. Or will that be folded into the normal Customs-Coast Guard?

Mr. VON RAAB. Maybe I could help just a little bit. The Coast Guard and the Customs Service have always handled the interdiction responsibility within the South Florida Task Force.

Mr. FASCELL. I understand that.

Mr. VON RAAB. Yes.

Mr. FASCELL. Notwithstanding the fact that as far as your other budget requirements for national interdiction are concerned will it be not unified in either of the other task forces or otherwise?

Mr. VON RAAB. That's correct.

Mr. FASCELL. That is what I was getting at. Now, that leads me to make the basic observation, which is that we are right back where we were when we started about 20 years ago, and that is that if you put this interdiction responsibility in the agencies which normally have it, even if it is enhanced with automated equipment and less personnel, which I find an impossible kind of a justification on your part, I think you have been put in a very impossible situation, but I must say both of you have done extremely well. I don't believe it and nobody else believes it, but you have done a good job. You have done a good job.

Mr. MACKEY. Would the gentleman yield?

Mr. FASCELL. Yes.

Let me just finish this thought, and that is this: if you really are able to improve your interdiction capability in the normal course of events and you have an agreement for follow-on investigation, who is going to prosecute for you? Are you going to dump all of that in the laps of the respective USDA's around the country?

Mr. WALKER. Ultimately when we get cases for prosecution they will be turned over to the U.S. attorneys in the normal course.

Mr. FASCELL. Right; and they will be right down at the priority list. Nobody is going to go after "mules." They can't handle the caseload you have got now. So if you increase all that interdiction and you get all these boats, airplanes, and "mule carriers," and whatnot, and drop them in the U.S. attorney's lap that is just

where they are going to stay in most cases unless they are tied into some specific investigation in that area.

You are just throwing that load in there. It is like collecting a bad debt. That is the priority it will have.

Excuse me. That is the problem I see facing us right now. So even if you increase and enhance your capability, the ultimate end of that is going to be you put all of that time and effort for a minuscule amount of prosecution.

Mr. VON RAAB. I would comment that prosecution is certainly important and is the end result of any criminal effort.

Mr. FASCELL. Yes. You want to get them in jail.

Mr. VON RAAB. But most important to the Customs Service is also the information and intelligence that is developed on the way to that prosecution.

Mr. FASCELL. I have no argument with that, but if it isn't organized—

Mr. MACKAY. That's right. Would the gentleman yield?

Mr. FASCELL. Sir, I am through. Thank you very much. I didn't mean to take that much time.

Mr. ENGLISH. You made a very good point. I would like to make an observation at this point. I think you are absolutely correct in what you are saying. I would point out that this subcommittee also has jurisdiction over that and that would be a fruitful area for us to examine as this develops, as this moves in. That is something we have to keep an eye on.

Mr. FASCELL. The U.S. attorney's office has an impossible task. They don't have enough money, personnel. They don't even have enough office space. They have so many cases now it takes 2 years to get to trial on a major case.

Mr. WALKER. The task force contemplates 200 new prosecutors which will relieve the burden from the U.S. attorneys to a great extent.

Mr. ENGLISH. We will be looking into that area, I can assure you.

Mr. MacKay.

Mr. MACKAY. Secretary Walker was here yesterday when Mr. Chapman and the others from the Citizens Against Crime group in Miami made their statements, and they clearly feel that there was a relationship between the improved law enforcement and safety situation in south Florida and this South Florida Task Force.

If they feel that to be the case it would seem to me if they are right that the reduction of personnel in this task force from 337 to 107, and the turning of attention elsewhere, would lead you to believe that we are headed back in the other direction.

Mr. WALKER. I don't know whether these questions were addressed to Mr. Rinkevich when he testified, but my understanding, and I will be happy to supply you with the figures on this. Is that from—here we are—before the task force was originated until the present time we will end up with in effect an increase in permanent law enforcement personnel in Florida as of the end of fiscal year 1983 compared to February 15, 1982, of 843 added permanent positions that is a legacy from the task force, an increase overall.

We are talking now about DEA, Customs, FBI, Bureau of Prisons, Coast Guard, U.S. attorneys, probation, ATF, Treasury, on the

financial side. These are the numbers, and so we have statistics that cover this. I would be happy to show them to you.

Mr. MACKEY. Just once again, you narrowly define. What we are saying is we have got a drug problem.

Mr. WALKER. Yes.

Mr. MACKEY. And what you are responding is we are doing something about law enforcement, and we are saying yes, but we have a drug problem, and you are saying yes, and we are doing something about law enforcement. That is the only point I am trying to make.

The GAO says staffing in this area will decline from 337 DEA and Customs personnel to 157. I agree you have got more probation and paroles, you have got more of a lot of things, but the problem we have got is a drug problem.

Mr. KINDNESS. Would the gentleman yield on that point?

Mr. MACKEY. I yield.

Mr. KINDNESS. I respect the gentleman's opinion and point of view he is expressing, but I would just submit that there is another body of thought that suggests that interdiction of the drugs at the border is, perhaps, the most difficult area to put some real crimp in drug trafficking while, on each end of sort of an hourglass situation, you have the demand or the market for it over here, where we are going to be putting a lot more resources perhaps.

At the other end of the hourglass you have the product of the various materials, and I think we have to remember that it isn't quite like an hourglass in that, with interdiction efforts, you can't force them all through that restricted area, so that, in fact, interdiction is a terribly inefficient part of the total process.

If, through thorough investigations in the financial area, you can make it unprofitable for people to be engaged in this trade, you may knock out bigger chunks than you can ever do through interdiction alone. So it is a coordinated thing, and there is room for differences in points of view, as to where the emphasis ought to be, but in the total picture all the parts are important.

Mr. ENGLISH. Will the gentleman yield?

Mr. MACKEY. Yes, of course.

Mr. ENGLISH. I would like to make an observation on that, given the reason for that. It seems to me that the interdiction portion of this problem is the easiest to keep track of. That is where you make the arrests. You have the evidence. You have the people there. You have the aircraft. You can see it. It is something tangible. It is something you can touch.

But whenever we get off out here and say, well, we prevented 50,000 acres of cocaine from being grown in Colombia next year because we did such and such; that is kind of tough to get a handle on.

How do you prove that? How do you bring that into a committee before Congress? You can come in and claim anything. You can talk about investigations that have taken place here and, "Oh, we have got all kinds of investigations, and because we did this we discouraged these people from getting into business. Why, there were 100,000 people last year that I personally discouraged from getting in the business, just because they read all the fine work that I was doing. I just scared the daylights out of them."

You can make these exaggerated claims, but when it comes down to the interdiction effort, you have to produce. You have to have something that you can touch and that is tangible.

There is no question; either you get them or you don't get them. And, perhaps, that is the reason that interdiction seems to be the most difficult. It is the most difficult to make exaggerated claims about. And I think that we are all familiar that that takes place.

Mr. MACKEY. Mr. Chairman, I think I would say the same thing. Man, do I ever agree. If you could stop it at the source, the people of Florida would be very happy about that. If you could catch organized crime, we would be very happy about that. But, for some reason, we don't have very much confidence in what is going on in those two areas, and we would hate for you to quit interdiction until you demonstrate that what you are going to try to do next would work.

Mr. FASCELL. Mr. Chairman, I was not going to say anything else but I have to get my 2 cents in here now.

I think it is absolutely essential that we continue with IRS cooperation in making money cases. We would be crazy, in one of the largest enterprises in the history of the world, not to go after the people who are making the money out of this trafficking, whether it is organized crime or not organized crime, and we have got to use the best tools that we have in this country, under direct leadership, to go after that money, and you could make, and I could make, a real case for emphasis on that end of the hourglass.

But that is not to say that I am willing to forget interdiction and harassment and going after the boat operators, the plane operators, and the couriers, because harassment is part of the fight.

I would hate to have the impression laid out on the record, however, that we are going to increase our capability of interdiction, which we are not—I don't see it.

It may be after the chairman's plan is implemented and we allocate the resources and we have a policy definition and a policy decision, we can do that, provided all of that effort that they are going to make will be followed up by prosecution.

Otherwise, it doesn't mean anything, except harassment.

Harassment is not bad. But if you are going to spend dollars, you had better go get the big guys and put them in jail, and not the little old pusher down here driving a speedboat.

Mr. ENGLISH. Mr. Bennett, I know you have been taking all of this in.

Mr. BENNETT. I want to return just a little bit to what we were talking about before.

Of course you could declare yourselves as being a firm victor and feel nice about it if that were true. You have made great progress, but there is clear evidence, I think, that there is inadequate personnel, inadequate equipment, and in the face of that we are reducing it.

Also, we have clear evidence that there is a terrible situation with regard to disorganization, a lack of coordination. Part of it is in regulation; part of it is in the statutes; and yet in this hearing it is crystal clear that you are not adequately putting the people into it; you are not adequately putting the funds into it; you do not have adequate equipment.

If you think anybody out in the public is going to read this and listen to this and come to the conclusion that you are doing all this country should do to fight drugs, no way are they going to believe it because it is not true.

What I am saying to you, I am pleading with you, let's don't have the Congress and the President at each other's throat. This is an important thing. Let's work forward to do something that will solve this.

You heard this testimony. You know there is no way of kidding anybody about it. And so the thing to do I think is to try to bring a package to Congress which will cut the Gordian knot, cut all of this bureaucratic difficulty, and as far as I am concerned I see no reason for not having the czar under the Department of Justice. That doesn't bother me at all, provided he is a sufficiently independent man.

Nobody can evade from hearing these hearings that there is disorganization which is not really being addressed by the executive branch of the Government, and that you are not adequately funding the fight, and therefore you must really do something about it because it is not a credible deterrent.

I don't have any questions. That is just the way I feel about it.

Mr. ENGLISH. Thank you very much, Mr. Bennett. We appreciate that. And I think you have had the last word as far as these witnesses are concerned.

We have kept them——

Mr. BENNETT. Oh, I am sorry.

Mr. ENGLISH. No. I think entirely appropriate. You did a great job in summing up what conclusions we have finally come to, I think.

I want to thank Secretary Walker for his very fine testimony. We appreciate his appearance before us, taking his time to come down and, as I said, particularly for his cooperation and support and assistance that he has given this committee in working with us. We appreciate that.

Commissioner von Raab as well has done a tremendous job in working with us and we appreciate him and the fine staff that he has.

Mr. WALKER. Thank you, Mr. Chairman. I would just like to close my remarks by again saying how deeply grateful we are to this committee and to yourself and to your able staff, to Ted and Bill, for the assistance that they have given to our office, in working together and trying to address some of these incredibly complex problems, problems that pose difficulties of administration as well as programs in planning, and we look forward to a continued relationship in this regard.

Mr. ENGLISH. Mr. Kindness?

Mr. KINDNESS. Mr. Chairman, I would like to add my thanks to Secretary Walker and Mr. von Raab. We have taken a lot longer with your time before the subcommittee this morning than we anticipated, I think, but I would like for the record to at least be clear on this point, that while we have not reached a point of satisfaction to everyone with respect to the coordination of Federal resources in approaching the drug problem, these task forces that are proposed to deal with the investigatory and prosecutorial aspects of the war

on organized crime and drugs are at least something that we don't have now. So let us not leave the impression that we aren't at least seeing from the administration a move in the direction of getting this organized and coordinated. We are. We are seeing it. It is here. We are doing it. And I think it is perhaps inappropriate to leave the impression that that part of it isn't at least being addressed. It is.

Mr. WALKER. Mr. Kindness, if I could just say for the first time in 10 years these new task forces represent a substantial increase in our law enforcement capability in this country. All of the bureaus, all of the law enforcement bureaus across all administrations going back to the early 1970's have been cut time and again and now we are able to actually see an increase in critical agencies, ATF, Customs, IRS, DEA and FBI, an increase in personnel devoted to fighting the drug trafficking menace in this country. We have addressed that area.

Now we are looking at the interdiction area and this administration is totally committed to this effort.

I would certainly like to make that very clear.

Mr. KINDNESS. Thank you, sir.

Mr. ENGLISH. Thank you very much and thanks again, Mr. Walker, and Mr. von Raab.

Mr. VON RAAB. May I say something? I want to thank you for having this hearing. I have enjoyed being here. I don't want what I think is certainly a central point in this hearing to be forgotten and that is if we can obtain the English Air Force for the Customs Service it will be truly a tremendous step forward, and that would be a great service to the United States.

Mr. ENGLISH. We will find out this afternoon whether you get the air force.

Thank you very much, Commissioner. I appreciate it.

We will recess for 25 minutes before our next witness.

[Recess.]

Mr. ENGLISH. Our next witness this afternoon will be Rear Adm. D. C. Thompson, District Commander, 7th Coast Guard District.

Admiral Thompson, we appreciate your appearing before us here today.

STATEMENT OF REAR ADM. D. C. THOMPSON, DISTRICT COMMANDER, 7TH COAST GUARD DISTRICT

Admiral THOMPSON. Good afternoon, Mr. Chairman, and members of the committee. I am Adm. D. C. Thompson, Commander of the 7th Coast Guard District, and I am pleased to have this opportunity to provide an input for this oversight field hearing.

I will try to condense my remarks. The full statement will be entered, I hope.

The 7th District encompasses a very large area, about 1.8 million square miles of the Atlantic Ocean, the Caribbean Sea, and a portion of the Gulf of Mexico. It includes the States of South Carolina, Georgia, and most of Florida, as well as the Commonwealth of Puerto Rico and the U.S. Virgin Islands, for a total of 1,600 miles of coastline.

That coastline has a long history of smuggling. It goes back many years.

Of particular significance is the fact that our operations interface with 24 foreign states including Communist Cuba.

The primary resources I have permanently assigned to carry out search and rescue and law enforcement missions, which are my two primary missions down here, include 9 medium-endurance cutters, 17 offshore patrol craft, 46 utility-type boats, 9 fixed-wing search aircraft, 15 helicopters, and 20 multimission stations.

The 7th District has the highest demands within the Coast Guard for search and rescue resources. In fiscal year 1981 we accounted for 19 percent of all search and rescue cases, 20 percent of lives saved, and 14 percent of property saved, Coast Guard-wide. Our aircraft fly about twice as many search and rescue hours as any other district.

We also have the greatest requirements for our cutters. That has been for the last 3 years.

The reason I mention that, Mr. Chairman, our high tempo of search and rescue activity, is to point out that both our floating and flying resources perform a variety of different missions besides drug interdiction. One is, of course, the current Haitian interdiction operations which started in September of 1981, and to date I think has been very successful.

We have got a full-time cutter down there, fixed-wing aircraft, rotary-wing flights, on a daily basis trying to detect the smuggling of Haitian illegal migrants and returning them to their country. It is, in my judgment, a relative success story.

The past 15 months have seen a real decline in the number of Haitians. In 1980 we had about 15,000 illegal entries. In 1981 that number dropped to just a little over 8,000. And last year, using the INS statistics as well as my own, they are down to about 120 that have been identified as illegal aliens arriving by sea.

We have, in addition, a side benefit of that cutter we put down there which I would like to bring to your attention, and that is that the cutter that is assigned to the alien interdiction operation has either directly seized or assisted in the seizure of some 15 drug-smuggling vessels, with 84 people arrested and over a quarter million pounds of marihuana with a street value of \$93 million confiscated, so that is kind of a 2 for 1 down there.

We do provide about one-third of the entire Coast Guard aircraft hours spent on law enforcement—I am sorry. About a third of the cutter hours spent on law enforcement through the entire Coast Guard and about one-fourth of all the flight hours the Coast Guard commits to law enforcement.

Of course, our primary target is maritime drug smugglers and marihuana in particular. An estimated 60 percent of the marihuana smuggled into this country comes in by sea. Most of that drug traffic originates in the Caribbean. As you are aware, it generally comes from the north coast of Colombia and as the drug smugglers sail north they go through what we call the choke points, the geographic points between the islands on the northbound route. That is an important geographical advantage for us because it concentrates or it funnels the smugglers so that the cutters on patrol have a better probability of intercepting them.

Smuggling vessels that come to the choke points are generally 60 and 200 foot, the motherships. One mothership seizure down there or in that vicinity removes as much marihuana from the smugglers as would several smaller seizures closer up here to shore.

I think that this approach has been the most effective use of our resources. We have been able to occupy the choke points in an increasingly effective manner.

I guess the bottom line on that would be that the number of vessels seized over the last 3 years has gone from 101 to 126 to 145 this past year, and concurrently the individuals that were arrested went from 485 to 582 to 762, so there has been a constant increase.

Probably the most significant statistic would be the amount of marihuana, and that has gone from 1.5 million roughly in 1980 to 1.6 million pounds in 1981, and last year, because of the increased presence in the choke points and the enhancement through the interagency task force down here, we were able to take off almost 2.4 million pounds of marihuana utilizing Coast Guard units operating in my district down here.

In light of the increased interdiction resources we have applied, and the improved coordinated intelligence, we are in fact encountering less traffic now through those choke points. That might be caused by a realization on the part of the drug traffickers that there is an increased risk there, perhaps a development by them of a wait and see attitude if the task force goes away, and also the use of alternative routes.

We have seen new traffic trends, in addition to coming through the traditional choke points. We see them going further to the eastward and circling around behind the Bahamas. We have seen northerly routes going up to the Middle Atlantic States and New England.

We recognize that there has been some shift in their existing traffic routes away from the choke points, but we still maintain a presence there.

To pull out from the choke points would just open the floodgates again.

We are aware of countersurveillance operations against our surface units by the opposition, so there is a little tactic and counter-tactic going on out there.

One thing I would like to bring to your attention is the concept that came out of the White House task force of putting together in one place an Interdiction Operations Information Center. That is a long title. I call it the IOIC.

It was created over here in the Miami Federal office building right across the street within Coast Guard space, mainly because of security. It has three missions.

One, it is a situation room, to maintain the best picture of all the Federal forces that we might be able to bring to bear on a surface law enforcement problem, and two, maintain the best possible picture of the vessels which are suspected and being tracked carrying drugs, and three, to match the Federal forces against the drug vessels.

It is a multiagency entity, staffed by U.S. Coast Guard, Customs, Navy and Air Force, and DEA. Personnel are on duty 24 hours a day, 7 days a week.

It is not a command and control center. It analyzes the surface picture and puts together recommendations for the responsible command and control elements for those agencies that have resources available to help us interdict.

Just as an illustration of how it comes together, in one actual case we had not too long ago, this IOIC interdiction center received information regarding a suspect vessel over near the Bahamas. A nearby DEA aircraft was requested to investigate. That aircraft confirmed that there was some suspicious activity there.

On that basis we diverted a Coast Guard cutter. Before the cutter would get on scene the DEA aircraft was forced to leave the scene due to a low fuel state. In other words, to maintain continuous surveillance we got a Navy aircraft diverted and before it could show up we had a Customs aircraft launched to cover the gap in time, so we could get continuous overhead coverage.

The bottom line, when the cutter arrived one vessel was seized with marihuana on board and another load was discovered that had been transferred to a Bahamian island. We notified the Bahamian forces to go ahead and they investigated the stash on the beach.

That kind of coordination and cooperation really pays off.

How have we been doing? We had in the neighborhood of some 600 potential targets since we started up there, information on suspect craft. We narrowed that down to about 107 that we had sufficient information on to call targets, and we applied resources toward them.

The results would translate into an interdiction rate of those 107 targets of about 46 percent, and a seizure rate of some 33 percent. It counts for some 35 vessels, two aircraft, 241 arrests and over 800,000 pounds of marihuana, and that just started up on the first of November.

I have been very pleased with the IOIC. It hasn't reached its full potential. We have got some temporary duty people there and we don't have all of the networking and computing systems linked, but it is working well and it is an example of how to bring together in one place the experience and interests of the law enforcement agencies which have the responsibilities and those agencies with resources that can pull it together.

I think it has been a significant step assuring most effective utilization.

In my judgment the future effectiveness of this interdiction center depends on dedicated multiagency participation and staffing.

Shifting to Department of Defense cooperation, of paramount significance has been the U.S. Navy support. It is a real success story.

The Navy has provided assistance to the law enforcement program since 1978, but when you all clarified the posse comitatus statute last year the door was opened for more extensive activity for them, and they have been producing that.

They participated in sighting and reporting activities. They have towed our vessels. They have refueled them at sea. They have come out there and provided a significant muscle, if you would, in terms of a surface combatant and fighter aircraft overhead, which got the

attention of a drug vessel that my little cutter was chasing, and the vessel came to a stop when it appeared to be overwhelmed.

They have participated in all facets of aircraft surveillance. We have a great operations order written jointly by the Navy and the Coast Guard and it is all spelled out. It is a recipe for how to cooperate. It is working well.

We have had our people deployed on Navy ships. We had some 10 deployments of tactical law enforcement teams. These are our trained and experienced boarding personnel in the Coast Guard. They made a seizure off of a nuclear-powered cruiser, seized 11 crew members and 25 tons of marihuana.

The Coast Guard then put a custody crew aboard the vessel and drove it in while the Navy went off to do their sea power projection overseas, so it is working very well, sir.

The aircraft program has been outstanding. As a result of sightings from the aircraft we have seized—sightings from Navy aircraft—we have seized some nine vessels, 86 people, and about a third of a million tons of marihuana.

The Navy hydrofoils are carrying our people throughout the Caribbean in some of the straits where they have some security—national security—reasons for training, and we have put Coast Guard people on board them.

We were instrumental in having the crew members of a drug vessel scuttle their vessel rather than get it caught. It has been a success story. In December 1982, we began to make inquiries from the interdiction operation center to the Army seeking air surveillance support. We think there are some maritime areas within the range of Army aircraft that could be used.

The Army was positive conceptually and we are working on some lead time adjustments for their scheduling. But, I am happy to report to you that both because of Secretary Juliana and Secretary of the Army Shannon appearing on the scene that we have received assurances things are going to happen and I can report to you that this week we have had the Georgia National Guard aircraft out flying surveillance flights off the coast of Georgia patrolling with a Coast Guard vessel.

Our experience with the Air Force in law enforcement matters began in mid-October when we established the IOIC. They came in and staffed with us, and the Air Force responded very positively to that, providing people.

Early on in our collective effort the posse comitatus question surrounding Air Force participation in the law enforcement mission surveillance mission surfaced. These are still being worked on and addressed.

We have had a lot of meetings and we are making progress toward getting the counterpart, if you would, of the Navy-Coast Guard operations order, the actual working documents on how to get their aircraft in a maritime mode up flying and providing you sighting information.

So we are currently working with the Air Force and Assistant Secretary Lucas to resolve some of the concerns and some of the procedures.

In terms of the Coast Guard's commitment, my statement lists a few of the resources we have obtained down here in the Seventh District and those that we plan for the future.

I would just like to comment a little, if I could, on the arrests and seizures which have accompanied our heightened efforts. In 1981 the prosecution rate for Coast Guard cases was only 70 percent. In 1982 the prosecution rate for cases involving significant quantities of marihuana was almost 80 percent. These improvements I can attribute to the increased efforts of the U.S. attorneys office where cases are tried. They brought in extra prosecuting attorneys, additional resources, and there is a lot more vigor brought to the program down here by the task force.

Seventy-nine multidefendant cases were tried as a result of our seizures in 1982. Conviction of at least one defendant occurred in 95 percent of the cases.

Of the 427 defendants tried last year, 92 percent of defendants were convicted compared to 78 percent in previous years. So we are doing much better in having fewer acquittals and fewer dismissals.

I mentioned a little bit earlier that the Navy had been assisting Coast Guard boarding teams. Down in Puerto Rico in January a jury returned verdicts of guilty against 11 defendants that the Coast Guard boarding team took off of a seized vessel operating off the U.S.S. *Mississippi*. When the case went to court, prior to the trial on its merits, the defendants made a motion to dismiss the case for violation of the Posse Comitatus Act. Their contention was that it was unlawful for a Navy ship to serve as a platform for a Coast Guard boarding party.

The U.S. district court fully adopted the Government's position. It was in full compliance with the law and the regulations.

This is a sound precedent, in my judgment, for embarking Coast Guard boarding detachments on Navy platforms.

I might add also that the jury hammered the defendants in sentencing. Eight of them got 4 years, one got 5 years and one got 10 years.

That is also a plus. It is kind of a high-tempo, high-pressure operation down here.

I don't want to leave out other agencies. Certainly the U.S. attorney has gone to great efforts. We work with them on a daily basis there.

We are looking forward to continuing multiagency effort.

I don't believe it is time yet that we can tell whether our efforts have raised the deterrence levels to a point where we have made the drug smugglers commit themselves to long-term shifts in pattern. We know they have had temporary ones.

There is no doubt in my mind that we are having an impact. I am pleased to have the opportunity to describe what we have done. I thank you and all the members for the support that the Coast Guard has received over the years since you have been involved in helping us fight the problem, and I am ready, Mr. Chairman, to answer any questions.

MR. ENGLISH. Thank you very much, Admiral. We appreciate it.

Can you describe to us the problems that you are running into from detecting the drug smugglers' ships between the Bahamas and the United States?

Admiral THOMPSON. Yes; that is a difficult problem. The ships between the United States and the Bahamas, with the air drops that are being made in the Bahamas and the off-loads that are being made further offshore, the vessels between what I would call the western side of the Bahamas and the east coast of south Florida are typically small ones. They run at high speed, and they create a difficult target to identify and to intercept.

I am not sure that is responding to the intent of your question.

Mr. ENGLISH. How successful do you think you are in intercepting those ships that come through there, detecting and intercepting?

Admiral THOMPSON. In the Florida Straits between here and the Bahamas, sir?

Mr. ENGLISH. Yes.

Admiral THOMPSON. I don't know that I have any figures on that. I know we have mounted multiagency blockades, if you would, of the inlets coming along here, and have shut down for some period of time the incoming drugs, but the percentage of effectiveness I don't have.

Mr. ENGLISH. The Coast Guard is presently manning the Seek Skyhook down at Cudjoe Key, or at least has access to the information that is down there. Of course, that information is now being provided to Customs as well.

A second one, a second balloon is planned for Patrick Air Force Base, and we are proposing that a third be placed out in the Bahamas in the Freeport area.

Given the information that you have about the one that is operating at Cudjoe Key, and from what you are able to learn from that, do you anticipate that that would significantly assist in your ability not only to detect but also to intercept and arrest these traffickers that are moving from the Bahamas to the mainland?

Admiral THOMPSON. It would increase our opportunity to detect them. I don't know how significant it would be, Mr. Chairman. As you know, we have some difficulty in getting good information out of it. It is really a technological problem, but we are hard at work trying to read the scope, if you would, and sort out the activity on the surface.

Mr. ENGLISH. We have also talked here this weekend about providing Customs with the Navy's P3A aircraft. I think you are probably familiar with the surface detection device on that aircraft which would also be available.

Do you think that it would be of significant assistance to your operation, particularly perhaps if you could put one of your people on that airplane, checking out that information?

Admiral THOMPSON. Yes, sir. I think we would be very interested in exploring that. If the equipment has the capability of giving us a good surface picture, then I think we would be very much interested in joining with that operation.

Mr. ENGLISH. As I understand it, the equipment would be the same that the Navy uses. Are you familiar with it, with the surface detection equipment on that aircraft presently as the Navy has?

Admiral THOMPSON. Yes, sir.

Mr. ENGLISH. Would that be of assistance?

Admiral THOMPSON. In my judgment it would.

Mr. ENGLISH. I understand that EPIC considers as one of its primary roles the providing of tactical or operational intelligence. How reliable is EPIC to you in that role?

Admiral THOMPSON. I think they are increasing in their reliability, and their support functions. We access them continuously over here from our interdiction operations center, asking the kinds of questions that they have the answers to in storage out there. They do some analytical work for us.

Our units operating offshore access EPIC directly and interrogate their data bank relative to the personnel on board vessels that we are boarding, characteristics, previous records, those kinds of things. We find them reasonably responsive.

Mr. ENGLISH. But that is not really of a tactical nature, is it? Isn't that more from the standpoint of history, if some ship or boat has been identified previously, perhaps was arrested or a suspect vessel?

Admiral THOMPSON. It is useful in a situation where you have a clutter of vessels, for example, and we can read off the names before we go in there. We don't have time or personnel to board them all before they disperse. We will pick out the ones that have a previous record.

Mr. ENGLISH. I realize that. What I am getting at, though, is how much intelligence-type information has been provided through EPIC, information from a DEA agent in a supplying country who sees a ship being loaded with what he knows or believes to be drugs, and then signals DEA, with that information put into EPIC and then being provided to the Coast Guard. Has that happened?

Admiral THOMPSON. We get what they have. That is my understanding.

Mr. ENGLISH. How much do you get of that nature?

Admiral THOMPSON. Of source country movements and that sort of thing?

Mr. ENGLISH. Well, intelligence information that is of recent origin, that would identify a ship that is coming your way that is likely to be loaded with drugs.

Admiral THOMPSON. A slight to moderate amount of information that we get.

Mr. ENGLISH. How many do you figure you have had in the last year?

Admiral THOMPSON. I would have to submit that for the record, sir.

Mr. ENGLISH. Can you give us an estimate, roughly; 10, 50, 100?

Admiral THOMPSON. A percentage of those that we interdict, that we interdict as a result of information coming from EPIC?

Mr. ENGLISH. Or from DEA.

Admiral THOMPSON. Or from DEA? Including the local information here, I would say it is on the increase now, and it probably was 10 percent, but it is increasing from that.

Mr. ENGLISH. How much of that information is source country and how much of it would be local?

Admiral THOMPSON. I would have to go back and take a look at that. I don't really have a good feel for it.

Mr. ENGLISH. Can you remember off the top of your head any arrest that has taken place in the last year based on that information?

Admiral THOMPSON. Yes, sir. I am aware of seizures where we have positioned our assets in response to intelligence that came from source country.

Mr. ENGLISH. I assume, too, from what you are telling me—given the testimony, I should say—that you have a very high opinion of the Navy ship sighting program; is that correct?

Admiral THOMPSON. Yes, sir.

Mr. ENGLISH. You do have a high opinion of the Navy sighting program?

Admiral THOMPSON. I have a high opinion of the quality of the sightings that we get. In the area that I look at for the Caribbean there isn't that much Navy operating through the Caribbean. When they do, the sighting information that we get back I am told is good.

Mr. ENGLISH. Have there been occasions where there have been complaints from your people that Navy ships have been in the area and have not been providing that information?

Admiral THOMPSON. There are occasional complaints like that, yes, sir. But I think the complainers are the folks that don't recognize what other responsibilities Navy vessels might have when they are going through there.

If they are looking for an aircraft carrier to report a small boat while they are conducting air operations, then I in my position wouldn't expect that report coming in, but I think these incidents have been very few.

Mr. ENGLISH. If you have an aircraft carrier down there don't you also have submarines, destroyers, and all kinds of other equipment?

Admiral THOMPSON. If we have got a battle group going through we do get sighting information from it. The seizure off the *Mississippi* was a result of a Navy sighting. We vertically sent our boarding team from the carrier over to the cruiser.

Mr. ENGLISH. Has the Navy's assistance through the other programs that they have, increased your days in these choke points?

Admiral THOMPSON. Yes, sir, to the extent that we have had some towing and some reprovisioning by the Navy, they have taken a tow off our hands so we could stay out there, and to the extent that we have been able to get some reprovisioning when they go through, it has.

Mr. ENGLISH. Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman.

Admiral Thompson, I don't have any questions, but I would like to express my commendations for the work that the Coast Guard is doing in the seventh district and the improvement that is reflected in the figures resulting from your operations over the last 3 years.

I certainly want to encourage you, as I am sure the chairman would agree, to bring to the attention of the subcommittee problems or suggestions that would appear to be able to improve the security of our borders arising out of the experiences that arise out of the operations in the seventh district.

I thank you.

Admiral THOMPSON. Thank you, sir.

Mr. ENGLISH. Mr. MacKay?

Mr. MACKAY. Admiral Thompson, you indicated that IOIC is the joint effort by the Coast Guard, Customs, Navy, Air Force and DEA.

Admiral THOMPSON. Yes, sir.

Mr. MACKAY. And you went on to say on page 8 of your written remarks that "the effectiveness of this effort depends on dedicated multiagency participation, particularly in light of the transition of the South Florida Task Force from Vice Presidential to local control."

In sawmill language, does that mean that you don't think the U.S. attorney has got the clout to get these other agencies to cooperate?

Admiral THOMPSON. I don't think it is in regard to the U.S. attorney. I guess what I am asking or what I am suggesting in that testimony is that now the IOIC is a part of the task force. Whatever stays down here, in my judgment, should embody that interdiction operation.

Mr. MACKAY. The local Federal control, assuming one of the agencies did not want to cooperate, the point I am trying to get at is once you have gone and asked them to, who has got the clout to force or to insist, for instance, that DEA cooperate?

I gather you have had some problems with Army and the Air Force. Is there anybody in the local area that you know of that could get the Air Force to do something they don't want to do?

Admiral THOMPSON. Let me say those were startup problems, and I think they are being overcome with the Department of Defense. The Navy was first in the blocks and they got with it right away.

The Air Force and the Army are coming along very nicely.

I am not aware of the wiring diagram, sir, that the task force will look like when and if there is a White House task force change.

Mr. MACKAY. That is an interesting analogy. It might suggest that perhaps the power source was being removed.

Admiral THOMPSON. I don't think it will go dark.

Mr. MACKAY. What is the status now of the Army response time? You indicated that you had asked them for something and 6 weeks have gone by and you have heard nothing but you think it is getting better?

Admiral THOMPSON. No; I must have misled you then, sir. Initially it looked like the time from our request to the time for them to respond would be about 6 weeks. We found that really to be difficult from a—

Mr. MACKAY. They could help you on the smugglers' next trip?

Admiral THOMPSON. Yes, sir. From a tactical standpoint that is a little late, but I have to tell you that this week we got a call from the Georgia Air National Guard on Tuesday. We had a man up there Wednesday and they started flying Thursday. Now, that is pretty prompt.

Mr. MACKAY. That is great.

You said, "The Air Force responded positively and provided people for the IOIC. Early on in this effort posse comitatus ques-

tions surrounding Air Force participation in the law enforcement mission surfaced. These were and still are being addressed to insure Air Force participation is entirely consistent with posse comitatus."

Does that mean that they helped them?

Admiral THOMPSON. It mean that they weren't but they are coming on track now. We have had some flights from the Air Force, yes, sir.

Mr. MACKEY. What is the average age of your fleet of cutters?

Mr. FASCELL. It is too old.

Mr. MACKEY. Have you got some from World War II?

Admiral THOMPSON. Yes, sir.

Mr. MACKEY. World War I?

Admiral THOMPSON. No, sir, no World War I. Some were on active duty in the 1930's, are still sailing and are still down there operating in my district. The average age I believe is around 27 years, but we are getting some new equipment. It might be dropping a little bit. I would be happy to submit it.

Mr. BENNETT. Just gave up the *Walnut*, which is 40 years old.

Admiral THOMPSON. Yes, sir, and the *Hollyhock* is up for sale now.

Mr. FASCELL. That is only because the seams were spreading.

Mr. MACKEY. I assume that there is a tradeoff with advanced age and increased maintenance, which means you are not able to keep them on station as much as you wou'd newer equipment?

Admiral THOMPSON. Well, there is a connection and of course there is a connection with funding, and we have been given some additional funding to keep the old workhorses running.

In addition, we have got some new surface effect ships on line down at Key West now and I am told that the appropriation contains money for some seven or eight new patrol craft, offshore patrol craft, which will in my judgment end up down here in this theater of operations.

Mr. MACKEY. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. MacKay.

Mr. Lewis?

Mr. LEWIS. Thank you, Mr. Chairman.

Admiral Thompson, following up Mr. MacKay, the report is a very positive report as to the aspects of the task force, and your part in the interdiction process, but I am very much concerned about that wiring diagram, too, inasmuch as I am a Congressman from south Florida.

I just wonder what is going to happen and what your real gut reaction is to going back to local control rather than having the control right out of Washington.

Admiral THOMPSON. I really can't speculate on what will happen. As I see now, the cooperation level has never been better, and that is because of the White House task force interest.

I would hope that that cooperation would remain no matter how they wire up the task force arrangement.

Mr. LEWIS. Wasn't it the initial phase where you had startup problems, where you had interagency problems? Didn't it take some positive reaction from Washington in order to get these problems straightened out?

Admiral THOMPSON. In some instances it did, yes, sir.

Mr. LEWIS. What makes you feel that it won't revert back to the same problem again after it goes to local control?

Admiral THOMPSON. I think basically because I don't know what the new organization will look like. I haven't been briefed on it. I haven't seen it.

Mr. MACKEY. Would the gentleman yield?

Mr. LEWIS. I yield.

Mr. MACKEY. Do you know of any instances where intermilitary agency cooperation has been achieved through the State attorney?

Mr. LEWIS. I am not aware of that, but I don't expect that the Federal agencies down here are going to be working for a State attorney.

Mr. MACKEY. What does local control mean then?

Admiral THOMPSON. Local Federal control was the context. Yes, sir, perhaps in that context. I meant local Federal control. If I didn't say that I should clarify.

Mr. MACKEY. No. I said State.

Mr. FASCELL. Local Federal control might mean local Federal control for each agency up the line. It depends on the wiring diagram again.

Mr. MACKEY. What you are saying is you are going to unwire the wiring.

Mr. FASCELL. He doesn't know. We don't know either.

Mr. MACKEY. You had better plug in Armando Cordina and Mr. Alva Chapman back into the wiring.

Mr. LEWIS. Mr. Chairman, that concludes my questions of the admiral. I am very much concerned about the questions I have asked and raised about what is local control and what is going to be local control and just how effective is the task force going to be as far as interdiction.

As you eloquently brought out, that interdiction is something that people can see. The press picks that up. They are less interested in how many acres of grass we have destroyed in Colombia and places such as that.

I admire your report, Admiral. I feel it is a tremendous report in a positive direction, but there are just not that many things that are positive in the business you are in right now.

Admiral THOMPSON. Things have improved in the business I am in because of additional resources, and because of additional coordination.

I would agree that we can't work any harder down here, but we can work smarter and I think we are working smarter.

Mr. LEWIS. Do you feel that the funding that you have requested is going to be ample for you to continue under local Federal control or whatever kind of control it would be in order to do the same type of job that you are doing now, or could you do a better job?

Admiral THOMPSON. I really don't know what the future holds for funding, but through this fiscal year I see us being able to continue as we are now, at the current level of operations.

Mr. LEWIS. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Lewis.

Mr. FASCELL?

Mr. FASCELL. Thank you, Mr. Chairman.

I am curious, Admiral, is there anything that will detect on the surface a vessel that will do 70 miles an hour?

Admiral THOMPSON. Yes. Airborne radar, or if you are close enough, surface unit radar.

Mr. FASCELL. So it doesn't make any difference as to the size of the boat. If it is a 60 footer doing 70 miles an hour you can pick it up if you have the right equipment?

Admiral THOMPSON. Size is always a consideration for radar, the picture that it sees, but speed will help. In my scope reading days speed would help. You can pick it up, it is different than a wave top.

Mr. FASCELL. Right. Now, once you have identified it, how do you catch it? Airplanes?

Admiral THOMPSON. At 70 knots, unless we position ourselves right in the inlet or conduct an intercept, with a 15-knot ship and a 70-knot boat you can imagine it is not going to be a tail chase. We won't gain on them.

But, yes, aircraft. We use helicopters, sir. And customs air and the rest of the folks in this. DEA air. It is a tough problem to solve at 70 knots.

If leaving Bimini and getting over here in 70 knots, by the time we get the phone call they are probably tied up.

Mr. FASCELL. Tied up and unloaded. That raises the next point. You told us about your vessels. Now, how old are your helicopters?

Admiral THOMPSON. Well, the single engine that we are flying we acquired in the early 1960's, but there is a replacement program. I expect to have a new twin-engine helicopter out at Miami Air Station in just a little bit over a year. They are being outfitted throughout the fleet. I got rid of the old C131 Falcons that we borrowed out of the desert from the Air Force—excuse me, the C131 Convairs. And we have some Falcon jets that are working out just fine.

Mr. FASCELL. When your replacement program is implemented, then your ability to see choke points will be enhanced?

Admiral THOMPSON. Yes.

Mr. FASCELL. I am interested in the IOIC. I agree with your analysis, but I gather that Coast Guard is the only agency that has permanently detailed personnel for the IOIC; is that correct?

Admiral THOMPSON. At this stage I think we are the only ones that have made the commitment for permanent personnel, yes, sir.

Mr. FASCELL. Thank you.

Mr. ENGLISH. Mr. Bennett?

Mr. BENNETT. I want to congratulate the Coast Guard, particularly you and all those who have worked so well under such adverse circumstances. I think you ought to have a great inner satisfaction with what you have been doing. Keep it up.

I just want to make one observation about the overall thing of a coordinating man that can put things together. There are a lot of senior members on the American scene that are well known by the public, like Admiral Rickover, Arleigh Burke, Clarke Clifford, General Lemnitzer. There are people not in the Government, like Paul Newman. You may know him only as a movie actor, but he lost a son, too, and he has been very active in fighting drugs. There are a

good number of people that could bring to this matter a feeling of national purpose.

If the Vice President is going to withdraw from this, I think it would be a tragedy, if all of this is going to be done locally when it is such a big national battle.

What I can add at this point, I just think they ought to start looking at people who do exist on the national scene who bring a lot of confidence to the people that this thing is going to be done with a real leadership, and there is not going to be any bureaucracies that keep it from working. It is going to work.

Thank you. That is all I have to say.

Admiral THOMPSON. Thank you, sir.

Mr. ENGLISH. Thank you very much, Mr. Bennett.

Any further comments or questions?

Thank you, Admiral. We appreciate it.

Mr. MACKEY. Mr. Chairman.

Mr. ENGLISH. Yes, Mr. MacKay?

Mr. MACKEY. Excuse me for taking this extra time. Admiral, it was very interesting to observe and talk to the people in the Bahamas. You were with us at that point. What is your opinion of their present effectiveness in terms of equipment and so forth, and, assuming that they want to cooperate as they say they do, what would be their potential if they were properly equipped?

Admiral THOMPSON. We deal with them regularly both in search and rescue and in law enforcement over there, and I find that for the equipment that they have, they are reasonably effective. They are equipment limited, very obviously. They have got a lot of territory to cover. They have even a more severe problem than we do with 700 different islands over there. And it is a very difficult place to defend. They can just hope to minimize the impact.

Mr. MACKEY. Prime Minister Pindling indicated that if we wanted to make good use of some used equipment that helping them with their equipment problems would be a way we could really achieve some mileage in this area.

Admiral THOMPSON. Yes, sir.

Mr. ENGLISH. Thank you very much, Mr. MacKay.

Admiral, we want to thank you again. We appreciate it.

Admiral THOMPSON. Thank you, Mr. Chairman.

[Admiral Thompson's prepared statement follows:]

STATEMENT OF
REAR ADMIRAL DONALD C. THOMPSON
COMMANDER, SEVENTH COAST GUARD DISTRICT
DEPARTMENT OF TRANSPORTATION
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
U.S.
INTERDEPARTMENTAL COOPERATION OF
DRUG ENFORCEMENT PROGRAMS
ON 26 FEBRUARY 1983

PREPARED STATEMENT OF REAR ADMIRAL DONALD C. THOMPSON, USCG
DEPARTMENT OF TRANSPORTATION

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM REAR ADMIRAL DONALD C. THOMPSON, COMMANDER OF THE SEVENTH COAST GUARD DISTRICT. I AM PLEASED TO HAVE THIS OPPORTUNITY TO PROVIDE AN INPUT TO YOU FOR THIS OVERSIGHT FIELD HEARING. I ASSUMED COMMAND OF THE SEVENTH DISTRICT IN MAY OF LAST YEAR. IN THE PAST 3 YEARS WE HAVE OBSERVED A TREMENDOUS GROWTH IN THE INVOLVEMENT AND ACTIVITY OF OUR MARINE LAW ENFORCEMENT MISSION WHILE OUR SEARCH AND RESCUE ACTIVITIES HAVE REMAINED RELATIVELY STABLE BUT INTENSE, AVERAGING APPROXIMATELY 13,000 CASES EACH YEAR. 1980 WAS OUR BUSIEST SEARCH AND RESCUE YEAR WITH A RECORD OF 14,034 CASES. THIS INCREASE WAS DIRECTLY RELATED TO THE CUBAN EXODUS.

THE SEVENTH DISTRICT ENCOMPASSES A LARGE AREA, 1.8 MILLION SQUARE MILES OF THE ATLANTIC OCEAN, CARIBBEAN SEA AND A PORTION OF THE GULF OF MEXICO. IT INCLUDES THE STATES OF SOUTH CAROLINA, GEORGIA, AND MOST OF FLORIDA, AS WELL AS THE COMMONWEALTH OF PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS FOR A TOTAL OF 1,600 MILES OF COASTLINE. OF PARTICULAR SIGNIFICANCE IS THE FACT THAT OUR OPERATIONS INTERFACE WITH 24 FOREIGN STATES INCLUDING COMMUNIST CUBA.

THE PRIMARY RESOURCES I HAVE PERMANENTLY ASSIGNED TO CARRY OUT SEARCH AND RESCUE AND LAW ENFORCEMENT MISSIONS ARE, 9 MEDIUM ENDURANCE CUTTERS, 17 OFFSHORE PATROL CRAFT, 46 UTILITY TYPE BOATS, 9 FIXED WING SEARCH AIRCRAFT, 15 HELICOPTERS, AND 20 MULTI-MISSION STATIONS. THE SEVENTH DISTRICT HAS THE HIGHEST DEMANDS WITHIN THE COAST GUARD FOR SEARCH AND RESCUE RESOURCES. IN FISCAL YEAR 1981 WE ACCOUNTED FOR 19 PERCENT OF ALL SEARCH AND RESCUE CASES, 20 PERCENT OF LIVES SAVED, AND 14 PERCENT OF PROPERTY SAVED, COAST GUARD WIDE. OVER THE LAST THREE YEARS (80, 81, 82)

MY AIRCRAFT HAVE FLOWN ALMOST TWICE AS MANY SEARCH AND RESCUE HOURS AS AIRCRAFT OF ANY OTHER DISTRICT. WE ALSO HAD THE GREATEST REQUIREMENTS FOR CUTTER SEARCH AND RESCUE HOURS DURING THE SAME THREE YEAR PERIOD.

ON THE 29TH OF SEPTEMBER 1981, THE PRESIDENT ISSUED AN IMPLEMENTING EXECUTIVE ORDER WHICH OFFICIALLY COMMENCED THE COAST GUARD'S PARTICIPATION IN THE HAITIAN INTERDICTION OPERATIONS. THE COAST GUARD WAS TASKED WITH INTERCEPTING UNITED STATES, HAITIAN, AND STATELESS VESSELS ENGAGED IN THE IRREGULAR TRANSPORTATION OF PASSENGERS. WHEN A VIOLATION OF EITHER U. S. IMMIGRATION LAW OR APPROPRIATE HAITIAN LAW IS DETECTED ON THE HIGH SEAS, THE VESSEL AND HAITIAN PASSENGERS ARE RETURNED TO HAITI. INTERDICTION OPERATIONS ACTUALLY COMMENCED ON 9 OCTOBER 1981 WHEN A HIGH ENDURANCE CUTTER WAS STATIONED OFF THE NORTH COAST OF HAITI AND A COAST GUARD AVIATION DETACHMENT BEGAN OPERATING FROM GUANTANAMO BAY, CUBA. THE AVIATION DETACHMENT PROVIDES MAINTENANCE AND SUPPORT FOR ONE FIXED AND ONE OR MORE ROTARY WING AIRCRAFT UTILIZED IN THE OPERATION. DAILY SHORE BASED LONG RANGE FIXED WING FLIGHTS ARE FLOWN FROM GUANTANAMO BAY WHICH, COMBINED WITH SHORT RANGE HELICOPTER FLIGHTS FROM THE DEPLOYED CUTTER, PROVIDE A HIGH PROBABILITY OF DETECTING ANY SHUGGLING VESSELS IN AND AROUND THE WINDWARD PASSAGE. ONCE THEY ARE LOCATED, THE CUTTER IS VECTORED TO THE SUSPECT VESSELS, WHICH ARE THEN BOARDED TO ESTABLISH REGISTRY, CONDITION AND DESTINATION. IMMIGRATION AND NATURALIZATION SERVICE (INS) PERSONNEL, ASSISTED BY U. S. CREOLE INTERPRETERS, AUGMENT OUR BOARDING PARTIES TO DETERMINE THE STATUS OF THOSE ON BOARD. IF THE INFORMATION GATHERED SUGGESTS THAT ANY INDIVIDUAL HAS A POSSIBLE CLAIM TO REFUGEE STATUS, FURTHER INQUIRY IS MADE.

THE FIRST CASE OF INTERDICTION OCCURED ON 25 OCTOBER 1981, WHEN THE CUTTER CHASE INTERCEPTED AND EVACUATED 56 HAITIANS FROM THEIR UNSEAWORTHY 30 FOOT SAILING VESSEL AND RETURNED THEM TO HAITI. SINCE THAT TIME A TOTAL OF 9 VESSELS HAVE BEEN INTERDICTED AND 221 PERSONS HAVE BEEN RETURNED TO HAITI. EACH AND EVERYONE OF THESE PERSONS HAVE BEEN INTERVIEWED, NONE MADE CLAIMS FOR ASYLUM, AND NONE WERE FOUND TO HAVE ANY REASONABLE CLAIMS TO REFUGEE STATUS. ALL WERE SUBSEQUENTLY RETURNED TO PORT AU PRINCE. IN ADDITION THE CUTTERS ASSIGNED TO THIS INTERDICTION OPERATION HAVE EITHER DIRECTLY SEIZED OR INDIRECTLY ASSISTED IN THE SEIZURE OF 15 DRUG SMUGGLING VESSELS, WHERE 84 PERSONS WERE ARRESTED AND 233,767 LBS OF MARIJUANA WITH A STREET VALUE OF \$93,506,800 WAS CONFISCATED.

SINCE THE BEGINNING OF THE ALIEN INTERDICTION OPERATION, ONLY A FEW BOATS CARRYING HAITIANS ARE KNOWN TO HAVE ARRIVED AT THE FLORIDA COAST. IT IS VIRTUALLY CERTAIN THAT MOST OF THOSE PEOPLE HAD DEPARTED HAITI PRIOR TO THE COMMENCEMENT OF THE INTERDICTION EFFORT. OUR ASSESSMENT OF THE PAST 15 MONTHS IS THAT THE OVERALL PROGRAM IN BOTH INTERDICTING AND DETERRING THE DEPARTURE OF MIGRANTS FROM HAITI HAS BEEN VERY EFFECTIVE. TO SUPPORT THIS ASSESSMENT, I NOTE THAT DURING 1980 OVER 15,000 HAITIANS ARRIVED ILLEGALLY. IN 1981 THAT NUMBER DROPPED TO 8,606; AND, IN 1982, ONLY 120 HAVE BEEN IDENTIFIED AS ILLEGAL ARRIVALS.

THE SEVENTH DISTRICT HAS THE HIGHEST USAGE OF AVAILABLE RESOURCES WITHIN THE COAST GUARD FOR OUR ENFORCEMENT OF LAWS AND TREATIES (LAW ENFORCEMENT) MISSION. OUR LATEST THREE YEAR FIGURES SHOW THAT CUTTERS UNDER SEVENTH DISTRICT OPERATIONAL COMMAND HAVE ACCOUNTED FOR 32 PERCENT OF THE HOURS THE ENTIRE COAST GUARD SPENT ON LAW ENFORCEMENT MISSIONS AND MY AIRCRAFT HAVE ACCOUNTED FOR 25 PERCENT OF THE SERVICEWIDE TOTAL. OUR MAJOR LAW ENFORCEMENT ACTIVITIES INVOLVE DRUG INTERDICTION AND, TO A LESSER DEGREE, THE INTERDICTION OF ILLEGAL ALIENS.

AN ESTIMATED 60 PERCENT OF THE MARIJUANA SMUGGLED INTO THIS COUNTRY EACH YEAR IS TRANSPORTED BY SEA. MOST OF THE DRUG TRAFFIC ORIGINATES IN THE CARIBBEAN, GENERALLY ALONG THE NORTH COAST OF COLUMBIA. AS THE SMUGGLERS SAIL NORTH, THEY HAVE TRADITIONALLY PASSED THROUGH ONE OF THE FOUR CHANNELS. (YUCATAN CHANNEL, WINDWARD PASSAGE, MONA PASSAGE, AND ANEGADA PASSAGE) OR "CHOKE POINTS" AS WE CALL THEM AND THEN PROCEEDED TOWARD THE BAHAMAS, FLORIDA, THE GULF COAST, OR THE NORTH EAST COAST OF THE U. S. THE "CHOKE POINTS" ARE AN IMPORTANT GEOGRAPHICAL ADVANTAGE FOR US BECAUSE THEY CONCENTRATE THE SMUGGLERS SO THAT OUR CUTTERS ON PATROL HAVE A BETTER PROBABILITY OF INTERCEPTING THEM. THE AVAILABILITY OF HELICOPTERS ON THE PATROL CUTTERS GREATLY ENHANCES THE INTERDICTION CAPABILITIES OF THE CUTTER. THE SMUGGLING VESSELS COMING THROUGH THE CHOKE POINTS GENERALLY ARE 60 TO 200 FOOT MOTHERSHIPS. ONE MOTHERSHIP SEIZURE REMOVES AS MUCH MARIJUANA FROM THE SMUGGLERS AS WOULD SEVERAL SMALLER SEIZURES CLOSER TO SHORE. THIS APPROACH HAS BEEN THE MOST EFFECTIVE USE OF OUR RESOURCES.

THE COAST GUARD HAS BEEN ABLE TO OCCUPY THE "CHOKE POINTS" IN AN INCREASINGLY EFFECTIVE MANNER. WHEN WE EXPANDED OUR ACTIVITY IN THE CHOKE POINTS IN THE FALL OF 1980, WITH THE ADDITIONAL CUTTERS AVAILABLE IMMEDIATELY AFTER THE CUBAN EXODUS, WE WERE ABLE TO GREATLY INCREASE THE NUMBER OF SEIZURES DURING OCTOBER, NOVEMBER AND DECEMBER 1980, SEIZING 69 VESSELS AND ARRESTING 347 PERSONS DURING THAT PERIOD. TOTAL VESSEL SEIZURES WITHIN THE SEVENTH COAST GUARD DISTRICT HAVE RISEN FROM 101 IN 1980 TO 126 IN 1981, TO 145 IN 1982. THE NUMBER OF INDIVIDUALS ARRESTED HAS RISEN FROM 485 IN 1980 TO 582 IN 1981 TO 762 IN 1982. MOST IMPORTANT, THE AMOUNT OF MARIJUANA SEIZED HAS BEEN SIGNIFICANT. IN 1980, 1,548,421 POUNDS WERE SEIZED BY THE COAST GUARD IN THE SEVENTH DISTRICT, IN PART DUE TO THE AVAILABILITY OF ADDITIONAL CUTTERS IMMEDIATELY AFTER

THE CONCLUSION OF THE CUBAN EXODUS. STANDDOWN FROM THIS OPERATION RESULTED IN FEWER COAST GUARD RESOURCES IN THE AREA DURING EARLY 1981, YET THE SEIZURE TOTAL INCREASED TO 1,634,873 LBS THAT YEAR. INCREASED COAST GUARD PRESENCE IN THE "CHOKE POINTS", ENHANCED BY THE VERY EFFECTIVE COOPERATIVE INTER-AGENCY EFFORTS MADE POSSIBLE BY THE ADVENT OF THE VICE PRESIDENTIAL TASK FORCE, RESULTED IN THE SEIZURE OF 1,859,319 LBS OF MARIJUANA DURING THE FIRST NINE MONTHS OF 1982 - MORE THAN DURING EACH OF THE ENTIRE YEARS OF 1980 AND 1981. IN ALL DURING 1982, 2,380,041 LBS OF MARIJUANA WAS SEIZED BY THE COAST GUARD IN THE SEVENTH DISTRICT. A MOST SIGNIFICANT FEATURE OF THIS INCREASED SEIZURE TOTAL IS THAT IT WAS MAINLY ACCOMPLISHED DURING THE FIRST FOUR MONTHS OF THE YEAR. SINCE THEN THE AMOUNTS OF MARIJUANA SEIZED HAVE DROPPED STEADILY FROM A HIGH OF 401,842 LBS IN JANUARY TO A LOW OF 29,735 LBS IN JULY. IN LIGHT OF INCREASED INTERDICTION RESOURCES AND IMPROVED COORDINATED INTELLIGENCE, THIS REDUCTION IN SEIZURES WAS STRONGLY INDICATIVE OF GREATLY REDUCED TRAFFIC IN THE "CHOKE POINTS". THIS EVIDENCE OF REDUCED TRAFFIC WAS MOST PROBABLY CAUSED BY: (1) A REALIZATION ON THE PART OF THE DRUG TRAFFICKERS OF THE INCREASED RISK, (2) THE DEVELOPMENT BY THEM OF A "WAIT AND SEE" ATTITUDE IN HOPES THE TASK FORCE EFFORTS WOULD BE REDUCED IN THE FALL, AND (3) THE USE OF ALTERNATIVE ROUTES OR TRANSPORTATION MODES TO CIRCUMVENT OUR ENFORCEMENT EFFORTS. THE PRESENT HARVEST HAS PRESENTED A SIGNIFICANT CHALLENGE TO THE COMBINED COAST GUARD/TASK FORCE EFFORTS; AND NEW TRAFFIC TRENDS, IN ADDITION TO THE TRADITIONAL "CHOKE POINT" ROUTES, HAVE DEVELOPED. A TRAFFIC PATTERN HAS BEEN NOTED EASTWARD THROUGH THE ANEGADA PASSAGE AND WINDWARD/LEEWARD ISLANDS AND THEN NORTHWESTWARD ALONG THE EASTERN EDGE OF THE BAHAMAS. DURING THE SUMMER MONTHS, ADDITIONAL TRAFFIC HAS BEEN NOTED TO TAKE A NORTHERLY ROUTE AFTER THE ANEGADA/ WINDWARD/LEEWARD TRANSIT, WITH ULTIMATE DESTINATIONS BEING THE

MID-ATLANTIC AND NEW ENGLAND STATES. ACTIONS HAVE BEEN INITIATED TO COMBAT THESE TRENDS. BUT WE RECOGNIZE THAT REMOVAL OF OUR EXISTING RESOURCES FROM THE "CHOKE POINTS" WOULD MOST PROBABLY RESULT IN A QUICK RETURN OF TRAFFICKERS TO THESE MORE CONVENIENT, CONVENTIONAL "CHOKE POINT" ROUTES. WE ARE AWARE OF COUNTER SURVEILLANCE OPERATIONS AGAINST OUR SURFACE UNITS BY OUR OPPOSITION.

DURING EARLY OCTOBER 1982, THE VICE PRESIDENT'S SOUTH FLORIDA TASK FORCE MANDATED A CONCEPT WHICH WAS DESIGNED TO IMPROVE BOTH INTELLIGENCE COOPERATION AND INTERDICTION RESULTS. THE CONCEPT INCLUDED AN INTERDICTION OPERATIONS INFORMATION CENTER (IOIC). THE IOIC WAS CREATED IN THE MIAMI FEDERAL OFFICE BUILDING, WITHIN COAST GUARD SPACES, MAINLY FOR REASONS OF SECURITY. THE IOIC WAS CONSTRUCTED AND WAS READY TO OPERATE BY THE END OF OCTOBER.

THE MISSION OF THE IOIC IS THREEFOLD: (1) TO MAINTAIN THE BEST PICTURE OF ALL FEDERAL FORCES WHICH COULD POSSIBLY BE BROUGHT TO BEAR AGAINST A SURFACE LAW ENFORCEMENT PROBLEM; (2) TO MAINTAIN THE BEST PICTURE POSSIBLE OF ALL VESSELS WHICH ARE SUSPECTED OF BEING INVOLVED IN THE ILLICIT TRADE OF DRUG SHIPMENT; AND (3) TO MATCH THESE FEDERAL FORCES AGAINST SUSPECT VESSELS TO INTERDICT DRUG SHIPMENTS.

THE IOIC IS A MULTI AGENCY ENTITY STAFFED BY USCG, USCS, USN, USAF, AND DEA PERSONNEL. IT HAS OPERATED SEVEN DAYS A WEEK, 24 HOURS A DAY, SINCE 1 NOVEMBER 1982. IT IS NOT A COMMAND AND CONTROL CENTER. IT ANALYZES THE SURFACE PICTURE AND PUTS TOGETHER RECOMMENDATIONS FOR SURVEILLANCE AND INTERDICTION ACTIVITY AND SUBMITS THESE TO THE RESPONSIBLE COMMAND AND CONTROL ELEMENT OF EACH PARTICIPATING AGENCY FOR RESOURCE ACTION. THESE RECOMMENDATIONS ARE NORMALLY SUBMITTED TO THE COAST GUARD WHEN SUSPECT SHIPS ARE INVOLVED AND TO CUSTOMS WHEN SUSPECT AIRCRAFT ARE INVOLVED.

TO ILLUSTRATE WHAT THE IOIC HAS DONE, I WOULD LIKE TO RELATE AN ACTUAL CASE SCENARIO. THE IOIC RECEIVED INFORMATION REGARDING A SUSPECT VESSEL NEAR THE BAHAMAS. A NEARBY DEA AIRCRAFT WAS REQUESTED TO INVESTIGATE. THAT AIRCRAFT CONFIRMED ILLICIT ACTIVITY. ON THIS BASIS A COAST GUARD CUTTER WAS DIVERTED. BEFORE THE CUTTER WAS ABLE TO ARRIVE ON SCENE THE DEA AIRCRAFT WAS FORCED TO LEAVE DUE TO LOW FUEL. IN ORDER TO MAINTAIN CONTINUOUS SURVEILLANCE, A USN AIRCRAFT WAS DIVERTED AND A CUSTOMS AIRCRAFT LAUNCHED TO COVER THE GAP BEFORE THE USN AIRCRAFT GOT ON THE SCENE. WHEN THE CUTTER ARRIVED, ONE VESSEL WAS SEIZED WITH MARIJUANA ABOARD AND ANOTHER LOAD WAS DISCOVERED TO HAVE BEEN TRANSFERRED TO A BAHAMIAN ISLAND. BAHAMIAN FORCES WERE ALERTED TO INVESTIGATE THIS STASH.

SINCE THE IOIC COMMENCED OPERATIONS IT HAS RECEIVED INFORMATION ON 591 SUSPECT CRAFT. OF THIS NUMBER, SUFFICIENT INFORMATION WAS AVAILABLE TO TARGET 107 OF THEM. WHILE RESOURCES HAVE BEEN INVOLVED WITH THESE TARGETS, AN ADDITIONAL 7 VESSELS HAVE BEEN INTERDICTED AND SEIZED. IN ALL, IOIC EFFORTS HAVE RESULTED IN THE INTERDICTION OF 52 CRAFT (INCLUDING 2 AIRCRAFT) AND THE SEIZURE OF 37 OF THESE. THIS TRANSLATES INTO AN OVERALL INTERDICTION RATE OF 45.6% AND A SEIZURE RATE OF 32.5%. THE TOTAL OF ALL IOIC RELATED SEIZURES IS 35 VESSELS AND 2 AIRCRAFT, 241 ARRESTS AND 801,500 LBS OF MARIJUANA. THESE FIGURES DO NOT INCLUDE ARREST DATA FOR 3 TARGETS AND AN AMOUNT OF MARIJUANA ON 1 TARGET.

I HAVE BEEN PLEASED WITH THE IOIC. WHILE IT HAS NOT YET REACHED ITS FULL POTENTIAL BECAUSE THE PEOPLE HAVE BEEN ASSIGNED ON A TEMPORARY BASIS AND THE COMPUTER SYSTEM AND NETWORKING LINKS ARE NOT YET COMPLETED, IT IS WORKING WELL AND IS CONSTANTLY BECOMING MORE AND MORE EFFECTIVE. THE BRINGING TOGETHER IN ONE PLACE OF THE EXPERIENCE AND INTERESTS OF ALL AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES AND AGENCIES WITH RESOURCES WHICH CAN POSSIBLY ASSIST IN THE LAW ENFORCEMENT EFFORT IS A

SIGNIFICANT STEP TOWARDS INSURING THE MOST EFFECTIVE RESOURCE UTILIZATION. THE COAST GUARD HAS TAKEN THE INITIATIVE IN FURTHER IMPROVING THE IOIC BY ESTABLISHING SIX BILLETS FOR OUR PART OF A PERMANANT STAFF. THE IOIC'S FUTURE EFFECTIVENESS DEPENDS UPON SUCH DEDICATED MILTI-AGENCY PARTICIPATION, ESPECIALLY IN LIGHT OF THE TRANSITION OF THE SOUTH FLORIDA TASK FORCE FROM VICE PRESIDENTIAL TO LOCAL FEDERAL CONTROL.

OVER THE LAST YEAR THE PROGRESS IN THE DEPARTMENT OF DEFENSE COOPERATION IN SUPPORT OF THE COAST GUARD'S LAW ENFORCEMENT MISSION HAS BEEN SIGNIFICANT. I RECOGNIZE THAT OUR SISTER SERVICES IN DOD HAVE AN EXTREMELY IMPORTANT AND RESOURCE DEMANDING PRIMARY MISSION OF NATIONAL SECURITY. NONETHELESS GREAT STRIDES HAVE BEEN MADE TO UTILIZE THEIR ASSETS. OF PARAMOUNT SIGNIFICANCE HAS BEEN U. S. NAVY SUPPORT. WHILE THE NAVY HAS BEEN PROVIDING ASSISTANCE TO THE LAW ENFORCEMENT PROGRAM SINCE 1978, THE CLARIFICATION OF THE POSSE COMITATUS STATUTE LAST YEAR CLEARLY OPENED THE DOOR TO MORE EXTENSIVE ACTIVITY. SINCE THEN THE NAVY HAS INCREASED ITS PARTICIPATION IN SIGHTING REPORT ACTIVITIES, PROVIDED TOW AND ESCORT SERVICES FOR SEIZED VESSELS, PROVIDED BOTH DEDICATED AND NON-DEDICATED P-3 AIRCRAFT SURVEILLANCE FLIGHTS, PROVIDED REFUELLING AND LOGISTICAL SUPPORT TO COAST GUARD CUTTERS ON PATROL, AND PROVIDED USN VESSELS FOR COAST GUARD BOARDING PARTIES. THIS HEIGHTENED ACTIVITY WAS FACILITATED BY A USN/USCG OPERATIONS ORDER (OPORDER) WHICH WAS CONCEIVED AND IMPLEMENTED IN AUGUST OF 1982. THIS DOCUMENT GOVERNS NAVY PARTICIPATION IN COAST GUARD LAW ENFORCEMENT ACTIVITIES. I AM HAPPY TO REPORT THAT EACH ASPECT OF NAVY SUPPORT ADDRESSED IN THAT OPORDER HAS BEEN EXERCISED AS OF THIS DATE. THESE SERVICES PROVIDED BY THE NAVY HAVE BEEN INSTRUMENTAL IN THE SUCCESS OF THE MARITIME LAW ENFORCEMENT PROGRAM. TO ASSIST IN THE TRAINING OF NAVY PERSONNEL IN LAW ENFORCEMENT

MISSIONS AUTHORIZED BY THE OORDER, THE SEVENTH COAST GUARD DISTRICT HAS ORGANIZED AND DEPLOYED A SPECIAL TACTICAL LAW ENFORCEMENT TEAM (TACLET) TO CONDUCT BRIEFINGS AND BOARDINGS. THIS TEAM IS COMPOSED OF HIGHLY TRAINED, EXPERIENCED COAST GUARD OFFICERS AND PETTY OFFICERS. SPECIFIC NAVY PARTICIPATION HAS INCLUDED: (A) FIVE SHIP DEPLOYMENTS WITH TACLET AND FIVE SHIP DEPLOYMENTS WITH SMALLER COAST GUARD LAW ENFORCEMENT DETACHMENTS. DURING ONE SUCH DEPLOYMENT THE M/V RECEIFE, A 90 FOOT VESSEL WITH 11 CREW AND 50,650 LBS OF MARIJUANA WAS SEIZED BY OUR TACLET OPERATING FROM THE USS MISSISSIPPI (CGN-40). (B) THREE DIFFERENT NAVY VESSELS ENGAGED IN TOWING/ESCORT OF SEIZED VESSELS FROM THE HIGH SEAS TO U. S. PORTS, THEREBY PERMITTING PATROLLING COAST GUARD CUTTERS TO REMAIN ON STATION TO ACTIVELY PURSUE THEIR LAW ENFORCEMENT MISSION. (C) TWO INSTANCES OF USN SUPPORT TO COAST GUARD CUTTERS INVOLVED IN MAKING SEIZURES OCCURRED. ON BOTH OCCASIONS THE NAVY VESSELS INVOLVED PROVIDED REFUELLING AND LOGISTICAL SERVICES. IN ONE OF THESE CASES, MERE NAVY PRESENCE IN THE FORM OF A GUIDED MISSILE DESTROYER AND AIRCRAFT IS CREDITED AS BEING A SIGNIFICANT FACTOR IN GETTING THE SUSPECT VESSEL TO STOP SO IT COULD BE BOARDED. (D) P-3 FIXED WING AIRCRAFT SURVEILLANCE HAS BEEN CONDUCTED ON A REGULAR BASIS. 250 HOURS OF DEDICATED FLIGHT TIME AND AS OF 10 FEBRUARY APPROXIMATELY 440 HOURS OF NON-DEDICATED TIME HAS BEEN PROVIDED. THROUGH THESE EFFORTS 9 VESSELS HAVE BEEN SEIZED, 86 PEOPLE HAVE BEEN ARRESTED, AND 338,348 LBS OF MARIJUANA HAVE BEEN INTERDICTED. (E) USN SURFACE VESSEL SIGHTINGS HAVE LED TO 2 SEIZURES RESULTING IN THE ARREST OF 19 PEOPLE AND CONFISCATION OF 112,650 LBS OF MARIJUANA. (F) NEW NAVY HYDROFOILS, PHMS AQUILA AND TARRIS, ON THEIR FIRST PATROL WITH A CG LAW ENFORCEMENT DETACHMENT ONBOARD INVESTIGATED A VESSEL SUSPECTED OF CARRYING CONTRABAND. THIS VESSEL WAS INTENTIONALLY SCUTTLED BY ITS CREW AND SANK. THE 3 PEOPLE ON BOARD WERE RESCUED FROM A RAFT BY THE PHMS.

OTHER AREAS OF NAVY COOPERATION INCLUDE: (A) NUMEROUS VISITS OF NAVY OFFICIALS TO THE SEVENTH COAST GUARD DISTRICT TO BECOME MORE ACQUAINTED WITH OUR LAW ENFORCEMENT ACTIVITIES. AMONG THESE OFFICIALS ARE ADM McDONALD, CINCLANT AND Mr. DENNY, ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER, RESERVE AFFAIRS AND INSTALLATIONS. (B) A MEMORANDUM OF UNDERSTANDING WITH THE NAVY WHICH PERMITS TEMPORARY STOWAGE OF SEIZED VESSELS AND THE TEMPORARY TRANSFER OF PERSONS TO A NAVY FACILITY AT GUANTANAMO BAY CUBA HAS BEEN RECENTLY SIGNED. THIS WILL SHORTEN CONSIDERABLY THE AMOUNT OF TIME A PATROLLING VESSEL WILL BE ABSENT FROM HER WINDWARD PASSAGE STATION. (C) THE NAVY, SINCE EARLY NOVEMBER 1982 HAS CONTINUALLY PROVIDED 3 OR 4 PEOPLE TO ASSIST IN THE OPERATION OF THE SOUTH FLORIDA JOINT TASK FORCE INTERDICTION OPERATIONS INFORMATION CENTER (IOIC).

DURING DECEMBER 1982, WE MADE INQUIRES TO THE U. S. ARMY, SEEKING AIR SURVEILLANCE SUPPORT. WE IDENTIFIED A SPECIFIC MARITIME AREA WHICH WAS WITHIN THE RANGE OF ARMY AIRCRAFT AND HAD A COAST GUARD CUTTER SCHEDULED TO PATROL THAT AREA. THE ARMY RESPONSE WAS POSITIVE IN THAT, CONCEPTUALLY, IT WAS WILLING TO HELP. HOWEVER, OUR REQUEST DID NOT PROVIDE SUFFICIENT LEAD TIME FOR THEIR SCHEDULING PURPOSES. A SECOND REQUEST WAS MADE PROVIDING ABOUT 6 WEEKS LEAD TIME AND IS STILL UNDER CONSIDERATION. A MUCH SHORTER LEAD TIME IS DESIRED AND WE ARE WORKING WITH THE ARMY TO ACHIEVE THIS GOAL. WE ARE EXPLORING METHODS WHEREBY THE GEORGIA NATIONAL GUARD MAY BE ABLE TO ALSO SUPPORT THE MISSION. A VISIT BY ASSISTANT SECRETARY OF DEFENSE JULIANNA AND DEPUTY ASSISTANT SECRETARY OF THE ARMY SHANNON DURING JANUARY FOCUSED ON THESE EFFORTS. WE RECEIVED ASSUPANCES FROM MR SHANNON THAT HE WOULD TAKE THE NECESSARY STEPS TO FACILITATE ARMY SUPPORT TO THE LAW ENFORCEMENT MISSION. I AM EXTREMELY GRATEFUL FOR THIS EFFORT.

MY EXPERIENCE WITH THE AIR FORCE IN LAW ENFORCEMENT MATTERS BEGAN IN MID-OCTOBER WITH THE ESTABLISHMENT OF THE IOIC. OUR NEED WITH RESPECT TO AIR FORCE ASSISTANCE WAS TWO FOLD: AIRBORNE SURVEILLANCE ASSISTANCE AND QUALIFIED PERSONNEL TO PARTICIPATE IN IOIC ACTIVITIES. THE AIR FORCE RESPONDED POSITIVELY AND PROVIDED PEOPLE FOR THE IOIC. EARLY ON IN THIS EFFORT POSSE COMITATUS QUESTIONS SURROUNDING AIR FORCE PARTICIPATION IN THE LAW ENFORCEMENT MISSION SURFACED. THESE WERE AND STILL ARE BEING ADDRESSED TO INSURE AIR FORCE PARTICIPATION IS ENTIRELY CONSISTENT WITH POSSE COMITATUS. DURING THE ENSUING PERIOD, NUMEROUS MEETINGS AND DISCUSSIONS BETWEEN COAST GUARD AND AIR FORCE PERSONNEL HAVE TAKEN PLACE BOTH LOCALLY AND IN WASHINGTON IN AN EFFORT TO FAMILIARIZE THE AIR FORCE WITH THE COAST GUARD LAW ENFORCEMENT PROGRAM AND RESOLVE THE POSSE COMITATUS ISSUES. THROUGH AIR FORCE PARTICIPATION IN IOIC WE HOPE TO GAIN SIGHTING INFORMATION FROM AIR FORCE FLIGHTS. WE RECOGNIZED THAT AIR FORCE RESOURCES ASSIGNED OVER WATER MISSIONS PROVIDE OPPORTUNITIES TO GET SIGHTING INFORMATION, AUGMENTING OUR INFORMATION BASE. MANY OF THE OPERATING UNITS THAT WE HAVE CONTACTED SEEM WILLING TO ASSIST. I BELIEVE THAT AN OPORDER OR MOU SIMILAR TO THE USN/USCG OPORDER IS NEEDED. THIS NEED HAS BEEN EXPRESSED TO AIR FORCE OFFICIALS AND COPIES OF THE USN/USCG OPERATIONS ORDER HAVE PROVIDED TO THEM. WE ARE CURRENTLY WORKING WITH THE AIR FORCE TO RESOLVE THESE CONCERNS.

I HAVE DISCUSSED THE IMPORTANCE OF COAST GUARD LAW ENFORCEMENT EFFORTS TO DATE AND THE COOPERATION MADE POSSIBLE BY THE EFFORTS OF THE VICE PRESIDENTIAL TASK FORCE AND THE ASSISTANCE OF DEPARTMENT OF DEFENSE RESOURCES. JUST AS IMPORTANT IS THE CONTINUING COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT OFFICIALS, WHICH IS ENHANCED BY BOTH THE TASK FORCE ACTIONS AND THE RECENT CREATION OF LAW ENFORCEMENT COORDINATING COMMITTEES (LECC's) BY THE U. S. ATTORNEYS.

IN TERMS OF THE COAST GUARD'S COMMITMENT, I AM PLEASED TO LIST A FEW OF THE NEW RESOURCES OBTAINED BY THE SEVENTH DISTRICT AND THOSE PLANNED FOR THE NEAR FUTURE.

A. THE 210 FOOT MEDIUM ENDURANCE CUTTER (MEC) DECISIVE WAS PERMANENTLY TRANSFERRED FROM NEW ENGLAND TO ST. PETERSBURG IN JULY 1982.

B. THE 210 FOOT MEC RELIANCE WAS PERMANENTLY TRANSFERRED FROM VIRGINIA TO PORT CANAVERAL IN AUGUST 1982.

C. A TOTAL OF THREE NEW SURFACE EFFECT SHIPS (SES) HAVE BEEN ADDED TO OUR FLEET AND WILL BE HOMEPORTED IN KEY WEST. TWO, THE SHEARWATER AND SEAHAWK, ARRIVED IN NOVEMBER, THE THIRD IS EXPECTED THIS SUMMER. THESE VERSATILE SHIPS ARE WELL SUITED FOR LAW ENFORCEMENT OPERATIONS, ARE CAPABLE OF IMPROVED DASH SPEEDS ESSENTIAL FOR SOME INTERDICTION CASES, AND FOR OPERATION IN THE "CHOKE POINTS" IN COMPANY WITH A MEDIUM ENDURANCE CUTTER. I MIGHT ADD SEAHAWK MADE HER FIRST SEIZURE EARLIER THIS YEAR.

D. FUNDING HAS BEEN APPROPRIATED FOR EIGHT NEW OFF-SHORE PATROL BOATS. WE HOPE THE FIRST OF THESE VESSELS WILL BE OPERATIONAL DURING 1984.

E. SIX NEW HU-25 FALCON JETS HAVE BEEN DELIVERED TO COAST GUARD AIR STATION (AIRSTA) MIAMI.

THE INCREASED NUMBER OF ARRESTS AND SEIZURES WHICH I PREVIOUSLY MENTIONED HAS BEEN ACCOMPANIED BY AN INCREASE IN THE RATE AT WHICH COAST GUARD CASES ARE ACCEPTED FOR PROSECUTION AND AT WHICH CONVICTIONS ARE OBTAINED. IN 1981, THE PROSECUTION RATE FOR COAST GUARD CASES WAS 70%. IN 1982, THE PROSECUTION RATE FOR CASES INVOLVING SIGNIFICANT QUANTITIES OF MARIJUANA WAS ALMOST 80%. THIS IMPROVEMENT IS ATTRIBUTED TO THE INCREASED EFFORTS OF THE U. S. ATTORNEYS OFFICE HERE IN MIAMI WHERE MOST CASES ARE TRIED. I AM REFERRING TO THE BRINGING IN OF EXTRA PROSECUTING

ATTORNEYS, AND THE ADDITIONAL RESOURCES AND VIGOR BROUGHT TO THE PROGRAM BY THE TASK FORCE. VICE PRESIDENT BUSH'S TASK FORCE ON SOUTHEASTERN UNITED STATES DRUG INTERDICTION HAS HAD A FAVORABLE IMPACT ON MANY AREAS OF THE DRUG INTERDICTION PROBLEM. IN THE AREA OF PROSECUTION, THE TASK FORCE HAS PROVIDED ADDITIONAL INVESTIGATIVE RESOURCES WHICH HAVE ALLOWED US TO SUCCESSFULLY PURSUE SEVERAL CASES WHICH MAY NOT OTHERWISE HAVE BEEN ACCEPTED FOR PROSECUTION OR RESULTED IN CONVICTION. OF THE 79 MUL I-DEFENDANT CASES TRIED AS A RESULT OF COAST GUARD SEIZURES IN 1982, CONVICTION OF AT LEAST ONE DEFENDANT OCCURRED IN 95% OF THE CASES (COMPARED TO 92% IN 1981). AS OF 31 DECEMBER 1982, 427 DEFENDANTS WERE TRIED AS A RESULT OF SEIZURES MADE IN 1982; OF THESE 391 (OR 92%) OF THE DEFENDANTS WERE CONVICTED COMPARED TO 78% FOR 1981. ONE OF THE MAJOR REASONS FOR THIS INCREASED CONVICTION RATE IS THE JUDICIAL RULING THAT PUBLIC LAW 96-350 (21 USC 955A), AS IT APPLIES TO STATELESS VESSELS ON THE HIGH SEAS, IS JURISDICTIONALLY AND CONSTITUTIONALLY SOUND. THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, IN U. S. v MARINO-GARCIA 679 F2d 1373, SO HELD IN JULY 1982. THIS IS A SIGNIFICANT RULING SINCE 24% OF THE ACQUITTALS OR DISMISSALS IN 1981 CASES WERE THE RESULT OF TRIAL COURT RULINGS THAT 21 USC 955A WAS UNCONSTITUTIONAL AS APPLIED TO FOREIGN CREWMEN FOUND ON A STATELESS VESSEL.

IN 1982, THE FEW CASES OF INDIVIDUALS ACQUITTED, OR WHOSE CASES WERE DISMISSED, FELL INTO TWO CATEGORIES; ABOUT HALF WERE BASED ON THE DEFENDANTS BEING FOREIGNERS ON FOREIGN VESSELS WHEN THERE WAS INSUFFICIENT EVIDENCE OF INTENT TO IMPORT INTO THE U.S.; HALF WERE BASED ON THE "HERE PRESENCE" OF THE DEFENDANTS ABOARD A DRUG LADEN VESSEL.

IN THE FUTURE, WE ANTICIPATE A CONTINUED IMPROVEMENT IN THE NUMBER OF ARRESTEES BROUGHT TO TRIAL. THE AVERAGE SENTENCE RECEIVED BY CONVICTED DEFENDANTS WAS APPROXIMATELY 2.2 YEARS IN FLORIDA, 2.0 YEARS IN PUERTO RICO, AND 4.5 YEARS IN SOUTH CAROLINA.

ON 25 JANUARY 1983, IN THE U. S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO, THE JURY RETURNED VERDICTS OF GUILTY AGAINST THE ELEVEN DEFENDANTS WHO WERE ARRESTED ON BOARD THE M/V RECIEFE BY THE COAST GUARD TACTICAL LAW ENFORCEMENT TEAM (TACLET) ON 20 NOVEMBER 1982. THE COAST GUARD TACLET WAS EMBARKED ON THE USS MISSISSIPPI, A NAVY NUCLEAR GUIDED MISSILE CRUISER, WHEN THEY CONDUCTED THEIR BOARDING AND SEIZURE OF THE M/V RECEIFE. THIS CASE IS THE FIRST BOARDING AND SEIZURE OF A VESSEL, AND SUBSEQUENT PROSECUTION OF CREWMEN, AS A RESULT OF ACTION TAKEN BY COAST GUARD PERSONNEL ON BOARD A NAVY VESSEL.

PRIOR TO THE TRIAL ON THE MERITS, THE DEFENDANTS MADE A MOTION TO DISMISS THE CASE FOR VIOLATION OF THE POSSE COMITATUS ACT. THEIR CONTENTION WAS THAT IT WAS UNLAWFUL FOR A NAVY SHIP TO SERVE AS A PLATFORM FOR A COAST GUARD BOARDING PARTY. THE U. S. DISTRICT COURT IN ITS MEMORANDUM OPINION FULLY ADOPTED THE GOVERNMENT'S POSITION AND HELD THAT IT WAS CLEAR THAT THERE WAS FULL COMPLIANCE WITH ALL LAWS AND REGULATIONS IN REGARD TO POSSE COMITATUS.

THIS CASE SHOULD PROVIDE SOUND PRECEDENT FOR FUTURE CASES INVOLVING THE EMBARKATION OF A COAST GUARD BOARDING DETACHMENT ON A NAVY PLATFORM.

THE HIGH PRESSURE ENVIRONMENT IN WHICH SUCH CASES ARE PROCESSED HAS WELDED THE VARIOUS FEDERAL AGENCIES CLOSELY TOGETHER. COOPERATION BETWEEN THE COAST GUARD, DEA, CUSTOMS, U. S. ATTORNEY'S OFFICE AND OTHER AGENCIES IS EXCELLENT. WE CONSTANTLY MEET AND COMMUNICATE, FREQUENTLY ON A DAILY BASIS. I ATTEND MONTHLY MEETINGS WITH ALL FEDERAL LAW ENFORCEMENT AGENCY HEADS. MY LEGAL STAFF MEETS ALMOST DAILY WITH THE VARIOUS ASSISTANT U. S. ATTORNEY PROSECUTING COAST GUARD SEIZURE CASES AND ATTENDS THEIR WEEKLY CASE REVIEW MEETINGS. OUR LEGAL STAFF, DEDICATED TO PROVIDING LIAISON AND SUPPORT TO THE U. S. ATTORNEY'S OFFICE, HAS BEEN INCREASED.

SUCH CLOSE COOPERATION EXISTS NOT ONLY AT THE AGENCY HEAD LEVEL, BUT CONTINUES DOWN TO THE WORKING LEVEL, AS I HAVE DESCRIBED. CURRENTLY WE ARE WORKING TOGETHER UNDER A BASIC MEMORANDUM OF UNDERSTANDING BETWEEN COAST GUARD, CUSTOMS, DEA, AND THE U. S. ATTORNEY'S OFFICE.

MUCH HAS BEEN DONE TO IMPROVE OUR EFFORTS TO INTERDICT THIS ILLICIT DRUG TRAFFIC. HOWEVER, MUCH REMAINS TO BE DONE. UNDER THE VICE PRESIDENT'S TASK FORCE, WE HAVE ESTABLISHED A MECHANISM TO EFFECTIVELY ADDRESS THE MARITIME SMUGGLING SITUATION. A MULTI-AGENCY EFFORT WHICH INCLUDES THE USCS, USN, USAF, DEA, US ARMY AND USCG IS UNDERWAY. WE ARE WORKING TO IMPROVE OUR EXCHANGE OF INTELLIGENCE INFORMATION AND OUR JOINT COMMUNICATIONS CAPABILITY. WE ARE CURRENTLY CONDUCTING A NUMBER OF JOINT OPERATIONS WITH DEA, CUSTOMS, AND THE VICE PRESIDENTIAL TASK FORCE. EACH SUCH OPERATION HAS A SYNERGISTIC EFFECT, IMPROVING THE ABILITY OF ALL OUR AGENCIES TO DEAL WITH THE PROBLEM BOTH ON THE INDIVIDUAL AGENCY LEVEL AND AS PART OF THE JOINT FEDERAL EFFORT. IN THE FUTURE WE WILL CONTINUE TO EMPHASIZE SUCH JOINT OPERATIONS IN ALL AREAS OF THE INTERDICTION PROGRAM INCLUDING STRATEGY, TACTICS, INTELLIGENCE AND FIELD OPERATIONS. INCREASINGLY, PLANS ARE BEING MADE TO INCLUDE THE U. S. NAVY AND OTHER DOD RESOURCES AS WELL AS STATE RESOURCES SUCH AS THE FLORIDA MARINE PATROL IN THESE COOPERATIVE EFFORTS. AGAIN, I AM CONFIDENT THAT THIS INTERAGENCY COOPERATIVE EFFORT CAN CONTINUE AS WE MAKE THE TRANSITION FROM VICE PRESIDENTIAL TO LOCAL FEDERAL CONTROL OF THE SOUTH FLORIDA TASK FORCE, SO LONG AS WE MAINTAIN A FORMAL, PERMANANT AND DEDICATED INTERDICTION COORDINATING MECHANISM SUCH AS THE IOIC.

WHILE RECENT CONGRESSIONAL AND ADMINISTRATION INITIATIVES HAVE INCREASED OUR EFFECTIVENESS IN DRUG INTERDICTION, THERE CONTINUES TO BE PROBLEM AREAS WHICH MAY BE RESOLVED BY FUTURE LEGISLATIVE CONSIDERATION. FOR INSTANCE: THE PROSECUTION OF STATELESS VESSEL CASES IS FREQUENTLY

HAMPERED BY THE NECESSITY OF OBTAINING, THROUGH DIPLOMATIC CHANNELS, VESSEL REGISTRY STATUS. THIS IS REQUIRED TO ESTABLISH THE FLAG STATUS OF THE VESSEL IN RESPONSE TO FREQUENT SPECIOUS CLAIMS, UNSUPPORTED BY DOCUMENTATION. CONSTRAINTS CURRENTLY IMPOSED BY THE FORFEITURE PROCESS ALSO DETRACT FROM THE EFFICIENT ADMINISTRATION OF SEIZURES. THE CUSTOMS SERVICE SPENDS \$425,000 ANNUALLY ON THE STORAGE AND MAINTENANCE OF VESSELS AWAITING FORFEITURE, AND SINCE SUCH PROCEEDINGS ARE CUMBERSOME AND TIME-CONSUMING, THE VESSELS, MORE OFTEN THAN NOT, SERIOUSLY DETERIORATE IN THE INTERIM.

IN MY JUDGMENT IT IS TOO EARLY TO TELL IF OUR EFFORTS HAVE RAISED THE DETERRENCE LEVEL TO THE POINT WHERE LONG TERM PATTERNS OF MARITIME DRUG SMUGGLING HAVE CHANGED. HOWEVER, THERE IS LITTLE DOUBT THAT OUR EFFORTS ARE HAVING AN IMPACT. DRUG SMUGGLERS ARE BEING FORCED TO RESORT TO MORE DEVIOUS AND COMPLEX STRATEGIES, INCLUDING MUCH HIGHER PAY FOR THEIR CREWS AND USE OF HIGHLY SOPHISTICATED EQUIPMENT IN THEIR ATTEMPTS TO ELUDE US. AS WE CONTINUE TO SUCCEED IN INTERDICTING AND PROSECUTING MORE AND MORE OF THESE VESSELS AND THEIR CREWS, OUR DETERRENT EFFECT WILL INCREASE. PERHAPS SOMEDAY MARITIME DRUG SMUGGLING WILL BECOME TOO RISKY TO BE PROFITABLE.

THAT CONCLUDES MY PREPARED TESTIMONY, MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTION YOU OR THE OTHERS MAY HAVE.

Mr. ENGLISH. We will recess for lunch and come back at 2:30.
[Whereupon, at 1:15 p.m., the subcommittee was recessed, to reconvene at 2:30 p.m., this same day.]

AFTERNOON SESSION

Mr. ENGLISH. The hearing will come to order.

This afternoon we will hear from the Department of Defense. Our first witness is Mr. James Juliana who is the Principal Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.

Mr. Juliana, we want to welcome you here this afternoon.

STATEMENT OF JAMES N. JULIANA, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, MANPOWER, RESERVE AFFAIRS AND LOGISTICS, DEPARTMENT OF DEFENSE, ACCOMPANIED BY COL. BOB LOCKWOOD, SPECIALIST, INTERGOVERNMENTAL AFFAIRS

Mr. JULIANA. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. Juliana, feel free.

Mr. JULIANA. Thank you.

Mr. Chairman and members of the committee, I am James N. Juliana, Principal Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.

In behalf of the Secretary of Defense, I am pleased to accept your invitation to appear before the Government Operations Subcommittee on Government Information, Justice and Agriculture.

My testimony will address your request for information on the contributions of the Department of Defense to the Vice President's South Florida Task Force on organized crime.

I will also cover DOD planning from an internal perspective before mentioning a few words on how DOD cooperates with the principal operators in the drug enforcement policy environment.

Since my last appearance before your subcommittee in August 1982, much has happened within DOD. Our educational program, designed to acquaint DOD military and civilian persons who are responsible for planning and executing posse comitatus missions, was given a real boost in December 1982, when we held an OSD posse comitatus conference at the National Defense University.

It brought the DOD audience in direct contact with such distinguished congressional leaders as yourself, Mr. Chairman, and Senator Hawkins; and representatives from the highest levels of the executive branch, many of whom will appear or have appeared before this panel.

The White House was represented by Presidential Counselor Edwin Meese and the Vice President's Chief of Staff, Daniel Murphy.

Drug Abuse Prevention Office Director Dr. Carlton Turner also spoke to the gathering, as did Assistant Treasury Secretary John Walker, DEA Director Bud Mullin, the Coast Guard Commandant, Adm. James Gracey, Assistant Secretary of Defense Larry Korb, and numerous others.

The importance of the conference and the commitment of the Reagan administration were apparent by Vice President George Bush's participation in the conference.

I mention the speakers by name, Mr. Chairman, to emphasize that DOD is vitally concerned with the nature of the drug threat and its bearing on U.S. national security interests.

We recognize at the outset that a nation with easily penetrable borders has a security problem—regardless of who and by what means the borders are illegally penetrated. The conference did three things:

It emphasized the intensity and scope of the national concern with the drug problem;

It explained to DOD officials the national perspective from the level of the White House, Congress, the major Federal agencies, and DOD, with respect to the issues affecting posse comitatus policy implementation;

And, it provided a forum for the attendees to discuss informally all aspects of posse comitatus operations and policy.

In my closing remarks to the conference, I reminded the attendees that the determination of the President and Congress to eliminate the drug threat could not be more clear and that DOD could anticipate a continuing role in the drug effort.

Elsewhere within DOD, Mr. Chairman, two other categorical types of action have been taken. First, we have established workable coordinative mechanisms at the assistant secretary level and at the working level to assure that requests for support from the civilian community and the Coast Guard get a thorough review.

The important outcome from the creation of these two groups is that information on resource availability and applicability filters upward into the policy planning environment.

This way, we can respond with full awareness of the impact that our assistance will have on both the drug mission, and on our force readiness posture.

Which brings me to the last categorical type of action that we are taking within DOD: monitoring and evaluation of our assistance procedures. DOD Directive 5525.5 directs a quarterly report, the first of which was generated this January.

We carefully scrutinize each request and give special attention to any denials. The directive will, incidentally, undergo a thorough re-evaluation beginning next month. Each DOD component affected by the directive will have a chance to recommend improvements in procedures.

We are taking the highly unusual step of allowing the non-DOD drug enforcement community to comment also, a proposal which, I believe, they have already agreed to.

With your consent, Mr. Chairman, I would like to approach DOD support to the South Florida Task Force two ways, leaving the bulk of the details to the individual services whose systems are more directly affected.

I will, therefore, first summarize the nature of the support along very broad lines, and then disclose the thrust and cost of support for the last quarter of fiscal year 1983, based on the report generated by our internal procedures, and which is as current as last month.

Considering the three parts of interdiction, which are detection, interception, and arrest and seizure, the bulk of the DOD assistance effort is in detection and interception activities.

Detection equipment used by the civilian agencies and the Coast Guard is now well known: Resources include E-2B, E-2C, P-3 aircraft from the Navy; AWACS aircraft from the Air Force as well as the tethered Aerostat at Cudjoe Key; and Army OV-1 Mohawk aircraft which are used as spotters and trackers by the Customs Service.

Interception platforms are provided by Navy vessels—which have Coast Guard tactical law enforcement teams aboard—and, more recently, the Navy has placed its state-of-the-art hydrofoil ships at the Coast Guard's disposal.

The Army has loaned the Customs Service four Cobra attack helicopters and a Blackhawk helicopter.

There is a chart here, Mr. Chairman, I think you all have copies of the major DOD systems that are engaged in drug interdiction. [The chart follows:]

MAJOR DOD SYSTEMS ENGAGED IN DRUG INTERDICTION

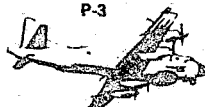
DETECTION SYSTEMS

NAVY

E-2B/C



P-3



AIR FORCE

AWACS E-3



SEEK SKYHOOK



ARMY
(PROPOSED)

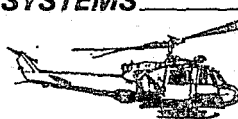
OV-1 MOHAWK



INTERCEPTION SYSTEMS

NAVY/AF
(PROPOSED)

UH-1N



ARMY

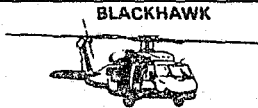
UH-1H



COBRA



BLACKHAWK



OV-1 MOHAWK
TRACKER A/C



NAVY
VESSELS

PHM HYDROFOIL



FRIGATES



DESTROYERS



DoD Support to the South Florida Task Force
(Fourth Quarter, FY 1983 Data Only)
(Oct 1 - Dec 31, 1982)

<u>Type of Assistance</u>	<u>Nature of Use</u>	<u>Reimbursable Cost to DoD</u>
<u>Navy</u>		
E-2C Aircraft	118 hours South Florida surveillance support to Customs Service	\$ 91,221
P-3 Aircraft	378 hours eastern Caribbean support to Coast Guard	396,000
Surface Ships	Platforms for Coast Guard boarding parties and prisoner and vessel escort	13,000
Communications Monitoring	High Frequency Direction Finder support	-0-
Radar Beacon Digitizer	Better detection in Cudjoe Key balloon radar	-0-
Pistol Range	Key West NAS support to local sheriff departments	-0-
Military Planners	Naval personnel for Coast Guard Tactical Operations Center, Miami	<u>3,870</u>
Navy Subtotal		\$504,091
<u>Air Force</u>		
Military Personnel	AF personnel for Coast Guard Tactical Operations Center, Miami	\$ 21,600
E-3A Aircraft	Four-day, 24-hour surveillance over Bahamas	<u>-0-</u>
Air Force Subtotal		\$ 21,600
TOTAL		<u>\$525,691</u>
% Navy		(95%)
% Air Force		(5%)

Mr. JULIANA. I might add that the balloon only is illustrated although it is just one of eight radar facilities of NORAD utilized by the south Florida crime effort.

We anticipate providing two UH-IN, twin engine helicopters, to the Drug Enforcement Agency for use in Operation Bat, a Bahamas-based interdiction campaign with heavy interception requirements.

It is possible that Customs could get up to four Blackhawks if current tests of Blackhawk suitability prove to be positive.

For the future in this area, we are closely reviewing a Customs Service and Treasury Department study, and a related request for additional air interdiction systems.

I might add, Mr. Chairman, that, as you know, Secretary Walker has formally submitted a proposal on which I must comment most favorably, because that proposal is based on a thorough threat assessment, the first such threat assessment that we have seen. The proposal would provide support over a long period of time. I am happy also, of course, now to have your proposal before us, which goes into more detail than does the Treasury proposal concerning the type of aircraft that would be dedicated to the air interdiction mission. The Customs Service in doing the threat assessments was very helpful in allowing us to better understand their mission.

It is precisely this type of systematic review of the whole problem that allows us to make a technical evaluation of the request, and assure that the most suitable resource is provided for the mission.

At the same time, it helps us anticipate the demand for DOD resources over time, thus assuring further economy and efficiency from the DOD standpoint and meaningful assistance to the civilian agencies and the Coast Guard.

We hope that other agencies will follow the Treasury lead on this matter.

At the same time, I do not want to underestimate the value of the studies and reviews done by your own staff.

Again, Mr. Chairman, I refer back to your current plan, which we have not seen officially. We do have your press release on that, which we, of course, are going to review just as thoroughly as we are reviewing the others, and get back as soon as possible.

The independent thinking and close consultation with us by your staff, have produced nothing less than impressive results.

The extent to which our staffs cooperate and consultation developing DOD assistance programs seems to me, Mr. Chairman, to be a model of cooperation in executive-legislative relations.

Finally, I wish to apprise the committee of our support over the last quarter of fiscal year 1983. I have excerpted from the service reports those incidents of military assistance to the south Florida task force. A table of these items has also been appended to this statement.

Navy assistance for the period October 1 to December 31, 1982, continues to feature surveillance aircraft and vessels; Air Force support came mainly in the form of continued AWACS flights in behalf of the Customs Service.

Both the Navy and the Army provide personnel to the Interdiction Operations and Intelligence Center of the Coast Guard, a fa-

cility which I have personally visited in assuring that our personnel are used within the intent of the law. I am satisfied, Mr. Chairman, that the military personnel at the IOIC are not engaged in any type of command functions that would risk a setback for a Government case in the courts.

Overall, Navy, during this period, the last quarter of calendar year 1983, incurred 95 percent of all the costs reimbursable to the Department of Defense of the total \$525,691 military assistance provided.

The reimbursable balance of south Florida-related assistance amounted to the \$21,600 for the Air Force for providing personnel to the IOIC.

Since my last appearance before your subcommittee, Mr. Chairman, I have made a number of other trips to review the operation of posse comitatus policy in the field.

I am convinced that DOD is being very responsive—but, to be sure, there are pockets of ignorance which we are trying to reach, especially as they pertain to a lack of familiarity with the procedures for processing assistance requests.

I want to give you my personal assurance that our education program is strong and as far reaching as possible.

I visited Norfolk in January and personally witnessed a historic meeting between the Navy and Coast Guard in launching a commonly developed P-3 air surveillance support plan.

In Miami, I was briefed on the operation of the IOIC and the interagency cooperation that it signified; in Nassau, I heard from DEA on its needs for helicopter and communications support and, I hasten to add, Mr. Chairman, immediately upon my return, put together a military technical assistance team to go to the Bahamas and perform a thorough study and validation of the mission requirements in that theater.

It is this type of DOD initiative that strengthens our resolve to deal effectively with the problems of the drug enforcement agencies.

In closing, Mr. Chairman, let me say that there are, to be sure, problems that remain to be worked out between DOD and the other agencies. The greatest one of which is reimbursement. But here we are in consonance with Congress and the White House in requiring reimbursement where required by law; but we have waived such reimbursement where a real training benefit accrues to the Armed Forces.

Please witness, Mr. Chairman, that all Air Force AWACS assistance, for example, falls precisely into the waivable category. There is no doubt in my mind that, with your continued support, and the very positive attitudes of the civilian agencies, the Coast Guard, and the personal interest of the President and the Vice President, that we will overcome the few problems that beset us now.

It has been a high honor to appear here today and I am now prepared to take your questions.

[The prepared statement of Mr. Juliana follows:]

STATEMENT
OF
MR. JAMES N. JULIANA
PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE
(MANPOWER, RESERVE AFFAIRS & LOGISTICS)

BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

FEBRUARY 26, 1983

MIAMI, FLORIDA

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THE SUBCOMMITTEE

MR. CHAIRMAN, IN BEHALF OF THE SECRETARY OF DEFENSE, I AM PLEASED TO ACCEPT YOUR INVITATION TO APPEAR BEFORE THE GOVERNMENT OPERATIONS SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE. MY TESTIMONY WILL ADDRESS YOUR REQUEST FOR INFORMATION ON THE CONTRIBUTIONS OF THE DEPARTMENT OF DEFENSE TO THE VICE PRESIDENT'S SOUTH FLORIDA TASK FORCE ON ORGANIZED CRIME. I WILL ALSO COVER DOD PLANNING FROM AN INTERNAL PERSPECTIVE BEFORE MENTIONING A FEW WORDS ON HOW DOD COOPERATES WITH THE PRINCIPAL OPERATORS IN THE DRUG ENFORCEMENT POLICY ENVIRONMENT.

SINCE MY LAST APPEARANCE BEFORE YOUR SUBCOMMITTEE IN AUGUST 1982, MUCH HAS HAPPENED WITHIN DOD. OUR EDUCATIONAL PROGRAM, DESIGNED TO ACQUAINT DOD MILITARY AND CIVILIAN PERSONS WHO ARE RESPONSIBLE FOR PLANNING AND EXECUTING POSSE COMITATUS MISSIONS, WAS GIVEN A REAL BOOST IN DECEMBER 1982. AT THAT TIME, WE ORGANIZED AN OSD POSSE COMITATUS CONFERENCE AT THE

NATIONAL DEFENSE UNIVERSITY. IT BROUGHT THE DOD AUDIENCE IN DIRECT CONTACT WITH SUCH DISTINGUISHED CONGRESSIONAL LEADERS AS YOURSELF, MR. CHAIRMAN, AND SENATOR HAWKINS; AND REPRESENTATIVES FROM THE HIGHEST LEVELS OF THE EXECUTIVE BRANCH--MANY OF WHOM WILL APPEAR OR HAVE APPEARED BEFORE THIS PANEL. THE WHITE HOUSE WAS REPRESENTED BY PRESIDENTIAL COUNSELOR EDWIN MEESE AND VICE PRESIDENTIAL CHIEF OF STAFF DANIEL MURPHY. DRUG ABUSE PREVENTION OFFICE DIRECTOR DR. CARLTON TURNER ALSO SPOKE TO THE GATHERING, AS DID ASSISTANT TREASURY SECRETARY JOHN WALKER, DEA DIRECTOR BUD MULLIN, THE COAST GUARD COMMANDANT, ADMIRAL JAMES GRACEY, ASSISTANT SECRETARY OF DEFENSE LARRY KORB, AND NUMEROUS OTHERS.

I MENTION THE SPEAKERS BY NAME MR. CHAIRMAN, TO EMPHASIZE THAT DOD IS VITALLY CONCERNED WITH THE NATURE OF THE DRUG THREAT AND ITS BEARING ON US NATIONAL SECURITY INTERESTS. WE RECOGNIZE AT THE OUTSET THAT A

NATION WITH EASILY PENETRABLE BORDERS HAS A SECURITY PROBLEM--REGARDLESS OF WHO AND BY WHAT MEANS THE BORDERS ARE ILLEGALLY PENETRATED. THE CONFERENCE DID THREE THINGS:

- o IT EMPHASIZED THE INTENSITY AND SCOPE OF THE NATIONAL CONCERN WITH THE DRUG PROBLEM,
- o IT EXPLAINED TO DOD PRINCIPALS THE NATIONAL PERSPECTIVE FROM THE LEVEL OF THE WHITE HOUSE, CONGRESS, THE MAJOR FEDERAL AGENCIES, AND DOD, WITH RESPECT TO THE ISSUES AFFECTING POSSE COMITATUS POLICY IMPLEMENTATION,
- o AND, IT PROVIDED A FORUM FOR THE ATTENDEES TO DISCUSS INFORMALLY WITH EACH OTHER AND WITH OUR DISTINGUISHED SPEAKERS ANY ASPECT OF POSSE COMITATUS OPERATIONS AND POLICY.

IN MY CLOSING REMARKS TO THE CONFERENCE, I REMINDED THE ATTENDEES THAT THE DETERMINATION OF THE PRESIDENT AND CONGRESS TO ELIMINATE THE DRUG THREAT COULD NOT BE MORE

CLEAR AND THAT DOD COULD ANTICIPATE A CONTINUING ROLE IN THE DRUG EFFORT.

ELSEWHERE WITHIN DOD, MR. CHAIRMAN, TWO OTHER CATEGORICAL TYPES OF ACTION HAVE BEEN TAKEN. FIRST, WE HAVE ESTABLISHED WORKABLE COORDINATIVE MECHANISMS AT THE ASSISTANT SECRETARY LEVEL AND AT THE WORKING LEVEL TO ASSURE THAT REQUESTS FOR SUPPORT FROM THE CIVILIAN COMMUNITY AND THE COAST GUARD GET A THOROUGH REVIEW. THE IMPORTANT OUTCOME FROM THE CREATION OF THESE TWO GROUPS IS THAT INFORMATION ON RESOURCE AVAILABILITY AND APPLICABILITY FILTERS UPWARD INTO THE POLICY PLANNING ENVIRONMENT. THIS WAY, WE CAN RESPOND WITH FULL AWARENESS OF THE IMPACT THAT OUR ASSISTANCE WILL HAVE ON BOTH THE DRUG MISSION, AND ON OUR FORCE READINESS POSTURE.

WHICH BRINGS ME TO THE LAST CATEGORICAL TYPE OF ACTION THAT WE ARE TAKING WITHIN DOD: MONITORSHIP AND EVALUATION OF OUR ASSISTANCE PROCEDURES. DOD DIRECTIVE

5525.5 DIRECTS A QUARTERLY REPORT, THE FIRST OF WHICH WAS GENERATED THIS JANUARY. WE CAREFULLY SCRUTINIZE EACH REQUEST AND GIVE SPECIAL ATTENTION TO ANY DENIALS. THE DIRECTIVE WILL, INCIDENTALLY, UNDERGO A THOROUGH RE-EVALUATION BEGINNING NEXT MONTH. EACH DOD COMPONENT AFFECTED BY THE DIRECTIVE WILL HAVE A CHANCE TO RECOMMEND IMPROVEMENTS IN PROCEDURES. WE ARE TAKING THE HIGHLY UNUSUAL STEP OF ALLOWING THE NON-DOD DRUG ENFORCEMENT COMMUNITY TO COMMENT ALSO, A PROPOSAL WHICH, I AM TOLD, THEY HAVE AGREED TO.

WITH YOUR CONSENT, MR. CHAIRMAN, I WOULD LIKE TO APPROACH DOD SUPPORT TO THE SOUTH FLORIDA TASK FORCE TWO WAYS, LEAVING THE BULK OF THE DETAILS TO THE INDIVIDUAL SERVICES WHOSE SYSTEMS ARE MORE DIRECTLY AFFECTED. I WILL, THEREFORE, FIRST SUMMARIZE THE NATURE OF THE SUPPORT ALONG VERY BROAD LINES, AND THEN DISCLOSE THE THRUST AND COST OF SUPPORT FOR THE LAST

QUARTER OF FISCAL YEAR 1983, BASED ON THE REPORT GENERATED BY OUR INTERNAL PROCEDURES.

CONSIDERING THE THREE PARTS OF INTERDICTION, WHICH ARE DETECTION, INTERCEPTION AND ARREST AND SEIZURE, THE BULK OF THE DOD ASSISTANCE EFFORT IS IN DETECTION AND INTERCEPTION ACTIVITIES. DETECTION EQUIPMENT USED BY THE CIVILIAN AGENCIES AND THE COAST GUARD IS NOW WELL KNOWN: RESOURCES INCLUDE E-2B, E-2C, P-3 AIRCRAFT FROM THE NAVY; AWACS AIRCRAFT FROM THE AIR FORCE AS WELL AS THE TETHERED AEROSTAT AT CUDJOE KEY; AND ARMY OV-1 MOHAWK AIRCRAFT WHICH ARE USED AS SPOTTERS AND TRACKERS BY THE CUSTOMS SERVICE. INTERCEPTION PLATFORMS ARE PROVIDED BY NAVY VESSELS -- WHICH HAVE COAST GUARD TACTICAL LAW ENFORCEMENT TEAMS AND DETACHMENTS ABOARD -- AND, MORE RECENTLY, THE NAVY HAS PLACED ITS STATE-OF-THE-ART HYDROFOIL SHIPS AT THE COAST GUARD'S DISPOSAL. THE ARMY HAS LOANED THE

CUSTOMS SERVICE FOUR COBRA ATTACK HELICOPTERS AND A BLACKHAWK. FOR THE FUTURE, WE ANTICIPATE PROVIDING TWO UH-IN, TWIN ENGINE HELICOPTERS, TO THE DRUG ENFORCEMENT AGENCY FOR USE IN OPERATION BAT, A BAHAMAS-BASED INTERDICTION CAMPAIGN WITH HEAVY INTERCEPTION REQUIREMENTS. IT IS POSSIBLE THAT CUSTOMS COULD GET UP TO FOUR BLACKHAWKS IF CURRENT TESTS OF BLACKHAWK SUITABILITY PROVE TO BE POSITIVE.

FOR THE FUTURE IN THIS AREA, WE ARE CLOSELY REVIEWING A CUSTOMS SERVICE AND TREASURY DEPARTMENT STUDY, AND A RELATED REQUEST FOR ADDITIONAL AIR INTERDICTION SYSTEMS. I MIGHT ADD, MR. CHAIRMAN, THAT WE IN DOD EXPRESS GREAT ADMIRATION FOR THE HIGHLY SOPHISTICATED THREAT ANALYSIS AND STRATEGIC SUMMARY PREPARED BY THE CUSTOMS SERVICE WITH THE ENCOURAGEMENT OF SECRETARY WALKER. IT IS PRECISELY THIS TYPE OF SYSTEMATIC REVIEW OF THE WHOLE PROBLEM THAT ALLOWS US TO MAKE A TECHNICAL EVALUATION OF THE REQUEST, AND

ASSURE THAT THE MOST SUITABLE RESOURCE IS PROVIDED FOR THE MISSION. AT THE SAME TIME, IT HELPS US ANTICIPATE THE DEMAND FOR DOD RESOURCES OVER TIME, THUS ASSURING FURTHER ECONOMY AND EFFICIENCY FROM THE DOD STANDPOINT AND MEANINGFUL ASSISTANCE TO THE CIVILIAN AGENCIES AND THE COAST GUARD. WE HOPE THAT OTHER AGENCIES WILL FOLLOW THE TREASURY LEAD ON THIS MATTER.

AT THE SAME TIME, I DO NOT WANT TO UNDERESTIMATE THE VALUE OF THE STUDIES AND REVIEWS DONE BY YOUR OWN STAFF. THEIR INDEPENDENT THINKING AND CLOSE CONSULTATION WITH US HAVE PRODUCED NOTHING LESS THAN IMPRESSIVE RESULTS. THE EXTENT TO WHICH OUR STAFFS COOPERATE AND CONSULT IN DEVELOPING DOD ASSISTANCE PROGRAMS SEEMS TO ME, MR. CHAIRMAN, TO BE A MODEL OF COOPERATION IN EXECUTIVE-LEGISLATIVE RELATIONS. I AM SURE THAT OUR FOUNDING FATHERS HAD SOMETHING LIKE THIS IN MIND WHEN THEY WROTE SECTION 8, ARTICLE ONE OF OUR CONSTITUTION.

FINALLY, I WISH TO APPRISE THE COMMITTEE OF OUR SUPPORT OVER THE LAST QUARTER OF FISCAL YEAR 1983. I HAVE EXCERPTED FROM THE SERVICE REPORTS THOSE INCIDENTS OF MILITARY ASSISTANCE TO THE SOUTH FLORIDA TASK FORCE. A TABLE OF THESE ITEMS HAS ALSO BEEN APPENDED TO THIS STATEMENT. NAVY ASSISTANCE FOR THE PERIOD OCTOBER 1 TO DECEMBER 31, 1982, CONTINUES TO FEATURE SURVEILLANCE AIRCRAFT AND VESSELS; AIR FORCE SUPPORT CAME MAINLY IN THE FORM OF CONTINUED AWACS FLIGHTS IN BEHALF OF THE CUSTOMS SERVICE. BOTH THE NAVY AND THE ARMY PROVIDE PERSONNEL TO THE INTERDICTION OPERATIONS AND INTELLIGENCE CENTER OF THE COAST GUARD, A FACILITY WHICH I HAVE PERSONNALLY VISITED IN ASSURING THAT OUR PERSONNEL ARE USED WITHIN THE INTENT OF THE LAW; I AM SATISFIED, MR. CHAIRMAN, THAT THE MILITARY PERSONNEL AT THE IOIC ARE NOT ENGAGED IN ANY TYPE OF COMMAND FUNCTIONS THAT WOULD RISK A SETBACK FOR A GOVERNMENT CASE IN THE COURTS. OVERALL, NAVY, DURING THIS PERIOD,

INCURRED 95 PERCENT OF ALL THE COSTS REIMBURSABLE TO THE DEPARTMENT OF DEFENSE OF THE TOTAL \$525,591 MILITARY ASSISTANCE PROVIDED. THE REIMBURSABLE BALANCE OF SOUTH FLORIDA RELATED ASSISTANCE AMOUNTED TO THE \$21,600 CHARGED BY THE AIR FORCE FOR PROVIDING PERSONNEL TO THE IOIC.

SINCE MY LAST APPEARANCE BEFORE YOUR SUBCOMMITTEE, MR. CHAIRMAN, I HAVE MADE A NUMBER OF OTHER TRIPS TO REVIEW THE OPERATION OF POSSE COMITATUS POLICY IN THE FIELD. I AM CONVINCED THAT DOD IS BEING VERY RESPONSIVE -- BUT, TO BE SURE, THERE ARE POCKETS OF IGNORANCE WHICH WE ARE TRYING TO REACH, ESPECIALLY AS THEY PERTAIN TO A LACK OF FAMILIARITY WITH THE PROCEDURES FOR PROCESSING ASSISTANCE REQUESTS. GIVEN THE SIZE OF OUR DEPARTMENT, I AM NOT CERTAIN I WILL EVER BE TOTALLY SUCCESSFUL, BUT I WANT TO GIVE YOU MY PERSONAL ASSURANCES THAT OUR EDUCATION PROGRAM IS STRONG AND AS FAR-REACHING AS POSSIBLE.

I VISITED NORFOLK IN JANUARY AND PERSONALLY WITNESSED A HISTORIC MEETING BETWEEN THE NAVY AND COAST GUARD IN LAUNCHING A COMMONLY DEVELOPED P-3 AIR SURVEILLANCE SUPPORT PLAN. IN MIAMI, I WAS BRIEFED ON THE OPERATION OF THE IOIC AND THE INTER-AGENCY COOPERATION THAT IT SIGNIFIED; IN NASSAU, I HEARD FROM DEA ON ITS NEEDS FOR HELICOPTER AND COMMUNICATIONS SUPPORT AND, I HASTEN TO ADD, MR. CHAIRMAN, IMMEDIATELY UPON MY RETURN, PUT TOGETHER A MILITARY TECHNICAL ASSESSMENT TEAM. THAT TEAM WENT TO THE BAHAMAS AND PERFORMED A THOROUGH STUDY AND VALIDATION OF THE MISSION REQUIREMENTS IN THAT THEATER. IT IS THIS TYPE OF DOD INITIATIVE THAT STRENGTHENS OUR RESOLVE TO DEAL EFFECTIVELY WITH THE PROBLEMS OF THE SUPPORTED DRUG ENFORCEMENT AGENCIES.

IN CLOSING, MR. CHAIRMAN, LET ME SAY THAT THERE ARE, TO BE SURE, PROBLEMS THAT REMAIN TO BE WORKED OUT BETWEEN DOD AND THE OTHER AGENCIES. THE GREATEST ONE

OF WHICH IS REIMBURSEMENT. BUT HERE WE ARE IN CONSONANCE WITH CONGRESS AND THE WHITE HOUSE IN REQUIRING REIMBURSEMENT WHERE REQUIRED BY LAW; BUT WE WILL WAIVE SUCH REIMBURSEMENT WHERE A REAL TRAINING BENEFIT ACCRUES TO THE ARMED FORCES. PLEASE WITNESS, MR. CHAIRMAN, THAT ALL AIR FORCE AWACS ASSISTANCE, FOR EXAMPLE, FALLS PRECISELY INTO THE WAIVERABLE CATEGORY. THERE IS NO DOUBT IN MY MIND THAT, WITH YOUR CONTINUED SUPPORT, AND THE VERY POSITIVE ATTITUDES OF THE CIVILIAN AGENCIES, THE COAST GUARD, AND THE PERSONAL INTEREST OF THE PRESIDENT AND THE VICE PRESIDENT, THAT WE WILL OVERCOME THE FEW PROBLEMS THAT BESET US NOW. IT HAS BEEN A HIGH HONOR TO APPEAR HERE TODAY AND I AM NOW PREPARED TO TAKE YOUR QUESTIONS.

Mr. ENGLISH. Mr. Juliana, I was rather intrigued. Would you enlighten us a bit with regard to the AWACS coverage that you said was waiverable? Exactly how is that waiverable?

Mr. JULIANA. It was waiverable because the support given by those AWACS crews was given at a time when those crews were on a regular Air Force training mission. The support given to Customs or the drug interdiction effort was incidental to that.

Mr. ENGLISH. I see. So you had an AWACS plane up flying around in an area working at its regular training mission with fighters and going through normal exercises; is that correct?

Mr. JULIANA. That is correct; yes, sir.

Mr. ENGLISH. And you are telling me then that if some airman is staring down at one of those scopes, and if he happens to see anything that fits the profile he is provided with, he radios that information to Customs; is that correct?

Mr. JULIANA. That is my understanding; yes, sir.

Mr. ENGLISH. Exactly what is it that that individual would have been doing if he had not been looking at that scope?

Mr. JULIANA. His primary responsibility is to look at that scope.

Mr. ENGLISH. That is also what my thought was. That is the reason why I was rather intrigued that it would be waiverable. I am not sure I understand what it is he would be doing otherwise, and if this was a normal training mission, how would it be waiverable?

Mr. JULIANA. That is the very reason it is waiverable, because there is no direct additional cost. He is doing what he normally is supposed to be doing.

Mr. ENGLISH. I thought from the inference from what you were saying, you were implying that this was some extra something that he was doing just for Customs.

Mr. JULIANA. To the contrary. It is not.

Mr. ENGLISH. Mr. Juliana, do you support the interdiction proposal that I outlined yesterday?

Mr. JULIANA. I guess I can answer that two ways, personally and from a DOD standpoint.

As I said, it does give us more details by specifying types of aircraft.

Mr. ENGLISH. What additional details do you need?

Mr. JULIANA. No, I said it does give us additional detail over and above what the Treasury proposal does. Namely, you specified P-3A and the C-12, et cetera. We have not, the services have not, completed their technical evaluation of the Treasury proposal. Hopefully, it will be done within the next several days.

Mr. ENGLISH. Exactly what does that involve? What do you mean, the technical evaluation of the Treasury?

Mr. JULIANA. Well, that was submitted to me in early January, and I tasked the services to review it.

Mr. ENGLISH. But that is different than what I was talking about here, correct?

Mr. JULIANA. It is a different proposal, as I understand it, and as I say, I have only seen your press release of last Friday—

Mr. ENGLISH. It is my understanding you were briefed 1½ months ago by my staff as to exactly what this proposal was.

Mr. JULIANA. Oh, no. I was briefed by Ted and Bill about a proposal, but I understood that was the Treasury proposal. I had my staff in there, Mr. Chairman, if I am mistaken about that. Really, we are talking basically about the same thing. Yours is in great detail, but I never had any proposal submitted to me by your staff.

Mr. MEHL. You were briefed 1½ months ago with members of your staff—

Mr. JULIANA. No question about it, I agree with you completely.

Mr. MEHL. And Mr. Lawrence and I briefed you, and we went into very detailed information which is almost exactly similar to what you are saying there. Then we briefed the services.

Mr. JULIANA. I agree. Yes, we received a briefing from you, but that briefing was not presented to us as a proposal at that time. We did not start reviewing that as a proposal at that time. If we are wrong, it is my fault, and I apologize for that, but I did not receive that as a formal proposal from this committee.

Mr. ENGLISH. I see. Excuse me, Mr. Juliana, this was my proposal. Exactly how, in what order would you like to see such things presented to you to be formally designated as something that should be considered and evaluated?

Mr. JULIANA. What we do, Mr. Chairman, with the agencies, if they will discuss something with us that they are going to eventually put into writing in a formal proposal or a letter to me, our staffs will start the review process immediately—and the letter then eventually comes forward. That is all that is required.

Mr. ENGLISH. Well, I would think, as I said, and as pointed out by Mr. Mehl, such proposal was made. Now, I am not one of the agencies or departments. The discussions that took place not only with you and your office and with the Army, Navy, and Air Force, there was no question with regard to that being a serious proposal.

There was no question that comments were invited from all the branches, representatives of the services, representatives of your offices, yourselves, with regard to that proposal, but at that point you seem to be getting a little bit shaky on me, and I am wondering exactly what your position is.

Mr. JULIANA. Mr. Chairman, I am not getting shaky on you at all. I am relating to you what my understanding was at that time, and I am somewhat surprised at this time to have it suggested that it was a proposal made to me for evaluation. I can assure you, had it been, I would have immediately tasked the services to evaluate it.

If there was a misunderstanding there, I am tremendously sorry for it, because we could have easily started the technical evaluation.

Mr. ENGLISH. I see.

Mr. JULIANA. And the other services—

Mr. ENGLISH. Then you were under the impression, am I given to understand, that Mr. Mehl, Mr. Lawrence, the discussions that were taking place with you, people within your office, representatives of the services, that these guys were shooting the breeze, so to speak. That they were simply over—

Mr. JULIANA. No, not at all.

Mr. ENGLISH. Doing a little windmilling, just kind of throwing things around and didn't have anything better to do at the time.

Mr. JULIANA. We have over the past year or so had these kinds of discussions on several occasions. One of them was about the tethered balloons some several months ago, and it was very informative and very helpful to us, Mr. Chairman.

Mr. ENGLISH. I see.

Mr. JULIANA. I think if you ask my staff the same question, I think they are under the same impression.

Mr. ENGLISH. Well, I won't expect your staff to say anything differently if they are going to continue to work for you, Mr. Juliana.

Mr. JULIANA. Oh, no. They are all careerists and have competent young men.

Mr. ENGLISH. Mr. Walker testified this morning—evidently he didn't have any difficulty in understanding that this was a proposal, unlike yourself. He testified that this took care of Customs' needs quite adequately, and was comparable with the Treasury request he made of DOD on January 17, so that should take care of your problem with regard to the Treasury proposal, don't you think?

Mr. JULIANA. Mr. Chairman, I don't have any problem with it at all, to be very truthful with you. We are going forward with it, and evaluating it. I think it is a good proposal. Personally, I would endorse your proposal.

I think it is a way of attacking this problem long range. I think it is like a 5-year program.

Mr. ENGLISH. Well, you are mixing apples and oranges, aren't you, Mr. Juliana, because you know this isn't a 5-year proposal?

Mr. JULIANA. I don't know what yours is.

Mr. ENGLISH. Oh, goodness sakes alive, Mr. Juliana, surely, surely, come, come now.

Mr. JULIANA. I said I read your press release. Regardless of that, I think it is a good proposal.

Mr. ENGLISH. Well, I am glad you like it.

Mr. JULIANA. It gives the Customs people flexibility. It gives them their own resources. I think it gives them the type of equipment that they can utilize. It gets the military away from providing this highly sophisticated and expensive type of equipment, and it will enable us to do our job, I think, more efficiently and at less cost to the taxpayer.

Mr. ENGLISH. Then I assume that what you are saying is that at this time you are not prepared to give a Department position with regard to this proposal; is that correct?

Mr. JULIANA. That is correct; yes, sir.

Mr. ENGLISH. Does that mean then that the Department of Defense will continue to fulfill its role to the South Florida Task Force with regard to the coverage that the people of south Florida have come to expect?

Mr. JULIANA. Yes, sir. Every major request, Mr. Chairman, has been fulfilled by the Department of Defense.

Mr. ENGLISH. Major request or major expectation in continuing the level of protection that the people of south Florida began receiving early last year?

Mr. JULIANA. I would answer yes to both questions, both of those.

Mr. ENGLISH. Mr. Juliana, with regard to radar coverage, that involves E-2C's and E-2B's; is that correct?

Mr. JULIANA. Yes.

Mr. ENGLISH. And so you are telling me that the Navy will continue its E-2C coverage of south Florida and the Air Force will continue AWACS coverage of south Florida when the Navy is not there; is that correct?

Mr. JULIANA. I have seen no change in those plans, except for the level of coverage on E-2C's. There has been a change on that with the acceptance of both Customs and the Vice President's task force.

Mr. ENGLISH. Exactly what would that involve? How much E-2C coverage have we had in the last 2 or 3 months here in south Florida?

Mr. JULIANA. The agreement was 17 days a month for E-2C's and E-2B's.

Mr. ENGLISH. Exactly what has been provided?

Mr. JULIANA. I think that is what has been provided.

Mr. ENGLISH. I don't think so, Mr. Juliana.

Mr. JULIANA. Well, I don't know. I would yield to the Navy to answer the specifics on the operations of it.

Mr. ENGLISH. Would someone from the Navy who is familiar with that coverage like to come forward? Capt. Tom Whittaker.

Captain WHITTAKER. I am Capt. Tom Whittaker from the U.S. Navy.

Mr. ENGLISH. Sit down, Captain Whittaker, would you please.

Would you tell the committee and the people of Florida how much coverage with the E-2C they have had in the month of December, how many days?

Captain WHITTAKER. I can give you the approximation. I don't have the precise figures in front of me.

Mr. ENGLISH. I do. I will be happy to help you out.

Captain WHITTAKER. It was less than 17 days and as I recall, less than 10 in the month of December.

Mr. ENGLISH. Wasn't it less than 5?

Captain WHITTAKER. Perhaps so. However, I would hasten to point out that we respond only to Customs requests, and if we provided only 5 days service, or whatever the number is in December, it is because Customs requested only that number.

Mr. JULIANA. Mr. Chairman, we had not changed in our negotiations with Customs, we had not changed our commitment, the Navy's commitment.

Mr. ENGLISH. So what you are telling me, then, Captain Whittaker, is that the U.S. Customs Service requested coverage by E-2C's for less than 5 days, in fact, it was 3 days, during the entire month of December?

Captain WHITTAKER. If that in fact is the number, that is correct, sir.

Mr. ENGLISH. How many days during the month of November did the E-2C cover south Florida?

Captain WHITTAKER. Again, our obligations to Customs is for a maximum of 17 days per month.

Mr. ENGLISH. In November the E-2C covered south Florida only 6 days. During the month of October the E-2C covered south Florida only 5 days. The number of hours involved in that coverage for

the month of October is 19 hours. The month of November it is 57 hours. For the month of December it was 13 hours.

Now, are you gentlemen from the Department of Defense telling me that the Customs Service only wanted coverage, radar coverage of the entire south part of Florida, for that period of time?

Captain WHITTAKER. Yes, sir. We respond only to their requests.

Mr. ENGLISH. Is there a representative from the Customs Service or the Department of Treasury here? I understand the call is in to Customs to verify that particular information at this time.

Let me say, Mr. Juliana, if I can continue, since you don't seem to have the figures, I will again give you the information with regard to the E-3, the Air Force AWACS plane.

In October there was no coverage by AWACS of the south Florida peninsula by the E-3. In November there were 3 days. In December there was none.

I don't believe that that meets the commitment of 17 days that was laid out early last year by the Vice President of the United States in a promise to the people of south Florida, does it?

Mr. JULIANA. Mr. Chairman, the Navy witness is accurate in the understanding of the agreement with Customs. I think that we in the Department of Defense met our commitment.

Mr. ENGLISH. Mr. Juliana, I don't care whether they did or not. The Vice President of the United States promised the people of south Florida. This is the Vice President's task force.

What you are telling me evidently is the Vice President of the United States doesn't know what is going on down here.

Mr. JULIANA. No.

Mr. ENGLISH. And evidently the commitments that he made to the people of south Florida have not been carried out.

Mr. JULIANA. I am not telling you that at all, Mr. Chairman. All we are saying is that we, the Department of Defense, in our agreement with Customs, committed 17 days of E-2B/E-2C coverage in south Florida for the Customs Service.

If the Navy witness is accurate, that we only respond to their specific requests month by month, then you will have to ask the Customs Service why they did not request more coverage.

Mr. ENGLISH. Mr. Juliana, if I remember correctly, the last time that you appeared before this committee was in August, which followed an earlier hearing that took place in May. At that first hearing the idea of using the balloon at Cudjoe Key was first raised, and you promised this committee the Department of Defense would in fact get involved and provide that information to the Customs Service.

When you came back before this committee in August, you told us that it had not been done, but it would be done within the next few days.

Now, when I came down here day before yesterday, I found out that the first effort to integrate that balloon into the Customs Service wasn't made until the last part of last month when it was announced that this committee was coming down here for hearings.

In fact, the digitizer, the equipment that is necessary to provide the information to Customs Service has not even reached usable form or did not reach it until this week.

Mr. Juliana, I will tell you at this point I have got to seriously question you and the Department of Defense with regard to carrying out your commitments to this subcommittee. I certainly think, given the commitments that the Vice President has made to the people of south Florida, given the fact that the people of south Florida have thought that they were living under some measure of protection, that they were utilizing the tax dollars that were being spent with the Department of Defense, it is obvious that the people of south Florida have been living under a dream.

The fact of the matter is, it appears, the emperor has no clothes. It appears that is what we are finding out today. Nor does it appear that the Department of Defense is in any hurry to help provide that protection to the people of south Florida or the southern part of the United States.

Mr. JULIANA. Mr. Chairman, could I just comment briefly on that?

Mr. ENGLISH. Sure.

Mr. JULIANA. The digitizer that you refer to for the balloon at Cudjoe Key, I believe, was made available several months ago on the scene. Now, I know that they had some operational problems. Here, again, only the Air Force and the Navy are involved in that and can answer. I can't answer the technical question.

Mr. ENGLISH. You are the one that has the responsibility, Mr. Juliana. That is the point. You are the man who is Deputy Assistant Secretary. You are the man who supposedly is in civilian control. You are the man who supposedly responds to the President of the United States, and to try to push that off on the individual services and say, well, you don't know what is going on, I think doesn't speak very well of the job that you are doing for the President or the Vice President in this particular case.

The point is that the digitizer was not the responsibility of the Customs Service. That was the responsibility of the Department of Defense. As I understand it, the particular area of coverage that the Customs Service was interested in, one that was vital to the Customs Service, didn't require a digitizer. The digitizer was DOD's little idea, something to provide additional information, as I understand it, to the Navy, but the fact of the matter is the commitments that you have made to this committee, to this subcommittee on two occasions within the last 12 months simply haven't developed, and here you come before this committee today and tell us that the discussions that have taken place between my staff and myself with members of the Department of Defense evidently weren't taken seriously.

Mr. JULIANA. Mr. Chairman, they were taken very seriously. Maybe I misinterpreted that it was not in the form of a proposal. That was the only difference. But as I indicated to you, I strongly support it. I think it is a good proposal and it is going to help us do a better job more efficiently and with less cost to the taxpayers. We are reviewing it, and we will submit to you the results of that review very, very promptly.

Mr. ENGLISH. Evidently the Congress and perhaps who knows, even the President or the Vice President, for all I know, and certainly the American people, have been living under an illusion that they thought the Department of Defense was interested in trying

to assist in this matter, but given what has taken place, the response that you have had to this committee, I think it has become very obvious that we have got a lot of footdragging taking place over at DOD, and not any real big hurry to do anything about it.

But there is one thing I would like to point out to you, Mr. Juliana. I am going to hold your feet and the feet of the Department of Defense and the Navy and the Air force to the fire on this, and I hope the people of south Florida do, because what we are finding out here today was that the South Florida Task Force is being disbanded. That is what in reality is taking place. It is being disbanded.

Someone seems to be saying: We are going to try to get the stigma off the Vice President. We are going to pull the Vice President out, and we are going to blame some innocuous little U.S. attorney who happens to be down in the area. He is going to be given the authority through the Justice Department. He is the one who is going to run it and it is all breaking up.

Now, though, I think you are going to find that the people of south Florida expect that E-2C coverage to continue. They expect it for 17 days a month, and the same holds true for AWACS.

Mr. JULIANA. Mr. Chairman, we made that commitment, and we will live up to that commitment. If the Customs Service had requested the coverage they would have gotten the coverage. That is my understanding.

Mr. ENGLISH. You haven't lived up to it, have you?

Mr. JULIANA. Yes, we have, Mr. Chairman. If they didn't request it and did not require it, then we did not provide it.

Mr. ENGLISH. Are you telling me that the Customs Service did not want E-2C coverage, radar coverage assisting them to detect drug smugglers for 14 days that it was available to them through December, for 11 days that it was available to them in November, and for 12 days that it was available to them in October? Is that what you are telling me?

Mr. JULIANA. I cannot answer that question for the Customs Service, but I can say that every request that we received was responded to for the E-2C and E-2B coverage, Mr. Chairman.

Mr. ENGLISH. We do have a representative of the Treasury Department, Mr. Seymour Bolten, and I am going to ask him. Seymour, would you come forward and could you tell this subcommittee that the Customs Service, the Treasury Department decided not to request and did not request and did not want, I should say, E-2C coverage to the maximum in the months of December, November, and October? Is that correct?

Mr. BOLTEN. I find that very hard to believe, but I don't know what the circumstances were regarding the months that you mentioned.

Mr. ENGLISH. Are you aware of any decision within the Department of Treasury not to request, or in fact to request that the Navy, the Air Force and the Department of Defense not provide assistance?

Mr. BOLTEN. No, sir; I am not aware of any such—

Mr. ENGLISH. In your position, would you likely be aware of any such position?

Mr. BOLTEN. If it had been a Treasury Department decision, yes.

Mr. ENGLISH. And does the Customs Service not come under the Treasury Department?

Mr. BOLTEN. Yes, it does, but I might not have heard about some change in the E-2C coverage.

Mr. ENGLISH. I don't think we are talking about change. What we are talking about is elimination.

Mr. BOLTEN. A policy decision I would have heard about. There is no such policy.

Mr. ENGLISH. Is there anyone, in your opinion, within the Customs Service who has the authority to make such a decision without the knowledge of the Commissioner of Customs and without the knowledge of Secretary Walker?

Mr. BOLTEN. No, I don't believe so. If it is a deliberate decision to eliminate E-2C coverage, it would not be done without Mr. Walker's knowledge.

Mr. ENGLISH. To your knowledge, has there ever been any indication given by the Treasury Department, the Customs Service or anyone therein that such assistance was not appreciated nor wanted?

Mr. BOLTEN. No, sir; I am not aware of any such.

Mr. ENGLISH. Is it not also true that Secretary Walker's request that he made in January includes even for the Customs Service an E-2C? In fact, two E-2C airplanes?

Mr. BOLTEN. Yes, that is correct.

Mr. ENGLISH. Doesn't it seem just a bit strange to you that if the man is requesting two E-2C airplanes that he would in fact not want that coverage to continue until he received such protection?

Mr. BOLTEN. I would not expect that such a thing would happen.

Mr. ENGLISH. Thank you very much, Mr. Bolten.

Mr. Kindness.

Mr. KINDNESS. Mr. Bolten, if I might follow up on another couple of questions, please.

If the Customs Service could not utilize the information from the E-2C radar on a particular day, would it request the coverage despite that fact?

Mr. BOLTEN. The coverage would be requested without regard to what the product might be on that particular day. One never knows what results are, what one can expect from 1 day's coverage.

Mr. KINDNESS. But if Customs were literally unable to respond to a target—

Mr. BOLTEN. Oh, I see.

Mr. KINDNESS. Then it wouldn't be asking for the coverage that they wanted?

Mr. BOLTEN. To my knowledge, that has never happened, sir.

Mr. KINDNESS. But it wouldn't be asking for the coverage on that day, would it?

Mr. BOLTEN. The coverage is planned at least a month in advance, so it isn't done on a day-by-day basis. It is provided on a schedule of some kind that is worked out between Customs and the Navy, at least 1 month in advance.

Mr. KINDNESS. Could you obtain for the subcommittee the schedule that was developed for the months of October, November, and December 1982?

Mr. BOLTEN. Yes, sir, but it would have to wait until we got back to Washington.

Mr. KINDNESS. Oh, I understand that.

For the record, could that be provided?

Mr. BOLTEN. I am sure.

Mr. KINDNESS. I would move or ask unanimous consent that that would be made a part of the record. Hearing no objection, it shall be.

[The information is retained in subcommittee files due to sensitive nature.]

Mr. KINDNESS. Mr. Bolten, if the scheduling of E-2C coverage shown on those schedules only covers the number of days that have been discussed here per month, would you happen to know—and if you don't, please indicate—would you happen to know why less than 17 days would have been requested?

Mr. BOLTEN. I might or might not know, sir. It depends—the coverage arrangements are made by the technical people in the air branch who manage the program, but it would be unusual, to say the least, if they asked for less than what they really needed. We would have to have as much coverage as possible.

Mr. KINDNESS. Could you tell our subcommittee who would be the person responsible for making that request, for doing its scheduling on behalf of Customs?

Mr. BOLTEN. In Customs? Well, it would officially be the person who is in charge of the patrol, CPO office in Washington, and through his network chain of command. But I don't know specifically who was handling it at that time.

Mr. KINDNESS. Would you undertake to provide for the subcommittee the information as to the name and position of the person who arranged the scheduling for the months of October, November and December of 1982?

Mr. BOLTEN. Yes, sir.

Mr. KINDNESS. Thank you very much, Mr. Bolten.

Mr. Secretary, I share with you a misconception perhaps as to the nature of the matter that was discussed with you by some of the staff of this subcommittee. We have heard about bipartisanship until I have had it right up to here.

We don't hear about some of these things, and we don't participate in some of these things on the minority side of the aisle. I have had enough of it.

I would ask you to please consider that when you are approached in the future by the arrogant staff of the majority of this subcommittee, who are sitting up here questioning you as though they were elected Members of Congress, that you please undertake to communicate with the minority side too.

I have been quite concerned for some time that we have been heading in just this direction. It makes a nice show and all of that, to talk about the bipartisanship or nonpartisanship, but it hasn't been working that way. You are being taken political advantage of in this hearing today, and you have been over a period of time.

I have not undertaken to voice this sort of warning publicly before, but I have done it now.

I trust that we may have some greater bipartisanship in the future. If not, we can certainly increase our communication in such

a manner as to avoid this kind of embarrassment, I am sure. There is no need for it.

As to the comparison between the way in which you viewed the discussions as to when it was a proposal of a formal sort or not, with the position taken by Secretary Walker, the Department of the Treasury, we have a similar communication problem there.

I believe there was some indication in this morning's portion of the hearing whereby Secretary Walker might have learned that it might be a good idea to communicate with the minority side too. I hope we have learned a lesson from this in the Treasury Department and the Department of Defense.

I don't intend to put up with any more of this. I don't have any further questions.

Mr. JULIANA. Mr. Kindness, I would only make this comment, that the relationship between the Department of Defense, and this committee, and the committee staff has been very, very good. The committee staff has been very helpful to us, and I honestly, sincerely believe that the Department of Defense has responded to the wishes of this committee. We have served the American people very, very well.

The chart that I have made available is indicative of the support that the Department of Defense has given, a lot of it based on what this committee has done, what the chairman has done, what the staff has done, unprecedented in the history of the Department of Defense, because posse comitatus was amended. And I venture to say that without that support, the successes of the South Florida Task Force could never have been achieved.

So I am very proud of the small part that I have played in this effort, and I will continue that commitment as long as I am in the Department of Defense.

It represents the commitment of the Secretary of Defense. It represents a commitment of the Vice President, and of our Commander in Chief. And I say that for all committee members in a nonpartisan way. We will continue that commitment.

I think it is an outstanding record, and I will stand on it.

Mr. KINDNESS. Further, Mr. Juliana, you have heard it said here that the South Florida Task Force is being disbanded. Bull; it is not. I mean, for the purposes of television cameras, statements like that are being made.

I don't think that is fair to the people of south Florida. It is not the truth.

We have heard over and over again from various witnesses and in discussions outside of these hearings just so much can be reasonably projected as to the future of the South Florida Task Force, and it is not being disbanded. The effort continues and will continue. It may be permanent.

This is ridiculous. This hearing is apparently turning into a farce. What its purpose is is beyond me, but it only appears to me that it is being used to attempt to cast some sort of a shadow over the efforts of an administration that has done more certainly than the previous administration or any administration up to now to get at a problem that has been with us for a long time.

I don't see any reason for the kind of assault that has been made upon the effort of this administration in this hearing.

I started out with a feeling that this hearing or set of hearings must have a political purpose, and at first refused to attend. I am sorry I did.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman. Let me change direction a bit with respect to what has been said.

There is no question that political considerations are involved with this testimony. I am concerned about this administration's statements and the fiscal 1984 budget as it relates to Customs.

But, perhaps on a more affirmative note, we can talk about not October, November, and December 1982 but March 1983. Perhaps that is of the direction I would like to see us go in on this committee with your testimony, Mr. Secretary.

I have concerns—I am a member of the Armed Services Committee, albeit a freshman member. I have concerns about our continued readiness posture and the actual involvement of all of our services in this arena.

I, too, agree that this is a positive step, one that the taxpayers will understand is of great benefit to them in terms of financing progress. But in terms of all of the different services, and the kind of assistance that they feel they can provide, would it not indeed be a better thing to do, just asking your opinion, to have a meeting of the minds at a central location of the different services when various requests are made of the services for assistance? Could we not do that in the framework, in a center like an epic or in a center like a task force?

Mr. JULIANA. Speaking for the Department of Defense, Mr. Congressman, that is exactly what we do. When the agencies submit a request, they usually come through me. We then task the services to review those requests for support.

We have a working ad hoc committee at the staff level, which includes membership of each of the services, usually at the operations level, because we have found that to properly evaluate these requests you should have someone at the operations level included in the evaluation process.

That ad hoc working group collectively reviews the requests, so that if it is a request of one service who cannot provide it, possibly another service can. So we do coordinate that effort at the DOD level.

Mr. COLEMAN. How does that work for immediate interdiction, for example? Do we have assistance like that?

In other words, if a task force were to request some type of interdiction activity that would be necessary within hours rather than, for example, planning months ahead of time, do we have that capability yet?

Mr. JULIANA. Yes, sir; we have that capability in that the requesting agency—say it is the Customs Service—deals directly with our operations people, who already know whether the asset can or cannot be dedicated for that particular mission. So, yes, they deal at an operations level on a moment-to-moment basis, if necessary.

Mr. COLEMAN. Where are those set up? Are they set up, for example, with the South Florida Task Force?

Mr. JULIANA. Well, you have the Customs IOIC, which is the intelligence collection entity. Then you have the command and control, which is DEA-Customs joint operation.

Mr. COLEMAN. And are each of the services represented there?

Mr. JULIANA. In the IOIC, yes, they are. In the command and control center, no. That is distinctly Customs and DEA.

Mr. COLEMAN. I am asking with respect to dealing with something immediately. How is that information translated?

Mr. JULIANA. Let me yield to the Navy involved in the operations.

Mr. COLEMAN. Go ahead, Captain.

Captain WHITTAKER. Yes, sir, the answer to your question is we have very close coordination at a tactical level with both Customs and Coast Guard, and I can give you two very recent examples.

Approximately 2 weeks ago, Customs picked up a north-bound aircraft coming up through the windward passage on radar. They suspected that the airplane was going to continue to New York and alerted Navy officials in Norfolk who in turn contacted an E-2C that was on a routine training mission east of Norfolk. The E-2 picked up the transiting aircraft, vectored in a Customs interceptor which followed him in to an arrest.

We have also on short notice put Coast Guard law enforcement detachments on Navy ships to assist the Coast Guard in law enforcement actions, all within a matter of minutes, literally. The lines of communications, and contact points are well established.

Mr. COLEMAN. Do you have to seek higher approval?

Captain WHITTAKER. No, sir.

Mr. COLEMAN. For your activities?

Captain WHITTAKER. Operators talk to operators.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you.

Mr. Lewis.

Mr. LEWIS. I have no questions at this time, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Juliana.

Our next witnesses will be Mr. John Shannon, who is the Deputy Under Secretary of the Army; Mr. J. Ronald Denney, Principal Deputy Assistant Secretary of the Navy; and Mr. James W. Lucas, Principal Deputy Assistant Secretary of the Air Force.

Mr. Shannon, are you going to lead off today?

STATEMENT OF JOHN W. SHANNON, DEPUTY UNDER SECRETARY OF THE ARMY

Mr. SHANNON. Thank you, Mr. Chairman. Let me first say that it is indeed a pleasure for me to be here, and express my appreciation to you and Mr. Kindness and the other gentlemen who gave me the opportunity to enhance my understanding of the entire matter in which the Army is involved.

It is good to see Mr. Coleman, who has Fort Bliss in his district. The Army is always glad to have friends around. It was a pleasure to meet with Mr. Lewis.

If I may, Mr. Chairman, I would like to submit my statement for the record, in the interest of time, and highlight some things about the statement I think would be of interest to the committee.

Mr. ENGLISH. Without objection, it is so ordered.

Mr. SHANNON. That the record reflects what the Army has done in the past, and I don't think we need to burden the committee by going over those things, but I do think it is important to highlight some of this support.

I think one of the highlights is the recent loan of the Army's Black Hawk helicopter to Customs for their operational tests of the aircraft. I think it is important that this test be conducted and that it be conducted properly so that we can determine if the Black Hawk is the proper piece of equipment for their interdiction and arrest efforts. We hope to work very closely with Customs in conducting this test.

So I think this loan is probably the most important example of recent Army support.

There are some other highlights that I would like to discuss with the committee, some of the things that the Army has done and is doing, not only with the South Florida Task Force, but across the country. I think it would be inappropriate if I didn't mention that those things are not only being done by the Active Forces, but by the Reserve components as well.

Recently the Governor of Hawaii called out the Guard to assist the local and State officials in searching for and eradicating marijuana fields. As you well know, and I think Admiral Thompson testified this morning on this matter, we asked the Georgia National Guard to assist Coast Guard interdiction efforts by flying Mohawk surveillance missions off the coast of Georgia.

The important thing about the Mohawk, Mr. Chairman, is not the side looking radar, but I think the experts will tell you the real value of the Mohawk is the visual surveillance you get, and its infrared radar capability.

We are looking at how Mohawk operations can further assist antidrug efforts. For example, we have exercises going on in Texas, from around April 7 through April 21, in which we plan to use the Mohawk in its surveillance role. It is possible that we may be able to tie in these Mohawk operations as well as others in Arizona with the needs of customs.

In addition to the things we are doing with the Reserve components, the Army did have discussions with your staff concerning the proposed loan of additional Black Hawks to Customs, if the current tests go well. Additionally, we discussed a loan of C-12 aircraft to Customs. We will continue to discuss the details of this proposal with the other services, the Defense Department, staff, and with all other appropriate agencies, particularly the Customs Service.

I think we have to make sure that in loaning highly sophisticated equipment, particularly the Black Hawk as it comes into the Army inventory, we do not interrupt the scheduled deployment of this aircraft to the with active units.

The important issues here are spare parts, resupply, and the maintenance capability of the user of this equipment. Since the Army is the biggest user of the Black Hawk, we have to look into how maintenance and resupply would be affected if we loaned this equipment. We will continue to do that.

I think the one thing I consider most important in the Army's contribution to this effort, is that the staff officers are now talking

to each other; they are talking to Customs; they are talking to the committee; and they are talking to the other services.

We have now, I think, learned how to cooperate and coordinate efforts so that everyone is moving forward with a positive attitude about the whole thing.

That which I may do, or which the Secretary of the Army may do, is only done well if it is carried out by the action officers. They have done that. I think those individuals are to be commended for that.

I wanted to state publicly that the Army will continue to move forward with a positive attitude, and you can be assured that the Secretary of the Army is behind the program 100 percent.

We will continue to provide support within the limits of the law and that which we can operationally support with a positive attitude. You can be assured that if we don't agree we will not be disagreeable. We will try to work it out, Mr. Chairman.

Thank you.

[The prepared statement of Mr. Shannon follows:]

RECORD VERSION

STATEMENT BY

MR. JOHN W. SHANNON

DEPUTY UNDER SECRETARY OF THE ARMY

BEFORE THE

SUBCOMMITTEE ON

GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

FIRST SESSION, 98TH CONGRESS

DEPARTMENT OF THE ARMY ASSISTANCE TO THE SOUTH FLORIDA
DRUG TASK FORCE

26 FEBRUARY 1983

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
HOUSE SUBCOMMITTEE ON
GOVERNMENT INFORMATION,
JUSTICE AND AGRICULTURE

MR. JOHN W. SHANNON, DEPUTY UNDER SECRETARY OF THE ARMY,
BEFORE THE SUBCOMMITTEE ON GOVERNMENT INFORMATION
AND INDIVIDUAL RIGHTS,
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I WOULD LIKE TO THANK YOU FOR INVITING ME TO BEAUTIFUL MIAMI TO DISCUSS THE DEPARTMENT OF THE ARMY'S EFFORTS IN SUPPORT OF THE SOUTH FLORIDA TASK FORCE ON CRIME.

BY WAY OF REVIEW, THE U.S. CUSTOMS SERVICE CONTINUES TO USE TWO ARMY MOHAWK AIRCRAFT AND FOUR COBRA HELICOPTERS IN THEIR DRUG INTERDICTION EFFORTS. THESE AIRCRAFT ARE FLOWN BY CUSTOMS PILOTS AND, WE ARE TOLD, HAVE PROVEN TO BE A SIGNIFICANT ASSET IN THE WAR ON DRUGS. THE ARMY HAS ALSO LOANED OTHER EQUIPMENT TO THE TASK FORCE, SUCH AS TRUCKS, GENERATORS, AND UH-1 HELICOPTERS. ADDITIONALLY, TASK FORCE OFFICIALS HAVE BEEN ON-BOARD ARMY AIRCRAFT DURING SCHEDULED TRAINING FLIGHTS SO THEY COULD IDENTIFY POSSIBLE DRUG TARGETS.

AS YOU KNOW, MR. CHAIRMAN, LAST MONTH WE LOANED A UH-60A BLACK HAWK HELICOPTER TO THE U.S. CUSTOMS SERVICE FOR A SIX-MONTH OPERATIONAL TEST. THE TEST WILL DETERMINE IF THE BLACK HAWK BETTER MEETS THEIR NEED FOR SPEED, MANEUVERABILITY AND INCREASED TRANSPORT CAPACITY. THE

BLACK HAWK REPRESENTS THE STATE-OF-THE-ART AND SHOULD PROVIDE THE TASK FORCE A LEG-UP ON THE COMPETITION.

TASK FORCE PILOTS AND MECHANICS HAVE BEEN TRAINED BY THE ARMY TO FLY AND MAINTAIN THIS SOPHISTICATED AIRCRAFT. NECESSARY TECHNICAL PUBLICATIONS AND TRAINING SUPPORT WILL BE PROVIDED BY THE ARMY TO ENSURE THE BEST POSSIBLE TEST.

LAST WEEK WE RECEIVED AN URGENT REQUEST FROM THE U.S. CUSTOMS SERVICE FOR THREE ANTENNAS WHICH WERE CRITICAL TO A SENSOR OPERATION ASSOCIATED WITH TASK FORCE EFFORTS. I AM PLEASED TO REPORT THAT TWO DAYS AFTER THE REQUEST, THE ANTENNAS WERE SHIPPED TO CUSTOMS REPRESENTATIVES IN MIAMI.

MR. CHAIRMAN, THAT'S WHERE WE'VE BEEN. NOW I'LL BRIEFLY REVIEW WHERE WE'RE GOING. IN JANUARY I VISITED THE TASK FORCE HEADQUARTERS. THE DIRECTOR OF THE JOINT TASK GROUP AND I DISCUSSED THE POSSIBILITY OF SOME OF HIS PEOPLE PARTICIPATING IN ARMY RANGER TRAINING. IMPROVEMENT IN SKILLS SUCH AS MAP READING, LAND NAVIGATION AND PATROLLING TECHNIQUES MIGHT PROVE MOST BENEFICIAL TO TASK FORCE PARTICIPANTS. WE ARE TAKING STEPS TO MAKE THE TRAINING AVAILABLE.

I RECENTLY MET WITH PROFESSIONAL STAFF MEMBERS FROM YOUR STAFF, THE HOUSE ARMED SERVICES COMMITTEE AND THE SENATE APPROPRIATIONS COMMITTEE TO DISCUSS NEW INITIATIVES FOR ARMY SUPPORT TO THE SOUTH FLORIDA TASK FORCE. WE DISCUSSED THE POSSIBLE LOAN OF C-12 AIRCRAFT TO CUSTOMS.

WE ALSO DISCUSSED THE LOAN OF FOUR BLACK HAWK HELICOPTERS TO THE U.S. CUSTOMS SERVICE. I CAN ASSURE YOU, MR. CHAIRMAN, THAT OUR RESPECTIVE STAFFS ARE WORKING COOPERATIVELY TO IRON OUT THE DETAILS OF BOTH THE C-12 AND BLACK HAWK LOAN REQUESTS.

IN THE INTEREST OF FACILITATING INFORMATION SHARING AMONG AGENCIES, WE HAVE ASKED INTERESTED FEDERAL AGENCIES TO TELL US WHAT INFORMATION WOULD BE USEFUL TO THEM BY IDENTIFYING THE ESSENTIAL ELEMENTS OF INFORMATION OR EEI. ONCE THESE EEI ARE DEFINED, WE WILL BE ABLE TO EXTRACT THE INFORMATION FROM THAT GATHERED AS PART OF NORMAL MILITARY OPERATIONS AND PASS IT EXPEDITIOUSLY TO APPROPRIATE LAW ENFORCEMENT AGENCIES FOR APPRAISAL.

THE NATIONAL GUARD IS BECOMING ACTIVELY INVOLVED IN THE WAR ON DRUGS. IN HAWAII, FOR INSTANCE, THE GUARD (IN STATE STATUS, AND USING STATE FUNDS) ASSISTS CIVILIAN LAW

ENFORCEMENT AGENCIES IN SEARCHING OUT AND ERADICATING MARIJUANA FIELDS. IN 1982 THIS COORDINATED EFFORT RESULTED IN THE DESTRUCTION OF OVER 33 TONS OF MARIJUANA WITH AN ESTIMATED STREET VALUE OF OVER 13 MILLION DOLLARS. THIS INITIATIVE CAME ABOUT AFTER THE GOVERNOR, CONSIDERING MARIJUANA A THREAT TO THE HEALTH OF HIS CITIZENS, DECLARED A STATE OF EMERGENCY AND ORDERED THE NATIONAL GUARD TO ASSIST.

IN GEORGIA, GOVERNOR BUSBEE HAS THROWN THE GEORGIA NATIONAL GUARD INTO THE DRUG FIGHT: USING HELICOPTERS FOR AERIAL SURVEILLANCE, RECONNAISSANCE AIRCRAFT FOR AERIAL PHOTOGRAPHY AND RADAR FOR TRACKING AIRCRAFT, THE NATIONAL GUARD, WHILE PERFORMING NORMAL TRAINING IN STATE STATUS, HAS ASSISTED IN FILLING THE MANPOWER VOID BY PROVIDING ADDITIONAL SOPHISTICATED EYES AND EARS FOR THE GEORGIA BUREAU OF INVESTIGATION.

ADDITIONALLY, WE RECENTLY APPROVED THE USE OF THE GEORGIA ARMY NATIONAL GUARD TO PROVIDE AIRCRAFT SUPPORT FOR COAST GUARD SURVEILLANCE AND RECONNAISSANCE MISSIONS OFF THE GEORGIA COASTAL AREAS DURING ROUTINE TRAINING FLIGHTS FROM 21 FEBRUARY TO 6 MARCH 1983.

AS YOU CAN SEE, MR CHAIRMAN, THE ARMY HAS BEEN MOST ACTIVE IN SUPPORTING THE WAR AGAINST ILLEGAL DRUGS.

BEFORE I CONCLUDE MY OPENING REMARKS, MR. CHAIRMAN, I WOULD LIKE TO REPORT WHAT I FEEL IS A SIGNIFICANT IMPROVEMENT IN THE COORDINATION, COOPERATION AND WORKING RELATIONSHIPS AMONG THE SERVICES, COAST GUARD, TASK FORCE REPRESENTATIVES AND THE CONGRESSIONAL COMMITTEE AND STAFF. I HAVE OBSERVED A CHANGE IN PERSPECTIVE OF ALL INTERESTED PARTIES. I BELIEVE THIS STEMS, IN PART, FROM A BETTER UNDERSTANDING OF THE CAPABILITIES AND LIMITATIONS OF ALL CONCERNED. I FEEL EVERYONE HAS A BETTER UNDERSTANDING OF HIS ROLE IN THIS EFFORT AND WE ARE NOW ABLE TO BEGIN DISCUSSIONS WITH REALISTIC EXPECTATIONS AND CONCLUDE WITH SUPPORTABLE DECISIONS. I APPLAUD YOUR STAFF, THE TASK FORCE AND THE SERVICE ACTION OFFICERS WHO HAVE WORKED SO HARD TO BRING ABOUT THESE CHANGES.

ON BEHALF OF THE SECRETARY OF THE ARMY, I REAFFIRM OUR DEDICATION TO THIS WORTHWHILE EFFORT AND ASSURE YOU THAT THE ARMY STANDS READY TO PROVIDE THE MAXIMUM SUPPORT CONSISTENT WITH LEGAL AND OPERATIONAL RESTRICTIONS. WE HEARTILY CHEER THE SUCCESS OF THE TASK FORCE TO DATE AND HOPE FOR GREATER SUCCESS IN THE FUTURE.

THANK YOU.

Mr. ENGLISH. Thank you very much.

I want to ask you about the discussions you have with members of my staff and me. I might say as well with people from other committees of the Congress and in the Senate. Any time any discussion, of course, occurs with my staff, it is at my request that you take those discussions to be a serious discussion of a proposal.

Mr. SHANNON. After 25 years in the infantry, Mr. Chairman, let me say that when I talk to someone and they talk about things to be done, I have learned to always tell the staff here is something I want you to consider, and I realize that any proposal that would come from the Congress or would come from Customs or would come from Defense would have to come through official channels to me before the Army could respond officially to any type of request.

I did ask the staff to look into some of the ramifications, but the staff was at that time considering the official proposal from Customs. So in some way they were able to look at both proposals or both suggestions in a parallel manner.

And as to whether or not they have worked out all of the ramifications, I can say they have not, because I know that we haven't discussed the details of our plan with higher headquarters.

Mr. ENGLISH. Then I would assume from what you are saying that you have asked your people to evaluate the two proposals, considering the discussions of my proposal along with that submitted earlier by the Treasury Department. I would assume that you would consider discussions to be serious; is that correct?

Mr. SHANNON. My statement so states, Mr. Chairman, that I have asked staff to look at both of those proposals.

Mr. ENGLISH. Thank you very much, Mr. Shannon.

Mr. Denney.

STATEMENT OF J. RONALD DENNEY, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE NAVY

Mr. DENNEY. Thank you, Mr. Chairman, very much. I am happy to be before you for the second time. It was about 6 months ago that we last chatted, and I will tell you a little bit about what the Navy is doing in its participation in the South Florida Task Force. Before I do, I would like to tell you of a personal experience that I think we might have even shared together.

Yesterday I made a call on the Customs facility at the Homestead Air Force Base. It was planned to be a general visit with Bob Asack, the officer in charge. My intention was to see some of the aircraft being used in interdiction to discuss the coordination between the E-2C and the Customs aircraft, and possibly even have a short 1- or 2-hour hop on the Customs aircraft, to observe the working relationship with E-2C operation.

As it turned out, while I was there, an unexpected opportunity occurred. A live target appeared on the scope of the E-2C, and up in the air we went. It was over 4 hours before I was finally brought back to Homestead.

I regret I can't share the entire experience with you in detail. I think there is some confidentiality to what actually happened, but

I was delighted to learn that a number of you were watching me on the scope in CQ at the Federal Aviation facility.

I couldn't have experienced a more perfect scenario illustrating the cooperation between the various departments involved in that particular chase, and there were two or three more targets involved before we finally got down.

I can tell you this. Maybe the E-2C aren't in use to the extent we all thought they were. But they certainly were available, to the very best of my knowledge, for the times committed, and there was certainly one up there yesterday, and I wouldn't have wanted to be on the criminal side, not for a minute, in the operations that I experienced and was part of yesterday.

I am pleased to report that the coordination between the Navy and the other operating forces, the Coast Guard and the Customs Service, has really improved over the 6-month period. We now have the operations orders, which we had discussed before, in the hands of the Atlantic fleet vessels as well as our headquarter staffs, that provides the basis upon which Navy ships at sea can readily react to requests for assistance.

To specifically answer your question, Mr. Congressman, our requests come from the Coast Guard in the case of surface contacts, and usually from Customs in air contacts.

As an example, last September a Coast Guard cutter trying to intercept a suspect vessel asked for help. The U.S.S. *Sprague*, a fast frigate operating in the vicinity, was contacted and was directed to the scene. Two jet attack aircraft were also asked to assist.

After the aircraft made low warning passes, the vessel came to a halt. Coast Guard personnel then boarded the ship, which was subsequently seized and the crew arrested.

Another instance is the widely publicized seizure of a vessel which was carrying some 30 tons of marihuana. This was accomplished by a Coast Guard tactical law enforcement team from the nuclear-powered cruiser, U.S.S. *Mississippi*.

In this incident, an aircraft from the large deck carrier *Nimitz*, while on normal operations, sighted a suspected drug runner. The Coast Guard team was transferred from the *Nimitz* to the *Mississippi* by helicopter. The *Mississippi* intercepted the suspect vessel and the Coast Guard team made the seizure.

I would like to at least state that aircraft carriers and the aircraft from those carriers are playing a fairly substantial role, even though they are not shown up on your board.

This is especially a good example of the coordination between Navy, Coast Guard, and other agencies, not only because of the embarked Coast Guard team, but because of the coordination required with headquarters, with other departments and even with other nations to attain registry of the vessel and clearance to board the ship.

Meanwhile, our research and our fleet E-2 aircraft operating from east coast air fields have continued dedicated support of Customs operations. We have recently taken a significant step to enhance the detection capability of the enforcement agencies by equipping the radar facility at Cudjoe Key, Fla., with specialized Navy equipment, as you are aware.

In addition to these highly visible examples of cooperation, Navy continues the broad range of actions which I outlined before your committee last August. They include participation in the Coast Guard's high-interest ship sighting program, ship surveillance patrols by P-3 aircraft during normal operations, and access to shore-based radars.

As already mentioned, Coast Guard boarding teams are carried on selected Navy ships. Opportune tows are also provided for vessels seized by the Coast Guard, and Coast Guard prisoners are transported back to port.

Since my last report, I am pleased to say we have also expanded our assistance efforts to help civilian agencies in these important tasks. I would like to mention a number of these.

Between November 1982 and February 1983 the Navy dedicated P-3 patrol aircraft surveillance, staged out of Roosevelt Roads, Puerto Rico, to support Coast Guard interdiction operations. Both reserve and fleet squadron aircraft participated, providing approximately 48 separate flights and 378 flying hours of service.

Since October, the Navy has been supplying four personnel—two officers and two enlisted officers—to the Coast Guard interdiction operations information center to support Coast Guard and south Florida task force operations. This support will continue certainly through March.

In recent months I have visited Navy units engaged in enforcement support, and was personally briefed by the Coast Guard interdiction operation information center. I have been impressed with the professionalism of all people involved, and with the increasing effectiveness of the operations. The coordination among the various agencies seeking our assistance makes the job of helping them a lot easier and a lot more effective.

In providing dedicated military assets to support this effort, our continuing concern is the effect it has on military readiness. This is particularly true with respect to the use of our E-2 aircraft.

The south Florida operation is focused where the smuggling is and not all the time where fleet operations occur. When we assign the E-2's to enforcement, we take them away from regular fleet operations. This has an effect not only on the E-2's, but also on the readiness and training of the other aircraft squadrons, the carriers, and other ships in the battle group.

We have done a great deal of work to minimize the adverse impact on training and readiness, but we can't make it go away. While the financial impact has been significantly eased by appropriations from the Congress, readiness continues to be the major consideration in our ability to provide dedicated support, and, when we do, how much.

Currently we are studying several new ideas for DOD support to enforcement agencies. The Treasury Department as well as this committee has recently asked us to look at the feasibility of loaning P-3 aircraft to Customs. It would appear that with installation of state-of-the-art air search radars, these air frames would provide needed air surveillance capability.

We are pleased to report to the committee that it appears technically feasible to configure a P-3A in this way. There is still work to be done regarding technical aspects, maintenance and funding, but

we are making rapid progress. The Navy views this as a promising initiative.

From the very beginning of the posse comitatus assistance efforts, we have worked hard to provide temporary assistance to this difficult law enforcement problem. The reconfiguration of P-3 aircraft for the Customs Service to operate and utilize now represents a more permanent solution to the need.

Mr. Chairman, I believe that the time since I last appeared before your committee has been a period of very successful action by the Navy to support civilian drug interdiction operations. I believe we are attacking the problem far more effectively than we were 6 months ago. This progress has been the result of stated Navy policy to provide law enforcement agencies complete support whenever feasible in conjunction with scheduled operations and training missions, thus averting fleet disruptions and excessive use of funds.

Thank you very much for listening to me. I will be happy to answer any questions you have.

Mr. ENGLISH. Thank you very much, Mr. Denney. We will go ahead and get Mr. Lucas' testimony, but I would like to say before he begins, I appreciate the consideration that you have given.

It appears at least that you have taken the proposal I have made seriously and given it some thought. For that I am deeply appreciative.

[The prepared statement of Mr. Denney follows:]

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STATEMENT OF
MR. J. RONALD DENNEY
PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS
DEPARTMENT OF THE NAVY
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
MARCH 1983

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UNTIL RELEASED BY
THE COMMITTEE

MISTER CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, I AM HONORED TO APPEAR BEFORE YOU FOR THE SECOND TIME TO REPORT ON THE PARTICIPATION BY THE DEPARTMENT OF THE NAVY IN SUPPORT OF THE SOUTH FLORIDA TASK FORCE, IN THE WAR ON DRUGS.

I AM PLEASED TO REPORT THAT COORDINATION BETWEEN THE NAVY'S OPERATING FORCES; THE COAST GUARD AND THE CUSTOMS SERVICE HAS VASTLY IMPROVED. AN OPERATIONS ORDER IS HELD BY ALL ATLANTIC FLEET VESSELS AS WELL AS HEADQUARTERS, AND PROVIDES THE BASIS UPON WHICH NAVY SHIPS AT SEA CAN READILY REACT TO REQUESTS FOR ASSISTANCE. AS AN EXAMPLE, LAST SEPTEMBER, A COAST GUARD CUTTER TRYING TO INTERCEPT A SUSPECT VESSEL ASKED FOR HELP. THE USS SPRAGUE, A FAST FRIGATE OPERATING IN THE VICINITY, WAS CONTACTED AND WAS DIRECTED TO THE SCENE, TWO JET ATTACK AIRCRAFT WERE ALSO ASKED TO ASSIST. AFTER THE AIRCRAFT MADE LOW WARNING PASSES THE VESSEL CAME TO A HALT. COAST GUARD PERSONNEL THEN BOARDED THE SHIP WHICH WAS SUBSEQUENTLY SEIZED AND THE CREW ARRESTED. ANOTHER INSTANCE IS THE WIDELY PUBLICIZED SEIZURE OF A VESSEL WHICH WAS CARRYING SOME 30 TONS OF MARIJUANA. THIS WAS ACCOMPLISHED BY A COAST GUARD TACTICAL LAW ENFORCEMENT TEAM FROM THE NUCLEAR POWERED CRUISER, USS MISSISSIPPI. IN THIS INCIDENT, AN AIRCRAFT FROM THE CARRIER NIMITZ, WHILE ON NORMAL OPERATIONS, SIGHTED A SUSPECTED DRUG RUNNER. THE COAST GUARD TEAM WAS TRANSFERRED FROM THE NIMITZ TO THE MISSISSIPPI BY THE HELICOPTER. THE MISSISSIPPI INTERCEPTED THE SUSPECT VESSEL AND THE COAST GUARD TEAM MADE THE SEIZURE. THIS IS AN ESPECIALLY GOOD EXAMPLE OF THE COORDINATION BETWEEN NAVY, COAST GUARD, AND

OTHER AGENCIES, NOT ONLY BECAUSE OF THE EMBARKED COAST GUARD TEAM, BUT BECAUSE OF THE COORDINATION REQUIRED WITH HEADQUARTERS, WITH OTHER DEPARTMENTS AND EVEN OTHER NATIONS TO ATTAIN REGISTRY OF THE VESSEL AND CLEARANCE TO BOARD.

RESERVE AND FLEET E2 AIRCRAFT, OPERATING FROM EAST COAST AIRFIELDS, HAVE CONTINUED DEDICATED SUPPORT OF CUSTOMS OPERATIONS.

WE HAVE RECENTLY TAKEN A SIGNIFICANT STEP TO ENHANCE THE DETECTION CAPABILITY OF THE ENFORCEMENT AGENCIES BY EQUIPPING THE RADAR FACILITY AT CUDJOE KEY, FLORIDA, WITH SPECIFIED NAVY EQUIPMENT.

IN ADDITION TO THESE HIGHLY VISIBLE EXAMPLES OF COOPERATION, NAVY CONTINUES THE BROAD RANGE OF ACTIONS WHICH I OUTLINED BEFORE YOUR COMMITTEE LAST AUGUST. THEY INCLUDE PARTICIPATION IN THE COAST GUARD'S HIGH INTEREST SHIP SIGHTING PROGRAM, SHIP SURVEILLANCE PATROLS BY P-3 AIRCRAFT DURING NORMAL OPERATIONS, BASES, AND ACCESS TO SHORE BASED RADARS. AS ALREADY MENTIONED COAST GUARD BOARDING TEAMS ARE CARRIED ON SELECTED NAVY SHIPS. OPPORTUNE TOWS ARE ALSO PROVIDED FOR VESSELS SEIZED BY THE COAST GUARD, AND COAST GUARD PRISONERS ARE TRANSPORTED BACK TO PORT.

SINCE MY LAST REPORT I AM PLEASED TO SAY WE HAVE ALSO EXPANDED OUR ASSISTANCE EFFORTS TO HELP CIVILIAN LAW ENFORCEMENT AGENCIES DO THEIR IMPORTANT JOBS. I WOULD LIKE TO MENTION A NUMBER OF THESE.

BETWEEN NOVEMBER 1982 AND FEBRUARY 1983 THE NAVY DEDICATED P3 PATROL AIRCRAFT SURVEILLANCE, STAGED OUT OF ROOSEVELT ROADS

PUERTO RICO, TO SUPPORT COAST GUARD INTERDICTION OPERATIONS. BOTH RESERVE AND FLEET SQUADRON AIRCRAFT PARTICIPATED, PROVIDING APPROXIMATELY 48 SEPARATE FLIGHTS AND 378 FLYING HOURS OF SERVICE.

SINCE OCTOBER, THE NAVY HAS BEEN SUPPLYING FOUR PERSONNEL, TWO OFFICERS AND TWO ^{SENIOR} PETTY OFFICERS, TO THE COAST GUARD INTERDICTION OPERATIONS INFORMATION CENTER TO SUPPORT COAST GUARD AND SOUTH FLORIDA TASK FORCE OPERATIONS. THIS SUPPORT WILL CONTINUE THROUGH MARCH.

IN RECENT MONTHS I HAVE VISITED NAVY UNITS ENGAGED IN ENFORCEMENT SUPPORT, AND WAS PERSONALLY BRIEFED BY THE COAST GUARD INTERDICTION OPERATION INFORMATION CENTER. I HAVE BEEN IMPRESSED WITH THE PROFESSIONALISM OF ^{ALL} THE PEOPLE INVOLVED, AND WITH THE INCREASING EFFECTIVENESS OF THE OPERATIONS. THE COORDINATION AMONG THE VARIOUS AGENCIES SEEKING OUR ASSISTANCE MAKES THE JOB OF HELPING THEM ^{AS} EASIER AND ^{AS} MORE EFFECTIVE.

IN PROVIDING DEDICATED MILITARY ASSETS TO SUPPORT THIS EFFORT, OUR CONTINUING CONCERN IS THE EFFECT IT HAS ON MILITARY READINESS. THIS IS PARTICULARLY TRUE WITH RESPECT TO THE USE OF OUR E-2 AIRCRAFT.

THE SOUTH FLORIDA OPERATION IS FOCUSED WHERE THE SMUGGLING IS AND NOT ~~WHERE~~ FLEET OPERATIONS OCCUR. WHEN WE ASSIGN THE E2s TO ENFORCEMENT, WE TAKE THEM AWAY FROM REGULAR FLEET OPERATIONS. THIS HAS AN EFFECT NOT ONLY ON THE E2s BUT ALSO ON THE READINESS AND TRAINING OF THE OTHER AIRCRAFT SQUADRONS, THE CARRIERS AND OTHER SHIPS IN THE BATTLE GROUP.

WE HAVE DONE A GREAT DEAL OF WORK TO MINIMIZE THE ADVERSE IMPACT ON TRAINING AND READINESS, BUT WE CAN'T MAKE IT GO AWAY. WHILE THE FINANCIAL IMPACT HAS BEEN SIGNIFICANTLY EASED BY SUPPLEMENTAL APPROPRIATIONS FROM THE CONGRESS, READINESS CONTINUES TO BE THE MAJOR CONSIDERATION IN OUR ABILITY TO PROVIDE DEDICATED SUPPORT, AND, WHEN WE DO, HOW MUCH.

CURRENTLY WE ARE STUDYING SEVERAL NEW IDEAS FOR DOD SUPPORT TO ENFORCEMENT AGENCIES. / THIS COMMITTEE HAS RECENTLY ASKED US TO LOOK AT THE FEASIBILITY OF LOANING P3 AIRCRAFT TO CUSTOMS. IT WOULD APPEAR THAT WITH INSTALLATION OF STATE OF THE ART AIR SEARCH RADAR, THESE AIRFRAMES WOULD PROVIDE NEEDED AIR SURVILLANCE CAPABILITY. WE ARE PLEASED TO REPORT TO THE COMMITTEE THAT IT IS ^{POSSIBLE} TECHNICALLY FEASIBLE TO CONFIGURE A P3A IN THIS WAY. THERE IS STILL WORK TO BE DONE REGARDING TECHNICAL ASPECTS, MAINTENANCE AND FUNDING BUT WE ARE MAKING RAPID PROGRESS. THE NAVY VIEWS THIS AS AN ~~AN~~ ESPECIALLY PROMISING INITIATIVE. FROM THE VERY BEGINNING OF THE POSSE COMITATUS ASSISTANCE EFFORTS, WE HAVE WORKED HARD TO PROVIDE TEMPORARY ASSISTANCE TO THIS DIFFICULT LAW ENFORCEMENT PROBLEM. THE RECONFIGURATION OF P3 AIRCRAFT FOR THE CUSTOMS SERVICE TO OPERATE AND UTILIZE NOW REPRESENTS A MORE PERMANENT SOLUTION TO THIS ~~CRITICAL~~ NEED.

MR. CHAIRMAN, I BELIEVE THAT THE TIME SINCE I LAST APPEARED BEFORE YOUR COMMITTEE HAS BEEN A PERIOD OF VERY SUCCESSFUL ACTION BY THE NAVY TO SUPPORT CIVILIAN DRUG INTERD'CTION OPERATIONS. I BELIEVE WE ARE ATTACKING THE PROBLEM FAR MORE EFFECTIVELY THAN WE WERE SIX MONTHS AGO. THIS PROGRESS HAS BEEN THE RESULT OF STATED NAVY POLICY TO PROVIDE LAW ENFORCEMENT AGENCIES COMPLETE SUPPORT WHENEVER FEASIBLE IN CONJUNCTION WITH SCHEDULED OPERATIONS AND TRAINING MISSIONS, THUS AVERTING FLEET DISRUPTIONS AND EXCESSIVE USE OF FUNDS. ✓

THANK YOU FOR YOUR ATTENTION. I WILL BE PLEASED TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE AT THIS TIME.

Mr. ENGLISH. Mr. Lucas.

STATEMENT OF JAMES W. LUCAS, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE, MANPOWER, RESERVE AFFAIRS AND INSTALLATIONS

Mr. LUCAS. Thank you very much, Mr. Chairman and members of this committee.

I am pleased to appear before this distinguished body, this particular subcommittee. It is my first appearance, it may be—hopefully it won't be—my last. It may be, however. I have to turn to my Navy colleague. He was at Homestead Air Force Base when he had this opportunity to go on a real combat mission. I missed it by 20 minutes. I was flying in from Cudjoe Key to inspect firsthand our balloon operations, and I was told by Customs, had I arrived just 20 minutes earlier I, too, would have had a chance to fly to the Bahamas.

I also have to say that I, too, have some prepared remarks and would like to address this committee in that way, and also specifically as to what I sense to be the principal interest of this group.

I would like to compliment the chairman of the committee and its members for focusing the country's attention on what I believe to be a national problem, and personally, as an American, a national disgrace.

We have been involved in a drug interdiction effort for some time, and from all that I sense, up until the past 18 months or so, we haven't been very successful. I compliment each and every one of your for concentrating your attention and the country's attention on this problem.

I would hope that it would be a bipartisan effort, a nonpartisan effort, because the use of illegal drugs certainly does not have a party label. However, as a very proud member of this administration, and representing the Department of Defense and, more importantly, the Department of the Air Force, I wish to say, as the spokesman for the Air Force, that we fully support this national effort, and I, in a few moments, will also address your proposal, Mr. Chairman, and the request as I understand it for the Air Force.

We are trying in the Department of the Air Force to respond positively to each request for assistance that we receive. However, I must say to you we must carefully balance our support to law enforcement against any potential adverse impact on our military readiness.

I don't make that decision in the Department of the Air Force as a civilian. Neither does any single member of the Armed Forces. If you were to press me as to what mission on what aircraft and at what moment, surely 1 radar, 2, 3, or 12 can be provided, and would that have any impact on readiness, I cannot answer that specifically, but in those cases where we can respond to requests, we do positively within what we understand to be the law, and that there won't be any adverse effect on our combat readiness.

In others, I candidly have to say to you that we will recommend disapproval, if it jeopardizes what we think is the primary mission, protection of national security. We will work with the entire Con-

gress, both the authorizing and appropriations committees and this committee, as representatives of the people, and we will support the Commander in Chief and his representatives when we are asking to perform missions outside of and including our national security mission.

Last August, Secretary Orr, Secretary of the Air Force, after, as a matter of fact, Assistant Secretary McCoy's appearance before this committee, established a civil law enforcement support steering group within the Executive Department of the Air Force.

This group, which I chair, is composed of general officers and senior executive service members, representing all major functional areas within the air staff and civilian secretariat. Each of these individuals is concerned with Air Force readiness in areas such as budget, manpower, supply, et cetera.

We have been meeting on a regular basis to address issues and concerns relative to implementing DOD Directive 5525.5, DOD cooperation with civilian law enforcement, and to insure our positive responsiveness to the needs of the south Florida task force, as well as other facets of this combined local, State, and Federal program.

We released a draft of our Air Force implementing directive last August. It is entitled AF Regulation 125-4, cooperation with civilian law enforcement officials. It was distributed to all major commands—our primary subordinate units—for use as interim guidance last August.

I am happy to report the final publication is now in print and has been distributed to our field units who have a role in this program for their appropriate guidance. Over some 40,000 of them, to my knowledge, were issued just 2 days ago.

In addition to our efforts to respond to specific requests for assistance, we recognize the need for awareness within the Department of the Air Force, about your efforts in this program. We have mounted an extensive publicity and education campaign.

Assistant Secretary McCoy was quoted in a lengthy article in the Air Force Times, and similar articles will soon appear in other publications within the Air Force. These include what we call our TIG brief, which is an Air Force-wide publication of the inspector general; the commander's policy letter, which is distributed to all of the Air Force commanders; and the security police digest.

Additionally, the staff has sent numerous messages to the field with specific guidance for their functional areas. Professional military education courses within the Air University at Maxwell Air Force Base in Alabama, such as the Air Command and Staff College, Air War College, and the judge advocate general's school include posse comitatus in their curriculum.

This subject is also taught at various courses at the security police academy at Lackland Air Force Base, Tex.

We are trying to educate our personnel about what we perceive to be a new role.

The Air Force continues to pass all surveillance data from the aerostat radar at Cudjoe Key to the U.S. Customs Command, Control and Communications (C3) facility in Miami. I can personally attest after having been there and at the C3 facility, that this is working well.

With the installation of the radar beacon digitizer, in November of last year, this data is now being passed automatically to the Miami C3. This effort highlighted the interagency cooperation being expended in the war on drugs; the Air Force radar data is passed through a Navy digitizer for display on Navy console at a customs operations center hosted by the Federal Aviation Administration.

In our form of government, that kind of cooperation is unusual.

Ten million dollars have been reprogramed by the Air Force for a second aerostat radar at Patrick Air Force Base, Fla. I visited that installation 2 days ago. The contractor began work on December 23, 1982, and the system is planned to be operational by the end of September 1983, as promised in August.

The schedule leading to the September operational date is challenging, but achievable. That was reaffirmed a day or two ago. That is a little unusual, because the normal startup time from letting of a contract to a fully operational site is normally about 24 months, and we are doing it in a little less time than that.

It has high priority within the Air Force. Site Activation Task Force meetings will be held on a regular basis to provide timely and concentrated management attention at the highest level to any problems that may arise at the activation of this site at Patrick.

Air Force E-3A (AWACS) aircraft continue to support the U.S. Customs Service as they have since June 1978. Customs is provided a copy of the E-3A flying schedule and afforded an opportunity to fly on missions of interest to them.

AWACS was also an integral participant in the highly successful monitoring effort directed by Vice President Bush involving data collection of air activity in Bahamian air space recently.

In this regard, the Air Force and Navy have worked closely with each other. AWACS aircraft have been used to relieve some Navy E-2C tasking, notably when 24-hour monitoring of Bahamian air space was requested.

In response to growing Drug Enforcement Administration concerns in the Bahamas, the Air Force has a senior officer participating in the DOD-organized Bahama technical assistance team. This will allow us in the Air Force and the Department to assess firsthand, what DEA requirements are in the Bahamas and what Air Force resources can be used to assist.

The Air Force also supports the Coast Guard through the Interdiction Operation Information Center in Miami. The most important resources the Air Force has supporting the IOIC are our personnel we have on temporary duty.

I directed, 2 days ago, that they become permanent party members at the IOIC, Mr. Congressman. It is our understanding that the IOIC at least is going to become a permanent feature, and the three individuals we have now there may not be the right mix, but there will be Air Force representation in the IOIC.

Additionally, the Air Force provides B-52 and WC-130 aircraft, who routinely support the IOIC. During these sorties, the Air Force is accomplishing previously scheduled training, and at the same time supporting, as we see it, the civil law enforcement activities.

I can assure you, Mr. Chairman and members of this committee, that the U.S. Air Force is committed to this vital effort.

Before I attended this hearing, I reconfirmed that with the Vice Chief of Staff of the U.S. Air Force at Homestead Air Force Base. Not too far from here, every 6 months, the Air Force leadership, civil leadership and military convene to discuss major Air Force and defense policies. One of the items on the agenda for that conference was civil law enforcement and support of the South Florida Task Force in that operation. I can't at the executive level say to you any more as a demonstration of Air Force commitment than that. The Vice Chief of Staff assured me that the civil and military leadership, and so did Secretary Orr, that the civil and military leadership of the Air Force within what we understand the law to be, and as long as it does not impact adversely on our national security mission, will support this effort whether in south Florida or anywhere else in the country and off of our shores.

I think, to answer your question as I understand it, just a few moments ago, about your plan, I compliment, as I said, the committee. It is a comprehensive examination, it is a strategy, a tactic to attack this problem in south Florida.

For us who have been in defense in military affairs, this is the way to go. We took your request seriously. When it was made, as we do in the Department of the Air Force, it was an official congressional inquiry, and we have a response to that, that we must work within the Department of Defense. It is under study.

I can say now that the Air Force would be willing to provide an F-15 radar, both for technical feasibility, and more importantly, for operational testing, making sure that it is operationally feasible, and if it is, then we can look at providing other sophisticated radars to you.

It will take some time to work with Customs to do this, but we are willing to do that, but I would not, and I could not say to the Chief, disable six or more of our F-15 frontline fighters to support an important mission, but in our scheme of things, not quite as high as our national security one, but you will get at least an F-15 radar for your Customs' test.

Sir, that is all I have. If there are some highly technical questions, I will either take them for the record or I will say to you now I will protect, however, my uniform staff, but I would prefer to take questions for the record if they are highly technical.

Thank you.

Mr. ENGLISH. Thank you very much, Mr. Lucas. I appreciate that. I deeply appreciate the response of the Air Force, the fact that the Air Force took the time and had the respect to, at least, take a look at what I was proposing.

That is all we can ask. I might also say, for the record, as I am sure you are well aware, that anything, any action on your behalf or by the Department of Defense, anyone within the Department of Defense, in the services, that would have a negative impact on combat readiness would be against the law. It would be prohibited, so regardless of whether I wanted it or anybody else wants it or you want it, as long as it has a negative impact on combat readiness, it is against the law.

It is that simple, and I think that this is part of the concern that I have had, and I know the individual services that have had this

concern, about the temporary nature of the effort in interdiction, the involvement of the services in interdiction over the past year.

That is the reason that I have felt so very strongly that we must move in with some other measure, because it simply cannot be allowed to continue.

Certainly, we cannot have Navy E-2C or Air Force AWACS planes flying the entire southern borders indefinitely, day after day, year after year, in trying to search out people in illegal drug activity. That is against the law. It would have a terrible impact on combat readiness, and we all recognize that.

Certainly, we can't take the E-2C away from the fleet and the operations that they must do to train pilots, and from exercises they must maintain to make certain that that fleet is combat ready at any time.

That is against the law.

Certainly, if taking Blackhawk helicopters or any other helicopters would have a negative impact on those units that need those helicopters. That is against the law, but that was what we were attempting to work through. That is what, hopefully, we were arriving at, and as I said, in the responses that I have received from each of you gentlemen, and the cooperation that we have received with the individual services, I have nothing but praise and deep appreciation.

At this particular point, I am deeply appreciative that you even bothered to take the time to look at it. I wish some other folks had. Perhaps I wouldn't have been as upset about it. I take that as a compliment and I appreciate it, I sure do, but I think that when it comes down to it, this problem is simply too serious to ignore.

We cannot ignore it, and I don't care whether we are talking about Democrats or Republicans, administration or Congress, whether you are from the North, South, East, or West, it doesn't make any difference to me.

The problem is here and it is affecting us all, and the fact of the matter is we are no longer going to be able to continue to have dedicated E-2C coverage of south Florida. That is a fact. We are not going to be able to replace that coverage with AWACS. That is a fact.

We are not going to be able to run AWACS or E-2C across the southern part of the United States. That is a fact.

The question is what to do when we finally have reached that point, and, obviously, I think, from what I was pointing out, I think that is the real story behind this thing; we are already beginning to reach those limits.

The services, month by month, are having to put more and more limits on what they can do with this type of equipment because of the law, not because of any lack of education, or lack of concern, or lack of interest.

It is the law. They have got to be mindful of combat readiness, and I don't think anyone on this subcommittee would ask you, urge you, or in any way hope that you would break the law.

I appreciate that, and I appreciate the fact that you are considering it. As I said, at this point, the real question that we are looking at is what are we going to do? We are reaching the end of the road. Is there going to be something to take over, fill the gap, and put

the services in a more normal position? Any training that they are going to do, I am sure, they are going to be willing to help out.

I appreciate it, I do, indeed, each and every one of you.

Mr. SHANNON I have already complimented months ago. He was the man in the Department of the Army, I know, who made it possible for Customs to evaluate the Blackhawk helicopter. Those are scarce items, I know, and we appreciated the Army for that.

Mr. SHANNON. Thank you, Mr. Chairman.

Mr. ENGLISH. Went down and got to see one, got to touch it, kicked the wheels. It is a magnificent machine. The people that we talked to at Customs were nothing but complimentary of it, so we appreciate that.

Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman.

Gentlemen, I thank you for your testimony today. I, too, appreciate your evaluating all these proposals that come from the Congress. I have one that I will be talking to you about on Monday. I yield back, Mr. Chairman.

Mr. ENGLISH. Mr. Coleman?

Mr. COLEMAN. No questions, thank you.

Mr. ENGLISH. Mr. Lewis?

Mr. LEWIS. No questions, Mr. Chairman.

Mr. ENGLISH. Again, I would simply like to thank each of you gentlemen for taking the time to come before us here today. I might ask if there is anything further that you would like to add?

Mr. SHANNON. In my years with the Army and experience with Congress, Mr. Chairman, I was taught as a liaison officer, as a lieutenant colonel, that when the chairman says the hearing is over, it is over. Don't say anything.

Mr. ENGLISH. Mr. Shannon, I didn't say that, because there is one gentleman back here from Miami, and I have got to get his name; we have been promising him for two days that as soon as we reached this point, we were going to give him a chance to have his say. I don't want anybody going away from here who feels like they haven't had the opportunity to have their say today.

I appreciate you testifying before us. I appreciate your help and, as I said, I appreciate your consideration. Thank you all.

[Mr. Lucas' prepared statement follows:]

DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE

SUBJECT: Military Support of Civil Law Enforcement Agencies

STATEMENT OF: JAMES W. LUCAS, Principal Deputy
Assistant Secretary of the Air Force
Manpower, Reserve Affairs and Installations

Not for Publication Until Released
by the House Committee of Government Operations
Subcommittee on Government Information, Justice and Agriculture
House of Representatives

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am pleased to appear before the distinguished members of this Subcommittee to bring you up to date on the contributions the Air Force is making in the national effort to stem the flow of illicit drugs into the United States.

At the outset, I wish to state the Air Force fully supports this endeavor. We are trying to respond positively to each request for assistance. However, we also must carefully balance our support to law enforcement against any potential adverse effect on our military readiness. In those cases where we can respond positively within the law and without adverse effect on readiness, we will do so. In some others, we may have to recommend disapproval.

Last August, Secretary Orr established a Civil Law Enforcement Support Steering Group. This group, which I chair, is comprised of general officers and senior executive service members representing major functional areas. Each of these individuals is concerned with Air Force readiness in areas such as budget, manpower, supply, etc. We have been meeting on a regular basis to address issues and concerns relative to implementing DOD Directive 5525.5, DOD Cooperation with Civilian Law Enforcement, and to ensure our positive responsiveness to the needs of the South Florida Task Force, as well as other facets of this combined local, state, and federal program.

We released a draft of our Air Force implementing directive last August. It is entitled AF Regulation 125-4, Cooperation with Civilian Law Enforcement Officials. It was distributed to all Major Commands - our primary subordinate units - for use as interim guidance. I am happy to report the final publication, is now in print and has been distributed to our field units who have a role in this program for their appropriate guidance.

In addition to our efforts to respond to specific requests for assistance, we recognize the need for awareness within the Department. We have mounted an extensive publicity and education campaign. Assistant Secretary McCoy was quoted in a lengthy article in the Air Force Times, and similar articles will soon appear in other publications. These include the TIG Brief, an Air Force-wide publication of the Inspector General; the Commander's Policy Letter, distributed to all Air Force Commanders and the Security Police Digest. Additionally, the Staff has sent numerous messages to the field with specific guidance for their functional areas. Professional Military Education courses within the Air University at Maxwell Air Force Base in Alabama, such as the Air Command and Staff College, Air War College, and the Judge Advocate General's School include Posse Comitatus in their curriculum. This subject is also taught at various courses at the Security Police Academy at Lackland Air Force Base, Texas.

The Air Force continues to pass all surveillance data from the aerostat radar at Cudjoe Key to the US Customs Command, Control and

Communications (C3) facility in Miami. With the installation of the Radar Beacon Digitizer, in November of last year, this data is now being passed automatically to the Miami C3. This effort highlighted the interagency cooperation being expended in the war on drugs; the Air Force radar data is passed through a Navy digitizer for display on a Navy console at a Customs Operations Center hosted by the Federal Aviation Administration.

Ten million dollars have been reprogrammed by the Air Force for a second aerostat radar at Patrick Air Force Base, Florida. The contractor began work on December 23, 1982, and the system is planned to be operational by the end of September, 1983. The schedule leading to the September operational date is challenging, but achievable. Site Activation Task Force meetings will be held on a regular basis to provide timely and concentrated management attention to any problems that may arise.

Air Force E-3A (AWACS) aircraft continue to support the US Customs Service as they have since June, 1978. Customs is provided a copy of the E-3A flying schedule and afforded an opportunity to fly on missions of interest to them. AWACS was also an integral participant in the highly successful monitoring effort directed by Vice President Bush involving data collection of air activity in Bahamian airspace. In this regard, the Air Force and Navy have worked closely with each other. AWACS aircraft have been used to

relieve some Navy E-2C tasking, notably when 24-hour monitoring of Bahamian airspace was requested.

In response to growing Drug Enforcement Administration (DEA) concerns in the Bahamas, the Air Force has a senior officer participating in the DOD organized Bahama Technical Assistance Team. This will allow us to assess, firsthand, what DEA requirements are, and what Air Force resources can be used to assist.

The Air Force also supports the Coast Guard through the Interdiction Operation Information Center (IOIC) in Miami. The most important resources the Air Force has supporting the IOIC are our personnel. We have had three people on loan to the Coast Guard since October 27, 1982 serving in the IOIC. Additionally, B-52 and WC-130 aircraft routinely support the IOIC. During these sorties, the Air Force is accomplishing previously scheduled training and, at the same time, supporting civil law enforcement.

I can assure you that the United States Air Force is committed to support this vital effort.

Mr. Chairman, this concludes my statement; I will be pleased to answer any questions that you have.

Mr. ENGLISH. Yes, sir; I promised you I would get to you, didn't I? Would you identify yourself, please, sir?

STATEMENT OF ERNIE FANNOTTO, PRESIDENT, TAXPAYERS' LEAGUE OF MIAMI AND DADE COUNTY

Mr. FANNOTTO. Ernie Fannotto is my name, and I am president of the Taxpayers' League of Miami and Dade County.

Mr. ENGLISH. What is your name?

Mr. FANNOTTO. Ernie Fannotto, F-a-n-n-o-t-t-o. Also of the Homestead League of Dade County.

Hon. Chairman, respected members, I am speaking here today to throw a lot of shame on the Federal Government for what they did here in Dade County. They have burdened Dade County with 5 or 10 times more refugees, and a lot of criminals, and a lot of drug people who come in as refugees, mostly through Cuba.

We have nothing but crime in this county. The people are scared. Families, who have children in schools, are scared. Drugs are being sold in schools and out in the street, and they can't seem to stop it.

I am going to say this: We do have 28 percent of the population of the State of Florida, and I think that we should have a little better consideration, but let's talk a little bit about the Federal Government and what you can do about it.

Mr. English, what is your capacity, may I ask, in the Senate—I mean in the Congress?

Mr. ENGLISH. My capacity?

Mr. FANNOTTO. You are a Congressman; is that right?

Mr. ENGLISH. Yes, sir.

Mr. FANNOTTO. And what is your title?

Mr. ENGLISH. Just Member of Congress.

Mr. FANNOTTO. Oh, just a Member of Congress?

Mr. ENGLISH. Yes, sir.

Mr. FANNOTTO. You are not chairman or vice chairman?

Mr. ENGLISH. I am chairman of the subcommittee; yes, sir.

Mr. FANNOTTO. Chairman of the subcommittee?

Mr. ENGLISH. Yes, sir.

Mr. FANNOTTO. If we get 5 or 10 times more people than we have been getting, and the rest of the cities and States and counties in this country—very few of them have gotten any refugees—I think it is only fair that they should be distributed on a pro rata basis according to cities, counties and States, but they weren't.

We took most or a lot of them anyway, far more than our share than any place in the country. It was in the papers the other day. I don't think it is fair, because it has made our county a second-class county.

A lot of people have moved, and they are scared. Like I said a minute ago, they just don't know, a lot of them don't know what to do, but I do want to congratulate you folks on the giant effort that you are performing, what you are trying to do.

Keep the criminals from coming in, keep the drug people from getting in, whether it is boat or plane. You are trying your best, and I want to commend you on that, but what about the people that are here, when we have five times more refugees, of the criminals, that are here in Dade County?

What happens there? They can't combat it. We have got a fine chief of police in Dade County. We have got a fine safety director, and we put millions of dollars in this effort, of the taxpayers' money into Dade County and we can't combat it, because the Federal Government has given us a nonsquare deal, a big shafting.

Now, what is the remedy? The remedy is this: I am going to ask you folks, as the congressional leaders—I don't know that there is anybody here from the Senate—do just this: Let's enact congressional and senatorial legislation whereby you are going to forbid the Federal Government from sending any more refugees in this country, and when they send refugees, they are not sending only refugees. They are planting a lot of these drug people in it, and a lot of criminal people, extra baggage that Castro didn't want.

Every time they come in, they don't seem to be poorly screened. They say there is a large percentage of them. I am going to ask you to enact congressional legislation forbidding the Federal Government from sending anybody into Dade County until every city and every State in this country has taken their share on a pro rata basis.

If you want to be fair and you want to be business, let's be business, but don't destroy our county, and that is exactly what took place, and not only that, but destroyed our tax base, our education system, our housing.

Do you know what has taken place here in Dade County? You can't get an apartment. The average working person can't get an apartment because you have four or five refugees taking the apartment or six of them, and then they all chip in and take it, and our people can't get any any more unless they pay a very exorbitant price.

The school system? We are overcrowded, being overtaxed. The State is going to come up with a big increase in taxes. I can go on and on, but you have been here a long while. I want to thank you for letting me speak, but I want to know what your answer is going to be on what I said, before I leave, if you don't think it is fair that the refugees and all these so-called criminals that come in as refugees and drug people, who are representing the big interests, who are making millions of dollars in this country, what are you going to do?

Do you intend to do anything about it or not? I would like to have your answer. And what do you anticipate doing if you are going to do anything?

Mr. ENGLISH. I can only speak for one person and that is for myself. I think that that is something we have all been trying to do. I don't know of any Member of Congress who doesn't have that particular interest, particularly your own Florida delegation have been working on that.

As far as any legislation to limit the number of refugees and what parts of the country they go into and scattering them out, I am afraid you have got the wrong committee on that, but I will sure try to pass that on to the right committee and make sure they know your views on it.

Mr. FANNOTTO. You mean you can't enact legislation to restrict any more refugees that come in in Dade County until every State

and county and State takes their share on a pro rata basis according to population?

Mr. ENGLISH. As far as this committee legislating, and that is what would be required, we don't have that legislative authority. No, we have oversight—

Mr. FANNOTTO. Do you think it is in order to enact legislation of that type?

Mr. ENGLISH. I think so. I am not an attorney, but I would think that would probably fit in, and I will pass the word on for you. Thank you for coming.

Mr. FANNOTTO. I am glad to hear that, and this is nonpolitical. I don't know whether you folks are Republicans or not.

Mr. ENGLISH. We are a little of everything.

Mr. FANNOTTO. But you can take this message to the President of the United States.

Mr. ENGLISH. OK.

Mr. FANNOTTO. I am for 100-percent strong defense in our country, and if we don't have a strong defense, God forbid if Castro takes advantage of us or Russia—what good is the country?

Mr. ENGLISH. A good point. Thank you, sir.

With that, we will adjourn subject to the call of the Chair.

[Whereupon, at 4:15 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

REVIEW OF THE ADMINISTRATION'S DRUG INTERDICTION EFFORTS

WEDNESDAY, JULY 6, 1983

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION, JUSTICE,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS

New Orleans, La.

The subcommittee met, pursuant to notice, at 9 a.m., at the U.S. Customs House, Canal Street, New Orleans, La., Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English, and Ronald D. Coleman.

Also present: Representative Lindy (Mrs. Hale) Boggs.

Staff present: Ted Mehl, professional staff member; Robert Gellman, counsel; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. ENGLISH. This hearing will come to order.

Over the past year, this subcommittee has looked at how the military can play a positive role in our national drug interdiction crisis, a crisis which grows with every passing day.

Initially, our subcommittee placed its emphasis on southern Florida where the problems seemed to be most acute. About 6 months ago we started an investigation along the southern U.S. border in an attempt to determine the extent of drug traffic beyond south Florida. We have found clearly that the smuggler is very adaptable and has diverted his drug routes into the New Orleans area, as well as other Southern border areas. South Florida remains his preferred destination, but not his only alternative.

The President clearly voiced his commitment to the national problem last October with the formation of his 12 regional investigative task forces under the control of the Attorney General, and with the recent announcement of his National Narcotic Border Interdiction System, headed by the Vice President.

These are refreshing policies which, if implemented effectively, will have far-reaching impact. The subcommittee has the responsibility to assess the effectiveness and the efficiency with which these most important programs are implemented.

With the recent announcement of the President's National Narcotic Border Interdiction System (NNBIS), a potentially powerful deterrent to drug smuggling may have been born. The final judge of its effectiveness will ultimately be the degree of increase in the interdiction rate.

We have directed our attention toward the air-smuggler problem, since nearly one-half of the cocaine which enters the United States enters by private aircraft.

Today, we will evaluate the U.S. Customs Service's capabilities to perform three essential elements necessary to interdict the smuggler in the New Orleans area. First, Customs' ability to detect the smuggler; second, Customs' ability to intercept him, and, last, the Customs Service's capability to seize the drugs and arrest the drug smuggler.

We will also question the Air Force witness to seek a clear understanding of how they can assist. Equally important, we must insure that we walk a fine line between using the military to support this cause and yet not impact on the military's combat-readiness posture.

Finally, we will hear from the Vice President's representative who is responsible for the effective and efficient use of available resources to stem the flow of drugs into this area. His role will be vital to the outcome of this battle.

Does he have the resources and the lines of authority necessary to insure the rapid response of the agencies involved? Does he have a well-coordinated; integrated system at his disposal? Or are we going to find an idea without funding, one which is designed to fail everywhere except in the media? These hard questions must be dealt with if we are to improve our national capability, and for the first time present a real threat to the drug smuggler.

I have hope that this effort is going to finally, for the first time, present a legitimate threat to the drug smuggler, a threat which will not only catch the drug smuggler, but the organizer and the money man.

I might also say that the subcommittee is very delighted this morning to be in New Orleans, and certainly we are very happy to be joined by Congresswoman Lindy Boggs. Mrs. Boggs, we deeply appreciate you joining with us.

Mrs. Boggs. Thank you so much, and it is a pleasure and a privilege to welcome you, the other members of your committee, and your staff members to this hearing and to New Orleans, and to the Second Congressional District. I would like to call your attention to this historic old building that has been so beautifully restored and preserved by the U.S. Customs Service.

I am very proud of what you and your colleagues are doing because you are taking the time out from your own districts' work to pursue a subject that is on the minds of all Americans. As you know, the Vice President has named New Orleans as one of the regional centers for the drug interdiction program because we feel that here we have not only the Eighth Coast Guard District, and the local and state officials, the Customs personnel, and other officials of the various Federal Government agencies who have been extremely alert and effective with the means that they have at hand.

I would like for you to know also that Bell-Halter Marine, Mr. Chairman, which is one of the finest industries in this area, has provided the Coast Guard with the Surface Effect Ships [SES], which are the fastest and the safest vessels that you could possibly use in drug interdiction. I would like to put in a little plug for our

local industries. I hope the Coast Guard will order a whole fleet of SES's to enable them to more effectively deal with the drug traffic.

I am the Chair of the Task Force on Crisis Intervention of the Select Committee on Children, Youth and Families. Certainly one of the greatest crises families face is that of drug use and drug abuse. There are many difficulties that ensue among family members when any one of them abuses drugs. Your work is important to the health of the children and the families of this nation.

Mr. ENGLISH. Thank you. I appreciate that very much, Mrs. Boggs.

Our first witness today comes from the the U.S. Customs Service. We have with us today Mr. J. Robert Grimes who is the Director of the Office of Patrol, U.S. Customs Service, and also Mr. James W. Shaver, who is the Regional Commissioner of Customs in the New Orleans region. Mr. Grimes and Mr. Shaver, please come forward and sit at the witness table.

I want to welcome both of you gentlemen to the committee this morning, and we appreciate your coming forth and giving us the benefit of your thoughts and wisdom in this area. I am not sure whether both of you have prepared statements that you would prefer to give and, if so, we will be happy to hear those first.

Mr. Grimes, we will let you lead off and then we will hear from Mr. Shaver.

STATEMENT OF J. ROBERT GRIMES, DIRECTOR, OFFICE OF PATROL, U.S. CUSTOMS SERVICE HEADQUARTERS

Mr. GRIMES. Thank you very much.

Mr. Chairman, with your permission, we would like to read our statements into the record, which are short and precise, I think, and then, of course, we would be very happy to respond to questions which you and Representative Boggs may have.

Mr. ENGLISH. Thank you very much.

Mr. GRIMES. Thank you, sir.

We are certainly pleased to have this opportunity to brief the subcommittee and other Members of Congress on Customs' efforts in interdicting air smugglers. We are proud of our efforts in this area and are grateful for the support and interest which this subcommittee and the Congress has shown.

As you are aware, Mr. Chairman, the Customs Service bears the primary responsibility for interdicting all drugs being smuggled into the United States, but in these hearings today, I will focus on smuggling by private aircraft.

Our pilots and air officers have performed as heroes in this war, risking their lives daily. In fact, much of what they have accomplished in my mind bordered on the impossible. They are a proud and professional cadre of men and women who reflect the true spirit of America.

However, Mr. Chairman, we have not been as successful as we would have wished or as successful as all of us would have desired, but it is my sincere belief that with what we have we have done as well as could be expected. Customs is actively pursuing new ways and means to meet the new challenges in interdicting narcotics

and dangerous drugs being smuggled into the United States by private aircraft.

Customs initiated amendments to the 19 CFR Part 6, expending the special reporting requirements for general aviation aircraft entering the United States via the Mexican Gulf and Atlantic coast borders. We have worked with the FAA in changing the air defense regulations to require all private aircraft flying around Florida to be on a filed flight plan and to be identified.

The actions and the increase of information generated have improved the Customs officers' capabilities to screen and identify the illegal target from the legitimate private flyer. This information, along with profiles of smuggler aircraft, type and size of aircraft, the presence of extra fuel tanks, unmarked aircraft, et cetera, are of great assistance.

Customs has decided after a number of years of research and development that the air module concept is the best possible strategy to interdict smugglers in private aircraft and is the direction for the future. The air module concept combines detection, interception, seizure and arrest in a unified strategy aimed at reducing the air smuggling population.

Pilot arrests are an excellent indicator of success in the drug war. Many experienced smuggler pilots fly one load after another. The arrest of just a few of these pilots can have a significant impact on the smuggling community.

Up until now we have been able to employ this concept on a permanent basis only in the south Florida area, but plans are underway and we are hopeful that we may be able to implement the same concept in other areas of the Nation. It is evident that the air smuggling threat is not limited to Florida. Indeed, we have no doubt that air smuggling activity has moved into the New Orleans and other areas as would-be smugglers are deterred from their regular air corridors in Florida.

The air smuggler is often flexible, well organized and has a resource base more superior to ours. They have sophisticated equipment which they do not hesitate to ditch rather than be caught. A large load of narcotics has a sale value which makes even one trip more profitable. Smuggler pilots are well paid, experienced and are willing to take the risk.

We are, however, developing new ways to counteract their ability to enter unchallenged. Customs is presently meeting the new challenges on numerous fronts. We are developing interim solutions, which is where your personal help and that of the Congress has been so valuable.

We are also actively supporting several legislative proposals that are extremely important to Customs and enforcement generally. These include issues such as increasing the amount of forfeiture value of seized aircraft which must go through court proceedings, increasing the arrest powers for Customs officers, and imposing more stringent penalties on pilots engaged in illegal transport of narcotics by aircraft, as well as on aircraft owners who permit the use of their aircraft for such activities.

We are developing a long-term overall strategy whereby we hope our success will increase the risk of air smuggling to where it will be common knowledge to would-be smugglers that they cannot

cross our borders without being challenged by the Customs Service. We think with your help that we are getting closer to fulfilling these ultimate goals.

Millions and millions of dollars worth of narcotics and drugs come into the country each year. Within the last few weeks there have been several large seizures—625 pounds of cocaine in La Belle, Fla., 2500 pounds of marihuana in Childress, Tex., 1,620 pounds of marihuana in Waller, Texas and 205 pounds of cocaine near Homestead, Fla. There is a large smuggler population we have yet to stop or deter. Our efforts in Florida have been successful, and we feel the intensified enforcement posture in Florida has redirected much of the air smuggling threat to areas north and west of that area.

With the increased commitment and the shifting of other positions into on-line enforcement positions, we are now approaching a level of strength where intelligence is a necessary complement to the future success of our operations. In fact, the Commissioner of Customs, Mr. William von Raab, has recently made a strong commitment toward this end by reassigning 66 positions to intelligence gathering activities.

For some time now we have had to depend on local knowledge and speculation concerning increased air activity into the South Central area. Recently, we began assessing the degree of threat in this area by special enforcement operations which I might add, Mr. Chairman, were highly successful. We also conduct these operations in other areas of the country to determine exactly where our limited resources can best be utilized.

We continue to achieve very significant results, mainly due to our constant monitoring of the air smuggling threat. In the first 8 months of fiscal year 1983 (October 1982 through May 1983) the Customs air program participated in seizing 1,400 pounds of cocaine, 88,214 pounds of marihuana, 71 smuggler aircraft and made 185 arrests.

Customs air interdiction results are measured not only in seizures and arrests, but also by disrupting smugglers, forcing them to change their smuggling routes and methods and deterring them from attempting to enter the United States by air.

Customs reassigns resources on a temporary basis to those areas where we have determined it can be most effective. Also, we are in the process of identifying older, less effective aircraft, which can be sold under the provisions of the exchange/sales program in order to purchase more suitable aircraft with the funds received.

The current plan to obtain from the military the P-3 and C-12 aircraft, and Blackhawk helicopters would allow us to implement the Customs air strategy at a much faster rate than originally anticipated. The long-term loan commitment from the Department of Defense would give the Customs Service the ability to respond much more effectively to the air smuggling threat confronting us at several locations along the southern border.

The military equipment which is expected to be phased in during fiscal years 1984 and 1985 will be placed in locations where the smuggling threat is most severe. Customs is now reviewing the best possible placement of these aircraft to insure rapid and effective deployment as these resources are received from the military.

On another point, we are expected to play a major role in the National Narcotics Border Interdiction System (NNBIS) you alluded to in your opening statement, which is chaired by the Vice President, and in support of this effort, we will be involved in special interdiction operations at sites all along our borders. Our resources will be teamed with those of other participating agencies such as the Coast Guard for a unified air and marine interdiction effort.

As I mentioned earlier, we are very appreciative of the support we have received from the Department of Defense. We are also aware that our level of effectiveness will increase dramatically as they make additional sophisticated equipment available to us. Their continued assistance will be a very crucial and important contribution to the overall war on drugs.

In summary, the Customs Service for its part will continue to test and improve its air interdiction strategy. We will continue to work toward implementation of the National Narcotics Border Interdiction System. We will maximize the use of Customs and loaned military aircraft, and apply the air module concepts and we will continually review intelligence information and conduct our regular mission to stop narcotics from entering our country.

Mr. Chairman, Customs enforcement personnel are highly dedicated government employees with a tremendous enthusiasm, and they, as well as I, look forward to making great strides in our efforts against drug smugglers. We have pioneered the air interdiction program with some measure of success, and I assure you it will continue to be given the high priority within the Customs Service it indeed deserves.

Mr. Chairman, 2 years ago when we realized that the increase in the drug program was moving into the Southwest and into the gulf area, we realized that we needed a strong national team to implement the air interdiction efforts that we are now in the process of doing, and that you are now reviewing in this area, and these gentlemen are here in the room today and we have brought in what I consider three of the strongest managers of law enforcement that the Customs Service has.

We have Mr. Neil Lagemen, who is the Assistant Regional Commissioner for Enforcement; Mr. Oren Neck who is the Director of Patrol, and under his auspices the aircraft program is now being implemented, and Mr. Norm Bradley, who is in charge of the air branch that you visited yesterday, and they have had tremendously strong support from the Regional Commissioner, Mr. Jim Shaver, and with that management team in place, I feel that the aspects of the program that we will be discussing here have a far better chance of succeeding.

Thank you very much.

Mr. ENGLISH. Thank you very much, Mr. Grimes. We will hear from you, Mr. Shaver, if you have a statement that you would like to read into the record.

**STATEMENT OF JAMES SHAVER, REGIONAL COMMISSIONER,
SOUTH CENTRAL REGION, NEW ORLEANS, LA., ACCOMPANIED
BY NEIL LAGEMAN, ASSISTANT REGIONAL COMMISSIONER
FOR ENFORCEMENT**

Mr. SHAVER. Thank you, Mr. Chairman. Mr. Chairman, welcome and welcome back home, Mrs. Boggs. It is good to have you here.

Mr. Chairman and members of the subcommittee, thank you for this opportunity to brief you on south-central region's air interdiction efforts.

We in New Orleans are aware that your subcommittee shares our concerns about air smuggling. Your efforts on our behalf with posse comitatus and military assistance have been tremendous and very gratifying. You are here to gain information first hand on the air smuggling threat and our ability to respond. It is my pleasure to give you a brief overview.

Mr. Grimes has outlined the national air smuggling threat and Customs' ability to respond. I would like to summarize the air smuggling threat here in the South Central States and our current resources.

Smuggling by air is regarded by Customs as the No. 1 enforcement threat affecting the gulf coast and the inland area of the south-central region. As air smugglers are deterred from south Florida, they are moving up the Atlantic corridors as well as into my primary area of consideration along the gulf coast.

As smugglers come up through the Yucatan passage, they are often rerouted to areas west of southern Florida. There is a marked increase in deep border intrusions, meaning suspects crossing the border and traveling hundreds of miles inland. This is evidenced by seizures we have made in Arkansas, Tennessee, and Georgia. The smugglers' traditional patterns are changing.

As an example, during a recent air operation, we had two successful air cases. On June 17, our planes, in connection with a special enforcement mission, intercepted a plane over the Gulf south of New Orleans. It flew into Childress, Tex., where we seized the aircraft along with 2,500 pounds of marihuana.

On June 19, we made another interception over the Gulf. We followed this aircraft into Jackson, Miss., where the pilot landed his aircraft. The pilot of the smuggler aircraft tried to escape and was blocked when the Black Hawk helicopter performed an enforcement stop. We seized 600 pounds of marihuana, the aircraft, and made two arrests.

As a footnote, Mr. Chairman, I understand that in every case where we stopped a smuggler aircraft using the Black Hawk helicopter, we have been able to arrest the smuggler pilots on the scene.

Mr. Chairman, I have given you a few examples which typify the air threat here in the Gulf States overall. From October 1982 through the end of May of this year, Customs officers in the south-central region have seized or assisted in the seizure of: 796 pounds of cocaine, 37,751 pounds—that is nearly 19 tons—of marihuana, 20 aircraft, 8 vehicles, 6 vessels, and made 33 arrests.

In this region we have an air branch at New Orleans and a smaller unit at Pensacola with aircraft at both locations. We are

optimistically awaiting the loaned aircraft from the Department of Defense. This will give us the enhancements we feel are needed to our existing resources. The P-3 will supplement existing ground-based radar, which includes FAA and military facilities, and greatly enhance our capability to respond to illegal border intrusions.

Another important factor in our ability to respond to these illegal intrusions is a well organized intelligence network. Recognizing this importance the Customs Service has placed a high priority on developing improved tactical intelligence operations in the field. Commissioner von Raab has ordered each Regional Commissioner and managers at headquarters to insure that this system is developed and implemented as swiftly as possible. This will greatly enhance our ability to disseminate current intelligence in a number of areas, including narcotics interdiction to officers in the field.

The south-central region, in conjunction with other Customs regions, has developed both intelligence analysis units and field liaison units. We have implemented several initiatives in intelligence which are shared and coordinated with other Customs elements and related agencies.

We are proud of what we are doing to interdict air smugglers, even though we are not as well equipped as we would ideally like to be. A lot of credit must go to the motivation and dedication of our air officers and their teammates on the ground.

One of our greatest tools ever offered these men and women was the work of Congress to clarify the posse comitatus statute permitting military assistance in our efforts. The Defense Department has been especially supportive as well. Here in the south-central region, we have had assistance from the Navy E2C Hawkeyes which are used to spot low-flying aircraft, and from the Marine OV-10's which are used as tracker aircraft.

This assistance has been invaluable, and for the record, I want to thank you and Secretary Weinberger for your work in making this equipment available to us. We look forward to participating in the Vice President's nationwide border interdiction strategy and assure you and your members that this challenge will be met with our best efforts.

Mr. Chairman, this is, of course, a very general overview of the air smuggling situation in the Gulf States areas. At this point, I would welcome any questions.

Mr. ENGLISH. Thank you very much, Mr. Shaver. We appreciate your fine testimony. I would like to also welcome Congressman Ron Coleman who has joined us from El Paso. We are going to be going on over there a little later; and we have a hearing tomorrow evening, if I remember correctly. I appreciate him joining us.

Mr. Shaver, most of the questions that I have are going to be directed to you, because they are local in nature. Mr. Grimes, I hope you won't feel like we are neglecting you.

Mr. GRIMES. That is very appropriate, Mr. Chairman.

Mr. ENGLISH. From the information that you have developed here, Mr. Shaver, would you please describe for the subcommittee the nature of the air drug smuggling threat in your region?

Mr. SHAVER. I would consider it a major threat that we have in this region, being situated as we are along the gulf coast in direct line from source countries, Central and South America. The efforts

of the South Florida Task Force no doubt have caused some rerouting of smuggler aircraft to bring contraband into this country, and so while some have been diverted further up the east coast, it is very evident from special operations that we have had that there is an increased threat in this area, as a result of the South Florida Task Force.

Mr. ENGLISH. As I understand it, air traffic is coming into the New Orleans area, I guess, from the gulf coast, but there is a particular path that is followed by those smugglers, particularly from Colombia. Would you describe for us a little bit the reasons why they have to stick pretty much to a specific course of action as opposed to going just anywhere that they can across the gulf?

Mr. SHAVER. Surely. One reason, I think, is that navigational aids that are available for air operations is that a beacon operated by FAA for guidance systems for aircraft, the most powerful one is located in this area, and so aircraft lifting off from Central and South America need a homing device to home in on for directional purposes, and it appears that makes the passageway fairly narrow until they get within close proximity of the gulf, and then they can divert off to other navigational aids that they can pick up on their aircraft.

Mr. ENGLISH. So when aircraft move north into the gulf, from west Florida all the way over to Texas, they are having to use what is really the highway in the air. They have to take the corridor up until they get within about 100 miles of the United States before they can branch off and go to the respective areas of the gulf coast that they are trying to bring the contraband into?

Mr. SHAVER. That is what we have observed, Mr. Chairman.

Mr. ENGLISH. Does the information that you have developed support the position that the drug smugglers are using aircraft for transit or moving drugs into the west coast of Florida?

Mr. SHAVER. Yes, sir. There is information that would indicate that they are going into the west coast of Florida as well as into the gulf area. That is correct, sir.

Mr. ENGLISH. So one of the alternate routes that we have found since the effort has been brought to bear down in the southern part of Florida, particularly the southeastern part of Florida, is coming north to the gulf coast and going into the west part of Florida?

Mr. SHAVER. I think there is evidence to support that, yes, sir.

Mr. ENGLISH. At how high an altitude can a drug smuggler fly when he is crossing the U.S. border here in the New Orleans area or along the gulf coast, without being detected by radar?

Mr. SHAVER. There are varying reports on that. I am not technically qualified to answer. Again, it is well known I think that low-flying aircraft generally do not show up on radar that is commercially available to the FAA. To get into specifics on exact heights and so on, in the wrong hands might be of benefit to the wrong people. I would like to answer any of these various sensitive ones in closed session, if you would like, sir. We can give specifics on it, of course.

Mr. ENGLISH. There was a report that was published recently, so I don't think we would be talking out of school that much, which I think give some feeling to the general public. Some problems came out in reports from the General Accounting Office on June 13, and

we have a chart over here that we might hold up to indicate some of the difficulties you are facing from the detection standpoint.

What these circles indicate on the chart are really the only areas in which we can detect someone as low as 1,000 feet, so below 1,000 feet, even in these high concentration circles, they are still going to elude the radar detection. In those areas outside the circles it would even be much higher. So I think it gives a pretty good indication of the vulnerability that we face and the problems that you face in trying to detect these aircraft, even when we have our best resources available.

Mr. SHAVER. That is correct, sir.

Mr. ENGLISH. I would assume then that with this kind of radar limitation, it certainly makes it extremely difficult to know exactly how many drug smugglers are coming in by aircraft; if you can't detect them, you can't count them.

Mr. SHAVER. That is correct, sir.

Mr. ENGLISH. So about all you can do is to get some general idea. The guys you are going to be picking up on the radar are going to be those people that are probably not the more experienced pilots. Certainly the more experienced pilots are well aware of those limitations and what they are running up against, would that be correct?

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. So even with the limited capabilities that we have, it is my understanding that you were able to detect within a 4-month period of time, 64 aircraft that were illegally coming into the United States; is that correct?

Mr. SHAVER. Yes, sir, that is correct.

Mr. ENGLISH. And of those 64, how many were you able to intercept?

Mr. SHAVER. We intercepted and seized 14, sir.

Mr. ENGLISH. You intercepted 14?

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. How many were you able to keep up with and eventually catch?

Mr. SHAVER. Those are the 14 that I referred to, sir.

Mr. ENGLISH. It is my understanding that it was considerably less than 14 that you actually apprehended.

Mr. SHAVER. We actually apprehended 14.

Mr. ENGLISH. You got 14?

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. So all of those that you were able to intercept, you were able to arrest?

Mr. SHAVER. Not all arrested.

Mr. ENGLISH. OK, but of those that you were able to intercept and follow, how many were you able to make arrests on?

Mr. SHAVER. I can get that for you, sir.

Mr. ENGLISH. I would like to have that clarified. My understanding is it was three. If the number of three is incorrect, then I would like to have that clarified.

[The following clarification was submitted by Mr. Shaver:]

Customs was able to intercept, follow and apprehend 14 of the 67 detected aircraft. Arrests were made in 8 of the 14 seizures. A total of 42 people were arrested in connection with those 8 aircraft.

Mr. SHAVER. No, there were three that were found to be legal aircraft. They were OK.

Mr. ENGLISH. So out of the 14, 3 were legal and the other 11 then were illegal, is that correct?

Mr. SHAVER. No, sir. Out of the 14, we seized all of these aircraft. Three of the 67 that we detected on air intrusions during that period were legal, so we have to assume that the other 50 or so were probably suspect aircraft.

Mr. ENGLISH. Let me make sure I understand that.

Mr. SHAVER. Perhaps I can read this statement to you that I have prepared here, sir, between September 20, 1982 and February 12, 1983, 67 known aircraft were detected of which 50 were presumed illegal, 3 were legal, and 14 were seized.

Mr. ENGLISH. So you actually made a seizure on 14?

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. Well, we had 64 which were suspect smugglers?

Mr. SHAVER. That is correct.

Mr. ENGLISH. So when you take the 3 from the 57 that brings it down to 54.

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. Mr. Coleman?

Mr. COLEMAN. I may have missed this because I got here late. When you say this particular New Orleans region, with respect to, for example, that map that we looked at, can you give me the perimeters of the area that you are dealing with?

Mr. SHAVER. Yes, sir. From the east, it would start at Appalachicola taking in the western panhandle of Florida, and it goes over to the Texas border actually, right at Lake Charles, and goes as far north as Arkansas and Tennessee.

Mr. COLEMAN. OK, when you were giving out those numbers, that includes the whole region?

Mr. SHAVER. That is correct, sir.

Mr. COLEMAN. With respect to the regions west of here, would you say that this is a high number as compared to the other regions along the southwestern part of the border?

Mr. SHAVER. I would defer to Mr. Grimes on that. He has the national perspective. I have the regional.

Mr. GRIMES. I would say that both of these regions are now a high threat area, and we feel that the southwest and south central regions are definitely receiving the distribution of smugglers as a result of the activity taking place in Florida.

Mr. COLEMAN. In other words, they are finding other routes?

Mr. GRIMES. That is right. These are the other routes, sir, southwest and south central, much more so than on the northern, I mean on the east coast.

Mr. COLEMAN. That is all of the questions I have.

Mr. ENGLISH. Mrs. Boggs?

Mrs. BOGGS. Thank you, Mr. Chairman. One of the things that I was interested in is the fact that the smugglers have a great deal of sophisticated equipment. Do you have any notion of where that equipment comes from?

Mr. SHAVER. Well, indications that we have as far as air equipment and even ground equipment, a lot of it is purchased with cash. There is very direct evidence in many cases that it is straight

cash transactions to purchase aircraft, to purchase real estate that it used to protect smugglers, to purchase mobile homes, vans, vehicles of all sorts.

There are indications that it is all tied together. The cash that is coming in it tied into the drug trafficking.

Mrs. BOGGS. Are most of the aircraft made in the United States?

Mr. SHAVER. Yes, ma'am.

Mrs. BOGGS. And most of the equipment is made in the United States?

Mr. SHAVER. That is correct, yes, ma'am.

Mrs. BOGGS. Is there any way that you know of that we could have any kind of a tracking system on the equipment and aircraft as to how this takes place?

Mr. SHAVER. We do a great deal of investigation into this now, and indeed that is where we find some of our leads on purchases and on the impacture, so we do have some good information flow on that at this time. Not ideal, but we do have some information on that.

Mrs. BOGGS. If their equipment is very sophisticated and is U.S.-made and U.S.-installed usually, would the various services of the U.S. Government have equipment that is more sophisticated that they could use to stop it?

Mr. SHAVER. If we look at what we know the military has, very definitely yes. The profit motive for the smuggler is high enough that he can buy the very best, and that makes it difficult to keep up with him for sure, but I am sure that within the United States and this great country of ours, we do have physical resources to combat that.

Mrs. BOGGS. You talked about the need for cooperation in intelligence activities and having their work more integrated do you feel you could find out perhaps more about the equipment on the smugglers' aircraft?

Mr. SHAVER. Yes, ma'am. There is no question about that. That is one of the activities that our increased intelligence efforts is going to achieve. We know of the planes that are having the illegal tanks, and the special types of navigational equipment installed on them, and we can get them into our intelligence banks and have lookouts where we can then track these aircraft and have more detailed knowledge of when they plan to attempt a smuggling operation. Then we don't have to rely just on calls, radar capability. We have a bit of an edge there and we are attempting to increase this now.

Mrs. BOGGS. Thank you very much. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you, Mrs. Boggs.

Given what you have just told us, Mr. Shaver, basically what we are dealing with is a narrow corridor about 100 miles off the coast line of the United States, and then what we have is the splintering, as I understand it, aircraft peeling off to various destinations that they might have.

It would appear to me that we would have a very good opportunity if we could make the detection of the people who fit the smuggling profile out beyond that 100-mile point where they still have to depend upon that beacon. Would you agree that if we had detection capability to get beyond that 100-mile range, let's say another

50 to 100 miles, and make the detection, that this would significantly increase the number of arrests that would be made?

Mr. SHAVER. Yes, sir, I think it would greatly enhance our ability to arrest and seize.

Mr. ENGLISH. Do you have any feel about what we could expect in the way of increased arrests and seizures with that type of capability?

Mr. SHAVER. I think it would be very dramatic, sir.

Mr. ENGLISH. But as it is now, unless you have the Navy down here operating in this area, for all intents and purposes, you are pretty much blind, aren't you?

Mr. SHAVER. It is very limited. We do have some intelligence flow. We do have some capability of notification. It is limited indeed, but anything else would greatly enhance it. There is no doubt.

Mr. ENGLISH. I recognize that you do get some information from intelligence, but it appears in your detection capabilities, and I am looking at that first element that I set out in my opening statement, you have got to detect them first before you can intercept them.

Mr. SHAVER. That is right.

Mr. ENGLISH. And you can see over there on the chart what we are dealing with for the most part. The people that we are detecting are those that have the least amount of knowledge about what is going on and the least experience, and I hate to put it this way, but the dumbest of the bunch. The really smart smuggler, the experienced smuggler, the one that knows what he is doing, is perfectly aware of all of the limitations that Customs has and certainly the detection potential, and he is running and taking his chances that AWACS and the E2C's are not in the neighborhood.

That is the real risk that he is running when he comes in here. That puts Customs, it seems to me, to a decided disadvantage. In fact, I might say it is miraculous that you got those 64 identified and that you were able to make those arrests in that 4-month period of time.

So we are going to have to substantially improve the tools that you have to work with from the detection standpoint before we can really expect a very dramatic increase in the amounts of detections and arrests, is that not correct?

Mr. SHAVER. Yes, sir, I think that is correct. I think that we do owe a great deal to the dedicated men and women that we have right now that have used the capabilities that we have at hand to perform this as they have, and they really are dedicated. They really are doing a good job for us. There is a lot that we are not getting that we could afford to get.

Mr. ENGLISH. I would certainly agree that there is no question that the people that you have are extremely dedicated people, in order to work with the equipment that they have had to work with, and under the conditions that they have had to work. Only the most dedicated people could have achieved what they have achieved under the circumstances.

Moving on from detection to interception, which is the next stage in actually making an arrest, what kind of interceptor resources do

we have here in the New Orleans area? And I guess that would be for the whole region here, not just for New Orleans?

Mr. SHAVER. That which we have specifically assigned to the region would be six fixed-wing aircraft and two rotor-wing aircraft. That is directly assigned to the region, but let me add that as we have special operations and special needs, the other aircraft that are available throughout the Customs Service are dedicated for special operations that we have here.

Indeed, the one that we just recently had, we brought in aircraft from the Florida unit and from the Texas units to supplement what we had to identify aircraft.

Mr. ENGLISH. I recognize that you have equipment that is passed along to the different regions for special operations, but just for the standard day-to-day operations here at Customs, you have six fixed wing aircraft and two rotor aircraft? Would you identify those? Would all of those fixed wings be classified as interceptors?

Mr. SHAVER. No, sir, they would not.

Mr. ENGLISH. How many would be classified as interceptors?

Mr. SHAVER. OK, only one because of speed for intercepting in daylight. It has daylight capabilities.

Mr. ENGLISH. So we have got one interceptor that would be classified as an interceptor that has the speed and the range to be classified as an interceptor, but it is only daylight qualified?

Mr. SHAVER. That is correct. There is no night vision capability on that aircraft.

Mr. ENGLISH. OK, so it does not contain what is known as a FLIR radar?

Mr. SHAVER. That is correct.

Mr. ENGLISH. It doesn't have infrared radar capabilities?

Mr. SHAVER. It does not have that.

Mr. ENGLISH. To understand what we are talking about here, this is the capability that makes it night operable, allowing you to follow drug traffic at night, is that correct?

Mr. SHAVER. That is the safest way to do it. We have done it without, which is dangerous, and we have had some successes, but the safest way, of course, is to have that equipment.

Mr. ENGLISH. So, in effect, under normal conditions even if we are able to detect a drug smuggler, it has got to be in the daytime if we are going to go out and catch him because we don't have night capabilities here in New Orleans; is that right?

Mr. SHAVER. That is correct.

Mr. ENGLISH. Without tremendous danger to the pilots themselves?

Mr. SHAVER. That is correct.

Mr. ENGLISH. And let me say that it has been done at night which is extremely risky to the pilots that fly on these kinds of missions, but for the most part it would have to be classified as daylight only?

Mr. SHAVER. That is correct, sir.

Mr. ENGLISH. It will be my assumption, and if I am wrong then please correct me that most of the drug smugglers are probably trying to enter the United States at night. They would be trying to slip in under radar and fly in undetected, is that assumption correct?

Mr. SHAVER. We have found that mostly, I guess mostly, in the late afternoon, evening, and night. There have been some morning interceptions, but not too many. A lot, I think, depends on takeoff conditions at their port of disembarkation and the speed of their aircraft as to what time they reach these shores, but it is generally late evening to night that we have intercepted them.

Mr. ENGLISH. So, in effect, a good portion of the heavy traffic now would be at night, and here in the New Orleans area you don't have much capability at night?

Mr. SHAVER. Very little.

Mr. ENGLISH. Without extreme risk to the pilot. You simply can't go up and intercept these people at night?

Mr. SHAVER. Well, that is correct, but let me add, too, that in many cases where we have had nighttime intrusions and have been able to track them to their destinations, we have also been able in many cases to call in ground forces of State and local enforcement as well as Customs and other Federal enforcement to intercept them on the ground. It is not a no-win situation, but it is very limited capabilities, yes, sir.

Mr. ENGLISH. Now, the one interceptor that you have, can you classify that as being an ideal type of an interceptor? In other words, does it have the speed, the range, and fuel capability that make it an ideal interceptor?

Mr. SHAVER. I think it is right on the margin with proper equipment, the clear equipment. I think it will be one that we would characterize as a good surveillance chase aircraft. There are faster, of course, more sophisticated aircraft, but this one I think is probably in the average category for a chase aircraft.

Mr. ENGLISH. But it would not come up to the standards to call an ideal, even with FLIR equipment?

Mr. SHAVER. There are better aircraft available, yes, sir.

Mr. ENGLISH. Once we assume that we have detected a smuggler and assume that he is flying in daylight, and manage to intercept him and track him down, then we come to the point of actual arrest, where he has landed. We have two helicopters which I understand would be the ideal equipment to actually make the arrest.

What kind of condition are the helicopters in? Do they have the sufficient range and speed to arrive at the arrest scene in time to make the arrest?

Mr. SHAVER. Very limited, sir. We have a Bell Jet Ranger, and its maximum speed is about 110 knots, about 2 hours and 20 minutes' duration operating time, and a Huey Model M that can go up to about 120 knots with about 2½ hours' duration, so it is very limited with the rotor range.

Mr. ENGLISH. And I would also assume that you may have the need to fly over water as well. Do these have the capability to fly over water?

Mr. SHAVER. It is not the safest thing to do, sir, no.

Mr. ENGLISH. That would be another case in which you are jeopardizing the pilots, under conditions where they would have to go over water?

Mr. SHAVER. If we go very far, yes, sir.

Mr. ENGLISH. There are very severe limitations on that as well?

Mr. SHAVER. That is correct, sir.

Mr. ENGLISH. Speedwise, 110 knots isn't going to do much in getting us to the scene in time to make an arrest?

Mr. SHAVER. That is true.

Mr. ENGLISH. While you have got the interceptor up there circling around, they are going to have everything unloaded, and probably in town and sold by the time you get that helicopter there.

Mr. SHAVER. That is correct, sir.

Mr. ENGLISH. I would like to have you back up to the 64 suspects that you had, when you got there and caught 14, but tell me how many of those did you actually make arrests on?

Mr. SHAVER. That number we would have to get, sir. I don't have the exact number available.

Mr. ENGLISH. All right, try to get that for the record. I think that it would be very helpful to know in how many cases you actually got there and seized the airplane but were too late to actually make an arrest.

Mr. SHAVER. Yes, sir.

Mr. ENGLISH. And particularly I would like to know if any of that contraband was confiscated, or whether they got away with that as well.

Mr. SHAVER. All right, sir.

[The information follows:]

Six of the 14 aircraft that were seized had already been unloaded and only residue remained. No arrests were made with those seizures. The other eight aircraft were loaded when seized and arrests were made at the time of the seizure.

Mr. ENGLISH. Mr. Coleman?

Mr. COLEMAN. Thank you, Mr. Chairman.

Let me ask you about the issue of the 64. Did that occur during a special operation? Were most of these detected during what we call a special operation?

Mr. SHAVER. Well, this was during a period from September 20, 1982, and February 1983, when we did have observation techniques to see what was coming in.

Mr. COLEMAN. OK, but you referred to a special operation when we had equipment brought in.

Mr. SHAVER. Yes, sir.

Mr. COLEMAN. How long did that last?

Mr. SHAVER. That was 6 or 7 days, 5 days' duration. That was just recently. We have had a few special operations in the last year or so.

Mr. COLEMAN. What kind of an increase in arrests or what kind of an increase in detection is there during a special operation?

Mr. SHAVER. Well, we have the ability from a platform standpoint to see more that is coming in and then to chase and track and interdict more. We had two specific cases during this 5-day operation that we recently held.

Mr. COLEMAN. I guess what I am trying to get to, I think the thrust, at least of my participation in the hearing, is that we have a fairly consistent plan of operation to carry out on a day-to-day basis in the area. Again, the thrust of this hearing is finding what the Congress of the United States needs to do to guarantee that you have the necessary equipment to deal with the problem.

You see, if indeed, we are only doing a 5-day special operation over a 4-month period—in other words, how consistent are we in terms of the drug interdiction effort? Is it working on a day-to-day basis or do we have to take some special operation to really make this thing work?

Mr. GRIMES. As it stands now, only in the south Florida area are we really capable of interdicting on a day-to-day routine basis. The special operations do prove that the method and techniques that we are developing do work, if we have the equipment in the right place, and that is why we were very pleased with the most recent operation.

Actually in a very short period of time we made two very significant seizures and we have strong evidence that a third one crashed at sea, and so with these types of operations, the detection, the apprehension, well, the tracking and apprehension module concept does work, except you are right. We don't have the equipment, except now in the south Florida area.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Mrs. Boggs?

Mrs. BOGGS. I have no questions, Mr. Chairman, but I do want to thank the witnesses here, and all of the brave people who have been engaged in this activity.

Mr. ENGLISH. Thank you very much, Mr. Grimes. As you have pointed out, the south Florida forces are actually the best we have, and that is where we have been doing all of the experimenting. We dropped over by Miami yesterday on the way to New Orleans, and I might say particularly I was interested in the detection situation in Miami.

As it was pointed out, if you can't detect them, if you can't see them, it is pretty hard to intercept them and arrest them, so that is a very key factor that has to fit into this. Up until recently, and I suppose on occasion, we have been having that detection gap filled by the U.S. Navy with E2C's. We are now hopefully bringing on line one of the Air Force radar planes, which is feeding information directly into the customs command center in Miami.

But that is still on an experimental basis. It has been made operational, I understand, over the past three or four months. We have made significant improvements as far as the capabilities of that radar, but still we have huge gaps in our detection capability, even down at the south Florida task force. There are large gaps in time in which there may not be any detection capability available, or if it is available, it may be a very limited capability.

We are still not up to the point where you could say that we have got this thing covered the way that we would like to cover it; so that we could provide detection about any time that a drug smuggler chooses to fly. I think that is what most people have in mind that our capability is.

Mr. GRIMES. There is no iron curtain there, that is a fact.

Mr. ENGLISH. We are still very, very short of reaching the point where we can provide only fair coverage, even in south Florida.

Mr. GRIMES. I think that there is still a threat that things still do come into south Florida. The encouraging aspect of that operation is, I guess, that while we are sitting here today, we now feel that

we are able to make them react to our enforcement capability, and in the past I don't think we were a threat to them at all.

And now if they are going to find the least enforcement area to try and penetrate, they are going to be moving to these new corridors that we are discussing here today, and I think that is the result of what we are trying to achieve for the entire country.

Of course, as you are well aware, it is a very expensive proposition, but I think that we are moving in that direction, and I would hate to think that we were going backwards.

Mr. ENGLISH. No; and I certainly would not imply that. But then again, I think that it is important for the public to understand exactly what the capabilities are in respect to the Customs Service. Unless they can detect them, they are not going to be able to arrest them, and what we have been relying on, and relying on very heavily for the last 13 months, has been the U.S. Navy, in particular, and now the Air Force is lending itself down there.

Again it is important to underscore the fact that the law that Congress passed allowing the military to assist the law enforcement requires that there be no negative impact on combat readiness, and as long as this burden is carried by the military, the tougher it gets to insure that we don't cross that line.

I think that is something that we best be aware of. We can't just simply sit back and say, "Well, the U.S. military, the Air Force, and the Navy, is going to take care of all of the detection capability work." We have to move ahead and provide Customs with its own detection capabilities.

Mr. GRIMES. Yes, sir, with our own pilots and our own crews. That is what we are working for.

Mr. ENGLISH. While we were down in Miami, there was discussion that apparently there is quite a bit of activity now shifting away from planes flying in from the Southeast and landing at Miami International Airport, which is about what they used to do, I guess.

Now, we are getting into air drops out in the ocean where they have small boats pick the drugs up, and we will probably want to talk to the Coast Guard about this and, of course, Mrs. Boggs has had a great deal of experience in that. But evidently we are really short, as far as our capabilities, to go out with boats and in particular the Coast Guard lacks fast ships to meet that threat. Many times we don't have a ship in the area, or we don't have one fast enough to arrive at the scene, but this is a new area that we are going to have to pay attention to.

Mr. GRIMES. Yes, sir, and in the Customs Service we are attempting to increase the quality of our marine interdiction program with that very concern in mind, and certainly as these boats move into the Customs waters, we want to be able to improve our detection capability and quite frankly we are following many of the same concepts that we did in our air interdiction program for our marine program now, and that is a major thrust of the fact that we are launching this year.

Mr. ENGLISH. Particularly with the radar systems that the Air Force is providing with Skyhook, and a second of these will be coming on line at the Patrick Air Force Base sometime in the fall. We can see those boats on water and we can see those air drops

being made. In that area at least, we appear to have more detection capability than we have interception capabilities. That is an area that we are going to pay some attention to and concentrate on.

Mr. GRIMES. Sorting is a problem there. Many of those small boats lose themselves in a flotilla of boats that are out off of this coast, and it is difficult to stay with them.

Mr. ENGLISH. I might say again that I am very, very impressed with the people that are assigned here at the New Orleans Air Support Branch, and my hat is really off to them for the life-threatening situations that they are willing to undertake to try to do the job. It is above and beyond the call of duty, and they are certainly to be commended on the job that they are doing. Hopefully, the Congress and the administration will come up with the equipment that will take them out of that kind of life-threatening situation and allow them to do the job on the level that they are certainly capable of doing. We appreciate you all coming. Thank you very much.

Our next witness will be Mr. James W. Lucas, who is the Principal Deputy Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations.

Mr. Lucas, we want to thank you for coming all the way down to New Orleans. We are certainly looking forward to your testimony, and to hear the latest from the Department of Defense.

STATEMENT OF JAMES W. LUCAS, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE, MANPOWER, RESERVE AFFAIRS AND INSTALLATIONS

Mr. LUCAS. Mr. Chairman and members of the committee, I am pleased once again to appear before this subcommittee to discuss Air Force contributions to the national effort to stem the flow of illicit drugs into the United States.

The Air Force continues to fully support the combined endeavors of civil law enforcement agencies at all levels to curb illicit drug smuggling. I believe that recent policy guidance sent to the Air Force field units is indicative of our commitment, and I would like to quote it:

It is the policy of the Department of the Air Force to assist civilian law enforcement officials to the maximum extent possible. Recommendations that assistance be denied on military preparedness grounds must be supported by clear and specific evidence. When unable to provide assistance due to lack of the requested resources, installation commanders will make every effort to locate alternate sources to include, inquiry or referral to other DOD installations or recommend suitable substitutes.

I believe the efforts by the Air Force since I appeared before this subcommittee in Miami last February serve as evidence of this positive commitment.

The Air Force has been providing a temporary duty detachment of two UH-1N helicopters to the Bahamas since May 2, 1983, in support of the Drug Enforcement Agency's coordinated effort with the Bahamian Government, called Operation BAT. These Air Force helicopters are providing transportation support to Bahamian National Police teams. These teams are transported by helicopters to

locations of suspected drug trafficking to enable them to seize drugs and make necessary arrests.

Now, while providing this transportation support, the Air Force aircrew members are meeting their training requirements and are receiving unique training benefits. Based upon the success of this program, the Air Force has agreed to extend its support for another 10 months.

I would also like to point out that our crews are extremely enthusiastic. Morale is very high, and their contribution has been very significant. The increased mobility provided by our helicopters has been instrumental in the arrest of 18 persons, the seizure of 10 vehicles, 10 weapons, and 378 pounds of cocaine and approximately 12 tons of marihuana. Both the civil law enforcement agencies and the Air Force have clearly benefited from our association with the war on drugs.

The Air Force has also continued its personnel support to the south Florida task force. By October of this year, the three temporarily assigned personnel in Miami will be replaced by permanent party personnel. In support of the new National Narcotics Border Interdiction System or NNBIS, the Air Force has assisted by assigning an officer to the Vice President's NNBIS staff, has provided temporary duty personnel to support the NNBIS regional centers, and is coordinating the establishment of a secure communication system for the NNBIS regional centers.

I would like to point out to the committee on that note that the multiagency participants met on the 30th of June, 1983, just about a week ago, and some significant outcomes of that meeting have just been reported to me.

First of all, Customs will take the lead in defining specific secure communications network requirements for the new NNBIS regional centers. Two, the National Security Agency has agreed that they take the lead in planning the network. Three, the Air Force has agreed to take the lead in canvassing the services for equipment which could be loaned to establish an NNBIS security communication network, and four, the Air Force has agreed to immediately loan a KY-65, which is a state-of-the-art secure communications to Parkhill secure communications terminal, to fill a technical void for the Customs in the interim. And all participants are to reconvene within about 2 weeks to review the specific requirements.

Now, the Air Force has continued to provide assistance to civil law enforcement agencies by monitoring sea and air traffic. The Military Airlift Command, WC-130's and the Strategic Air Command B-52's are flying maritime surveillance missions in support of the South Florida Task Force. During these missions, the Air Force is accomplishing both scheduled training and supporting civil law enforcement activities.

The Cudjoe Key Seek Skyhook aerostat system which you referred to, Mr. Chairman, provides a beneficial real-time radar data to the Customs Service in Miami. Likewise, actions to field the aerostat system at Cape Canaveral are also progressing, with an expected initial operating capability of September 30, 1983 as I promised in February to you.

In terms of providing the Customs Service with an organic airborne radar capability, the Air Force remains prepared to provide an F-15 radar set for integration/testing on a P-3A aircraft.

The Air Force has signed a memorandum of agreement with the U.S. Coast Guard which facilitates routine coordination and Air Force support for Coast Guard antidrug smuggling efforts.

The Air Force and Customs Service are investigating the possibility of assigning Customs Service personnel to operate permanently from Air Force air defense radar control center facilities. These operations must necessarily not interfere with the military mission. However, this effort could provide Customs with expanded communications and a radar capability over large geographic border areas that are monitored on a 24-hour basis.

I might add that the Customs Service has accepted the Air Force's offer and will be sending a six-man team to our Tindall Air Force Base facility for a 1-month test of this concept, starting on the 18th of July.

Now, in terms of the E-3 or AWACS aircraft, the Air Force has continued to make available to Customs normally scheduled E-3 training missions. Customs has been requested to attend quarterly and monthly E-3 training scheduling meetings to coordinate known training activities and provide inputs on their areas of interest.

Further, the Air Force and Customs have established new procedural checklists which will be used by E-3 mission crew personnel to report suspected drug smuggling air traffic to Customs ground units. These new checklists were evaluated by Air Force and Customs personnel during June 1983. When fully validated and refined, Air Force use of these checklists may eliminate the need for Customs agents to be aboard E-3 missions.

Mr. Chairman, you asked that I specifically address the impact of providing dedicated E-3 support to the civil law enforcement agencies. I wish to begin my response by explaining how the Air Force processes requests for dedicated support. If a request for dedicated E-3 missions is received, the Air Force would by necessity coordinate the request with Tactical Air Command to determine the feasibility of accommodating the request and assessing the impact of altering scheduled E-3 training missions.

Tactical Air Command would provide a recommendation to the Air Staff for the Department of the Air Force and Office of Secretary of Defense consideration. Each request is assessed based on its own merits. In the case of altering E-3 training missions to satisfy a request for dedicated support, Tactical Air Command's assessment of training gains versus training losses weighs heavily in the decision process. For E-3 support to civil law enforcement agencies to date, the Air Force has not experienced training impacts to such a degree as to degrade military readiness. However, numerous recurring requests for dedicated E-3 sorties could result in an unacceptable cumulative, negative effect on our E-3 crew training, thereby impacting military preparedness.

If it were to become evident that such cumulative effects were to impact our readiness, we would of necessity recommend to the Secretary of Defense, who is the approval/disapproval authority for

dedicated missions, that they not approve future dedicated E-3 support requests.

Mr. Chairman, in conclusion, I wish to again emphasize that the Air Force is fully committed to support the national efforts against illicit drugs. I will be glad to answer any questions that I can for you.

Mr. ENGLISH. Thank you very much, Mr. Secretary. I appreciate that.

Can you give us some idea of what goes into measuring this thing called "combat readiness"? Is that same fellow over at the Department of Defense who says that a unit either is or is not combat ready, or that something will not have an impact? Is there a certain set of criteria that goes into making up the measurement that really can be argued with the numbers themselves, or is it simply judgmental decisions by people?

Mr. LUCAS. The answer to the question is not a simple yes or no. I will try to describe to you what within the Department of Defense we call "military readiness", or "readiness reporting".

The Joint Chiefs of Staff military capability reporting system is directed by something called JCS memorandum of policy 172. It really consists of two reports. One is the UNIT REP or C-rating, which is the unit readiness measure, and the other is the Commander-in-Chief's situations report which determines force capability. Those two combined constitute combat or military readiness. Now, what is a C-rating?

A C-rating assesses a unit's resources and training to indicate the unit's ability to perform its task in a wartime mission. There are four categories and these are not classified.

C-1, fully combat ready; C-2, substantially combat ready; C-3, marginally combat ready; and C-4, not combat ready. Now, how do we derive this C-rating: By measuring some very specified resources in four distinct resource areas.

First of all, personnel: The total number of personnel assigned to a unit. The critical skills and the skill levels, second, the equipment and supplies on hand: the combat essential equipment (possessed aircraft), support equipment (spare parts, spare engines, mobility equipment and test stations).

The third category is equipment readiness: Percentage of combat essential equipment which can be made mission ready within the unit's tasked response time, and fourth, training: percentage of available mission ready aircrews.

Now, the lowest of the four measured areas determines the overall unit C-rating. So of all the four areas that I have described, if one is rated the lowest, that constitutes the unit rating, and that can be modified by the unit commander. The commander's judgment is crucial in all of this as far as the C-rating are concerned, because he has the responsibility to subjectively assess the readiness of his units.

They may be changed due to other factors, but he brings to bear his judgment on some of the critical resources that are available to this unit, and the personal experience of his people.

Now what do C-ratings not do, and this must be understood if we are to understand this rather complex question of what constitutes combat readiness. C-ratings do not provide a hard statement of unit

capability. They do not talk about combat sorties, bombs on target, air lifting, and ton miles. C-ratings do not measure force structure modernization or sustainability. That is to be able to fight a war for longer than 30 days. They do not measure all of the resources required by a unit to fight. It doesn't measure fuel. It doesn't measure munitions, and it doesn't measure host-base support. So what do they do?

Well, they provide an implied statement of individual unit capability based on the status of the unit's organic resources and training.

As I said, that is one-half of determining combat readiness. The other half is the Commander-in-Chief or whoever owns those resources situation reports and that is the other half.

They provide that kind of information to the Joint Chiefs of Staff each day. Those address force structure deficiencies, modernization requirements, and being able to sustain combat in a theater.

Mr. ENGLISH. Let me see if I understand what you said here.

Mr. LUCAS. All right.

Mr. ENGLISH. That was a very technical explanation but if I remember what you said in there somewhere, you were talking about numbers of training hours and you were talking about, I assume also, efficiency tests and you were talking about some other absolutes. You either do it or you don't do it, and why that has a negative impact. In order for a unit to be combat ready, they would have to be C-3, C-2, or C-1. C-4 would not be combat ready.

Mr. LUCAS. That is correct, to perform their wartime mission.

Mr. ENGLISH. All right, and these factors that we are talking about, numbers of training hours and so forth, all weigh very heavily on which one of those categories you would fit into?

Mr. LUCAS. Yes, sir.

Mr. ENGLISH. So, it is not something that, let's say, if I was the Secretary of Defense, and I decided, well, I want all of my units in the Army, Navy, Air Force, and Marines to be combat ready, and I say therefore, everybody is combat ready. He couldn't do that, could he?

Mr. LUCAS. No; he couldn't unless the criteria were changed in terms of how you measure these sorts of things, sir.

Mr. ENGLISH. The criteria are clear. It is not an individual making a wish, no matter if he is the President of the United States or the Secretary of Defense, or anybody else, unless he changes that criteria. They would have to meet all of those categories.

Mr. LUCAS. As it is defined by the JCS Memorandum of Policy, that is correct. Those are the rules.

Mr. ENGLISH. Also, you were talking about dedicated missions taking units away from actual training. I think a lot of people probably are going to say, well, if you got an E2C or AWACS up there, and they are watching a drug smuggler coming in, that they are training just as they would if they were over there with the fighters that they are supposed to be training with, but there is a big difference between watching a Cessna chug in on a screen than there is a F-15 blazing across there and having a mock air battle, is that not correct?

Mr. LUCAS. That is correct, sir. That is correct.

Mr. ENGLISH. You cannot acquire the same kind of skills, and that is where we have got to be careful about it, as far as AWACS or the Navy E-2C's.

Mr. LUCAS. But we have got to be careful, too, in drawing that parallel too precisely because the kind of aircraft that the drug smugglers, in fact, use. One can envision scenarios, wartime scenarios, where one could be dealing with guerrillas or countries using less than sophisticated F-15 or Mig-21 or Mig-25 aircraft, and so those kinds of aircraft in fact are good for training purposes, those kinds of targets.

Mr. ENGLISH. Let me see if I understand that. You are telling me that those smugglers coming in in a Cessna or whatever they are flying at 200 knots is going to give the people that are on board that AWACS aircraft the same level and degree of training that you would have in military exercises that are carried on in exercise areas around the gulf and elsewhere where you have got supersonic aircraft engaged in mock battles?

Mr. LUCAS. No; I am not saying that, Mr. Chairman. What I am saying is that we cannot rule out the possibility that the profiles that the drug smugglers have identified themselves with, that kind of air traffic isn't similar to some Third World countries unsophisticated, if you will, kind of aircraft, and we could envision, I think, if we use our imagination, some situations where that is good training.

In fact, the unit that we have employed to Saudi Arabia, they use fairly unsophisticated kinds, not exclusively, but some unsophisticated kinds of aircraft that provide similar kind of training.

But is it as good a training for some of our weapons controllers against drug smugglers versus sophisticated F-15 aircraft, the answer is "no." No, it isn't, not according to the training syllabus that we have designed today.

Mr. ENGLISH. So, under those circumstances, it would appear to me then that this would in fact be good training. It would, in fact, contribute to increasing the overall combat readiness of AWACS crews to have dedicated flights in support of Customs on a regular basis.

Mr. LUCAS. I wouldn't draw that conclusion, Mr. Chairman.

Mr. ENGLISH. Well, you cannot have it both ways, Mr. Lucas.

Mr. LUCAS. What I am saying is that the type of training that we see going on which is adjunct of the normally scheduled training in support of our AWACS crews down in the Caribbean is not as good, if you will, not as good as the training that we had flying in the NATO area or in other areas, but you cannot rule out that using a little imagination and changing the training syllabus that that kind of profile flown by those kinds of smugglers wouldn't, in fact, be a kind of a profile used perhaps, perhaps by Third World countries.

Mr. ENGLISH. That is just what I said.

Mr. LUCAS. But we haven't changed the syllabus.

Mr. ENGLISH. Dedicated flights down here to detect drug smugglers on a regular basis is going to give them that kind of training, and this is going to end up being a plus? We are going to do the Air Force a favor, having dedicated missions in the Caribbean and elsewhere along this southern border in support of Customs?

Mr. LUCAS. Well, perhaps, but we haven't had that much experience with this to date to indicate that it is in our best interests for everybody aboard that AWACS aircraft, that they will get the kind of continuation training that they need and the weapons controller experience that they need, that literally they substitute for flying in the Caribbean, if you will. These missions are as good as flying other scheduled training missions.

Mr. ENGLISH. What I understand from what you are saying is that the Air Force sees this as a potential combat situation in which they would be trying to track aircraft in the nature of the drug smuggler; and that this is something that the Air Force needs some training on. If that is the case, then it would seem to me that we would be doing a favor by having the Air Force flying dedicated missions down here rather than any kind of endangering of combat readiness. That we would, in fact, be enhancing combat readiness, and I didn't understand it that way, but that is the situation.

I think that is going to simplify things for a lot of folks.

Now, I personally have made some commitments to members of the Armed Services Committee that this would be something we would be very sensitive about, and I want to make certain that the Department of Defense is happy with it.

We are depending a great deal on the good graces of the Department of Defense, and the people over there, and we want their enthusiastic support. I have been worrying a lot about this, because I didn't want to enter an area where we are endangering the combat readiness rating, that we are endangering the good association that we have with the Armed Services Committee, and hopefully that this whole program has with the Department of Defense in general. That is why I want to make very sure that we understand exactly what it is that we are saying here, and perhaps it would help you a little bit if you could qualify what degree we are talking about here.

You know, an occasional mission along those lines may not have an impact. It may have a positive value, but there is a qualifying factor in there.

Mr. LUCAS. Well, I think the qualification that you just made, the key to all of this, is the mix of training, not the kind of training that you get, and what I have just said is that we ought not blind ourselves and be too arbitrary in our definition of what constitutes good training, and to date, there has been no adverse impact on the AWACS training program, adverse impact as measured by C-ratings and the Commanders-in-Chief of those forces, his own situations report and assessments.

Mr. ENGLISH. But to date we haven't had any dedicated missions of AWACS?

Mr. LUCAS. We have not.

Mr. ENGLISH. OK, that may be the reason then.

As long as the Department of Defense is happy, and as long as the Armed Services Committee is happy, we are sure happy.

But I want to be very sensitive about that line, and, as I said, we don't want to do anything to disturb DOD, and I am sure that is true of Customs and everybody else.

We don't want to do anything that would have a negative impact on this development of the use of the Department of Defense resources. I think that is very important.

Mr. LUCAS. Well, sir, I am very sensitive to that, too, and I will watch it as carefully as I possibly can, especially with the AWACS program and to date, there has been no adverse impact on the readiness of the AWACS program in supporting the war on drugs.

Mr. ENGLISH. Mrs. Boggs?

Mrs. BOGGS. Thank you, Mr. Chairman.

Secretary Lucas, I wish to formally greet you and welcome you to New Orleans and the Second Congressional District.

Mr. LUCAS. Thank you.

Mrs. BOGGS. I am very pleased that you have taken the time to come down to be with us and give us such expert testimony. As a member of the Appropriations Committee which reviews the budgets of the various departments and agencies, I have continuing difficulty in being so concerned that many of the programs are not coordinated among the departments and agencies as they are by law required to be. So I salute you on your efforts of coordination, particularly in the area of personnel.

We find in reviewing that the personnel placement is sometimes duplicated by various departmental agencies' coordinating efforts, and sometimes we find various duties that fall between the cracks, so I am pleased to note that you are going to be replacing three temporarily assigned personnel in the Florida task force with permanent personnel.

I was also pleased that you have assigned permanent personnel to the Vice President's Task Force. Yes, I noted that the regional offices of the Customs Service, you are going to assign temporary duty personnel.

Mr. LUCAS. Yes.

Mrs. BOGGS. Would you explain the difference to us, please?

Mr. LUCAS. Well, when we were notified, and when the request was made by the Vice President's Office to the Office of the Secretary of Defense, and when we received it in the military services, the requirement for the total number and types of people wasn't clear, other than the reporting date.

And we responded, I think, in a very rapid fashion in assigning somebody down to each one of the centers, as here in New Orleans, and we believe that the temporary assignment is exactly what is in order, now, until the NNBIS regional centers evolve, develop and gain experience, and they can identify their requirements a little more carefully, and then we will attempt to support that.

We believe that the temporary assignment of personnel is exactly what is in order. That temporary nature may last only another day or 30 days or 3 months or 6 months. It is entirely up to each one of the regional centers.

The point is that we believe that this is the right thing to do at the moment, until we get a better idea of what the requirements are.

Mrs. BOGGS. But do you have experience with temporary personnel assigned to the Florida task force that you would lean on to determine what type of permanent personnel should be assigned in order to make that decision?

Mr. LUCAS. That was clearly one of the most important factors of determining the kind of personnel and whether or not that South Florida Task Force would be used as a model for other regional centers, really, in other parts of the country. And when it was determined that the South Florida Task Force would become permanent, we assigned personnel on a permanent basis.

Mrs. BOGGS. It is very difficult to determine the impact of a regional center without knowing exactly what type of support personnel you are going to have from the coordinating agencies. I would hope that you would resolve this problem before the budget requests come along.

Mr. LUCAS. As a matter of fact, I have taken the opportunity while I was down here this past day or so to speak to Admiral Stewart about that, at least for this region, and he and his staff have worked with mine in identifying what he believes will be the requirements over the next 6 to 9 months.

And I think we will go back and examine that, and I will come away with a better understanding of what we really need here. We didn't know that before we arrived.

Mrs. BOGGS. You have heard about the high morale of the people in the drug interception program, and I trust that that morale quotient will be taken into consideration in the permanent placement of personnel.

Mr. LUCAS. It will be. I can guarantee it.

Mrs. BOGGS. Thank you very much.

Mr. ENGLISH. Mr. Coleman?

Mr. COLEMAN. I have no questions.

Mr. ENGLISH. Mr. Lucas, I notice you said in your statement that you may no longer need the customs officials to be physically aboard the AWACS to handle all of the intercept information for Customs. I know back in February you made reference to something along that line.

I believe you said that was going to be the case, but it is my understanding that the Air Force has continued to require a customs official to be physically aboard the AWACS flight if this information was going to be handed over to Customs.

That is what has resulted in some AWACS flights, training flights down here in this region, in which there was information that was not being transferred to Customs for their use, simply because they didn't have someone aboard.

Do you have any explanation as to why this is the case, sir?

Mr. LUCAS. Well, the Air Force has not required that Customs have an agent aboard all of the E-3 missions of interest. This has really been a Customs requirement. I will say, though, that only in the last 3 months have we felt positive that adequate procedures could be developed that might allow a military individual to perform this special function performed by customs agent on board the E-3.

Mr. ENGLISH. So up until just recently, then, you have had to go ahead and carry it out in that manner?

Mr. LUCAS. Yes, sir.

Mr. ENGLISH. Do you think you are over that problem now and can transmit directly to Customs?

Mr. LUCAS. I think that we can. The checklists that have been developed between the Air Force and Customs and the experience that we have gained, as I said, over the last 3 or 4 months, have built our confidence and we believe, in fact, that we may not require a customs agent aboard the aircraft, but that is really up to Customs to decide not the Air Force, but we hope that we can come to some mutual agreement as to the necessity.

Mr. ENGLISH. What you are telling me then is that it is Customs rather than the Air Force that requires you to still have somebody on board. The Air Force has been willing, then, to provide this information to Customs, if Customs would tell the Air Force what they wanted them to provide; is that correct?

Mr. LUCAS. That is correct, but I wish it were in fact as black and white as that, and in investigating, I find that, of course, it is not.

We are gaining experience working with the Customs Service, and gaining experience with each individual who is different, and as a part of that crew on the AWACS, and as time goes on and the checklists are refined, we believe the Air Force believes that we can use military personnel and not require a customs agent aboard.

If, however, Customs Service wants someone aboard that aircraft, we will accommodate them.

Mr. ENGLISH. Last summer we talked about using E-2C's and using AWACS and doing all of this with Customs, and we were told that there would be meetings between the three, the Navy, the Air Force, and Customs, who would get together on a regular basis. Training schedules for the E-2's and AWACS were supposedly going to be tried to be worked out so that we wouldn't have any overlapping, and Customs could make maximum use of these resources in the area.

Is that happening now?

Mr. LUCAS. Yes; I believe that it is. I am not directly involved nor my immediate staffs, but I have been assured that, in fact, we are working with both Customs and the Navy, and others, in coordinating the scheduling of the tasks.

Mr. ENGLISH. So, I am correct then in my assumption that monthly, quarterly, or whatever the basis is, whenever the Air Force and the Navy decide that they are going to be in training, that they sit down and Customs is present as well, and they say, OK, we are going to be down here in this area on this day, and the other Service decides it will be down there sometime later so that they are both not down there on the same day, so that Customs can maximize the detection capabilities that we have, particularly down in the gulf area, and off the coast of Florida?

Mr. LUCAS. We invite the Customs Service and others who are going to make some requirement from the AWACS missions to attend our monthly and quarterly scheduled meetings, and they do participate.

I could provide for the record how often, but they do participate in the scheduling of those missions. That, we schedule some missions and they participate in being briefed on where they are going to be flown and who is going to be involved in it, the training.

Mr. ENGLISH. I would appreciate it if you would provide that for the record. That would be helpful to us.

Mr. LUCAS. All right, sir.
[The information follows:]

Prior to May 1983, U.S. Customs Service participation in AWACS scheduling was on a monthly basis. Either Customs representatives at Tinker AFB, Okla., or Houston, Tex., interfaced directly with 552 AWACW representatives to review the monthly schedule and to arrange for Customs officers to fly on E-3 missions of interest. Customs did not attend all E-3 advance scheduling meetings.

With the establishment of the National Narcotics Border Interdiction System (NNBIS) and a NNBIS Program Office at the White House, the NNBIS Program Office Staff assumed coordination responsibilities for airborne surveillance requirements between Customs, the Air Force, and the Navy. An initial scheduling meeting between these principals was held on May 27, 1983, and similar coordination sessions have been conducted each subsequent month. To provide maximum lead-time inputs to ensure optimum E-3 scheduling accommodations, the Air Force anticipates that Customs and the NNBIS Staff will attend the AWACS quarterly scheduling meeting in October 1983, and subsequent quarters.

Mr. ENGLISH. As I mentioned earlier, the Navy has been providing some dedicated coverage off of south Florida for the South Florida Task Force. It is my understanding from discussions with Navy personnel over an extended period of time that this thing is getting to be quite a burden on the Navy, and that we are edging closer and closer to that line that I was talking about on the combat readiness issue.

If the Air Force and AWACS are given that sort of task, a dedicated mission for Customs, not as a part of a training mission, but a dedicated mission on behalf of Customs, how long do you think that the Air Force could carry that responsibility out before you would have some serious concerns about the law and combat readiness?

Mr. LUCAS. Well, we have not—

Mr. ENGLISH. In general. I am not asking you to give us a day and hour, just generally what are we talking about?

Mr. LUCAS. First of all, we have not been asked to provide dedicated missions for this purpose, similar to the way the Navy's E-2C involvement has developed, and I might say, as I understand the Navy's tasking in the past year, the E-2C has provided one dedicated sortie per day for 10 to 17 days per month, with civil law enforcement efforts.

Tactical Air Command, that I referred to in my statement, recently advised the air staff that such a tasking would negatively impact on continuation training. For example, Tactical Air Command noted that flying 5 consecutive days of dedicated sorties per month for the year would result in a 10- to 13-percent loss of E-3 continuation training for combat crew personnel.

Now, Tactical Air Command indicated that such a tasking would greatly impact the proficiency of these crews, and create significant adverse impact on TAC operations, and readiness, so I think one could conclude that a dedicated tasking of E-3's or AWACS like that for the Navy's E-2C's could have a significant impact. It has not today, because we haven't been asked.

Mr. ENGLISH. Again, I don't want to beat this thing to death, but I think it is very important to Congress as well as Customs and everyone else to have a very clear understanding of exactly what we can do without having any problems on combat readiness, and what we cannot do, so I assume the key is training.

If it has to be done over any kind of extended period of time, it has to be done in conjunction with regular training operations. The Air Force may need to make some adjustments in the locations where it is done, and on the timing on some of the training, but it is still going to have to be looked at in training.

And once you start going dedicated then the clock really runs, and each day that goes by in which those resources are being used on a dedicated basis, that is when you are edging closer and closer to having a real impact as far as combat readiness?

Mr. LUCAS. Absolutely, sir, and I think the key word that you used is planning and coordination. If we can work with the Customs Service far enough in advance and try to plan some of the activities in the Caribbean area, I think it would lessen the impact.

But without that kind of coordination and advanced planning, I think it would impact adversely on the readiness training of the AWACS crews.

Mr. ENGLISH. I want to probe just a little bit more in this area and into another area of concern that I have.

I want to make sure that I know where we are going. We have only a limited number of fighters down in the Southeast part of the United States.

As I understand it, the way AWACS trains, AWACS goes where the fighters go. The fighters don't go where the AWACS goes, so AWACS comes down here and in the gulf area, and you have got airspace blocked off for training flights. You go out there and the fighters go out there from the Southeast part of the United States, and they do the training or whatever, and they go back to the base.

But part of this, I suppose, is an invitation to say, well, why don't we do all of the AWACS training down in the gulf? And we will bring all of the fighters from wherever they are in the United States down to that part of the country. If we move in this direction with that type of an operation, does this start causing problems?

Mr. LUCAS. Well, in this case, I would like to present a simple answer to your question. I think yes, it would. There are a variety of reasons that perhaps I could give that would say that that is not a good idea: the sensitivity of the countries in the Caribbean to seeing large fighter forces appear on their radars, F-15's, F-16's and so forth, in the Caribbean; and for a variety of other reasons that is not a particularly good idea for training.

Our forces would have to deploy not only to that specific area but also to support NATO contingencies and we try to find all-weather situations that the Caribbean simply just does not provide. There are other considerations, but sir, that would not be a good idea.

Mr. ENGLISH. So we couldn't do that without having a negative impact on combat readiness, if you start bringing those fighters down here?

Mr. LUCAS. Yes, sir.

Mr. ENGLISH. That would have an impact on the fighters and possibly the AWACS themselves?

Mr. LUCAS. Yes, sir.

Mr. ENGLISH. In addition to the training programs themselves?

Mr. LUCAS. Yes, sir.

Mr. ENGLISH. Very good.

One last question I have. You mentioned a commitment that had been made for a test with the P-3 and F-15 radar. Assuming that test is successful, I realize that the F-15 radar is a very valuable resource as far as the Air Force is concerned.

It is something that they are very protective of, and I understand why, with high capability, but over an extended period of time, let's say 18 months or 2 years, if the test proves successful, and if we are borrowing those additional five radars from the Air Force over that period of time, in your opinion, would this have a detrimental or a negative impact on combat readiness?

Mr. LUCAS. Over an extended period of time, the time that you have described, I think that the impact on our readiness could be dampened and we would, I think, Mr. Chairman, accommodate this particular proposal.

I think that in the near term, however, if we were asked to do that, that there would be an adverse impact, but in the long term, if we can work with the committee and the Congress, and work with Customs and working out our own supply and spare parts problems, I think we could accommodate, if that is the decision to pursue five additional F-15 radars. I think that we could do that.

Mr. ENGLISH. That would be the assumption if that worked out satisfactorily. I think not only the Air Force schedule as I understand it, but the Customs would probably take that time to put together the pilots to go through that training to be ready to accept and to use those kinds of resources.

I think probably we would have that kind of timelag with both the Air Force and with Customs. That is very fine, Mr. Lucas. I appreciate your coming down to New Orleans and giving us your testimony on this.

Mr. LUCAS. Thank you, sir.

Mr. ENGLISH. I think it helped clarify some of the questions, at least that I had, on combat readiness. I think it is very important that everyone understand what they can do and they can't do in that we are going to be depending very heavily on the Air Force and on the Navy. We must use those training flights as well as we possibly can to give us the detection capability down here in the New Orleans area as well as the south Florida area, whenever possible, to help out until we can bring some of these other resources on line.

We appreciate that and we appreciate the support of the Air Force and the Department of Defense. Thank you very much.

Mr. LUCAS. Thank you, sir, and on behalf of the Secretary of the Air Force, and I think the Secretary of Defense, again, you are to be applauded, and this committee for focusing the Nation's attention on a national problem and we in the military stand ready within the law to do what we can to stop this illicit drug traffic.

Mr. ENGLISH. Thank you very much. We appreciate your testimony.

Our next witness is Rear Adm. William H. Stewart, the Regional Coordinator of NNBIS, the National Narcotics Border Interdiction System. Rear Admiral Stewart is with the Coast Guard.

STATEMENT OF REAR ADM. WILLIAM H. STEWART, REGIONAL COORDINATOR, NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM, U.S. COAST GUARD

Admiral STEWART. Thank you, Mr. Chairman.

I appreciate the opportunity to appear before the committee. I would like to read a statement into the record with your permission, sir.

Mr. ENGLISH. Certainly.

Admiral STEWART. Mr. Chairman, and members of the committee, Congresswoman Boggs, I am Rear Adm. William H. Stewart, the Regional Coordinator for the National Narcotics Border Interdiction System, gulf region. I assumed this collateral duty for the NNBIS on the June 17 of this year. I welcome this opportunity to discuss our interdiction effort with this subcommittee.

NNBIS, as announced by the President on March 23 of this year, is a program designed to coordinate the Federal effort against the narcotics trafficker attempting to cross the borders by land, by sea or in the air.

We will use the general principles and the successful interdiction techniques developed in south Florida over the past 2 years. We have had some successes already and coordination between participating agencies continues at a high level.

The gulf region of NNBIS encompasses a very large water area, 111,500 square miles of the gulf of Mexico, the Yucatan Pass, and the Caribbean Sea.

It also includes the border areas of the States of Alabama, Louisiana, Mississippi, Texas, and a part of the State of Florida. Manning of the New Orleans center on a permanent basis has started.

We currently have seven people on board from Customs, Coast Guard, and the Department of Defense. I expect we will be up to full strength soon.

At that point, people from each of the Federal agencies who have a role in drug interdiction plus State and local representatives will be actively engaged in a coordinated drug interdiction effort in the gulf region.

The Drug Enforcement Administration, the Federal Bureau of Investigation, Immigration and Naturalization Service, the Border Patrol, U.S. Customs Service, the Coast Guard, the Department of Defense and the intelligence community, the New Orleans Police Department, and the State of Louisiana are all contributing in some manner.

The bulk of the manpower is presently being provided by Coast Guard, Customs, and the Department of Defense. Facilities for the Operations Information Center and the Intelligence Information and Coordination Center are under construction on the 13th floor of the Hale Boggs Federal Building, and will be completed by September 1, of this year.

The center will be divided organizationally into the three parts: The Operations Information Center, or the OIC, the Intelligence Information and Coordination Center, or IICC, and the Air Operations Section, or AOS. All three groups will report to a staff coordinator and then to me.

The Operations Information Center will coordinate intelligence with resources and recommend action to the command and control element of that particular resource.

The Intelligence Information and Coordination Center will look at the total intelligence picture for the area with information from all possible sources, and present to the OIC a picture of the criminal activity in that particular area.

The Air Operations Section will vector and advise Air Resources of the location of air targets for further investigation.

To insure coordination with the Organized Crime Drug Enforcement task forces set up last year, a strong liaison link will be established with each regional task force coordinator.

For example, one of the agency task force coordinators assigned to the regional drug task force in this area will be advised of all cases we have in progress and will, in turn, advise the NNBIS Center of any cases in which an interdiction may arise.

It will then be the region's responsibility to brief the noncore city task forces, such as New Orleans or Mobile, to keep local law enforcement agencies advised of our activities.

I will be asking the Governors of each of the States in our region to designate a contact point in the State agency responsible for drug enforcement.

In Louisiana, that person will quite likely work in the center. In the other States, the person designated will probably remain in his home State. The State agents designated will also provide us with the State and local intelligence needed to round out the picture.

Information will be exchanged on a continual basis with both the other NNBIS regional centers and with the El Paso Intelligence Center. EPIC's role in intelligence will not decrease in my estimation, but will increase as they coordinate the nationwide assessment.

They will provide the strategic information necessary for us to meet the changes in tactics by the opposition. The overall NNBIS effort nationwide is intended to fill a gap in the country's drug enforcement program.

Overseas, source country eradication programs under the Department of State are working to reduce the supply of contraband drugs at the source.

Within the United States, domestic eradication programs under DEA, in cooperation with the various States, are targeted on reducing home-grown marihuana and eliminating illegal chemical production of drugs, such as PCP.

Domestic enforcement programs under DEA and extensive research and education efforts are working to reduce the demand for illicit drugs.

The Attorney General's task forces are aiming at the large organized traffickers in contraband drugs, and their complete organizations and finance structures.

All of these programs are producing results, but by their nature, most tend to be long-term efforts, and the full effect and benefits may not be realized right away.

In the meantime, it is clear that strong coordinated law enforcement action must be taken to interdict the flow of illegal drugs at or before the point at which they enter the country.

That is the NNBIS mission, to stop the drugs at the border. And to do it by making the maximum effective use of all of our national assets in a fully coordinated, systematic approach to the problem.

We will make extensive use of our national intelligence community and of our national defense resources, but with the assurance that we will not adversely impact on our defense readiness.

The key is coordination, taking advantage of available assets without duplicating efforts between agencies and without leaving areas of interest uncovered.

It is not a small task and will require extraordinary cooperation, not only across all the Federal civil law enforcement agencies and the Defense Department Military Services, but also across the States, of local enforcement agencies, and their National Guards and Air National Guards.

Working together, there is no doubt, Mr. Chairman, in my mind that we can and will do the job.

And, if I may return to the Gulf area, the current intelligence overview for the region is as follows:

From December 1982 until May of this year, the Yucatan was the pass of choice for the smugglers for maritime efforts. Thirty-five percent of all mother ships seized during the period were seized in that area.

Once in the Gulf, the vessels may then proceed to fan out to the Southwest coast of Florida, the bayous of Louisiana, or the coast of Mississippi, Alabama or the coast of Texas to offload. Aircraft, as you have already learned, use the Gulf as a primary smuggling route. Once ashore, they proceed to remote air strips in or north of the Gulf States to refuel or offload.

In recent NNBIS operations, we have successfully interdicted two aircraft with loads, a container from a commercial vessel, and a barge-load of marihuana. Even before NNBIS, we here in the New Orleans area recognized the need for a coordinated effort and were constructing a joint center on a smaller scale.

The larger effort now planned will significantly enhance our efforts to stem the tide. We will be able to work a lot smarter than we have in the past.

This concludes my prepared testimony, Mr. Chairman, but I would like to comment on how pleased I am with your action and the commitment of the participating agencies.

The first DOD person, a member of the U.S. Air Force, is on board and on watch. I have commitments for agents from the Drug Enforcement Administration and from the Federal Bureau of Investigation.

I am not so concerned about the lack of commitment, Mr. Chairman, as I am about the lack of space, and the GSA is working very, very hard to remedy that, and they have been most cooperative.

Now, sir, I will be happy to try to answer any questions that you or the committee may have.

Mr. ENGLISH. Thank you very much, Admiral Stewart.

We appreciate your testimony in your new role in NNBIS. Who are you responsible to as regional coordinator?

Admiral STEWART. I am responsible to the Vice President, sir.

Mr. ENGLISH. Directly to the Vice President?

Admiral STEWART. Yes, sir.

Mr. ENGLISH. And have you also been relieved of your responsibilities as far as the Coast Guard is concerned while you are carrying out this new responsibility?

Admiral STEWART. No, sir, I have not. I still remain Commander of the Eighth Coast Guard District.

Mr. ENGLISH. I would think that this is going to be a full-time job heading up NNBIS. This is a pretty big region covered in here, and a lot of territory and a lot of people that have to be brought together, and that would take a lot of effort and a lot of time, wouldn't it?

Admiral STEWART. Yes, sir, it will. It has spiced up my life a bit, Mr. Chairman.

Mr. ENGLISH. Well, I would think that under the circumstances, unless you didn't have much to do when you were heading up the Coast Guard, that this was going to be posing severe problems for you, timewise.

Admiral STEWART. Sir, let me holler when I am hurt.

Mr. ENGLISH. Well, I don't want you hurt, that is the problem, because the concern I have got is this. I think NNBIS has a lot of potential, but certainly success is not guaranteed. We have seen an awful lot, particularly in the drug business, of these special task forces and special groups and special efforts come and go. Quite frankly, most of them have been a flash in the pan, and they last about as long as the headlines in the newspaper.

Once they start getting off of the front page, you can pretty much count on them dying out, and my concern is that we are going to have to have a real concentrated effort, not only out of you, but out of everybody else that is involved in this thing together. I seriously question whether you could continue to head up the Coast Guard and carry out all of the tremendous responsibilities that a person has heading up the Coast Guard, and at the same time run NNBIS. Something is going to have to give someplace.

Admiral STEWART. Well, Mr. Chairman, I am blessed with an extraordinarily capable staff and I know from your own busy time schedule that we just learn to delegate a little more to people who are capable of handling it. I believe quite sincerely that I can handle both jobs and do both well.

Mr. ENGLISH. I hope you are right, but if you start feeling a pinch, you don't have to get to the point of getting hurt, but if you start feeling a pinch, let us know. I am very serious about this effort and I want to see it succeed. I sure don't want to see any other problems arise that would take time away from NNBIS.

Admiral STEWART. Thank you, sir.

Mr. ENGLISH. Do you expect to have the capability to transmit and receive classified information at your new headquarters?

Admiral STEWART. Right now, sir, if you are thinking of classified information in the sense of the national security classification system, I have that capability, sir.

Mr. ENGLISH. You have that capability where?

Admiral STEWART. In my communications center in the Coast Guard District.

Mr. ENGLISH. Where is that located?

Admiral STEWART. In the Hale Boggs Building, sir. It will be collocated with the OIC and the IICC.

Mr. ENGLISH. You are going to have the NNBIS headquarters at the same place as the Coast Guard headquarters; is that right?

Admiral STEWART. Yes, sir.

Mr. ENGLISH. And you will have all of the resources available to you at the Coast Guard facility for NNBIS; is that right?

Admiral STEWART. In my regional coordinator hat, I will have also the resources of the remainder of the Federal law enforcement family, sir, as well as I have already been assured from the Governor of the State of Louisiana that I will have the resources available through Colonel Garrison, and also Superintendent Morri here in New Orleans, his support, and I am sure that the remainder of the State, local law enforcement family will follow through.

Mr. ENGLISH. One of the problems that we have got, particularly among Customs, is having means of transmitting communications.

It just simply can't be done if you have got drug traffickers listening in to everything that you are saying. Is there anything that you have in mind to deal with that problem to straighten that out?

Admiral STEWART. Sir, if you recall in Deputy Assistant Secretary Lucas' testimony, he indicated that there are some actions being taken which the Air Force is permanently involved in in terms of additional secure communications for all of the regional centers.

Yes, we do have some plans in connection with additional circuitry, additional equipment. I don't think that we have proceeded to the point that I could lay out the different black boxes that we are going to procure, but one of the main factors in making the decision to put the NNBIS center in the Hale Boggs Building was the fact that I already had the necessary classified equipment to communicate. We always have that as a military service.

Mr. ENGLISH. Uh-huh. Do you have any idea when you might start receiving some of that communication equipment?

Admiral STEWART. Yes, sir, I am going to be on line and fully operational on September 1.

Mr. ENGLISH. I mean as far as Customs.

Admiral STEWART. Customs will be operating out of that center, Mr. Chairman.

Mr. ENGLISH. But when they are communicating with an airplane, with the people out in the field, they don't have anything then, do they?

Admiral STEWART. No, sir, not at the present time. At least something that is not capable of being monitored.

Mr. ENGLISH. Yes, and that is where the real need is. I realize that we are going to have information that needs to be transmitted from one region to the other, and that you have to secure equipment to do that. But the real need, it appears to me, if you are going to go out on air interdictions is that you are going to have to have these airplanes that have secure communications so that you can talk to them and they can talk to each other without having the drug traffickers knowing exactly what you are talking about.

Admiral STEWART. Well, there are a lot of ways to get around that, sir, and I wouldn't necessarily say that every airplane that is in the air that is on an interdiction mission has to have the necessary black box, NNBIS will communicate with other NNBIS centers and certain law enforcement agencies by secure telephone or

data lines. Communications with agencies is the responsibility of the agency concerned. I do not foresee the need for NNBIS to routinely communicate with field units since each unit will be directly under the operational control of its parent agency. But I would like to provide you some additional information for the record on that, if I may.

Mr. ENGLISH. Yes, I certainly would appreciate knowing any thought that you have given to that plan, being directed toward that, because I think a big difference exists. I may be very much wrong, but I am not as concerned about having secure communications in the Hale Boggs Building as I am to that airplane out there who is trying to make an interception.

Admiral STEWART. I am also concerned about the Coast Guard cutter out there, too, Mr. Chairman.

Mr. ENGLISH. That is my next question. Does the Coast Guard cutter out here, the ships that we have, do they have secure communications?

Admiral STEWART. The larger vessels do, yes. The smaller ones do not, and we are working on that problem.

Mr. ENGLISH. OK, so that is being addressed as far as the small vessels go.

Admiral STEWART. Yes, sir.

Mr. ENGLISH. The ships that you have at your disposal in this region that are going to be under NNBIS, what percentage of them have secure communications?

Admiral STEWART. May I furnish that for the record, Mr. Chairman?

Mr. ENGLISH. I would appreciate it if you would.

[The information follows:]

One hundred percent of the Coast Guard cutters assigned to the Eighth Coast Guard District have secure communications in some form. They currently have either secure teletype, secure voice or an operational code that can be used to encrypt information.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Admiral, with respect to the intelligence gathering that you plan to make in this region, there was a statement in a GAO report, that I am sure you are aware of, which suggests that DEA, Customs, and the Coast Guard all have the makings of intelligence programs, that information gathering as well as processing and analysis are uncoordinated and sometimes duplicated.

That is my real question. Will we be duplicating some of that at the NNBIS center?

Admiral STEWART. Sir, when you say duplicate, let's say that I would receive it, either in raw or sanitized form, depending on the sensitivity of it and the need to know the method by which the intelligence was gathered or the course of it, which many times I do not need.

I will receive it from DEA. I will receive it from FBI. I will receive it from Customs, all of which has some intelligence gathering capability. I will also rely rather heavily on EPIC to give me the picture, as I mentioned in my prepared statement.

We are already beginning to see the fruits of this, even though the center is in fledgling form at the present time. I expect that

capability to grow and I expect us to become both more efficient and effective as a result. I see great promise in this.

Mr. COLEMAN. Do you plan to transfer that information back and forth?

Admiral STEWART. Yes, sir, most assuredly.

Mr. COLEMAN. Also?

Admiral STEWART. Yes, sir.

Mr. COLEMAN. There was a suggestion that certain Customs and Coast Guard intelligence functions should be transferred to NNBIS. That is a statement that the JR report examines.

It looks like you are going to continue to operate similarly with your own intelligence. Do you do that because it is really more strategic or tactical from this basis rather than the information you receive from EPIC?

Admiral STEWART. A lot of EPIC is worldwide. Some of it is history. Some of it is real time. It gives us, as I mentioned, the ability to detect changes in patterns, but we do have a provision for providing some of our own real-time intelligence analysis within the center itself.

Mr. COLEMAN. I know you are recent in the area, but I am curious about whether or not you utilize EPIC information on a tactical basis. Are you able to interdict from information received from EPIC?

Admiral STEWART. Let's say that EPIC fills in the picture. When they start putting together intelligence information, sir, it is like assembling a puzzle, and DEA may have two pieces of the puzzle, the FBI might have three, Customs may have several, EPIC may be able to furnish the background and the border of the puzzle which makes it all come together.

I would rather say that I would be able to use EPIC more effectively now that NNBIS is on line, and that is already started.

As a matter of fact, on Thursday, June 16, I visited EPIC and had a long session with its director, and I believe that is going to produce a far more productive relationship than it has been in the past.

Mr. COLEMAN. You would say then that your tactical interdiction efforts come from your own resources right now. When you directly move your resources in an interdiction effort, they come from your intelligence gathering rather than from somebody else's?

Admiral STEWART. I haven't been on line long enough to tell you how much we use EPIC, but I expect to use EPIC a whole lot more. As I said in my prepared statement, that I have in the past.

Mr. ENGLISH. Mrs. Boggs.

Mrs. BOGGS. Thank you, Mr. Chairman.

Admiral Stewart, it is a pleasure always to have you with us and to be able to exchange ideas and thoughts with you. I think that it is standard operating procedure for the U.S. Government to impose each new program that it wishes to push forward upon the Coast Guard and the Coast Guard personnel, and I want to thank you, Mr. Chairman, for being very sensitive to the fact that we usually do do that without giving them any more help or very much more money with which to carry out the program.

So I hope you will accept the chairman's offer to enhance your operations in whatever manner would be indicated, and I know that you will find support from this committee.

I was very interested in, obviously, the maritime successes that you have had in the past, and I was wondering if by any chance you will be able to use any more of the ships that were built locally in the NNBIS operation?

Admiral STEWART. Yes, ma'am. They have been most productive and we are developing techniques also for sustaining them more time at sea than they are capable now in terms of replenishing them, but they have been very effective.

I don't think the first of these was on station more than about 48 hours before she participated in her first interdiction effort. They have been very helpful.

Mrs. BOGGS. All of the predictions that we had at that launching then have borne fruit?

Admiral STEWART. Yes, ma'am.

Mrs. BOGGS. That is good to know, and as I said earlier, I really hope that since they have operated so well and efficient that you will be ordering more of them, but Secretary Lucas referred in this testimony to the BAT program, with the DEA coordinating effort with the Bahamian Government and you referred in your testimony to overseas source country eradication programs under the Department of State are working to reduce the supply of contraband drugs at the source.

In addition to that, what other bilateral programs do you have with source countries?

Admiral STEWART. We have some bilateral negotiations with the Government of Mexico, ma'am, with the Government of Colombia. We do have some information in connection with Jamaica. Those are the ones that readily come to my mind.

Mrs. BOGGS. Secretary Lucas indicated that the BAT program had been in existence since May 1982, and just recently, because it was working quite well, they had extended their participation for 10 more months.

What sections of the governmental departments or agencies or the Defense Department have been working with other countries within these outside areas?

Admiral STEWART. As far as similar operations to the BAT program, you mean?

Mrs. BOGGS. Yes.

Admiral STEWART. Ma'am, I know of none in terms of that kind of direct assistance to another government involved in narcotics interdiction. There are always Coast Guard activities in this regard in terms of our military role overseas, assistance in developing the interdiction capability on the part of the host country.

As you may recall, when Admiral Hayes was Commandant, one of the things that he was most interested in was the Caribbean initiative of that sort. We have placed Coast Guard liaison officers on the staffs of various countries and commands around the Caribbean in order to assist other countries in developing their own interdiction and surveillance capabilities, but I do not know other than that particular program. I would defer to the Deputy Assistant Secretary in regard to whether there are any other programs.

Mrs. BOGGS. Since it was so successful, and I don't see how a few helicopters could pose any military threat with respect to U.S. presence in the Caribbean area, is there a possibility that you could have any role under this type of cooperation between the Air Force and the Coast Guard with the other countries?

Admiral STEWART. I will be doing it. The country that I will primarily be looking at is Mexico because of their tremendous coastline and some evidence of the fact that that country is in some instances used as a temporary stopping point for some types of smuggling operations, so there would be where I would start.

Mrs. BOGGS. I was very pleased with the various agencies which you have already put together to coordinate your efforts.

I am curious, however, because there are, landing fields in many neighboring jurisdictions, are your local law enforcement officers in these jurisdictions, are they involved in the search as well?

Admiral STEWART. Ma'am, I have sort of formed a board of directors, if you will, and it is composed of the senior people in each of the participating agencies or their alter egos, and I have asked Bo Garrison for the State of Louisiana, since he is well known and has very high level interaction with his counterparts throughout the other States in the region to be my contact point, my conduit through which we will ask or give information to counterparts in the State of Texas, for example, or in Alabama.

I will also use Superintendent Morris for contact with parish sheriffs or contact with local law enforcement agencies throughout the remainder of the region. Both have agreed to assist NNBIS in this regard, and I would expect to use them to coordinate what NNBIS is doing, how NNBIS can be supported better by the local interstructure through both of those gentlemen.

Mrs. BOGGS. I noticed that in the domestic eradication program, you are working with various State agencies. This is probably an off-the-wall suggestion, but read just yesterday that there is a distressing element to marihuana pollen that causes suffering to people with allergies. Perhaps you could engage allergy doctors to trace the source of the field of marihuana.

Apparently, the mulberry bush is a very close cousin to marihuana and there is an epidemic of allergic distress as a result of mulberry plants that were planted in the west a few years ago. There is also apparently an epidemic of suffering from marihuana pollen, and perhaps also might help you to identify the domestic source of some of this marihuana.

Admiral STEWART. Thank you, ma'am, for that idea.

Mrs. BOGGS. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mrs. Boggs.

Admiral, we have heard a great deal today with regard to problems of air interdiction, and the weaknesses described. Do you agree with what you heard here today?

Admiral STEWART. Well, let me look at air interdiction through some very special glasses, Mr. Chairman, because I have had 20 days on the job, so let me say that what I have seen so far most assuredly tells me that we do have some serious air interdiction problems.

I would defer to the U.S. Customs Service in terms of whether or not the equipment which they are borrowing, if you will, from the

Department of Defense will solve that problem. I hope sincerely that it does, and I am prepared as the NNBIS regional coordinator for the Gulf region to support those requests, and if that doesn't solve the problem, we will simply find something else that does.

Mr. ENGLISH. You would not take issue with anything that the Customs people have testified?

Admiral STEWART. Not at the present time, sir, because as Deputy Assistant Secretary Lucas has indicated, DOD does have some commitments along this line, and I am aware of those, sir.

We have already heard testimony this morning about the P-3's coming to Customs, and the use of the F-15 radar as a test vehicle, and the commitment that this additional equipment would be forthcoming, if, in the long term, the tests prove satisfactory.

I do know that assuming a favorable 1984 budget situation, the Army is committed to the 8 C-12 aircraft that Customs has requested. I do know that the date of initial operation of the new Areostat radar at Patrick is October 1, this year, and I understand it will be completely operational by the spring of the following year, so I am hopeful that this will be the answer. I take no exceptions to any of his testimony.

Mr. ENGLISH. So it is your understanding that the Vice President is supporting the proposal that I laid out in February with regard to the 6 P-3's, and the 6 F-15 radar planes, the four Blackhawk helicopters, 4 Cobras, and 8 C-12's?

Admiral STEWART. That is my understanding, but I do know that in connection with the F-15, of course, we still have a study done by Customs which is under review at the Washington level and, of course, the Army has indicated very strong concerns about an adverse impact on their readiness posture unless there are some favorable budgetary actions in 1984.

As far as the Blackhawks, you are well aware, Mr. Chairman, they have one already on loan, and I understand that three more are forthcoming, and in the fiscal year 1984 timeframe.

Mr. ENGLISH. The P-3 with the F-15 radar, that would give Customs certainly much enhanced detection capability, not just here in New Orleans but all across the southern border, and the C-12's certainly will give the speed. It is my understanding that they will probably require some FLIR radar; in addition to the Blackhawks and the Cobras. Can you think of any additional equipment that would be helpful for interdiction, I should say with the exception of communications equipment, with the exception of secure communications?

Is there anything in addition to that that Congress needs to address, or that the administration needs to address?

Admiral STEWART. Not at the present time, Mr. Chairman.

Thank you, but I believe that between all of the board of directors, if you will, for NNBIS for the gulf region, we will not hesitate to take you up on your offer, if we find that either some of the equipment that we now have does not work out as anticipated or if we find some gaps in terms of this.

Mr. ENGLISH. Very good.

We would hope that you certainly wouldn't hesitate to call on us for anything in that respect. There is also a situation with regard to State and local law enforcement and I know that in response to

Mrs. Boggs' question, you said that you had already set up a way to coordinate activities with State and local law enforcement officials.

What is your understanding of DOD's current procedures for requests from State and local law enforcement for assistance under this posse comitatus change in the law? What I am talking about is, suppose you have a sheriff call you up or call your coordinator up and say that "I just got some intelligence information, and I am going to have some guy carry marihuana that is going to be flying across my county tonight at midnight, and I want an anti-aircraft gun to shoot him down."

What do you do in a case like that?

Admiral STEWART. Well, Mr. Chairman, I am recently familiar with the changes that Congress made to the posse comitatus act, and I do know that there is still a prohibition against direct interdiction operations on the part of the military services within the DOD, but this would be an NNBIS thing, sir, and we would take it as that, and we would give him whatever assistance he needed. We would work with him in this regard.

Mr. ENGLISH. What procedure are you going to follow? Are you just going to tell him, "Say, that is crazy. You can't have an anti-aircraft gun." Or, is there a channel set up? Maybe all he wants is a night scope, but he doesn't have one, although he thinks the military has got a night scope. He has heard and read in magazines about this change that has taken place in the law, and he wants to borrow—wants the military to get it.

What procedure does he use? What does a local sheriff go through? Does he call you or does he go directly to the Department of Defense or what?

Admiral STEWART. He would go to my senior watch officer. It is a 24-hour-a-day manned center. We will have two numbers. One will be a local number for the State of Louisiana. It is capable of being used by any law enforcement officer, and one will be a nationwide number, an 800 number if you will.

Mr. ENGLISH. This information would be furnished to all State and local law enforcement officers?

Admiral STEWART. Superintendent Morris will take care of publishing it as a member of the board of directors of the gulf region for NNBIS, and Col. Bo Garrison for the State of Louisiana will contact his counterparts in the remaining States.

That will be widely disseminated and there will be a channel available for use for them, and we will then decide on what to do based on the individual characteristics of the case.

Mr. ENGLISH. All right.

Let's just assume my extreme example. A fellow wants an anti-aircraft gun. What are you going to do with him? He is going to call this number.

Admiral STEWART. He is going to call this number and he is going to get a watch officer.

Mr. ENGLISH. And he says, "I want the Army to send me an anti-aircraft gun." What is going to happen to his request?

Admiral STEWART. Well, the only thing I would say, sir, we are not going to give him an anti-aircraft gun.

Mr. ENGLISH. But you still will process it through? Somebody is going to say, "Now you don't need an anti-aircraft gun."

Admiral STEWART. What you need is some Customs support with a helicopter or some local ground forces, which we will be happy to furnish.

Mr. ENGLISH. Let's assume that he needs military equipment. Who are you going to contact?

Admiral STEWART. I would contact the appropriate member of the DOD team. You see, I will have DOD watch standards 24 hours a day, and they have channels through which they will go for particular equipment, and then we would decide that depending on the particular case.

Mr. ENGLISH. Are those people within DOD that will be assigned to NNBIS have that responsibility?

Admiral STEWART. But it would be an NNBIS request, Mr. Chairman, not the sheriff down in Lafourche Parish. If Duffy Breaux called me up and asked for that sort of thing, I think I could deal with that without any problem.

Mr. ENGLISH. Well, that has been a concern that I have had in the last year; how would you deal with these State and local law enforcement people? The change in the law made this available to them, the same as it made available to Customs or the Coast Guard or anybody else. As I understand the way it has been handled up to now, it has probably been the Secretary of Defense that has made the decisions and he may not want to be awakened in the middle of the night by the sheriff down here in the county saying, "I want to borrow one of your F-15's." There has got to be a procedure.

Admiral STEWART. Yes, sir, and there will be. We are developing what we call standard operating procedures. These are being developed right now. They are like a little laundry list, if you will, Mr. Chairman, and they are being made up.

As a matter of fact, they are being made up by the watch standers on duty today, as I testified before.

Mr. ENGLISH. Will those be DOD standards which you will be using?

Admiral STEWART. They will be cleared with DOD to make sure that whatever we do—I am not sure that I understand the question.

Mr. ENGLISH. The problem, as I see it, is this is a nationwide problem. We have sheriffs all over the country who may want to borrow something. They may need equipment. Some may be requests which could be filled by other law enforcement, maybe State law enforcement or maybe Federal law enforcement, instead of DOD.

That is fine, but the point is that we have got to have a standardized approach to these types of requests in order to make this thing work, so there has to be some center where you can say, now, what you need is help from Customs.

The military should be the last resort. It shouldn't be the first place to go. You shouldn't have a sheriff calling the Secretary of Defense and saying, "I want to borrow something from you."

Admiral STEWART. No, sir.

Mr. ENGLISH. There has got to be a procedure because there may be other agencies, State, local, or Federal law enforcement agencies that can address the problem, and that are better suited to address

the problem, and the military should be the last resort, but there needs to be a procedure to go through.

Admiral STEWART. I didn't make myself clear. What I meant is that we will develop this procedure to make sure that the DOD is comfortable with the procedures that each of the regional coordinators will use to handle requests from State and local authorities.

Mr. ENGLISH. Well, is the DOD developing this or are you developing it?

Admiral STEWART. We are developing it in coordination with them, sir, but we are starting it out here.

Mr. ENGLISH. It seems to me DOD ought to be developing for the Nation rather than you developing it. I think you ought to be commended for developing it, because if they are not, somebody has got to, but it appears to me that DOD ought to be paying some attention to that area, and they need to develop procedures.

With regard to the South Florida Task Force, and all of the experiences that we have had down there for the last year or so, are you aware of any written, documented lessons learned or anything along that line that has been set out by the South Florida Task Force, or by the Vice President?

Admiral STEWART. As an adjacent district commander, sir, I have followed the activities of the South Florida Task Force for quite some time. I have often commented to Admiral Thompson in Miami that the eighth district gets his leftovers. I have been to Miami. I have seen all the installations, and activities down there.

I have read personally, as the Vice President's regional coordinator for the gulf region, some of the reports that have been sent to the Vice President's staff. I am familiar with some of the classified reports that have been submitted. Some members of my NNBIS staff have worked in the IOIC in Miami.

So, in that sense of the word, yes, there are some lessons learned which I and my staff have been privy to.

Mr. ENGLISH. But they are not written or documented.

Admiral STEWART. Yes, sir, some of them are written and documented and they are classified, sir.

Mr. ENGLISH. There is no book telling you what you need to know. This is the lesson we have learned as such, a complete document that could go to you and to every other NNBIS regional coordinator so that he would be able to learn from the lessons of the South Florida Task Force?

Admiral STEWART. There are some standard operating procedures which have been documented, sir, which we are profiting from. We have plagiarized them from the IOIC in Miami, and in that sense of the word, we are not going to reinvent the wheel, if I am understanding what you are saying. Yes, sir, and we also are sharing their experiences with the other regional centers as we receive their lessons learned, then we are rebroadcasting them to our units and also to other regional centers where this problem may face them at some future time. The latest one happens to have been on instructions on evaluating the possibility of concealed compartments within vessels, which is a problem that Miami has had for some time.

Mr. ENGLISH. Do you think that it would be helpful, not only to you, but to the other NNBIS coordinators, if such a document book or whatever you want to call it, was put together?

Admiral STEWART. Yes, sir, I certainly think it would and I suspect very seriously, and I cannot speak for Admiral Schubert in Los Angeles or for Pete Dispinziere in Chicago, for example, but I suspect very seriously that is already an ongoing thing.

Mr. ENGLISH. Do you expect any additional funds in support of the NNBIS center?

Admiral STEWART. Within the limits of the present Coast Guard budget, yes, Mr. Chairman, some, for the construction of the center in the Hale Boggs Building, and things of this nature.

Mr. ENGLISH. So it is only the construction of the facility to house the organization itself, and you do not expect anything beyond that?

Admiral STEWART. I have not asked for anything beyond that, yet, sir, and I am speaking now in terms of me as the District Commander of the Eighth Coast Guard District.

Mr. ENGLISH. Well, the reason I am raising that question is the 12 task forces that were set up last October by the President, we received a very urgent request in October for \$127 million to assist in that overall effort. It was not a request. It was something that had to be done then, right then, and I think it was done in very short order. Congress responded very quickly. Congress has been very cooperative with us. It is my understanding that there is probably still some of that left that has not been spent. I was wondering if you were aware of any consideration being given within the administration to divvy up some of that money and to provide some of it to NNBIS as well as to the investigative task force. It seems the investigative task force is having trouble getting their act together where they can use all those funds and I was wondering whether any consideration had been given to allowing NNBIS access to some of those funds?

Admiral STEWART. There may have been, Mr. Chairman, but I am not aware of that.

Mr. ENGLISH. You are not aware of that?

Admiral STEWART. No, sir.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Yes, if I could, Mr. Chairman. You have talked about your board of directors: One of the lessons we have learned from the South Florida Task Force is the impact and importance of the role that the citizens of the community play. Some testimony that we heard in February in Miami indicated that without the support of citizens of the community, the task force probably would never have achieved as much as they have. Are you aware of that kind of an effort in the New Orleans area, or in this region?

Admiral STEWART. I am aware of it in the New Orleans area, sir. I cannot speak for the rest of the region because I do not live there as it were but for example, the Metropolitan Crime Commission of which I am a member here in New Orleans is an excellent body for that kind of thing. From the citizens, and I might add, many of the other members of the Federal law enforcement community are also members of the crime commission, and also there is the Attorney General's law enforcement coordinating committee which is very

aggressive in this area, thanks to U.S. Attorney John Volz, and that is composed of a number of people from the community, if you will, particularly local law enforcement people.

So I would say my board of directors has more than the average number of ears in the community.

Mr. COLEMAN. Do you have such a citizens group? Has a citizens group in New Orleans been formed, you know, concerned about crime, which might make headway to provide assistance for local law enforcement agencies? Are there groups like that here in this community?

Admiral STEWART. Yes, we do, but I am not particularly cognizant of their activities.

Mr. COLEMAN. Just a suggestion. I think that one of the lessons learned would be that without community support, task force activities become difficult. Particularly where Customs may have to set up roadblocks or checkpoints may be necessary, as occurred in Key West. I think that you had to have citizen understanding of some of the inconvenience.

Sir, the only other question I have relates to the Vice President's relationship with the Director. Since you are going to be the new Director, is it your understanding taking over this position that when you are short personnel, equipment, resources, funds, you can actually call on the Vice President of the United States and request the kind of assistance that you need to accomplish your task, and there will be a response?

Admiral STEWART. I have spoken with the Vice President in this regard as did all of the regional coordinators and the deputy regional Coordinators, week before he made his speech at the National Press Club, and I have reports to make to him that contain among other things the status of personnel manning the activities involved in this particular region, for that particular period of time. So in answer to your question, yes, I have an ear, and I feel that if I need it I can use it. I doubt very seriously whether I would communicate directly under most occasions with the Vice President, but with the Vice President's chief of staff I most assuredly will.

Mr. COLEMAN. Through his office?

Admiral STEWART. Yes, sir.

Mr. COLEMAN. I am one of those members, I guess I am new, I am a freshman member. I have difficulty sometimes believing that we are really going to get the kind of response that we need. Some of the things the chairman alluded to, the headlines, the flash-in-the-pan issues, I think that everyone recognizes that what has happened can be achieved. As a result of the experience in south Florida, we know there will be a response, and there will be concern by the administration, by the people who are working in the field. I would hope, Admiral, that there is no inhibition on your part, because of your position with the Coast Guard, and the military, and the Department of Defense, to document requests and the difficulties that you might have, if any, in response from the administration or Congress. Party politics and all the rest aside, I think that has nothing to do with what we all want to see happen, and I would hope that you would document that and let us know. I am sure we will be hearing from you, and we may request to hear from

you about where we failed, the Congress and the Administration has failed to deliver on your requests. We know that there may be budgetary problems. There may be, you know, serious problems of that kind that may prevent the direct response that we need, but I hope that you will document areas also, like the lack of cooperation between the agencies. I think that is one of the things that the American citizens, at least the people in my district, are concerned about. Making sure that we do not get into turf wars between agencies and retaining the ability of someone with the authority and the prestige of the Vice President of the United States, and it seems to me that it is the direction that we are pursuing. I applaud your willingness to take on this task, but I certainly hope that you will not be reluctant to report, to take notes, and to let us know what the problems are.

Admiral STEWART. Thank you, sir. Admiral Murphy's instructions to me personally were quite specific. Now they were also quite terse and his comment to me was, "Admiral, make it work," and I intend to do so. I have had my first meeting with my board of directors, and one of the things which I outlined to them very clearly, and I am quoting, was that "I hope we can leave considerations of turf and empire behind, because if we cannot, I feel reasonably certain that we will be replaced by those who can."

Mr. COLEMAN. Thank you very much, Admiral.

Mr. ENGLISH. Mrs. Boggs.

Mrs. BOGGS. Admiral, I would hope that the posture of the Vice President as the head of NNBIS, would be to assure that your request and those of the other regional directors to him will be honored by OMB., I think that the Administration's commitment will be shown in the OMB response to the Vice President's request.

Mr. ENGLISH. Thank you very much, and thank you, Admiral. We appreciate your appearing before us today. You have given some very helpful testimony, and I have been trying to think of the best thing to say to you, and the only thing I can think of is, "Good Luck."

Admiral STEWART. Mr. Chairman, you can add the traditional toast, for us in the military, You can also add "good hunting."

Mr. ENGLISH. Good hunting. Admiral, thank you very much.

Admiral STEWART. Thank you, Mr. Chairman.

Mr. ENGLISH. I appreciate it, and again I want to thank all of our witnesses. I want to compliment the Customs Service for the very fine work that they do under very, very difficult circumstances. Hopefully, the circumstances are going to get a good deal easier in the very near future. We appreciate your work. Thank you very much. We will recess until 1 p.m. tomorrow afternoon in El Paso.

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

REVIEW OF THE ADMINISTRATION'S DRUG INTERDICTION EFFORTS

THURSDAY, JULY 7, 1983

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION, JUSTICE,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
El Paso, Tex.

The subcommittee met, pursuant to notice, at 1:15 p.m., in City Council Chambers, Civic Center Plaza, El Paso, Tex., Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English and Ronald D. Coleman.

Also present: Theodore J. Mehl, professional staff member; Robert Gellman, counsel; Ed Gleiman, counsel; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. ENGLISH. The hearing will come to order.

Today we continue a series of three border hearings. The first was held yesterday in New Orleans, La., and the third will be conducted in San Diego, Calif., on Saturday, July 9.

Over the past year, this subcommittee has looked at how the military can play a positive role in our national drug interdiction crisis—a crisis which grows daily. Initially, our subcommittee placed its emphasis on southern Florida where the problem seemed to be most acute. About 6 months ago, we started an investigation along the Southern U.S. border in an attempt to determine the extent of drug traffic beyond south Florida. We have found clearly that the smuggler is very adaptable and has diverted his routes into the western gulf, as well as the Mexican-United States border. South Florida remains the preferred destination of the smuggler, but not his only alternative.

With the recent announcement of the President's National Narcotics Border Interdiction System, a potentially powerful deterrent to drug smuggling may have been created. The final measure of its effectiveness will ultimately rest with the degree of increase in the interdiction rate.

We have directed our attention toward the air smuggling problem since nearly one-half of the cocaine which enters the United States enters by private aircraft.

There are three elements necessary to insure a successful air interdiction program. First, that program must be capable of detecting the smuggler; second, once detected, an interception capability must be present; and, finally, the program must assure the rapid

movement of law enforcement agents in time to achieve the seizure of the drugs and the arrest of the smuggler. The lack of any one of these three elements prevents any reliable interdiction capability.

The Customs Service's witnesses will be asked to give us an understanding of the Service's ability to reliably perform those three requirements here in the El Paso region.

We will also question the U.S. Army on how they have implemented the recent Department of Defense regulation which permits the military to play a greater supporting role in the drug interdiction problem.

All law enforcement efforts must rely on intelligence to be successful. We will hear from the General Accounting Office in regard to its report on this subject.

Finally, the director of the El Paso Intelligence Center, who is tasked with collecting and disseminating tactical intelligence to the interdiction agencies, will be asked to describe those responsibilities.

It is clear that it is time to identify strengths and weaknesses in our program to interdict drug smugglers. Once weaknesses are identified, we must correct those deficiencies quickly. We must have the commitment to take the necessary action at all levels.

Now I would like to recognize another outstanding member of our subcommittee and our host here in El Paso, Congressman Ron Coleman.

Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman.

First I would like to take the time to introduce to you our mayor, Jonathan Rogers, who is serving his second term as mayor—in my view—the greatest city in this country.

Mayor.

Mr. ENGLISH. I understand, Mr. Mayor, that you have some comments and remarks that you would like to make. We want to welcome you to our hearing and thank you for honoring us with your presence.

STATEMENT OF JONATHAN ROGERS, MAYOR, CITY OF EL PASO, TEX.

Mr. ROGERS. First, Congressman English and Congressman Coleman, we are delighted on behalf of the city of El Paso to welcome you to our fair city. And just in case some of your staff doesn't know, El Paso now has a population of 450,000, with 500,000 in the county, and next to us in Mexico is our sister city, Juarez, with over 1 million people.

Obviously we are honored to have members of the Committee on Government Operations, and specifically Congressman Glenn English, who is chairman of the Government Information, Justice, and Agriculture Committee, to come down and help us with our problem.

And as such, I have a small award to make: The State of Texas Certificate of Appointment Honorary Citizen. In recognition of sincere interest in this great international city, be it known that Congressman Glenn English is hereby appointed honorary citizen of the city of El Paso and shall hold a place of high esteem in the

minds and hearts of the people of this city. Given under my hand and seal in the city of El Paso this 7th Day of July 1983.

We had also hoped for Congressman Buddy MacKay to be here, and with your permission, Congressman English, I would like to give you both honorary citizens awards. And since we are so closely allied with the military, we are delighted to have with us the Honorable John W. Shannon, Deputy Under Secretary of the Army, whom we shall also make an honorary citizen of the city of El Paso.

Mr. Shannon.

Mr. SHANNON. Mr. Mayor, thank you very much.

Mr. ENGLISH. Thank you very much, Mr. Mayor. We appreciate that.

Mr. COLEMAN. Mr. Chairman, I want to welcome the distinguished witnesses to my home town of El Paso. I heartily applaud the staff in arranging the hearings today in El Paso.

El Paso has truly become central to our Nation's drug interdiction efforts. Not only is El Paso the home of a Central Intelligence Center (EPIC), but it is also one of the most important and primary ports of entry along our 2,000-mile border with Mexico. I am pleased that drug smuggling in the Southwest has eased due to United States-Mexican efforts to eradicate deliveries. However, we know that those have not been as effective lately as they were once before. There are many indications that the problem indeed may not have abated at all.

For instance, the prices of controlled substances have remained stable and in some cases dropped, indicating stable or increased demand. Moreover, due to the Drug Task Force in Miami, Fla., many of the drugs are being diverted to the southeast coast and to our border. These hearings are important in that they focus attention on EPIC. I applaud the success of EPIC since its inception in 1974, as well as the increased efforts of the Coast Guard and the Customs agencies.

EPIC does play a pivotal role in the dissemination of intelligence to all of the agencies involved. I am not convinced, however, that EPIC has all of the resources it really needs to fulfill their important function, and I am hopeful, Mr. Chairman, that from these hearings, we can devise a system by which Congress can be more helpful to that agency.

Another related issue that we will be looking at today is the facilitation of leasing military equipment to the law enforcement agencies that are involved. As a member of the House Armed Services Committee, I feel that I am in a unique position on this particular subcommittee to work in a most expeditious manner to facilitate leasing and any leasing agreements that may be necessary.

I think this committee has proven the effectiveness of updated equipment in all facets of interdiction. The detection, interception, and ability to arrive at the scene to make an arrest, as the chairman pointed out, are the critical factors. Blackhawk helicopters, for example, have improved detection and interdiction and we anticipate a future loan to afford those Blackhawk helicopters. This subcommittee, in my view, has done a superb job over the past several years, long before I was a member, of overseeing the efforts to alleviate our Nation's drug problem.

I hope that through these hearings we can enhance the resources available to meet the threat and the degree of cooperation and coordination that are needed at the operational level.

Thank you very much, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Ron. I appreciate that.

I would like to say before we call our first witness, as Congressman Coleman pointed out, he has been an extremely valuable member of this subcommittee for two reasons. Because he is on the Armed Services Committee, he has been kind enough to use his appointment to that committee to assist us in working our arrangements between the Customs Service and the Department of Defense.

But in addition to that is the knowledge that he brings to our subcommittee of the border and of the difficulties that we have in trying to provide detection capability, as well as the interception and arrest capability along that border. I might also say that yesterday afternoon, he took me on a tour of the border by helicopter and pointed out to me an additional problem our subcommittee also has jurisdiction over—immigration.

One of those problems, of course, was the three bridges that you have and the traffic that is contained there. That's something that I was extremely impressed with, and that's something that we are definitely going to have to deal with as far as Washington is concerned. The inconveniences that people were experiencing that I witnessed, I think is simply intolerable and certainly you can count on our support in trying to remedy that problem.

Our first witness today will be Mr. Ronald Lauve, who is the Senior Associate Director of the General Government Division of the U.S. General Accounting Office from Washington, D.C.

Mr. Lauve, if you will come forward. We are going to let you identify the folks who accompany you so that we will have that for the record as well.

STATEMENT OF RONALD F. LAUVE, SENIOR ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY JOE LITZELMAN, GROUP DIRECTOR, AND ED STEPHENSON, SENIOR EVALUATOR

Mr. LAUVE. Thank you, Mr. Chairman.

On my left is Mr. Joe Litzelman, who is a Group Director in the General Government Division in Washington, and on my right is Mr. Ed Stephenson, who is a senior evaluator in the General Government Division in Washington.

And we are certainly pleased to be here today to participate in the hearings on the need for better intelligence information to support Federal drug interdiction efforts. And I might point out that this is one of the major issues that we addressed in our June 1983 report that dealt with Federal drug interdiction efforts and the need for strong support.

My comments this afternoon will be brief and will touch on three points. One is the value of good timely intelligence; second will be the need for more intelligence information from drug source and transit countries; and the third will be the need to make better use of EPIC.

First of all, having intelligence about the time and place drug shipments are to take place greatly improves an agency's ability to interdict. However, such instances are rare. More often, gathering of intelligence consists of analyzing individual pieces of intelligence from a variety of sources in order to narrow the choices of where to deploy resources to effect a drug seizure.

The value of intelligence to support interdiction is shown by our analysis of Customs information on drug seizures. More than one-half, or about 55 percent, of all major drug seizures involved intelligence developed prior to the movement of the drugs, while only 7 percent of smaller seizures involved prior information.

Our analysis of seizures made during special enforcement operations also demonstrates the value of good intelligence. For example, results from Operation Tiburon III, a combined Coast Guard-DEA effort to attack drug smuggling by vessels in the Caribbean, show that almost two-thirds of the 70 vessels seized in the operation had been previously identified as suspected smugglers based on intelligence information.

My second point deals with the need for more tactical intelligence from drug source and transit countries. Tactical intelligence to support interdiction can be gathered domestically or overseas. Clearly, intelligence from drug source or transit countries is especially useful for the deployment of interdiction resources. However, development of overseas intelligence is not under the control of Customs or the Coast Guard, but is the responsibility of DEA. This responsibility was assigned to DEA by Reorganization Plan No. 2 of 1973.

However, except for a few special interdiction projects, DEA has provided only limited intelligence. For example, an analysis of drug seizures made by Customs and the Coast Guard from September 1976 through June 1982 shows that of those seizures which involved prior intelligence, only 14 percent involved intelligence from DEA. Also, most intelligence developed by DEA that is provided to Customs and the Coast Guard comes through EPIC.

We analyzed EPIC's records for a sample of 46 aircraft and 39 vessels. These files contained 514 items of information. Only 30—or less than 6 percent—came from DEA's foreign operations.

DEA officials agreed that more intelligence in support of interdiction efforts is desirable, but pointed out that the generation of more intelligence is constrained by limitations on its foreign staff. They also stated that the development of interdiction intelligence is only one of their numerous overseas drug enforcement responsibilities.

Mr. Chairman, my last point deals with the need to better utilize EPIC. As you know, EPIC was established in El Paso, Tex., in 1974 as an interagency clearinghouse for Southwest U.S. border intelligence information. Initially a DEA and Immigration and Naturalization Service operation, EPIC has been expanded both in number of participating agencies and geographical scope.

There is little argument about the overall value of a centralized multiagency intelligence center. EPIC's tactical intelligence support and intelligence products have aided interdiction efforts. Participant agencies have utilized EPIC more each year since it was established in 1974.

For example, Coast Guard officials said that before they board any vessel thought to be smuggling drugs, they query EPIC to determine whether any information on the vessel is available. And often EPIC has information on the vessel. Also, Customs air patrol officials that the Miami Air Support Branch said they contact EPIC several times a day to place aircraft lookouts or to determine what information is available on specific aircraft.

Also, we queried the EPIC system to determine whether information was available on a sample of 75 vessels and 56 aircraft that had been seized by Customs or the Coast Guard during the 15 month period ended December 1981. Of these 131 vessels and aircraft, significant information was in the EPIC system for 38, or 30 percent, prior to their seizure. However, information is not available that shows whether EPIC data was actually used to assist in the interdiction.

Furthermore, according to EPIC officials, not all intelligence information generated by interdiction agencies is provided to EPIC. We could not determine the specific amount of information that is not sent to EPIC. However, we analyzed EPIC's information to see if the seizure of the 131 vessels and aircraft previously mentioned had been reported to EPIC. Our rationale was that if these seizures had not been reported to EPIC, then it was likely that other information had not been provided to EPIC. Our analysis showed that of the 131 vessels and aircraft seized, only 56, or 43 percent, had been reported to EPIC.

We recommended in our report that the various agencies reemphasize to their staff the importance of promptly reporting all information on drug smuggling to EPIC and provide additional staff to EPIC. It is our understanding that both the Departments of Justice and Treasury have since assigned additional staff to EPIC or are in the process of doing so.

We also recommended that the Coast Guard and Customs Service transfer certain intelligence functions to EPIC. These agencies disagreed, noting that the intelligence functions involved only part of the time of one staff member or that the staff involved did not deal exclusively with drugs. We continue to believe, however, that the drug interdiction intelligence programs of all agencies will benefit by concentrating at EPIC those intelligence and analysis functions that are similar and that relate specifically to drug interdiction.

In conclusion, Mr. Chairman, we believe drug interdiction intelligence programs of all agencies need to be improved. DEA needs to better support interdiction efforts by developing intelligence from drug source and transit countries and participating agencies need to better support and utilize EPIC. Clearly, a better intelligence program is one way that drug interdiction can be improved without major new expenditures of Federal funds.

That concludes my statement, Mr. Chairman. We will be happy to answer any questions for you or other members of the subcommittee.

[Mr. Lauve's prepared statement follows:]

United States General Accounting Office
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
EXPECTED AT 1:00 p.m.
July 7, 1983

STATEMENT OF
RONALD F. LAUVE
GENERAL GOVERNMENT DIVISION
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE, AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
ON
THE NEED FOR IMPROVED INTELLIGENCE CAPABILITIES
TO SUPPORT DRUG INTERDICTION PROGRAMS

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here, at your request, to participate in hearings on the need for better intelligence information to support Federal drug interdiction efforts. Our testimony today is based on information contained in our recently released report on Federal drug interdiction efforts. 1/ The need to improve the quality and timeliness of intelligence data to support Federal drug interdiction efforts is one of the major issues addressed in our report.

1/"Federal Drug Interdiction Efforts Need Strong Central Oversight," (GAO/GGD-83-52, June 13, 1983).

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. If accurate, timely tactical intelligence is available on drug smugglers, chances are good that Customs or the Coast Guard can make the interdiction. Statistics on the use of intelligence to support interdiction, as well as certain special projects, such as Operation Tiburon III, indicate the value of good, timely intelligence.

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. Since Customs and the Coast Guard do not have the authority to gather intelligence data overseas, they must rely on DEA to provide this intelligence. DEA's foreign intelligence program, however, does not place a high priority on developing intelligence that can be used to support interdiction efforts.

Some intelligence processing and analysis has been centralized here at the El Paso Intelligence Center (EPIC). But, EPIC could be more effective if the agencies involved in drug interdiction provided the Center more support and used its data to better advantage.

INTELLIGENCE IMPROVES
INTERDICTION'S EFFECTIVENESS

Having intelligence about the time and place drug shipments are to take place greatly improves an agency's ability to interdict. However, such instances are rare. More often gathering of intelligence consists of analyzing individual pieces of

intelligence from a variety of sources in order to narrow the choices of where to deploy resources to effect a drug seizure.

The value of intelligence to support interdiction is shown by our analysis of Customs' information on drug seizures. More than one-half (55 percent) of all major seizures of drugs involved intelligence developed prior to the movement of the drugs, while only 7 percent of smaller seizures involved prior information.

Our analysis of seizures made during special enforcement operations also demonstrates the value of good intelligence. For example, results from Operation Tiburon III, a combined Coast Guard/DEA effort to attack drug smuggling by vessels in the Caribbean, show that almost two-thirds of the 70 vessels seized in the operation had been previously identified as suspected smugglers based on intelligence information.

MORE SOURCE AND TRANSIT COUNTRY
TACTICAL INTELLIGENCE NEEDED

Tactical intelligence to support interdiction can be gathered domestically or overseas. Clearly, intelligence from drug source or transit countries is especially useful for the deployment of interdiction resources. However, development of overseas intelligence is not under the control of Customs or the Coast Guard, but is the responsibility of DEA. This responsibility was assigned to DEA by Reorganization Plan #2 of 1973.

Except for a few special interdiction projects, DEA has provided only limited intelligence. For example, an analysis of drug seizures made by Customs and Coast Guard from September 1976 through June 1982 shows that of those seizures which involved prior intelligence only 14 percent involved intelligence from DEA.

Another indicator of the limited amount of foreign intelligence generated is our analysis of the source of information contained in EPIC's data base. Most intelligence developed by DEA that is provided to Customs and the Coast Guard comes through EPIC. We analyzed EPIC's records for a sample of 46 aircraft and 39 vessels. These files contained 514 items of information; only 30 (5.8 percent) came from DEA's foreign operations.

DEA officials agreed that more intelligence in support of interdiction efforts is desirable but pointed out that the generation of more intelligence is constrained by limitations on its foreign staff. They also stated that the development of interdiction intelligence is only one of their numerous overseas drug enforcement responsibilities.

EPIC--AN UNDERUTILIZED RESOURCE

Mr. Chairman, EPIC is a valuable resource that needs to be better supported and utilized by the participating agencies. The success of drug interdiction efforts depends heavily on the intelligence base supporting them. Even though EPIC was created

to centralize information on drug smuggling, it is not being fully supported by participating agencies.

As you know, Mr. Chairman, EPIC was established in 1974 as an interagency clearinghouse for southwest United States border intelligence information. Initially a DEA and Immigration and Naturalization Service operation, EPIC has been expanded both in number of participating agencies and geographical scope. In addition to DEA and the Immigration and Naturalization Service, Federal agencies now participating in EPIC are Customs; the Coast Guard; Bureau of Alcohol, Tobacco and Firearms; U.S. Marshal's Service; Federal Aviation Administration; Internal Revenue Service; and the FBI.

There is little argument about the overall value of a centralized multiagency intelligence center. EPIC's tactical intelligence support and intelligence products have aided interdiction efforts. Participant agencies have utilized EPIC more each year since it was established in 1974.

Both our interviews with agency officials and our analysis of information in the EPIC system demonstrate the value of the center. For example, Coast Guard officials said that before they board any vessel thought to be smuggling drugs they query EPIC to determine whether any information on the vessel is available. They noted that often EPIC has information on the vessel. Customs air patrol officials also thought that EPIC was useful. Miami Air Support Branch personnel said they contact

EPIC several times a day to place "aircraft lookouts" or to determine what information is available on specific aircraft.

Also, we queried the EPIC system to determine whether information was available on a sample of 75 vessels and 56 aircraft that had been seized by Customs or the Coast Guard during the 15-month period ended December 1981. Of these 131 vessels and aircraft, significant information 2/ was in the EPIC system for 38, or 30 percent, prior to their seizure. However, information is not available that shows whether EPIC data was actually used to assist in the interdiction.

Even though EPIC receives a substantial amount of intelligence information, not all such information generated by interdiction agencies is provided to EPIC. EPIC officials told us that while some information is transmitted to EPIC in the form of DEA investigative reports, Customs' Memorandums of Information Received, and Coast Guard Reports of Investigation, other information is not given to EPIC. We could not determine the specific amount of information that is not sent to EPIC. However, we analyzed EPIC's information to see if the seizure of the 131 vessels and aircraft previously mentioned had been reported to EPIC. Our rationale was that if these seizures had

2/Significant information includes items such as lookouts placed on the vessel, sighting reports, and specific arrival, departure and destination information.

not been reported to EPIC, then it was likely that other information had not been provided to EPIC. Our analysis showed that of the 131 vessels and aircraft seized only 56, or 43 percent, had been reported to EPIC.

To improve the overall coordination of interdiction intelligence activities and strengthen the quality of that intelligence we recommended in our report that the various agencies re-emphasize to their staffs the importance of promptly reporting all information on drug smuggling to EPIC and provide additional staff to EPIC. It is our understanding that both the Departments of Justice and Treasury have since assigned additional staff to EPIC or are in the process of doing so.

We also recommended that the Coast Guard and Customs Service transfer certain intelligence functions to EPIC. The agencies disagreed, noting that the intelligence functions involved only part of the time of one staff member or that the staff involved did not deal exclusively with drugs. We continue to believe, however, that the drug interdiction intelligence programs of all agencies will benefit by concentrating at EPIC those intelligence and analysis functions that are similar and that relate specifically to drug interdiction.

In conclusion, Mr. Chairman, we believe drug interdiction intelligence programs of all agencies need to be improved. DEA needs to better support interdiction efforts by developing intelligence from drug source and transit countries and all participating agencies need to better support and utilize EPIC. Clearly, a better intelligence program is one way that drug interdiction can be improved without major new expenditures of Federal funds.

That concludes my statement, Mr. Chairman. We will be happy to answer any questions for you or other members of the subcommittee.

Mr. ENGLISH. Thank you very much. I appreciate your statement. You suggest that EPIC is not being fully supported by participating agencies. Could you elaborate, sir, on that?

Mr. LAUVE. Yes, sir. First of all, by repeating what we recognize and what the law enforcement community in general recognizes as the value of intelligence, one of the things that we found, as we pointed out in this statement, is that not all intelligence information is coming into EPIC. We feel like this is part of the problem. We feel like some additional support is required from the participating agencies in that regard.

In another case—or in several instances—operations have been undertaken by the participating agencies, in one case specifically, Operation Thunderbolt, without the input or the knowledge of EPIC. We feel like this doesn't indicate proper coordination of the capabilities of EPIC with the activities of the participating agencies. In this regard, we feel like participating agencies basically want some independence in what they are doing in the interdiction area.

For these reasons, and because of the differences in priorities among the agencies involved—Customs, for example, and the Coast Guard, basically being interdiction agencies, whereas DEA is not an interdiction agency—coordination isn't what it should be. All of this combines into what we think is less than full utilization of EPIC's capabilities.

Mr. ENGLISH. State and local law enforcement are supposed to have input to EPIC, to be able to use EPIC. Did you find that same problem existed with State and local, not just the Federal agencies?

Mr. STEPHENSON. Well, that is difficult to determine. We didn't analyze specifically how much State and local agencies are using EPIC. However, as stated in previous hearings, a large number of States do participate in EPIC. I think it is 46 out of the 50 States do participate in EPIC.

Mr. ENGLISH. But the question I have is: To what degree. Obviously, what you brought up here is what other Federal agencies are doing as far as EPIC. We have still got a big chunk of law enforcement out there, namely, State and local, and they are supposedly using EPIC. If the same problem exists there, that makes it a far greater problem than the Federal agency's.

Mr. STEPHENSON. We analyzed EPIC by looking at the seizures that Federal agencies make. We didn't look at the extent of use by State and local agencies.

Mr. ENGLISH. Did you come across, to any extent, that same problem—

Mr. STEPHENSON. We didn't really analyze it. I really couldn't make a comment.

Mr. ENGLISH. The reason I am making a point: I have heard several State and local law enforcement agencies say that they have the same reluctance. In fact, the complaint that I heard is that if they are onto a case and they query EPIC, the next thing they know is they have a DEA agent down there trying to take over from them. But you didn't get into any of that sort?

Mr. STEPHENSON. Their procedures would allow for that. If somebody queries a system and checks on a particular tail number of an aircraft, for example, if that tail number was on a lookout and if a

DEA agent had placed the lookout, that information would go back to that DEA agent, as I understand it. So there is some reason to believe that that is true.

Mr. LAUVE. Mr. Chairman, I would like to make a point not particularly on the State and local issue, but on the concept in general. EPIC is going to be only as good and as useful as the participating agencies make it. What EPIC is able to do is only going to be as good as the cooperation and coordination. This gets into the differences in DEA, Customs, and Coast Guard roles and priorities and is central subject of the report that we issued in June and, that is, that there needs to be a much better coordination among all of the Federal agencies that are involved, not only as it relates to intelligence information.

Mr. ENGLISH. Then that would go back and at least hint at the need for a so-called drug czar, someone who is able to pull together all of the different resources of the Federal Government to be used to deal with the drug problem; much along the same lines as the onset we had in the South Florida Task Force; is that correct?

Mr. LAUVE. That is correct. When you mention a drug czar, the report, as we issued it, did call for stronger central leadership. It didn't specifically mention a drug czar but basically you are right on target and, that is, someone needs to orchestrate—but not on a day-to-day operational basis—what is happening with the Federal drug efforts in total, not just interdiction.

The South Florida Task Force, we also pointed out, was an excellent cooperation-coordination effort. A lot of things happened and still are happening that is much better than previous cooperation and coordination. But that, again, is basically one part. I won't say it is a small part. It certainly is a large part, but a concept that will pull everyone together, talking off of the same sheets is, to us, very important.

Mr. ENGLISH. We have taken an additional step that goes part way into what you are talking about; namely, we have placed all the major investigative efforts under one task force setup, under the Attorney General. We have that on all the interdiction efforts taking place under the Vice President. In your opinion, if we brought it together with the two, do you think that that would meet the concerns that you have and the needs that you feel that are necessary to bring this thing together?

Mr. LAUVE. Well, I would like to make a general statement and then ask either of my colleagues to comment on that specifically. Those two efforts in and of themselves I think hold a great deal of promise; to coordinate those two efforts is also good, and that is basically what we need. Those two efforts in and of themselves are only part of what is happening in the Federal Government that deals with drugs in general.

The White House Drug Abuse Policy Office is involved in drug education and rehabilitation and also there is still some splintering by other groups. So what we need is basically more cooperation and more coordination, and in addition to that, we are talking about—and it was alluded to or mentioned earlier—about a Federal drug strategy. All of that has to be tied together. Neither of these two groups, the Attorney General's or the Vice President's as I see it,

are in a position to tie together the overall drug strategy, that must involve source countries, interdiction, and street enforcement.

With that, I would like to ask either one of my colleagues to add to that if they would like.

Mr. STEPHENSON. Basically, I believe the key is in resource allocation. Nobody has really analyzed where we should be putting our resources in the drug fight.

We have had a lot of proposals. A lot of additional money has gone into the drug reduction supply effort, but we haven't had any analysis to say that putting it into the NNBIS Program is where it should be, or maybe more funds should be put overseas, or maybe all of the above. I have not seen an analysis that would say where our limited Federal dollars should be spent, and I think that's what we are talking about when we say better resource allocation and better policy direction.

The decision of who is going to investigate interdiction cases that are made by Customs and the Coast Guard, as I understand it, still has not been resolved with the establishment of NNBIS. Our report pointed out the problem in that area, that Customs and the Coast Guard really don't have the authority to investigate interdiction cases. DEA has that authority, but in most instances in the past, before the South Florida Task Force, did not follow up on those cases. In south Florida they are following up on drug interdiction cases, and that should be commended. But in the rest of the country, as I understand it, there has not been an agreement reached as to who should investigate these cases.

Mr. ENGLISH. In south Florida they do, but that is the only part of the country that they currently have that authority. So the only place that you found that there has been a real effort to investigate interdiction cases has been south Florida, where Customs happens to have the authority to do so?

Mr. STEPHENSON. They have the authority under the guidance of DEA.

Mr. ENGLISH. And DEA is also investigating in Florida on interdiction cases?

Mr. STEPHENSON. They are part of the DEA-Customs Task Group, which is part of the South Florida Task Force.

Mr. ENGLISH. Elsewhere in the country where Customs does not have the authority, DEA is not filling that gap?

Mr. STEPHENSON. As we understand it, there has been no agreement. There has not been any implementation of this south Florida concept in other parts of the country.

Mr. ENGLISH. If the other Federal agencies indicate, and the assumption is correct, that this problem also lies with State and local governments and if they don't start supplying a much greater amount of information to EPIC, would you agree that EPIC is going to be significantly deficient in its ability to be helpful to law enforcement agencies?

Mr. LAUVE. Certainly it's going to be limited. As long as there is not a full exchange of information and as long as we have the participating agencies feel that they need to maintain their own intelligence networks and information, it will work to the detriment of EPIC being able to do more.

Mr. STEPHENSON. I hate to say EPIC is deficient in this matter. I think it's the enforcement agencies that support EPIC that are deficient.

Mr. ENGLISH. Ironically, the agencies that fail to provide the information are the ones that are going to pay the price by not being as corrective as they could; is that correct?

Mr. STEPHENSON. That's our view.

Mr. ENGLISH. You also mentioned that information was available in EPIC on 30 percent of the 131 vehicles that were seized by the interdiction agencies. Is there a system within EPIC that would describe whether or not the information is used to make the seizures?

Mr. LITZELMAN. No, sir, Mr. Chairman; the information is not there. It is not generated. The information is in the system that would allow you to make the determination as to the extent that all seizures are reported to EPIC, but it is not reported that way; no.

Mr. ENGLISH. So we don't know whether those agencies used EPIC in making this seizure or whether it just turned out that 30 percent of them were there?

Mr. LITZELMAN. It could have been that they used EPIC prior to making the seizure or it could have been that they queried EPIC after they had made the seizure to see whether or not the information was in the system, but you can't tell by looking at the information whether that was the case or not.

Mr. ENGLISH. But you did make the attempt to try to find that out?

Mr. LITZELMAN. We did not because we knew that we couldn't do it.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman.

I read your GAO report. It seems to me that the tenor of it was with respect to the agency cooperation and lack of agency effort in making EPIC work better. Is that by and large what—

Mr. LAUVE. EPIC was dealt with in one chapter, right. The overall thrust was the need for stronger central leadership.

Mr. COLEMAN. The Departments of Justice and Treasury—I think in your statement you said that they were to assign additional staff to EPIC or are in the process of doing so. Have they been doing that? Do you know?

Mr. LAUVE. It is my understanding that the Department of Justice has allotted an additional 10 slots—I'm not sure whether the slots have been filled—and Customs has allotted an additional two. I might ask if Mr. Stephenson can add to that in terms of whether or not people have actually been assigned.

Mr. STEPHENSON. No, I don't know whether people have actually been assigned yet or not.

Mr. COLEMAN. Customs stated in the GAO report that: "If we can be assured that EPIC will provide additional and more effective support, we will consider the commitment of additional resources." Has that been accomplished at all, in your opinion?

Mr. LAUVE. At this date, not to my knowledge, although DEA seems to be doing more in terms of the South Florida Task Force; but overall, I don't think that has happened to any great extent.

Mr. STEPHENSON. I think DEA is more involved in the Caribbean area as a part of the South Florida Task Force than they were at the time of our work about a year ago. But overall, I would say that the problem still exists because DEA in their comments on our report basically says that interdiction relative to their other priorities is not that important. They believe domestic enforcement and overseas programs are more important than interdiction.

This is another reason why we think there needs to be somebody setting some policies, because there is a definite difference of opinion between the Justice Department and the Treasury Department over the need and the value of interdiction.

Mr. COLEMAN. That is exactly what we need and I think we have been without that. There is certainly a possibility that we can get that kind of coordinated effort with a goal in mind and the assistance of the Vice President, lending his prestige and the prestige of that office to the entire concept of the task force, facilitates cooperation. Without it, we are lost.

Mr. LAUVE. We agree.

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

Mr. ENGLISH. Thank you, Mr. Coleman.

Do you think that EPIC could be more informative in its tactical intelligence role if DEA were to place more attention on the Caribbean transit countries?

Mr. LAUVE. Yes, sir, we do. As Mr. Stephenson and I mentioned just a couple of minutes ago, they are doing more, but certainly the importance of intelligence coming from overseas is extremely critical. DEA, in commenting on our report, pointed out they were doing something with other offices around the Caribbean, and it does look like they are doing more.

I think they have a couple of their own aircraft out there working so that has improved to some degree, but we have not looked at it since. Certainly there is a great deal of room for improvement in the entire area of interdiction intelligence.

Mr. ENGLISH. By "a couple aircraft" do you mean the two Air Force helicopters down in the Bahamas?

Mr. STEPHENSON. No. I think there are fixed wing aircraft.

Mr. LITZELMAN. DEA has three or four aircraft operating out there now.

Mr. ENGLISH. So we are gathering more information than we were, say, a year ago; is that correct?

Mr. LAUVE. I would think so, yes.

Mr. ENGLISH. You believe that DEA is placing sufficient emphasis on a need for tactical information of that sort?

Mr. LAUVE. I don't think so, not yet. Again, we have not gone back and followed up, but I don't think so yet. And I think we have to refer back to the role of DEA as basically a noninterdiction agency and the roles of Customs and the Coast Guard, particularly, as interdiction agencies. And we recognize, too, that DEA has a lot of other priorities—and we don't argue that they are extremely critical—which affect how much time DEA can spend on foreign intelligence to help in drug interdiction. But we still see intelligence coming from source and transit countries as being very important.

Mr. ENGLISH. Have you found in your investigation that requests which come in from DEA and other agencies are given equal priority, or is there prioritizing for DEA over other agencies?

Mr. LAUVE. Well, I would say that—and I would ask Mr. Stephenson to add to this—because EPIC is a DEA function and DEA priorities are different, there probably is some prioritizing of DEA requests over other agencies. We did not see any deliberate withholding of information, and our review did not disclose that information was not being treated properly.

Mr. STEPHENSON. Well, the key area at EPIC is the Watch Section, which is jointly staffed by DEA, INS, Coast Guard, and Customs, and any one of those agents could take a phone call—I don't believe that they would deliberately favor one agency over the other, at least in that section.

Now, in terms of EPIC's analysis section I could see possibly how they might favor one agency over another, but in terms of the Watch Section, in terms of tactical intelligence, I don't believe that happens. I saw no indication that it happens.

Mr. ENGLISH. But there is a question, I believe Mr. Lauve mentioned, in the minds of DEA—or at least there seems to be—about the value of interdiction. And certainly since EPIC is a DEA operation, generally speaking, then I would think that that would carry through—that philosophy that line of thinking. Did you see evidence of that?

Mr. LAUVE. Well, again, as we said earlier, I think it is not totally unlikely that such could happen but we did not see that. And the position of DEA that questions the value of interdiction is not a new one. I think that's been around for several years.

Mr. ENGLISH. I agree. And, of course, this has led to some pretty bitter rivalries and disruptions between Customs and DEA in the past, and this is again where we get into two different philosophies with two different Departments—with the Treasury and Justice—and it's a bureaucratic struggle that seems to go on year after year, administration after administration.

The first thought I had when you were making the point about information being contributed to EPIC was whether this is part of the reason EPIC is viewed as a DEA operation. Other agencies think they don't have to care as much about the job we are doing. And we think ours is important; they think theirs is important, and we all go our merry way. Do you find any of that type of mentality?

Mr. LAUVE. I think that's basically a good summation of a lot of things that have happened. However, I wouldn't want to leave you with the impression that this has been the case up until today, and I refer back to the South Florida Task Force. I wouldn't want to leave the hearings without saying again that that was an extremely important demonstration of improved coordination and cooperation.

Mr. ENGLISH. But the point of the South Florida Task Force was that that was the exception, not the rule?

Mr. LAUVE. Exactly.

Mr. ENGLISH. Another reason that the South Florida Task Force worked—at least for all those that I have heard from who have looked at it—was the fact that you had a neutral player who was

designated by the President of the United States to pull this thing together and it was given the status of being a special operation which had the specific political and personal interest of the President of the United States.

Mr. LAUVE. That is correct.

Mr. ENGLISH. Namely, with the Vice President in that role.

Mr. LAUVE. Correct.

Mr. ENGLISH. In your opinion, will we have the same type of approach by again splitting out, in effect, Justice and Treasury? How do you pull those two together again under those circumstances?

Mr. LAUVE. That I am not sure I can answer, except to talk about south Florida a little bit more in concept. I would point to the lingering effect of good cooperation and coordination and hope that these would carry forward. I think there is a great deal of awareness of the good things that can happen when cooperation and coordination are good. Granted, it took the Vice President's office and the personal interest of the President to make it happen in the fashion that it did. But I think that the overall awareness is much greater now among these agencies, and I would hope that this would carry over in other situations.

Mr. ENGLISH. That brings us down to good will.

Mr. LAUVE. To a great extent, that's correct. Some trust among agencies and so forth.

Mr. ENGLISH. That seems to wear thin over the years and over the months; is that not true?

Mr. LAUVE. I think so.

Mr. ENGLISH. You also mentioned earlier that almost two-thirds of the 70 vessels seized by the Coast Guard in a special operation had been previously identified as suspect smugglers based on intelligence information. You stated that the information was necessary to justify interdiction on the vessel versus the confirmation of an already suspect vessel.

Mr. LITZELMAN. Mr. Chairman, we weren't able to determine that. As I mentioned in response to a previous question, the information is available in the system that would allow you to compare dates and times of inquiry and times of the seizures and maybe to make some of those determinations, but it's not readily available in the system.

It's not printed out, and unless all seizures are reported, you are not capable of making determinations in each and every case. So we can determine when EPIC was queried on a specific seizure, but it's difficult to determine whether it was queried prior to the seizure, at the time of, or subsequent to the seizure.

Mr. ENGLISH. Did you make an inquiry of the Coast Guard on that question?

Mr. LITZELMAN. We talked to both Customs and the Coast Guard about when they used EPIC, at what point they query EPIC. The Coast Guard, for the most part, would say they query EPIC at the time they identify a specific ship so they have some idea of what to expect when they board the ship.

Mr. ENGLISH. So they have already designated it as a suspect vessel that they plan to board, and want to find out if these guys are to be shooting or not.

Mr. LITZELMAN. It's likely they have already identified a suspect vessel. At that point they want to query EPIC to see whether or not there is any prior information on it to see how dangerous it might be, but that query could be the deciding factor on whether or not they do board or the extent to which they search the vessel. They may spend more time searching a suspect ship to determine if drugs are being smuggled.

Mr. ENGLISH. It seems that if DEA is provided 14 percent of the prior information on vessels and people which interdiction agencies have seized, that you are looking at one of two situations: Either the DEA has not provided the information which those agencies may need, or DEA simply doesn't have the information available to them that is necessary.

Did you have any indication of which of those two cases we may be dealing with?

Mr. LAUVE. Well, we didn't see any instances of DEA withholding information, so we think it's the latter. It's the case of the lack of information that can be provided as opposed to deliberately withholding information.

Mr. ENGLISH. But as things stand now, the Customs Service does not have the authority to station people overseas to be in a position to collect intelligence information, so they have to rely on DEA. DEA has the responsibility to obtain that information?

Mr. LAUVE. Yes, sir.

Mr. ENGLISH. And they are just not coming up with that much information, in your opinion?

Mr. LAUVE. In the past they weren't. As we mentioned earlier, things look like they are improving; to what degree, we don't know.

Mr. ENGLISH. Did you see any clear evidence that EPIC routinely provides unsolicited tactical information with the Customs Service or the Coast Guard?

Mr. STEPHENSON. Any clear evidence? Yes, I think we did. Basically, if EPIC has some information that's time sensitive on a specific seizure, they can post a lookout on that particular vessel or aircraft. That information would go straight to Customs or the Coast Guard.

Therefore, Customs or the Coast Guard would have that information and would know about specific information that, for example, a vessel is going to be at a specific location at a specific point in time. However, I don't think there is that much of that kind of intelligence around.

Mr. ENGLISH. Did you find any indication that there is—and perhaps you have mentioned this to a certain extent earlier—what would be identified as a credibility problem for EPIC with agencies other than DEA?

Mr. STEPHENSON. I think they perceived that EPIC is a DEA operation and that perception is bad enough in and of itself. If they perceive that, they tend not to support EPIC and give them all their intelligence information.

I am talking about Customs and Coast Guard, the primary interdiction agencies, who would not provide the information because they perceive that EPIC is a DEA operation.

Mr. ENGLISH. You did recommend, though, that the intelligence operations of Customs be merged into EPIC. Could you expand on that a little bit?

Mr. LAUVE. There were two organizations that we pointed out we thought should be transferred to EPIC. One is a Customs operation; the other is a Coast Guard operation. The Coast Guard operation is a drug vessel intelligence operation; the Customs operation is in its Office of Border Operation.

Although the investment of staff resources in both of these is not very large, we feel like it still makes a lot of sense to have those kinds of operations consolidated into EPIC. However, neither agency agreed and said basically that the staff resources spent on these operations were not great. We recognize that but feel that, as a matter of concept and just as a matter of good business, these kinds of operations ought to be transferred into EPIC—into one central location.

We are back to the very first point or maybe the second point about if EPIC is going to fulfill its responsibility and do it in a proper fashion, it certainly has to have the cooperation of the agencies.

Mr. ENGLISH. I want to thank you, gentlemen, for appearing before us. You have been very helpful. I appreciate it very much.

Our next witnesses will be Mr. Donald F. Kelly, and Mr. J. Robert Grimes of the U.S. Customs Service.

Mr. KELLY. Mr. Chairman, I would like to identify to my right Mr. William Cecil. You know Mr. Grimes from previous hearings.

STATEMENT OF J. ROBERT GRIMES, DIRECTOR, OFFICE OF PATROL, U.S. CUSTOMS SERVICE HEADQUARTERS

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

I would like to make a brief statement, give you the national perspective of these hearings and our role with regard to interdiction, and I would be very pleased to answer any questions that you might have, with your permission.

We are pleased to have this opportunity to brief the subcommittee and other Members of Congress, certainly Congressman Coleman. We are proud of our efforts in this area and are grateful for the support and interest which this subcommittee and the Congress have shown.

As you are aware, Mr. Chairman, the Customs Service bears the primary responsibility for interdicting all drugs being smuggled into the United States. But in these hearings today, our focus is on smuggling by a private aircraft.

Our pilots and helicopters have performed as heroes in this war, risking their lives daily. In fact, much of what they have accomplished, in my mind, borders on the impossible. They are a proud and professional category of men and women who reflect the true spirit of America.

However, Mr. Chairman, we have not been as successful as we would have wished or as successful as all of us would have desired. But it is my sincere belief that with what we have, we have done as well as could be expected.

Customs is actively pursuing new ways and means to meet the new challenges in interdicting narcotics and dangerous drugs being smuggled into the United States by private aircraft. Customs initiated amendments to 19 C.F.R. par. 6 expanding the special reporting requirements for general aviation aircraft entering the United States via the Mexican gulf and Atlantic coast borders.

We worked with the FAA in changing the air defense regulations to require all private aircraft flying around Florida to be on a filed flight plan and be identified. These actions and the ingress of information generated has improved the Customs officers' capability to screen and identify the illegal target from the legitimate private flyer. This information, along with profiles of—aircraft, type, or size of aircraft, the presence of extra fuel tanks, unmarked—are of great assistance.

Customs has decided after a number of years that the air module concept is the best possible to interdict smugglers. The air module concept combines detection, interception, seizure, and arrest in a unified strategy aimed at reducing the air-smuggling population.

Pilot arrests are an excellent indicator of the success in the drug war. Many experienced smuggler pilots fly one load after another. The arrest of just a few of these pilots can have a significant impact on the smuggling community.

Up until now, we have been able to employ this concept on a permanent basis only in the south Florida area. But plans are underway, and we are hopeful that we may be able to implement the same concepts in other areas of the Nation. It is evident that the air-smuggling threat is not limited to Florida. Indeed, we have no doubt that air-smuggling activity has moved to New Orleans and to the Southwest and other areas where would-be smugglers are deterred from their regular air corridors in Florida.

The air smuggler is often flexible, well-organized, and has a resource base more superior to ours. They have sophisticated equipment which they do not hesitate to ditch than being caught. A large load of narcotics has a sale value which makes even one trip profitable. Smuggler pilots are well paid, experienced and are willing to take the risk. We are, however, developing new ways to counteract their ability to enter unchallenged.

Customs is presently meeting the new challenges on numerous fronts. We are developing an interim solution, which is where your personal help and that of Congress has been so valuable.

We are also actively supporting several legislative proposals that are extremely important to Customs and enforcement generally. These include issues such as increasing the amount of forfeiture value of seized aircraft which must go through the court proceedings, increasing the arrest powers for Customs officers and imposing more stringent penalties on pilots engaged in illegal transport of narcotics by aircraft, as well as the aircraft owners who permit the use of their aircraft for such activity.

We are also developing long-term overall strategy whereby we hope our success will increase the risk of air smuggling where it would be common knowledge without being—we think with your help that we are getting closer to fulfilling these ultimate goals.

Millions and millions of dollars within the last few weeks, I have—625 pounds of cocaine in La Belle, Fla.; 2,500 in Childress,

Tex.; 1,620 pounds in Waller, Tex.; 205 pounds of cocaine near Homestead, Fla. There is a large smuggler population we have yet to stop or deter.

Our efforts in Florida have been successful and we feel the intensified enforcement posture in Florida has redirected much of the air smuggling threat to areas north and west of that area. With the increased commitment and the shifting of other positions to underlying enforcement positions, we are approaching a level of strength where intelligence is the necessary complement on the future success of our operations.

In fact, the Commissioner of Customs, Mr. William von Raab, has recently made a strong commitment toward this end by reassigning 66 positions to intelligence-gathering activity. For some time now we have had to depend on local knowledge concerned and to the Southwest and South Central area. Recently we began assessing the degree of that threat in this area by special enforcement operations, which I might add, Mr. Chairman, were slightly successful.

We will also conduct these operations in other areas of the country to determine exactly where our limited resources can best be utilized. We continue to achieve very significant results, mainly due to our constant monitoring of the air smuggling threat.

In the first 8 months of fiscal year 1983, that's October 1982 through May 1983, the Customs Air program participated in the seizure of 1,441 pounds of cocaine, 88,214 pounds of marihuana, 71 smuggler aircraft and made 185 arrests.

Customs air interdiction results are measured not only by the measures and arrests, but also by disrupting smugglers, forcing them to change their smuggling routes and deterring them from attempting to enter the United States by air. Customs reassigned resources on a temporary basis to those areas where we have determined that they have been most effective.

Also, we are in the process of identifying older, less effective aircraft which can be sold under the provisions of the Exchange Sale program in order to purchase more suitable aircraft with the funds received.

The current plan to obtain from the military the P-3, the C-12 aircraft and the Blackhawk helicopters would allow us to implement the Customs air strategy at a much faster rate than originally anticipated. The long-term loan commitment from the Department of Defense would give the Customs Service the ability to respond much more effectively to the air smuggling threat confronting us at several locations along the southern border.

The military commitment is expected to be phased in during the years 1984 and 1985 and will be placed in locations where the smuggling threat is most severe. Customs is now reviewing the best possible placement of these aircraft to insure rapid and effective deployment as the resources are received from the military.

On another point, we are expecting to play a major role on a National Narcotics Border Interdiction System, which is chaired by the Vice President. In support of this effort, we will be involved in special interdiction operations at lights all along our borders. Our resources will be deemed with those of other participating agencies,

such as the Coast Guard, for a unified air and marine interdiction effort.

As I mentioned earlier, we are very appreciative of the support we have received from the Department of Defense. We are also aware that our level of effectiveness will increase dramatically if they make—their continued assistance has been very crucial and important, contributing to the overall war on drugs.

In summary, the Customs Service for its part will continue to test and improve its air interdiction strategy. We will continue to work toward implementation of the National Narcotics Border Interdiction System, and we will maximize the use of loaned military aircraft and apply the Air Module Concept. And we will continue to review intelligence information and conduct our regular missions to stop narcotics from entering our country.

Mr. Chairman, Customs enforcement personnel are highly dedicated Government employees with a tremendous—and they, as well as I, look forward to making great strides in our efforts against drug smugglers. We have only come near the Air Interdiction program with some measure of success, and I assure you we will continue to give it high priority within the Customs Service.

Thank you, sir.

Mr. ENGLISH. Thank you, Mr. Grimes.

Mr. Kelly, do you have a statement?

**STATEMENT OF DONALD F. KELLY, REGIONAL COMMISSIONER,
HOUSTON, TEX., ACCOMPANIED BY WILLIAM CECIL, ASSIST-
ANT REGIONAL COMMISSIONER**

Mr. KELLY. Mr. Chairman, I appreciate this opportunity to discuss the Southwest region's air interdiction efforts.

We here in the Southwest share your committee's concern, and we very much appreciate your efforts to provide us with Defense Department assistance. Those efforts have been extraordinary and gratifying. These added resources are certainly going to have a tremendous impact on our effort to stem the flow of drugs into the United States.

We will attempt today to provide the committee with information on the threat we in the Southwest face from those who are smuggling narcotics across our southern border by air.

Robert Grimes, the Director of Patrol in Customs headquarters, has already provided this committee with an overview of the national air smuggling threat in his testimony in New Orleans. I will begin with a description of the threat in this region.

As you are aware, enforcement efforts in Florida have seriously disrupted the traditional smuggling routes in the Southeast and have forced many smugglers to travel farther and shift operations to the gulf and southwest borders. This has caused an increase in smuggling into Texas, New Mexico, Arizona, and Oklahoma.

As far as we can determine, there has been an increase in deep border intrusions in which smugglers avoid Florida, move through the Yucatan passage and head inland. We have managed, however, to seize 20 aircraft and make 67 arrests in the first 6 months of the current fiscal year.

The threat potential is obviously growing and the probability it will continue to grow is very high. Our intelligence indicates that Florida-based Colombian and Cuban organizations are establishing new air smuggling routes from source countries via the Caribbean and Central America, across the Gulf of Mexico to Louisiana and the Southwestern United States.

I would also like to mention that we have a very successful cooperative enforcement effort between this region and the Mexican Government. This international dialog has had a very positive effect on our enforcement efforts, and I would like to add that cooperation and communication between the United States and Mexico have exceeded our expectations.

Along the southern border, Mr. Chairman, smuggling is a way of life for many people. The high demand for televisions, radios and other electronic consumer goods creates a black market for smuggling these items into Mexico, a problem which we are working hard with the Mexican Government to solve.

What this does, Mr. Chairman, is to drastically increase the private aircraft traffic, thus blurring the overall picture and making our job infinitely more difficult. These pilots, or contrasmugglers, often return to the United States with other contraband, including narcotics.

What we believe they do, however, is drop it at remote sites in the United States which are extremely difficult to patrol, then return into Mexican airspace and fall back into a normal air route, thus arriving at their ultimate destination with empty planes. When they land, they are usually only in violation of FAA laws.

The fallout from this traffic, however, is that routes are established, contacts are made, safe airstrips on both sides of the border are known, and pilots gain experience. We believe the air smuggling threat in this area is serious, and because of the pressure in south Florida, it will only increase. We feel that the criminal smuggling organizations are in place to shuttle drugs into the United States from the south in large quantities.

I must underscore, Mr. Chairman, that as we are sensitive to the problems that the Mexican Government faces from the contrasmugglers, so too are they sensitive to the problem our country faces from the narcotics smuggling threat.

I feel confident that our relations are such that the Mexican Government will do everything it can to help disrupt the drug smuggling activity from their country into ours, but because the heavy private air traffic across the southern border is already in place, I believe that new air smugglers who can stage at more distant southern locations and penetrate our southern border pose a serious target identification problem for us here in the Southwest United States.

One of the most serious threats we face here in the Southwest is from heroin. Only recently our inspectors in Brownsville, Tex., seized 40 pounds of heroin in a car attempting to enter the United States from Mexico. Though we have yet to seize heroin being smuggled in by air, I have to believe that this is a logical next step for these smuggling groups to pursue. Late last week, 650 pounds of cocaine were seized in northern Oklahoma.

These threats are being addressed, Mr. Chairman, and I am most encouraged by the new National Narcotics Border Interdiction System [NNBIS]. The regional coordinator for NNBIS here in El Paso is Mr. Horace Cavett, who is a longtime Customs employee and is intimately familiar with the smuggling problems unique to this area.

I feel that NNBIS will be as helpful here in the Southwest as any other place in the country and will serve to noticeably disrupt the smuggling activity along the border. In short, Mr. Chairman, I feel that there is a significant narcotics smuggling problem along our southern border, and I am satisfied that serious and deliberate steps are being taken to address this problem.

I feel that the work your committee has done in helping to clarify our country's posse comitatus laws and thereby bring the military to our assistance is a significant contribution which is having a noticeable impact in Florida and can and will have a noticeable impact here as well.

Mr. Chairman, effective interdiction ultimately depends on three things: Our ability to detect low-flying aircraft approaching the border; the ability to intercept these aircraft; and the ability to put our aircraft on the ground to make a successful apprehension of these smugglers.

The program which is underway to acquire the P-3 and C-12 aircraft, as well as the Blackhawk helicopters, constitutes, in my mind, the single most important step forward for Customs in at least the last decade.

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Mr. Chairman, our air module requires that we have every component functioning properly, detection, interception, seizure, and arrest. All are dependent upon each other, and if one fails, they all fail.

The collective efforts of the Government to meet the air smuggling problem must also have every component functioning properly, the administration, the Congress, and the dedicated enforce-

ment agencies involved, like our air module strategy, if one fails in this effort, we all fail.

At this point I would welcome any questions you may have.

Mr. ENGLISH. Thank you very much, Mr. Kelly, for that statement.

Mr. Coleman.

Mr. COLEMAN. Mr. Kelly, one of my major concerns with respect to Customs' interdiction effort has been the lack of radar. I have brought a radar profile that I would like to show you, and I don't think that this reveals anything confidential. It's as though we are looking from Mexico into the United States. This is Columbus, N. Mex., Sunland, El Paso, Presidio.

This is the altitude, this is the ground level, and we are looking north from Mexico into Texas. This study compiled by S.R.I, the Stanford Research Institute, has indicated where you could detect with radar low-flying aircraft. It is a lot worse than a lot of people are willing to admit. I will place this chart in the record.

Mr. ENGLISH. Without objection, so ordered.

[The chart follows:]

Mr. COLEMAN. What this indicates is that if you extended these altitudes at any of these points along the border that I have identified all the way from Brownsville to Douglas, Arizona low-flying aircraft, are not going to be detected by radar. The green lines mean it's undetermined. We just drew the green lines in because it's an undetermined height.

The rest of it indicates that you can detect at about 14,000 feet in some areas between Indian Hot Springs and all the way down to Eagle Pass.

I would suggest that is the kind of interdiction effort that is going to be important for Customs. I am just wondering if you had seen a similar chart or agree with that.

Mr. KELLY. Mr. Coleman, I had not seen that chart before, but I subscribe to it. It looks to me like an extremely accurate portrayal of an existing situation.

Mr. COLEMAN. One of the efforts, as far as I am concerned, of this committee, ought to be detection that stops that capability, particularly here in the Southwest. And I think, as you pointed out yourself and these other witnesses have pointed out, the movement to the Southwest indicates to me that the drug smuggler is going to go back to their old ways, and they are going to be using low-flying aircraft again.

This ought to be one of the top priorities of this Congress and this administration; to give the Customs Service the assistance they need to use detection devices. If it's F-15 radar, then that's what it should be.

Mr. KELLY. I certainly agree with that.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Coleman. I think that is a very good point.

We do have ranges, I was just noticing. In fact, the area that you were exposing, and I guess I am not that familiar with the Texas border, but I assume that that 14,000 feet area we are looking at—that's Big Bend country?

Mr. COLEMAN. Yes, sir. Very sparsely populated, and it's also very vast and expansive an area, so it's certainly an area that a person can fly into below that altitude and not be seen. In addition that altitude is awfully high.

Mr. ENGLISH. In fact, I notice that the top of that, where it levels off—

Mr. COLEMAN. We are not sure.

Mr. ENGLISH. It's undetermined. As I understand it, a plane using that area couldn't fly any higher, so it finally reaches the maximum altitude of the Texas plain that we had. And that's the reason that it leveled off up there, so it could go up several thousand feet more, for all we know. I think it's an excellent point.

I think it shows part of the difficulty, Mr. Kelly, that you presently have. It certainly points out the terrain that you are looking at in this region—at least over the land—is pretty flat looking country, kind of angled down to the gulf is the way it would appear, not much in the way of mountains—at least here in El Paso on down to the gulf, without much of a problem.

How do you detect aircraft coming in with that kind? Obviously, you have a problem here with radar. How do you detect whether somebody is coming—a suspect?

Mr. KELLY. First, I should tell you that we are working hard on this problem and we are making some progress in providing radar coverage. We are working closely with the FAA of the United States and the Mexican Federal Aviation Authorities in Mexico to network Houston FAA radar and the FAA radar in Albuquerque, with the Mexican radar centers in Merida, Monterrey, Guadalajara, and Mazatlan. That has been successfully accomplished, so it gives us, as you can see, an improvement in the profile there, Mr. Coleman.

The aircraft come out high, let's say from Belize, and then will duck down on the deck as they intrude into the border. Sometimes we can pick up a track by utilizing the radar out of the Mexican FAA centers. We are also looking at portable radars, and there are two things:

We utilize, wherever we can, the FAA approach radars that concentrate on bringing people into airports, but that is very spotty, as you can understand. We like to fill in the gaps in between with mobile radar units. We have some, but they are rather outmoded and we would like the assistance of this committee to get us some of the better technology that is available.

Mr. COLEMAN. And the Department of Defense.

Mr. KELLY. Yes, sir.

I would like to comment on another point you made, that one of the things we have seen in our intelligence operation in Big Bend National Park alone in the last 6 months, visual sightings of 39 suspect aircraft flying very low through that area. That points up what you say.

Mr. ENGLISH. In this area that you are mentioning down here, you are saying that you put in some portable radars from time to time. I know that Customs has some of those and you move them in and out.

Mr. KELLY. That is a land border, yes, sir.

Mr. ENGLISH. I suppose we should clarify that in case any drug smuggler doesn't know about the area you all will be waiting for him with portable radar.

Mr. KELLY. I would certainly hope so.

Mr. ENGLISH. This reflects FAA and Norad radar. It's not just civilian; it's a hole, as far as Norad is concerned, too?

Mr. KELLY. Yes, sir.

Mr. ENGLISH. We are faced with a situation where the production of marihuana in Mexico is increasing again, and it is my understanding that we are even seeing some signs now of Mexican brown heroin coming back, indicating once again that we are going to have a major producing country in Mexico, with all the problems that we had a few years ago. We have got a wide open gate here until we shut it. Isn't that true?

Mr. KELLY. Yes, sir.

Mr. ENGLISH. Really you are pretty much left with trying to guess on any aircraft that gets up high enough to be seen on the Mexican side. Is that the position that you are in?

Mr. KELLY. I hate to subscribe to a theory that we are operating on guesswork. We do the best we can with informants and intelligence and picking up targets by radar, but a high percentage of the time, you would be correct.

Mr. ENGLISH. Assuming that you were going to receive a P-3 with an F-15 radar, do you think you could do some damage in that area?

Mr. KELLY. We would receive with open arms and hallelujah, sir, my new equipment and that is the ultimate way to handle this problem along that stretch of border, by being able to do it from down-looking radar from an aircraft such as a P-3.

Mr. ENGLISH. But until we can put one of those planes on station, we are not only in trouble; but we don't really know for sure how much traffic we have coming into that area. We can't count them on our hand as they come through each day. It's pretty much guesswork as far as trying to determine the amount of traffic; is that correct?

Mr. KELLY. Yes, sir.

Mr. ENGLISH. Going on to the next step, which is, of course, being able to intercept, can you describe to me exactly what resources you have available to you to make that interception?

Mr. KELLY. Are you talking about detection?

Mr. ENGLISH. Let's assume we have a P-3 on station up here with an F-15 radar and he is going to spot everything you have got coming through. What interceptor resources do you have in El Paso, Houston, and San Antonio?

Mr. KELLY. We come from Houston to San Antonio, El Paso to Tucson. We have four air units. In Houston, we have a Mohawk aircraft and a Citation and King Air in Tucson. We have a King Air in El Paso.

Mr. ENGLISH. How many of those do you have FLIR radars, forward-looking infrareds?

Mr. KELLY. All five are FLIR-equipped.

Mr. ENGLISH. But that puts you in a position then, once you get up, you could make a visual sighting. You know that he is the guy once you get locked onto him, but that again brings in the ability to detect. You have got to have somebody get that aircraft up there until they make contact; isn't that correct?

Mr. KELLY. That's correct. Our ability to detect using the aircraft we have is very, very low. The Citation can do it. That's the only aircraft that we have that can do it.

Mr. ENGLISH. But that Citation, that's the only one that has both the FLIR and radar on it? On occasion you have key problems with the radar, so that one gets marginal at times; is that correct?

Mr. KELLY. That's not a state of the art radar.

Mr. ENGLISH. Not the best equipped. So really what we have are trackers. You must have some look down radar up there to direct them so they can lock on. With the exception of the Citation—that's assuming the Citation is working, it can do its own intercepting. The Citation is really the only one that we have that fits that description of pure interceptor. The rest would fit more into a tracking mode; is that correct?

Mr. KELLY. Yes, sir.

Mr. ENGLISH. Along the lines of an aircraft that could actually make the arrests in the way of helicopters—rotor aircraft—what do you have available?

Mr. KELLY. Well, what we have on helicopters, mostly we have Hughes. Most of our air units are equipped with Hughes.

Mr. ENGLISH. We have got an awful lot of territory in the Texas area, and all the way along that border, to cover with those helicopters. What kind of speed do you have with them? Are they sufficient to arrive on the scene?

Mr. KELLY. No, sir. We have had some problems in that regard.

Mr. ENGLISH. Unless they are willing to hang close to one of your air support centers, it's real hard to get one of those helicopters out in time to make the seizure and arrest; is that correct?

Mr. KELLY. We recently had a problem with a large marihuana case where a tracking aircraft was circling overhead and we got the marihuana, but the six individuals that were flying in escaped because we couldn't set the tracking aircraft down and we didn't have a helicopter with enough speed to get out there and do the job. That was 2,500 pounds of marihuana in the *Childress* case, which you mentioned previously.

Mr. ENGLISH. So what you are lacking is the ability to do your own detection work. As far as being a pure interceptor, namely, something with radar capability being directed in by either a detection aircraft, or on its own by having radar on board, you have got one that might fit that category. The others that are equipped with the FLIR's would fit more of a tracker definition.

Mr. KELLY. I agree with that.

Mr. ENGLISH. As far as helicopters and being able to make the seizure and the arrest in a timely manner, none of the helicopters really would fit that definition?

Mr. KELLY. That is correct.

Mr. ENGLISH. I think we are all happy that yesterday at New Orleans we did have Admiral Stewart there, who is the representative of NNBIS, who made a commitment on behalf of the Vice President to provide for the first of those F-15 equipped P-3's, along with the C-12's and Blackhawks. So, evidently, we have the Vice President on board.

Mr. KELLY. I certainly hope so. I met with the admiral in Houston last week and was very pleased about that.

Mr. ENGLISH. Moving on to the area of intelligence. How much prior information on an air drug smuggler do you normally receive from EPIC which would fit into a time-sensitive nature? Something that was not requested in advance, information that comes out of the blue and says, "OK; we have got one coming your way and you know that we have learned about"?

Mr. KELLY. Since I have been in Houston, about 3 years, EPIC on a tactical basis has assisted us on approximately five or six significant cases. While that is good, I believe that the capability of EPIC to provide tactical intelligence should be significantly enhanced.

Mr. ENGLISH. In those cases, did this information just come out of the blue, or was this information that you requested, because you had a suspect?

Mr. KELLY. It came directly out of the blue from EPIC.

Mr. ENGLISH. So you had five cases in how long?

Mr. KELLY. About 3 years. They were significant. There are other smaller ones but, generally speaking, I certainly agree that we need to upgrade the tactical intelligence capability of EPIC.

Mr. ENGLISH. Would that significantly enhance your ability to make arrests and seizures if you did?

Mr. KELLY. It certainly would. But I hasten to add this: We had a lot of problems with our entire intelligence infrastructure in the United States Customs Service. We need to pay attention to the entire intelligence cycle. We have to improve our collection processes, our training, to bring technology into the collection, collation and analytical process, and we have to have a dissemination process that services us on a flash-time accurate basis to get intelligence to users, so it is not perishable, and we have recognized this in the Customs Service and we are taking steps to improve that.

My friend, Bob Grimes, indicated that the Commissioner just dedicated 66 positions out of the customs overhead to this, but I think you forgot about the I&C, which constitutes about 60 more. So at this particular time we have dedicated 120 additional slots in the Customs Service to enhance overall our ability to improve the entire intelligence cycle.

I am a supporter of EPIC. I have been detailing people into EPIC to serve on the watch for the last 3 years. I am sure Mr. Orton can tell you about this, and I have been in favor of putting some of my resources into EPIC to serve as a Southwest region desk, which I would be willing to start at any time by assigning at least six people into EPIC to work primarily on a tactical intelligence of interest to the interdiction effort in this region.

I am happy to report that Mr. Orton and I have this subject under active discussion during this trip and I am pleased about that. I hope it bears fruit. I don't want to replicate an effort in my regional headquarters, Houston. After all, we have working in EPIC about 135 people. We don't have the kind of resources to replicate that. We don't need to invent EPIC again. We need to improve it and we are at fault.

I am not blaming EPIC for the lack of tactical intelligence. They can only give out what they get in. We are at fault. We all have to make achievements in this area and we are starting to do that.

Mr. ENGLISH. Mr. Kelly, in your opinion, what is the value of Customs conducting followup investigations?

Mr. KELLY. We would be able to obtain leads that would absolutely improve our interdiction efforts 1,000 fold, in my opinion, and more.

Mr. ENGLISH. Are there followup investigations made of all the air drug seizures?

Mr. KELLY. Yes, some. I have to explain that. We have our charter—the U.S. Customs Service—and the DEA has their charter. They are responsible for investigations in drug-related matters, and if they do not get back to me on a followup investigation and provide us with intelligence and leads out of that, I can only conclude that perhaps it was a domestic case that—and that that is within their charter and there are no interdictory leads to be had from it.

Consequently, I do not get any, but I don't have access to that type of data, so I could not tell you if what you are asking me, if I

am satisfied to get everything I need out of those cases, and I don't have access to that data. I don't know. I would hope that I would get it. I just don't know.

Mr. ENGLISH. The next question is whether you get the results of all investigations?

Mr. KELLY. No, of course not.

Mr. ENGLISH. Do you relay all the drug information which you might receive to EPIC?

Mr. KELLY. I don't believe we do, no.

Mr. ENGLISH. Is that—

Mr. KELLY. That is a management breakdown, and we are going to fix that.

Mr. ENGLISH. That is an area we are going to deal with; start providing information?

Mr. KELLY. It is one of the things most high on my agenda for this year's contract with the Commissioner of Customs.

Mr. ENGLISH. I might say, for the benefit of our audience, that this is the first of many preliminary inquiries into the intelligence areas that this subcommittee will make and we intend to get into it much, much deeper. We feel it is extremely important to not only Customs, but to all of our law enforcement agencies.

Mr. KELLY. I agree. Intelligence has got to be an integrated network and it has got to take advantage of the technology that is out there. If you can, through your committee, hold everybody's feet to the fire to accomplish this, I will applaud you mightily at the next hearing that you hold. It is very, very important.

Mr. ENGLISH. That probably is going to be in Washington, and I think it is going to probably be a closed hearing. We feel that obviously this gets into an area where we'll deal with some very sensitive matters, and we did want to get into it at some point.

Mr. KELLY. I certainly agree with that.

Mr. ENGLISH. I must say that as Mr. Coleman and I toured EPIC this morning, we had some very fruitful and candid discussions with people out there. I personally feel that EPIC is being underutilized and that it is a very valuable resource. This impacts not only on EPIC; but on all the agencies that receive information from EPIC. And we hope to strengthen this to the benefit of all concerned.

I certainly appreciate your attitude about it, Mr. Kelly.

Thank you all very much. We appreciate your coming.

Mr. COLEMAN. I want to thank Mr. Kelly for his willingness to be here and the efforts he is going to make with the agency here. I look forward to working with you in the future.

Mr. ENGLISH. Thank you again. Mr. Kelly, we will be looking forward to seeing you in Washington.

Our next witness is John W. Shannon, Deputy Under Secretary of the Army. I must say before Mr. Shannon begins his testimony that he is one of those people in the Department of Defense who has, I think, been extremely helpful in assisting the whole concept of posse comitatus and the changes that were made in the law, and I know that he has been struggling mightily within the Department of Defense to enlighten all about the need for this type of assistance.

Mr. Secretary, I hold my hat off to you on the assistance that you have given. It is deeply appreciated.

STATEMENT OF JOHN W. SHANNON, DEPUTY UNDER SECRETARY OF THE ARMY, ACCOMPANIED BY GENERAL MALONEY, COMMANDING GENERAL, FORT BLISS

Mr. SHANNON. Thank you, Mr. Chairman. I have with me today General Maloney, who is the Commanding General of Fort Bliss, which has enjoyed for a long time a very good relationship with the good people of El Paso. And I wish to thank you and Mr. Coleman for the opportunity to be here. It is good to be here.

First of all, General Maloney wants me to be here to talk about the good things that are happening at Fort Bliss and El Paso. El Paso has always supported Fort Bliss, and the Representative from this area was a strong supporter for many years. Mr. Coleman, who is also a member of the Armed Services Committee, has always supported the Army.

It is indeed a pleasure to be here. I would like to say the Army appreciates all the support that you and your subcommittee have given us in assisting us with doing what we have to do to fulfill our role in support of law enforcement agencies and in support of the Posse Comitatus Act, we would also like to take the opportunity to say that your staff has been very supportive of us and helped us in accomplishing things that we need to get involved in.

I just was wondering, though, Mr. Coleman, since the mayor made me an honorary citizen, does that mean that I have to pay taxes?

Mr. COLEMAN. Yes, sir. We need all the help we can get.

Mr. SHANNON. Mr. Chairman, I can, if you desire, read my statement or I can submit it for the record and talk from it. I will be happy to do either; I am prepared to do either one.

Mr. ENGLISH. Without objection, Mr. Secretary, we will let you submit your full and complete statement as part of the record; and you may summarize that statement as you wish.

Mr. SHANNON. For the public, I will be hitting on each paragraph, but I will not read it in detail.

You know the Army has been stationed in the Southwest for a long time; Since 1848, the good people of El Paso are the reason that Fort Bliss is where it is today. From the days of the old buffalo soldier to the present, the Army has given support to the Border Patrol and Customs Service. We are proud to be here in the Southwest.

Currently, the Army supports law enforcement agencies. Our support ranges from photographic service to logistical service, to maintenance of communications, and to regular helicopter transportation for the Federal Bureau of Investigation. Additionally, we provide support to the local law enforcement agencies.

DOD personnel have over the past year provided support in the form of some 5,646 man-hours, and our air medics, as you well know, are using the HU-1V helicopters, which during the past year have provided tremendous and continued support to the local community.

In addition to the support that I mentioned, the Bureau of Alcohol, Tobacco, and Firearms receives regular Army logistical support from Fort Bliss while Immigration and Naturalization Service has received ammunition support and other logistical assistance from Fort Bliss.

I will not list all the things which have been accomplished. The reason that they are in the statement, Mr. Chairman, is just to state that prior to the enactment of Public Law 97-86, the Army had its standard procedure by which it provided support. So when the public law was enacted and the Department of Defense published its directive on those things which we could or could not do, the Army already had a system in place. It was a matter of the Army notifying the field, and we did this by message.

These are the things you can now do with the expansion of the public law. We just recently completed the publication of our Army Directive, but that directive in no way changed what we were doing. It only detailed to the commanders in the field those things they were already doing. The publication will be effective on August 1 and is being introduced into distribution now.

Presently at Fort Bliss we are scheduled to provide radar support to the El Paso region for the National Narcotics Board Interdiction Center and I must state, Mr. Chairman, that your staff came to see us some months ago to talk about using our radars here at Fort Bliss as means of detecting aircraft and we told them it couldn't be done.

I apologize to your staff for that and to your subcommittee for that. We are now in the process of assessing that and using various types of radars to interface and hopefully we will be able to come up with some way of detecting low flying aircraft. After we run through this particular period of testing, we will make an assessment as to how much help we can be in that particular area. I wanted to make sure that records show that your staff did discuss that with us a few months ago. We told them no, but we should have come to the experts, and they would have told us differently.

Second, Mr. Chairman, recently Fort Bliss met with the local law enforcement agencies here and asked those agencies for the Essential Elements of Information [EEI] that Fort Bliss may be able to provide to them, and this will lead to further discussions and further meetings with local law enforcement agencies, something that has been going on all the time, but now we are focusing on the drug interdiction program and what information we could provide in that particular area.

Also, Mr. Chairman, it is important to note that Public Law 97-86—and I correct my statement earlier—is something that is different from the way the Army used to do business.

For years it was against the law for the Army to do certain things, and it is difficult to turn people around sometimes. I personally have problems with the Army going out doing certain things anyway, but in doing this it means that in providing the information to the field, to commanders in the field, as to how to implement the public law, we at the top, in senior leadership positions, such as General Maloney, must continue to emphasize to people who operate in our daily operation centers the importance of the Army's involvement to local law enforcement agencies.

It is going to take time. We are making progress. And one example of the progress being made is that our commander at Fort Huachuca, Ariz., at our intelligence school there, looked at his training program and saw that he was flying missions at Fort Huachuca to the north of the post, taking pictures with side-looking radars with Mohawks, and by just flying to the south he would be able to take pictures of the southern area of Fort Huachuca, have his interpreters read those photographs, and provide information to the local law enforcement agencies.

Those are the types of things that we hope will happen at installations throughout the United States, and with emphasis from the senior leadership and with our commanders across the country we will be able to do that.

Additionally, he discovered that in using ground radars his students did not have the opportunity to work under a scenario which would resemble that under tactical conditions, but by taking them out to the field in field training exercises, if he employed those radars in designated areas, they would have the opportunity to actually become familiar with radars under simulated tactical conditions. If we employ them in a definitive position, we may be able in some way to provide assistance to interested law enforcement agencies.

These are examples of things that we were trying to do and some of the things we are planning. It is going to cost us a little money, but it is also going to have a very valuable result for the Army.

It is not something that we are doing in violation of the law. It is something that we are able to do in addition to what the law allows us to do and improve our training at the same time. Those are the types of things that are currently going on.

As you well know, Mr. Chairman, we continue to provide support to Customs and other agencies. The Blackhawk tests are to terminate this month. We will look at the results of that test and evaluate it and determine whether or not the Blackhawk is of value to Customs. Most of the Customs witnesses seem to think that it is.

As far as the situation with the C-12's and the Blackhawk—I might as well mention that, Mr. Chairman—the Army intends to live up to its end of the bargain.

The Secretary of Defense has written a letter stating where he stands on that, and the Secretary of Defense has made a commitment. I am sure the Army will go through with the commitment made by the Secretary of Defense. I just wanted to publicly state that.

Mr. Chairman, with your permission I would just like to say that I am confident that the Army, as it is doing in the Southwest, will meet the future challenges head on.

On behalf of the Secretary of the Army and the Army of excellence, which your Army is today, and the Army which has always served the American people, we look forward to doing those things which we can do. We intend to support local law enforcement agencies with any initiatives that we can within the law, and in any way that it does not interfere with the primary mission of the Army, to be prepared to fight. We look forward to continuing to do what we are doing. Thank you, Mr. Chairman.

[Mr. Shannon's prepared statement follows:]

STATEMENT OF MR. JOHN W. SHANNON, THE DEPUTY UNDER SECRETARY OF THE ARMY, BEFORE THE SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE, AND AGRICULTURE, HOUSE COMMITTEE ON GOVERNMENT OPERATIONS.

CHAIRMAN ENGLISH, DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO TESTIFY HERE TODAY ON THE ARMY'S CONTINUING EFFORTS TO SUPPORT THE DRUG INTERDICTION CAMPAIGN. I THINK IT IS PARTICULARLY FITTING THAT THE ARMY SHOULD BE ASKED TO TESTIFY BEFORE THE COMMITTEE HERE IN EL PASO. HISTORICALLY, THE UNITED STATES ARMY HAS BEEN ACTIVELY INVOLVED IN SUPPORTING LAW ENFORCEMENT EFFORTS IN THE SOUTHWEST. STATIONED ON THE MEXICAN BORDER SINCE 1848, THE ARMY HAS BEEN AT DIFFERENT TIMES BOTH THE SOLE AGENCY FOR THE ENFORCEMENT OF LAW IN THE EARLY DAYS AND LATER A PREDICTABLE PARTNER IN THE BATTLE AGAINST CRIME. THIS SUPPORT HAS RANGED FROM THE EARLY CAVALRY "BUFFALO SOLDIER" TO THE ARMY'S PRESENT-DAY SUPPORT PROVIDED TO THE BORDER PATROL, THE US CUSTOMS SERVICE AND OTHERS.

CURRENT ARMY SUPPORT TO FEDERAL LAW ENFORCEMENT AGENCIES RANGES FROM PHOTOGRAPHIC AND LOGISTICAL SUPPORT FOR THE EL PASO INTELLIGENCE CENTER TO COMMUNICATIONS MAINTENANCE AND REGULAR HELICOPTER TRANSPORT FOR THE FEDERAL BUREAU OF INVESTIGATION. ADDITIONALLY, LOCAL ARMY PERSONNEL PROVIDE MUCH NEEDED EXPLOSIVE ORDNANCE DISPOSAL (EOD) SUPPORT AND TRAINING TO ALL LAW ENFORCEMENT AGENCIES ON REQUEST. DURING THE LAST YEAR ALONE, ARMY EOD PERSONNEL

ASSISTED FEDERAL AND LOCAL LAW ENFORCEMENT AGENCIES IN 47 SEPARATE INCIDENTS AND CONDUCTED TRAINING ON EXPLOSIVE SAFETY, AMOUNTING TO APPROXIMATELY 646 MANHOURS. ALSO, ARMY AERO-MEDICAL SUPPORT WAS ROUTINELY PROVIDED TO LOCAL LAW ENFORCEMENT PERSONNEL, UTILIZING MODIFIED ARMY UH-1V HELICOPTERS. DURING THE PAST 6 MONTHS, MILITARY ASSISTANCE TO SAFETY AND TRAFFIC (MAST) PERSONNEL FLEW 16 LIFE-SAVING MISSIONS. EOD AND MAST ARE ROUTINELY PROVIDED AT NO COST TO THE REQUESTING AGENCIES. IN ADDITION TO THE SUPPORT I HAVE ALREADY MENTIONED, THE BUREAU OF ALCOHOL, TOBACCO, AND FIRE ARMS, RECEIVES ARMY LOGISTICAL SUPPORT FROM FORT BLISS WHILE THE IMMIGRATION AND NATURALIZATION SERVICE HAS RECEIVED AMMUNITION SUPPORT AND OTHER LOGISTICAL ASSISTANCE AS REQUESTED. THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDETF) UTILIZES OFFICE AND WAREHOUSE FACILITIES AT BIGGS ARMY AIRFIELD. IN ADDITION, THE US CUSTOMS AIR SUPPORT UNIT HAS AIRCRAFT PARKING FACILITIES AND WAREHOUSE SPACE AT BIGGS ARMY AIRFIELD. I WOULD LIKE TO EMPHASIZE THAT ALTHOUGH MANY OF THESE SERVICES DO NOT APPEAR DIRECTLY RELATED TO THE EFFORT OF INTERDICTING DRUGS, THEY DO, IN FACT, FREE THESE AGENCIES FROM ADMINISTRATIVE AND LOGISTICAL REQUIREMENTS THAT REQUIRE TIME, MONEY AND PERSONNEL ALLOWING THEM TO DEVOTE THEIR INTENSIVE EFFORTS TO COMBAT THIS INSIDIOUS THREAT. SPECIFICALLY, DRUG INTERDICTION SUPPORT HAS BEEN PROVIDED BY INSTALLATION ARMY PERSONNEL AS MEMBERS OF A JOINT DRUG SUPPRESSION OPERATION ON SIX SEPARATE OCCASIONS IN THE PAST TWO YEARS. DIRECT ARMY ASSISTANCE RESULTED IN EL PASO POLICE

DEPARTMENT, DRUG ENFORCEMENT ADMINISTRATION, AND US CUSTOMS PERSONNEL SEIZING 112.7 POUNDS OF MARIJUANA, AND THREE OUNCES OF COCAINE. FORT BLISS IS WORKING PRESENTLY WITH ALL FEDERAL LAW ENFORCEMENT AGENCIES TO IDENTIFY THEIR SPECIFIC AND ESSENTIAL INFORMATION REQUIREMENTS SO THAT THEY MAY BE CONSIDERED DURING PLANNING OF DAY-TO-DAY MILITARY OPERATIONS AND TRAINING. AS THE HOME OF THE ARMY'S AIR DEFENSE COMMUNITY, FORT BLISS HAS SEVERAL COMBAT-CONFIGURED UNITS EQUIPPED WITH MOBILE RADAR EQUIPMENT. WE ARE PRESENTLY ASSESSING THE FEASIBILITY OF INTEGRATING VARIOUS TYPES OF THESE MOBILE RADARS TO PROVIDE AIRCRAFT IDENTIFICATION AND SURVEILLANCE. OPERATIONAL COMMITMENTS PERMITTING, THIS EQUIPMENT MAY BE MADE AVAILABLE TO ASSIST BOTH FEDERAL AND LOCAL LAW ENFORCEMENT PERSONNEL. FORT BLISS IS SCHEDULED TO PROVIDE THIS SERVICE TO THE EL PASO REGIONAL NATIONAL NARCOTIC BORDER INTERDICTION CENTER. AT THE CONCLUSION OF THIS EFFORT WE WILL STUDY THE RESULTS AND DETERMINE NEEDED MODIFICATIONS AND THE FEASIBILITY OF FUTURE EMPLOYMENT. HOWEVER, DUE TO LIMITED OM&A FUNDS AVAILABLE TO OPERATE AND MAINTAIN THIS HIGHLY SOPHISTICATED EQUIPMENT, RADAR DEPLOYMENT IN SUPPORT OF DRUG INTERDICTION EFFORTS WILL HAVE TO BE CAREFULLY MONITORED. IN ADDITION TO MOBILE RADAR EQUIPMENT, FORT BLISS HAS A LIMITED NUMBER OF HELICOPTER AVIATION ASSETS AVAILABLE TO SUPPORT LAW ENFORCEMENT DRUG SUPPRESSION INITIATIVES. THIS AVIATION SUPPORT IS ALREADY BEING PROVIDED AND ALL AVIATORS ON THE INSTALLATION HAVE RECEIVED

INSTRUCTIONS TO REPORT ON SUSPICIOUS AVIATION ACTIVITIES AND CLANDESTINE AIRFIELDS OBSERVED DURING NORMAL FLIGHT ACTIVITIES. THIS REPORTING IS IN RESPONSE TO A REQUEST FROM THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM OFFICE.

MR. CHAIRMAN, I THINK OUR EFFORTS ARE EVOLVING INTO A TYPICAL WORKING RELATIONSHIP THROUGHOUT OUR STATESIDE INSTALLATIONS. I SHOULD POINT OUT THAT MANY OF THESE RELATIONSHIPS WERE IN EXISTENCE BEFORE THE PASSAGE OF PUBLIC LAW 97-86. HOWEVER, THE EXPANDED SCOPE OF AUTHORITY PROVIDED BY PL 97-86 HAS RESULTED IN OUR INSTALLATIONS INCREASING THEIR AWARENESS OF THESE RELATIONSHIPS BY GETTING ARMY OPERATING PERSONNEL INVOLVED ON A DAY-TO-DAY BASIS ALONG WITH OUR PROVOST MARSHALS AND CRIMINAL INVESTIGATION COMMAND REPRESENTATIVES. AFTER PUBLICATION OF DEPARTMENT OF DEFENSE DIRECTIVE 5525.5, DEPARTMENT OF THE ARMY TRANSMITTED TO THE FIELD IMPLEMENTING MESSAGES THAT PROVIDED COMMANDERS GUIDANCE FROM WHICH TO MAKE DECISIONS PERTAINING TO REQUESTS FROM CIVILIAN LAW ENFORCEMENT OFFICIALS. WHEN THE IMPLEMENTING ARMY REGULATION WAS DRAFTED, IT WAS SENT TO THE MAJOR COMMANDS FOR FIELD COMMENT. THE RESULTANT PRODUCT, ARMY REGULATION 500-51, IS A DOCUMENT WE BELIEVE THE FIELD WILL FIND MOST HELPFUL. INSTALLATION INPUT AND COMMENT WAS INCORPORATED TO INSURE A WORKABLE DOCUMENT. WHILE IT TOOK A LITTLE LONGER TO ACHIEVE THIS, THE DELAY, WE BELIEVE, WAS WORTH THE QUALITY DOCUMENT THAT RESULTED. BY TAKING

THIS EXPANDED VIEWPOINT I'M SURE NEW IDEAS AND OPERATIONAL RELATIONSHIPS WILL CONTINUE TO BE FORTHCOMING.

ON THIS NOTE, I WOULD LIKE TO BRIEFLY TALK ABOUT TWO EXCITING NEW INITIATIVES THAT ARE UNDERWAY WHICH I THINK TYPIFY THE EXPECTATIONS OF PL 97-86. THE DEPARTMENT OF SURVEILLANCE AT THE UNITED STATES ARMY INTELLIGENCE SCHOOL AT FT HUACHUCA, ARIZONA HAS BEEN WORKING HARD TO MAKE THEIR TRAINING PROGRAM REALISTIC AND MEANINGFUL TO THEIR STUDENTS. OF PARTICULAR CONCERN WAS THE TRAINING OF MOHAWK CREWS AND IMAGE INTERPRETER/GROUND SURVEILLANCE RADAR AND SENSOR OPERATORS. TRADITIONALLY, MOST OF THE TRAINING WAS GIVEN IN THE CLASSROOM WITH HANDS-ON EFFORTS LIMITED TO POST FACILITIES OR FLIGHT PATHS FLOWN UNLIKE THOSE EXPECTED ON FUTURE OPERATIONAL MISSIONS. THE DEPARTMENT, AFTER EXTENSIVE STUDY, HAS PROPOSED TWO NEW PROGRAMS.

THE FIRST ENTITLED "HAWKEYE" WOULD CHANGE THE FLIGHT PATH FOR MOHAWK TRAINING FLIGHTS. THESE TRAINING FLIGHTS ARE CURRENTLY FLOWN ON A LOOP NORTH OF FORT HUACHUCA. HAWKEYE WOULD REDESIGNATE THEIR FLIGHT PATH TO THE SOUTH OF THE INSTALLATION. DURING THESE FLIGHTS, SCENARIOS COMMENSURATE WITH ACTUAL OPERATIONAL MISSIONS WOULD BE USED AND THE SAME SAFEGUARDS AND PROCEDURES REQUIRED IN THESE MISSIONS THAT WOULD BE REQUIRED IN THE FIELD. IN ADDITION TO ENHANCING THE REALISM OF THE TRAININ, THE DEPARTMENT WILL BE

ABLE TO PROVIDE VALUABLE INFORMATION TO FEDERAL LAW ENFORCEMENT AUTHORITIES. CURRENTLY A DATA BASE OF IMAGE INFORMATION IS BEING DEVELOPED. SOON ALL COLLECTED INFORMATION WILL BE COMPARED TO THIS BASE LINE DATA AND VARIANCES SUCH AS NEW HOLES IN FENCING, INCREASED USAGE OF TRAILS AND ROADS, OR ALTERATIONS IN TERRAIN WILL BE PROVIDED TO APPROPRIATE LAW ENFORCEMENT OFFICIALS. ADDITIONALLY, ALL AIRCRAFT CREWS ARE BEING TRAINED TO IDENTIFY SUSPECT LOW FLYING AIRCRAFT PENETRATING US AIR SPACE AND A DUAL CHANNEL REPORTING SYSTEM WILL PROVIDE REALTIME INFORMATION TO CUSTOMS OFFICIALS IN TUCSON.

THE SECOND PROGRAM IS BEING CALLED "GROUND HOG". IT PROPOSES MOVING THE TRAINING OF GROUND SURVEILLANCE RADAR (GSR) OPERATORS AND EVENTUALLY SENSOR OPERATORS OUT OF THE CLASS ROOM FOR A FOUR DAY FIELD TRAINING EXERCISE. AN AREA NEAR YUMA MARINE AIR STATION HAS BEEN PROPOSED BECAUSE OF ITS IDEAL TERRAIN. STUDENTS WOULD FOLLOW A TACTICAL SCENARIO TO EMLACE GSR AND SENSOR EQUIPMENT LOOKING FOR EVIDENCE OF INTRUSION. TYPICAL INTRUSION CLOSELY APPROXIMATE THE EFFORTS OF ENEMY FORCES INFILTRATING LINES OR CROSSING DEFENDED BOUNDARIES. THE RESULTANT TRAINING WOULD BE AS REALISTIC AS COULD POSSIBLY BE CONCEIVED IN A PEACETIME SCHOOL ENVIRONMENT. THE PROPOSAL CALLS FOR DIRECT COMMUNICATION WITH INTERESTED LAW ENFORCEMENT AUTHORITIES TO DIRECT THEM TO THE

EXPECTED AREAS OF INTRUSION. ADDITIONALLY THE PROPOSED LOCATION IS IDEALLY SUITED FOR VISUAL OBSERVATION OF LOW FLYING SUSPECT AIRCRAFT THAT WOULD BE REPORTED AS WELL. THIS PROGRAM ONCE FULLY OPERATIONAL CAN PROVIDE 160 DAYS PER YEAR COVERAGE OF THE DESIGNATED AREA.

WE ARE MOST EXCITED ABOUT THE POSSIBILITIES AFFORDED BY THESE TWO INITIATIVES. WE ARE EXCITED BOTH FROM ENHANCEMENT OF TRAINING POINT OF VIEW AND ALSO FOR THE VALUABLE ASSISTANCE WE CAN PROVIDE CIVILIAN LAW ENFORCEMENT AGENCIES. AS OUR SUPPORT PROGRAM MATURES I EXPECT TO SEE MORE INITIATIVES SUCH AS THESE EMANATING FROM FIELD UNITS TO ENHANCE THE EFFORTS OF BOTH ARMY AND CIVILIAN LAW ENFORCEMENT AGENCIES.

AS YOU KNOW MR. CHAIRMAN, THE VICE PRESIDENT ON 17 JUNE 1983 ANNOUNCED THE FORMATION OF FIVE NEW REGIONAL NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM CENTERS. THE ARMY IS PROVIDING PERSONNEL TO HELP STAFF THESE CENTERS AS WELL AS THE EXISTING REDESIGNATED MIAMI CENTER. THE FIRST GROUP OF PERSONNEL ARRIVED AT THEIR STATION ON 27 JUNE. THE REMAINDER ARE SCHEDULED TO ARRIVE IN MID JULY 1983. THESE SOLDIERS ARE AVIATION OPERATIONS SPECIALISTS AND SHOULD PROVE TO BE VALUABLE ASSETS FOR THE CENTERS.

MR. CHAIRMAN, BEFORE I CLOSE I THINK I SHOULD REVIEW THE STATUS OF OUR EXISTING MAJOR SUPPORT EFFORTS. THE AGENCIES CONTINUE TO USE THE MOHAWK, COBRA AND UH1 SERIES HELICOPTERS PROVIDED BY THE ARMY. THE TEST OF THE BLACK HAWK PROVIDED TO CUSTOMS CONTINUES. THE TEST IS SCHEDULED TO END IN THIS MONTH. ONCE THE TEST REPORT IS COMPLETED WE WILL REVIEW THE RESULTS WITH CUSTOMS OFFICIALS. AS A RESULT OF OUR EXPERIENCE OFF THE COASTS OF SOUTH CAROLINA AND GEORGIA, THE CHIEF OF THE NATIONAL GUARD BUREAU HAS AUTHORIZED DIRECT COORDINATION BETWEEN THE GEORGIA NATIONAL GUARD MOHAWK UNITS AND COAST GUARD OFFICIALS. NOW COAST GUARD AND CUSTOMS NEEDS ARE AUTOMATICALLY CONSIDERED IN ALL REGULAR AND TRAINING MISSIONS THESE UNITS FLY.

IN SUMMARY, MR. CHAIRMAN, YOU STATED LAST YEAR THAT UTILIZATION OF MILITARY RESOURCES MUST MOVE FROM AN ATMOSPHERE OF UNIQUE EXPERIMENT TO AN INSTITUTIONALIZED PROCEDURE. I AM CONFIDENT THAT THE ARMY AS IT IS DOING IN THE SOUTHWEST, WILL MEET THE CHALLENGE HEAD-ON. ON BEHALF OF THE SECRETARY OF THE ARMY, I REAFFIRM OUR EARNEST INTENT TO SUPPORT LAW ENFORCEMENT INITIATIVES TO COMBAT THE DRUG PROBLEM WHICH ARE AUTHORIZED BY LAW AND DO NOT ADVERSELY IMPACT ON OUR FIRST MISSION OF MILITARY PREPAREDNESS. THANK YOU.

Mr. ENGLISH. Thank you very much, Mr. Secretary.

I might say your statements with regard to the Blackhawk are certainly understated. As I understand it, the Blackhawk now is the new true love of the Customs Service, and it is known, at least to Sikorsky, where it is made, as the "Pothawk." So, Customs has the Pothawk, the Army has the Blackhawk, the Air Force has the Nighthawk, and the Navy has the Seahawk. So everybody has a hawk. But the Pothawk is doing well, and I think you are going to find those tests very exceptional.

I am going to defer the first round of questions to the Armed Services Committee representative, Mr. Coleman.

Mr. COLEMAN. Mr. Secretary, I welcome you here, and, General Maloney, I appreciate your being with us throughout the day. I think it is critical that the commanding general of this important installation understand what we are trying to do. We understand your mission and would not compromise your ability to move your armies where they need to be in time of national emergencies.

I want to assure you that this committee's recommendations will come with the continued cooperation of the Departments of the Army and of the Air Force, Navy, and the Coast Guard as well, and I certainly want to commend your statement. I appreciate it very much.

Specifically, I would like to understand what kind of aviation support Fort Bliss is supplying and which agency is the beneficiary.

I know you alluded to that support. General Maloney might want to discuss that.

I know you stated in your prepared statement that you had some of that data, but I was not sure which agencies were actually beneficiaries of the aviation support you have given.

Mr. SHANNON. Let General Maloney address that.

General MALONEY. Mr. Coleman, there has been no aviation support provided by Fort Bliss as yet. There has been aviation support provided in south Florida.

Mr. COLEMAN. Well, you have a MAST program.

General MALONEY. Yes, sir, we surely have MAST, which has two helicopters on standby on a moment's notice to fly to a radius of within 100 miles of El Paso to pick up accident victims or victims of severe trauma who cannot be immediately evacuated successfully by other means.

Mr. COLEMAN. I wanted to emphasize that, General, to indicate the cooperation between the civilian community and Fort Bliss that serves—maybe not precisely a military function, but I suspect there are training activities.

General MALONEY. There is certainly very direct training benefit that in combat would do what it is doing now in the national MAST program here locally.

Mr. COLEMAN. The concern that I have had about this whole issue, with respect to the utilization of the Department of Defense, is the lack of written agreements. I just wanted your assessment of whether or not we really are going to get the DOD assistance for Customs and the other agencies. Are we actually going to see delivery of the C-12 and the Blackhawks and F-16 radar?

Mr. SHANNON. Mr. Chairman, there is no doubt in my mind that you will see DOD support. I think that support which has been pro-

vided in the past has not been told to the world. I can assure you that the Secretary of the Army has said, and that the Secretary of Defense has said that one of the first priorities as far as he is concerned is to support the program of the Vice President. Where we can provide that support within the limits of all, we will do that.

I think you will find a positive attitude. I know you will in the Army, and I think you will in the other services.

The answer is yes, I do.

Mr. COLEMAN. I will ask you what the press asked me. Have you got any dates? Have you got a timeframe in which you think we will be receiving that equipment?

Mr. SHANNON. I think the Secretary of Defense in his letter committed to Customs the delivery schedule as proposed by Customs. I think that was 1984-85 timeframe. If we are going to discuss changing that schedule, I think the Secretary of Defense would have to go back and look at that difference. I think that is the latest commitment made.

Mr. ENGLISH. I might point out and explain that a little more in depth, for the press in particular, and the public. We have a limitation due to the fact that particular P-3 modifications have to be made. Radar itself has to be installed on the nose and that is not like simply cutting off a nose and placing some in. It has to be done, as I understand it, by very skilled craftsmen and it has to be done in such a way that it works.

You are rearranging the components so that it fits into this particular aircraft and then of course testing has to be done to make sure that it is aerodynamically sound.

The timeframe that we are talking about is where the first is going to be produced in 27 weeks, so we are talking about around the first of the year before the first P-3 would be ready.

It has always been envisioned that the other equipment, C-12's and Blackhawks, would be part of an air module system, so I would assume that we are talking about delivery over the 2-year period that the Secretary mentions, beginning with around the first of the year with the first module coming on line in early 1984, with the rest of it scattered through 1984 and 1985.

The other problem that we have is that the P-3 is not a small aircraft. It is a very large aircraft; the old Lockheed Electra. We are going to have a training period that will take place at the same time before Customs Service will be flying it. So what we are talking about is probably not so much the Department of Defense as it is the specialists that have to make the adjustments of P-3 and the Customs officials having to accept them—having pilots and everyone trained to do the job, having maintenance worked out to handle the project. So it would be on a staggered basis on the delivery of those and will probably come just as fast as Customs can handle it.

Mr. COLEMAN. I am aware that the chairman has been monitoring those schedules closer than I have. I have had some concern about whether or not we were going to see the delivery of the systems in a reasonable amount of time, and I appreciate the statement of the chairman.

Those are all the questions I had, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Coleman.

Mr. Shannon, when did Fort Bliss request that the Federal law enforcement agencies provide their Essential Elements of Information, and could you also explain for the record what the Essential Elements of Information are, what that means?

Mr. SHANNON. Mr. Chairman, I could answer the first part better than I could the second part. To answer the second part, I will have to refer back to my military days when I was on active duty. Simply, the Essential Elements of Information is what would you like for me to look for? What would you like for me to tell you when I am out there doing something?

Let me let General Maloney answer that. I could answer that, but I think it important he answers because, again, it points out the activities going on at the local level between the installation commander and the local law enforcement agency.

But, Mr. Chairman, if you will recall when I testified before your subcommittee in February, I mentioned that the Army had requested from Customs/Justice the Essential Elements of Information as early as last year, so we would know what to look for and what to tell our local station commanders to look for.

As you stated before, and as we all know, that type of information is geographically important in the specific geographical area. It might be different from El Paso as it would be for New York or someplace else, but I will let General Maloney answer as to when Fort Bliss requested their EEI from Customs.

General MALONEY. The request was provided by us on the 22d of June when we met with FBI, Customs, Border Patrol, EPIC, the Texas Department of Public Safety, DEA, the Bureau of Alcohol, Tobacco, and Firearms, Federal Marshal, National Narcotics Bureau Interdiction Systems Centers, the sheriff's office, and a representative from your office, Congressman Coleman, and what we needed to know, what we requested at that time: what would be the expected routes that we should prepare to survey, what would be the expected altitude of the aircraft, what type aircraft would be expected, what do you want from us concerning that aircraft; that is, do you want altitude, heading, speed? Do you want us to interrogate with IFF? Can we expect a response?

These are the kinds of information that we needed to know.

We also needed to know: where do you want the information? To whom do you want the information provided?

In other words, we needed the essential elements that would allow us to develop a concept of operation so that we could then develop our plans to put into effect operations to support the other Federal agencies.

Mr. ENGLISH. Mr. Secretary, is this something that is being done by the Department of Defense, or is it something that is being done by the Army alone?

Mr. SHANNON. I don't know what the other services are doing. I would have to assume that they are because the Department of Defense directive allows that we do these things, and what we are doing is within the guidance of the Department of Defense directive.

I would think that those services, for them to be able to operate or provide assistance as they are, they have to ask similar questions to be able to give the information. I don't know what they are

doing, but I would have to assume that they are doing that, Mr. Chairman.

Mr. ENGLISH. Mr. Secretary, you are being modest. I think the key word you said was "allowed." I personally am not aware of any other branch of the services that are carrying out similar programs and it seems to me that this is an excellent example of good intent.

It is an initiative by the Army, and I would personally encourage you to let the people in the office of the Secretary of Defense know of this initiative. I think that potential would have a big impact and, of course, if it is done by all of the Department, all of the services, then the impact would be far, far greater.

But we salute the Army and I think it is an excellent initiative that you have taken.

Mr. SHANNON. Mr. Chairman, I will tell Dr. Korb what you have said, and I can assure you it will be received in a positive manner, and I can assure you I will get back to you. I'm sure Dr. Korb will do what is necessary to see that this information is passed to the other services.

Mr. ENGLISH. Mr. Secretary, you mentioned the training scenario about the Mohawk. You talked about shifting from the North down to the South and using that to provide some additional coverage for civilian law enforcement agencies.

Those are the types of things that I think we have been looking for and striving for and hoping that the Department of Defense would come up with, the services themselves.

Certainly in the Congress—it is not really our place to come up with these types of proposals—we have come up with proposals simply because we hoped that we would spark similar type of reaction as far as the services are concerned or the law enforcement agencies are concerned.

But it seems to me that this not only has the potential of assisting law enforcement without having any negative impact on combat readiness, but may in fact enhance combat readiness.

Is that a proper assessment of that type of program?

Mr. SHANNON. Clearly, Mr. Chairman, that is a proper assessment, and your subcommittee has contributed to the Army doing these things.

This credit goes strictly to the commanding general at Fort Huachuca. It was not directed by the Department of the Army. It was his own initiative because he was fulfilling what he thought was the expanded intent of the public law and you will find that General Maloney is also in the process of doing that.

I would rather not discuss any of those things, but he is in the process of some initiatives that will assist local law enforcement agencies in fulfilling their job.

But, Mr. Chairman, I think you are being modest now. I think your subcommittee should take credit for helping us move in that direction. And we will continue to do that.

We are not going to get it all done as quickly as we would like to because we are going to find some commanders who will not move in that direction.

It is going to take all of the Army, but we will strive to do more of this as part of our daily operation.

Mr. ENGLISH. I hope there is some way we can recognize and commend those commanders that do take this action. We certainly feel they must have recognition for carrying out this kind of independent action.

Mr. SHANNON. I can assure you, Mr. Chairman, the Secretary of the Army will recognize the individuals.

Mr. ENGLISH. We have one other problem I would like to get your reaction to, Mr. Secretary; that is, we have had an awful lot of civilian law enforcement people that are wondering about that change in the law of posse comitatus.

I think that certainly Federal law enforcement agencies have some grasp and understanding of what can be done and what cannot be done.

We are still, I realize, experimenting as far as the best way to handle any of these requests. I know that the Department of Defense held a conference last winter which brought in people from civilian law enforcement, and brought in Members of the Congress to visit and speak on how they feel the Department might assist, and got discussion going that I think helped significantly in providing additional assistance.

Do you think there is a possibility that those types of discussions might be held throughout the country with State and local law enforcement officials so they could have a better understanding, as far as the Department is concerned, on what they can and cannot do, what procedures that they should follow if they think they may need help, or some case in which the Department might help?

Let me go one step further before you answer that. There are two reasons for that. The first is obviously to assist local law enforcement to the full extent of the law. But the second, and more important, is, I still believe, that the Department of Defense should be a last resort. Until we have a procedure set up so that we can evaluate requests from law enforcement officials, whether it is State, local, or Federal, and until we can determine that those requests cannot be met by any other law enforcement agency and can only be assisted by the Department of Defense, should we go to the Department of Defense?

Right now we do not have that kind of procedure set up. We are still in a position where if the sheriff out there thinks he has got a problem coming up and he needs some help, he is going to call the Secretary of Defense. And we have got an awful lot of sheriffs out there and I think the Secretary is going to get tired of taking calls after midnight.

I think that you need to get a procedure set up. You need to get some kind of discussion going with local law enforcement so that they understand exactly what this means.

Mr. SHANNON. Mr. Chairman, I understand what you are saying and the answer to your question is yes. I think those types of get-togethers are valuable, and I am going to ask General Maloney to speak as to what he is doing and what other commanders in the Army are doing throughout the country.

But I hear what you are saying, and I will take the message back to the Defense Department that possibly, as we had in Washington, there should be other DOD-sponsored get-togethers throughout the country and that maybe it should be systematic, something that be-

comes systematic in nature. So at least everyone understands what the expanded role of posse comitatus is. I will take that back to the Department of Defense, you can be assured of that.

I would like for General Maloney to just discuss with you those things that he is doing. In the Army we do that. We have to move from where we are, Mr. Chairman, and that is a provost marshal doing most of the interface with local law enforcement agencies. The reason for that is that historically it has been that way.

But what we have got to do in the Army is to standardize our staff procedures and those that have been used in the military before.

You understand SOP. We have got to standardize within our daily operations, our G-3 shops and our operation shops. This is part of our function and not the function of the provost marshal.

Provost marshal, are the Army's law enforcement agencies which are used. We have to do that. We have to know that—that operator must know if he has someone out training what they could be looking for. He may have someone out on a mission, specifically tasked to report back certain information.

That will become a part of the standard day-to-day operations of the Army. It is going to take us a while to do that, but General Maloney can tell you the meetings he has had and some that he will have in the future with local law enforcement so we understand what service he can provide.

Mr. ENGLISH. I think that is the point and, at least the last time I checked, not too many commanders in military installations around this country understand exactly what they can and cannot do. So it would be helpful to commanders.

General, you probably have a better understanding of it now than most of us, so I think until we get something standardized out of the Department of Defense. As you say, Mr. Secretary, we are placing a burden on these commanders that they should not have to assume.

Also, Mr. Secretary, I am not familiar with what an Army regulation 500-51 is. Could you explain that and could you tell us the process that has been established to insure that potential valuable tactical information reaches end users in a time-sensitive manner?

Mr. SHANNON. I will make a copy available of the Army regulation, but the Army regulation is simply an implementation of Department of Defense regulation and it tells commanders what they can do. It says how to release information—what the limits are on using personnel in fulfilling their expanded role in posse comitatus and also the concept of how things are done.

What this particular regulation says is that information, as we have always passed it, tactical information is passed through the terminals of provost marshal to the local law enforcement agency. We didn't have to change that, reemphasize that on intelligence information, criminal information, whatever it may be.

The standard procedure we have been using, we will continue to use that, but remember that you, by law, are now able to play a role in expanded posse comitatus and drug interdiction activity. That is what that regulation does.

It took us a while to get this regulation published. I am sure you understand, Mr. Chairman, that we could have gone out with a

regulation very quickly but, instead, we went out with implementing instructions in the form of messages to the field because we wanted the regulation to do what it is supposed to do, and that is what I was speaking of: this regulation becomes effective on August 1. It took us a year to publish this regulation, but I am not ashamed of that. I think it does what we want it to do.

It is a good regulation. Most of the time Army regulations have five or six changes. I don't expect to see many changes to this regulation because it is well put together.

[The regulation follows:]

Headquarters
Department of the Army
Washington, DC, 1 July 1983

Army Regulation 500-51

Effective 1 August 1983

Emergency Employment of Army and Other Resources Support to Civilian Law Enforcement

Summary. This regulation implements DOD Directive 5525.5. It also establishes uniform Department of the Army policies and procedures covering support provided to Federal, State, and local civilian law enforcement officials.

Applicability. This regulation applies to all Active Army, Army National Guard (in Federalized status), and US Army Reserve elements furnishing resources to assist civilian law enforcement officials in the performance of their duties.

Impact on New Manning System. This regulation does not contain information that affects the New Manning System.

Supplementation. Supplementation of this regulation is

prohibited unless prior approval is obtained from HQDA (DAMO-ODS), WASH DC 20310.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Operations and Plans. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO-ODS), WASH DC 20310.

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Chapter 1 Introduction

Section I General

1-1. Purpose

This regulation prescribes Department of the Army (DA) policies and procedures for providing Army resources in support of Federal, State, and local civilian law enforcement agencies.

1-2. References

Required publications are listed in appendix A.

1-3. Explanation of abbreviations and terms

a. Abbreviations.

- (1) ACSI Assistant Chief of Staff for Intelligence.
- (2) ASD (MRA&L) .. Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).
- (3) COA Comptroller of the Army.
- (4) CPA Chief of Public Affairs.
- (5) DA Department of the Army.
- (6) DCSLOG Deputy Chief of Staff for Logistics.
- (7) DCSOPS Deputy Chief of Staff for Operations and Plans.
- (8) DCSPER Deputy Chief of Staff for Personnel.
- (9) DOD Department of Defense.
- (10) HQDA Headquarters, Department of the Army.
- (11) MACOM major Army command.
- (12) POC point of contact.
- (13) USSS US Secret Service.

b. Terms.

(1) *Civilian agency.* Government agency (other than the DOD) in the following jurisdictions:

- (a) The United States.
- (b) A State (or political subdivision).
- (c) A territory or possession of the United States.

(2) *Civilian law enforcement official.* Officer or employee of a civilian agency with responsibility for enforcement of the laws within the jurisdiction of the agency.

1-4. Policy

a. DA policy is to cooperate with civilian law enforcement officials to the maximum extent possible consistent with the following:

- (1) The needs of national security and military preparedness.

(2) The tradition of limiting direct military involvement in civilian law enforcement activities.

(3) The requirements of applicable law.

b. The policies and procedures regarding equipment loans apply to all US military property, including property issued to the National Guard.

1-5. Reporting requirements

A three-part quarterly report (RCS DD-M (Q)1595) of all requests for assistance (approved, denied, or pending) will be submitted by commanders of major Army commands (MACOMs) to HQDA(DALO- SMS/ DAMO-ODS), WASH DC 20310. The report will show action taken (approval, denial, or pending) and other appropriate information. (The format for this report is shown in app B.) The report is due the 15th of the month following the end of each quarter (15 April, 15 July, 15 October, and 15 January).

1-6. Release of information

a. The civilian agency with primary responsibility for law enforcement functions also is responsible for the release of information to the public about the function concerned. Release of information by the civilian agency should be coordinated with Headquarters, Department of the Army (HQDA). The Army may release such information, however, under AR 360-5.

b. When assistance is provided under this regulation, the Army may require that it be the sole releasing authority of information concerning the Army assistance provided.

1-7. Military preparedness

Assistance may not be provided under this regulation if the provision of the assistance could affect adversely the national security or military preparedness.

Section II Responsibilities

1-8. Deputy Chief of Staff for Operations and Plans (DCSOPS) The DCSOPS will—

a. Serve as Army Staff proponent for the Army's program for cooperating with civilian law enforcement officials.

b. Provide a single Army Staff point of contact (POC) for processing requests for—

- (1) Personnel to support civilian law enforcement officials.

(2) Loans of equipment of an operational immediate nature.

c. Submit for review by the Joint Chiefs of Staff those requests which a unified or specified commander has assessed as having an adverse impact on national security or military preparedness.

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1-9. Deputy Chief of Staff for Logistics (DCSLOG)

The DCSLOG will provide a single Army Staff POC for coordinating routine requests for the loan of Army equipment to civilian law enforcement officials.

1-10. Comptroller of the Army (COA)

The COA will provide policy guidance on costing, reimbursement, and accounting for support provided to civilian agencies.

1-11. Assistant Chief of Staff of Intelligence (ACSI)

The ACSI will provide a POC for coordinating the release of military intelligence-related information to civilian agencies.

1-12. Deputy Chief of Staff for Personnel (DCSPER)

The DCSPER will provide a POC for coordinating the release of nonmilitary intelligence information to civilian agencies.

1-13. Chief of Public Affairs (CPA)

The CPA will provide a POC for coordination and re-

lease of information to the public regarding Army support provided to civilian law enforcement officials.

1-14. Commanders of major Army commands (MACOMs)

MACOM commanders will—

a. Insure that local POCs are established at all levels for coordination with civilian law enforcement officials.

b. Obtain an impact statement from the unified or specified commander concerned when requests for Army assistance involve resources in support of a unified or specified command.

c. Submit to HQDA(DAMO-ODS) requests that a unified or specified commander assesses as having an adverse impact on national security or military preparedness.

1-15. Commanders of local installations and activities

These commanders will—

a. Maintain liaison with local civilian law enforcement officials.

b. Approve, or forward with recommendation, loan requests from local civilian law enforcement officials.

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Chapter 2**Use of Collected Information, and Military Equipment and Facilities****Section I****Use of Collected Information****2-1. Concept**

a. Army organizations are encouraged to furnish information collected in the normal course of military operations to the civilian law enforcement agency having jurisdiction. This is true if the information is reasonably believed to be relevant to violations of Federal, State, or local law. Information from noninvestigative agencies will be provided to the installation Provost Marshal for release. The installation Provost Marshal will coordinate with the local Staff Judge Advocate before releasing this information.

b. Procedures for disclosure of this information are set forth in AR 340-17, AR 340-21, and AR 381-45.

c. Nothing in this regulation modifies Army policies and procedures contained in AR 381-10. These policies and procedures concern collection or dissemination of information for intelligence or counterintelligence purposes.

d. Unless participation is authorized by law, or AR 381-10, provisions of assistance to civil law enforcement officials under this regulation may not include or permit the following by Army members:

(1) Interdiction of a vessel, aircraft, or land vehicle.

(2) Search or seizure, arrest, or other similar activity.

e. Planning and execution of compatible military training and operations may consider the needs of civilian law enforcement officials for information, when the collection of information is an incidental aspect of training performed for a military purpose. This does not permit the following:

(1) Planning or creating missions or training for the primary purpose of aiding civilian law enforcement officials.

(2) Conducting training or missions for the purpose of routinely collecting information about US citizens.

2-2. Acquisition and dissemination

Acquisition and dissemination of information and assistance to civil law enforcement agencies will be in accordance with section 371, title 10, United States Code, and AR 340-17, AR 340-21, AR 380-13, AR 381-10, and AR 381-20.

Section II**Use of Military Equipment and Facilities****2-3. Equipment and facilities**

a. Army installations may make the following available to Federal, State, or local civilian law enforcement officials for law enforcement purposes:

- (1) Equipment.
- (2) Installation facilities.
- (3) Research facilities.

b. This assistance can be provided only if it does not adversely affect national security or military preparedness.

2-4. Limitations on use of personnel

a. A request for training, expert advice, or the use of DA personnel to operate or maintain, or to assist in operating or maintaining, equipment made available under paragraph 2-3 will be considered under the guidance in chapter 3.

b. Personnel in DA intelligence components also are subject to the limitations in AR 381-10.

2-5. Approval authority

a. Requests for the following will be processed under AR 500-50, AR 500-60, AR 75-15, or AR 1-4:

- (1) Military assistance in the event of civil disturbance.
- (2) Disaster relief.
- (3) Explosive ordnance support.
- (4) Support to the US Secret Service (USSS).

b. When requests for this equipment are not connected with civil disturbance, disaster relief, or support to the USSS, the requests should be processed as shown below.

(1) Requests for the following will be forwarded from the MACOM to HQDA(DALO-SMS):

- (a) Arms.
- (b) Ammunition.
- (c) Combat and tactical vehicles.
- (d) Combat and tactical vessels.
- (e) Aircraft.
- (f) Other equipment in excess of 60 days.
- (g) Special equipment requiring Department of Defense (DOD) approval.

(2) Requests for loans of all other equipment will be processed under AR 700-131.

c. Requests for the use of installation or research facilities will be forwarded from MACOM to HQDA (DAMO-ODS) for approval.

d. Requests for DA intelligence components to provide assistance will be forwarded from MACOM to HQDA(DAMI-CI) for consideration under AR 381-10.

e. All requests will be submitted promptly to the approving authority, including those for which subordinate authorities recommend denial. Requests will be forwarded and processed in keeping with the appropriate degree of urgency dictated by the situation.

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Chapter 3 Participation of Personnel in Civilian Law Enforcement Activities

Section I

Approval Authority

3-1. Requests

Requests by civilian law enforcement officials for use of Army personnel in civilian law enforcement functions will be forwarded through command channels to the appropriate approval authority. Guidance in this chapter will be used.

a. Use of Army personnel in civil disturbances and related matters is governed by AR 500-50; approval authorities are specified in AR 500-50.

b. Requests for assistance to the government of the District of Columbia should be forwarded to HQDA (DAMO-ODS), WASH DC 20310.

c. Requests for the assignment of personnel will be forwarded to HQDA (DAMO-ODS).

(1) Secretary of Defense approval is required for requests that involve—

(a) Assignment of 50 or more Army personnel.

(b) Period of assignment of more than 30 days.

(2) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)) is the approval authority for other requests for personnel assignment.

d. Approval authority has been granted to HQDA (DAMO-ODS) for requests for assistance by Army personnel for a period of 6 months or less in the following categories:

(1) Use of Army personnel to provide training or expert advice, under paragraphs 3-6 and 3-7.

(2) Use of Army personnel for equipment maintenance, under paragraph 3-8.

(3) Use of Army personnel for monitoring and communicating the movement of air and sea traffic, under paragraph 3-3.

e. Requests that involve Army intelligence components are subject to the—

(1) Limitations in AR 381-10 and AR 381-20.

(2) Approval of the Secretary of Defense.

f. All requests will be submitted promptly to the approving authority; these requests will include those in which subordinate authorities recommend denial. Requests will be forwarded and processed in keeping with the degree of urgency dictated by the situation.

3-2. Exceptions based on status

Restrictions in section II below are not applicable to the following persons:

a. Members of a Reserve Component when not on active duty or active duty for training.

b. Members of the Army National Guard when not in Federal service.

c. Civilian employees of the DOD. (If under direct command and control of a military officer, assistance will not be provided unless permitted under para 3-1.)

d. Members of a Military Service when off-duty and in a private capacity. (A member is not acting in a private capacity when assistance to law enforcement officials is rendered under direction, control, or suggestion of DOD authorities.)

Section II

Statutory Requirements

3-3. Posse Comitatus Act

Primary restrictions on military participation in civilian law enforcement activities are outlined in the Posse Comitatus Act; this Act is section 1385, title 18, United States Code. It provides the following: "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years or both."

3-4. Permissible direct assistance

The following activities are not restricted by the Posse Comitatus Act, notwithstanding direct assistance to civilian law enforcement officials:

a. Actions taken for furthering a military or foreign affairs function of the United States, regardless of incidental benefits to civilian authorities. This provision must be used with caution; it does not include actions taken for aiding civilian law enforcement officials or otherwise serving as a subterfuge to avoid the restrictions of the Posse Comitatus Act. Actions under this provision may include the following, depending on the nature of the DOD interest and the specific action in question:

(1) Actions related to enforcement of the Uniform Code of Military Justice.

(2) Actions likely to result in administrative proceedings by DOD, regardless of related civil or criminal proceedings.

(3) Actions related to the commander's inherent authority to maintain law and order on a military installation or facility.

(4) Protection of classified military information or equipment.

(5) Protection of DOD personnel, DOD equipment, and official guests of DOD.

(6) Other actions that are undertaken primarily for military or foreign affairs purposes.

b. Actions taken under the inherent right of the US

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Government to insure preservation of public order, and carrying out of governmental operations within its territorial limits, by force if necessary. This authority is reserved for unusual circumstances. It will be exercised only under AR 500-50, which permits use of this power in two circumstances, as discussed below.

(1) The emergency authority authorizes prompt and vigorous Federal action (including use of military forces) to—

(a) Prevent loss of life or wanton destruction of property.

(b) Restore governmental functioning and public order.

These actions will be taken when sudden and unexpected civil disturbances, disasters, or calamities seriously endanger life and property, and disrupt normal governmental functions so much that duly constituted local authorities are unable to control the situation.

(2) Protection of Federal property and functions authorizes Federal action (including the use of military forces) when—

(a) The need for protection exists.

(b) Duly constituted local authorities are unable or decline to provide adequate protection.

c. Actions taken under DOD responsibilities (sec 331-334, title 10, United States Code) relating to use of military forces with respect to insurgency, domestic violence, or conspiracy that hinders the execution of State or Federal law in specified circumstances. Actions under this authority are governed by AR 500-50.

d. Actions taken under express statutory authority to assist officials in execution of laws, subject to applicable limitations. Laws that permit direct military participation in civilian law enforcement are listed below.

(1) Protection of national parks and certain other Federal lands (secs 23, 78, and 596, title 16, United States Code).

(2) Enforcement of the Fishery Conservation and Management Act of 1976 (sec 1861(a), title 16, United States Code).

(3) Assistance in cases of crimes against foreign officials, official guests of the United States, and other internationally protected persons (secs 112 and 1116, title 18, United States Code).

(4) Assistance in cases of crimes against members of the Congress (sec 351, title 18, United States Code).

(5) Protection of the President, Vice President, and other designated dignitaries (sec 1751, title 18, United States Code, and the Presidential Protection Assistance Act of 1976, Public Law 94-524).

(6) Actions taken in support of neutrality laws (secs 408 and 461-62, title 22, United States Code).

(7) Removal of persons unlawfully present on Indian lands (sec 180, title 25, United States Code).

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(8) Execution of quarantine and certain health laws (sec 97, title 42, United States Code).

(9) Execution of certain warrants relating to enforcement of specified civil rights laws (sec 1989, title 42, United States Code).

(10) Removal of unlawful enclosures from public lands (sec 1065, title 43, United States Code).

(11) Protection of the rights of a discoverer of a Guano Island (sec 1418, title 48, United States Code).

(12) Support of territorial governors in the event of civil disorders (secs 1422 and 1591, title 48, United States Code).

(13) Actions in support of certain customs laws (sec 220, title 50, United States Code).

(14) Support to the Attorney General in protecting nuclear material (under Public Law 97-351).

3-5. Restrictions on direct assistance

Except as otherwise provided in this regulation, prohibition on use of military personnel as a posse comitatus or otherwise to execute the laws prohibits the following forms of direct assistance:

a. Interdiction of a vehicle, vessel, aircraft, or other similar activity.

b. Search or seizure.

c. Arrest or stop and frisk, or similar activity.

d. Use of military personnel—

(1) For surveillance or pursuit of individuals.

(2) As informants, undercover agents, investigators, or interrogators.

3-6. Training

Installations are authorized to provide training to Federal, State, and local civilian law enforcement officials in operation and maintenance of equipment made available under paragraph 2-3. This does not permit the following:

a. Large scale or elaborate training.

b. Regular or direct involvement of military personnel in activities that are fundamentally civilian law enforcement operations.

3-7. Expert advice

Installations may provide expert advice to Federal, State, or local law enforcement officials, under sections 371-378, title 10, United States Code. This does not permit regular or direct involvement of military personnel in activities that are fundamentally civilian law enforcement operations.

3-8. Use of Army personnel to operate or maintain equipment

Requests for Army personnel to operate or maintain (or to assist in operating or maintaining) equipment made available under paragraph 2-3 may be made by the head

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of a civilian agency empowered to enforce the laws listed below.

a. Controlled Substances Act (sec 801 *et seq*, title 21, United States Code); Controlled Substances Import and Export Act (sec 951 *et seq*, title 21 United States Code).

b. Any of sections 274 through 278 of the Immigration and Nationality Act (sec 1324-28, title 8, United States Code).

c. A law relating to the arrival or departure of merchandise into or out of the customs territory of the United States or any other territory or possession of the United States. "Merchandise" as used here is defined in section 401 of the Tariff Act of 1930 (sec 1401, title 19, United States Code). Customs territory of the United States, as used here, is defined in general headnote 2 of the Tariff Schedules of the United States (sec 1202, title 19, United States Code).

d. Any other law which establishes authority for DOD personnel to provide direct assistance to civilian law enforcement officials.

3-9. Limits of assistance

a. Assistance provided under paragraph 3-8 will be limited to situations where training of non-DOD personnel would—

(1) Be unfeasible or impractical from a cost or time perspective.

(2) Not otherwise compromise national security or military preparedness concerns.

b. The following types of assistance may be provided under this paragraph:

(1) Army personnel may be assigned to maintain (or assist in maintaining) equipment, with respect to criminal violation of the laws specified in paragraph 3-8.

(2) Army personnel may be assigned to operate (or assist in operating) equipment to the extent the equipment is used for monitoring and communicating movement of air and sea traffic, with respect to criminal violation of the laws specified in paragraph 3-8.

(3) In emergency circumstance, equipment operated by (or operated with the assistance of) Army personnel may be used outside the land area of the United States (or any US territory or possession) as a base of operations by Federal law enforcement officials to—

(a) Facilitate the enforcement of a law listed in paragraph 3-8.

(b) Transport such law enforcement officials in connection with such operations.

(4) Emergency situations in (3) above are subject to the following limitations:

(a) Equipment operated by (or with the assistance of) DOD personnel may not be used to interdict or interrupt the passage of vessels or aircraft; the exception is when DOD personnel are otherwise authorized to take such action, with respect to a civilian law enforcement operation.

(b) A joint determination by the Secretary of Defense and the Attorney General must consider that an emergency circumstance exists (under sec 374(c)(2), title 10, United States Code). An emergency circumstance may be determined to exist for purposes of this subparagraph only under the following situations: when the size and scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and enforcement of a law listed in paragraph 3-8 would be seriously impaired if the assistance described in this subsection were not provided.

(c) The emergency authority in this subparagraph may be used only with respect to large-scale criminal activity at a particular time or over a fixed period. It does not permit use of this authority on a routine or extended basis.

(d) Nothing in this section restricts the authority of military personnel to take immediate action to save life or property, or to protect a Federal function as provided above.

(5) When Army personnel are otherwise assigned to provide assistance with respect to the laws specified in paragraph 3-8, the participation of such personnel will be consistent with the limitations in such laws.

3-10. Other permissible assistance

The following forms of indirect assistance activities are not restricted by the Posse Comitatus Act:

a. Transfer of information acquired in the normal course of military operations.

b. Other actions (approved by HQDA) that do not subject civilians to the exercise of military power that is—

(1) Regulatory.

(2) Proscriptive.

(3) Compulsory in nature.

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Chapter 4

Guidance on Determining Reimbursements for Civilian Law Enforcement Support

(Note: Guidance in this chapter specifies funding requirements and reporting procedures for use of resources, in cooperation with civilian law enforcement officials, and this guidance also will be used for determining and billing the reimbursable portion of this support.)

4-1. Reimbursement

In general, reimbursement is required when equipment or services are provided to agencies outside DOD. Reimbursement data will be accumulated and reported under financial reporting requirements.

a. Primary authority for reimbursement is the Economy Act (sec 1535, title 31, United States Code). Specific guidance on reimbursement for the loan of equipment or supplies is provided in AR 700-131, chapter 5.

b. Reimbursement for telecommunications services will be under AR 105-23 and AR 37-61.

c. Time permitting, civilian law enforcement officials that come under source code 900 (see AR 37-100) will provide the supporting installation with a fund advance; this fund advance will be based on the estimated cost of equipment and services.

4-2. Documentation

As a part of normal administrative control procedures, a copy of the civilian law enforcement agency request (or a statement of the requested support) and the official approval should be retained by the organization providing the assistance. Dates and locations of the support and the DA resources employed will be included.

4-3. Accounting system

a. The system used to account for the cost of support to civilian law enforcement agencies need not be different than the system management officials have deemed adequate and sufficient for normal administration and control of resources.

b. When the accounting system used by management has the capability to accumulate and distribute the indirect costs incurred in providing the support (including the indirect costs for the overall management of the activity) that system should be used to accumulate the indirect costs.

(1) The existing accounting system should be used when it can be modified efficiently to provide a systematic and rational indirect costing process. This system then would be beneficial in the day-to-day operations of the activity.

(2) If management has no other recurring or significant use for an accounting system which separately can identify direct and indirect costs, the COA will establish a memorandum costing or cost finding system for activities

providing support to civilian law enforcement agencies.

4-4. Costing

a. Incremental costs of support provided to any non-DOD agency by an Army industrial fund activity will be reimbursed. Accordingly, normal industrial fund accounting procedures will apply.

b. When permissible, automatic reimbursable accounting procedures will be used to record a request for reimbursable support with subsequent billing on not less than a quarterly basis if the support provided by an Army element is over an extended period. Moreover, payment is required within 30 days of the date of the bill. Payment may not be withheld over disagreement of cost for a specific item contained in the billing document.

4-5. Waivers

a. When reimbursement is not required by law for a particular form of assistance, a request for waiver of reimbursement may be granted. Requests for waivers must be submitted to HQDA(DALO-SMS or DAMO-ODS as appropriate), WASH DC 20310. The ASD(MRA&L) is the approval authority to waive reimbursement.

b. A request for waiver may be granted in the following circumstances:

(1) When assistance under this regulation—

(a) Is provided as an incidental aspect of an activity that is conducted for a military purpose.

(b) Involves use of Army personnel in an activity that provides the Army with training or operational benefits substantially equivalent to the benefit of Army training or operations.

(2) When reimbursement is not otherwise required by law.

(3) Waiver of reimbursement is determined not to have an adverse impact on military preparedness.

c. When evaluating requests for waivers of reimbursement, HQDA(DAMO-ODS) will take into consideration—

(1) Budgetary resources available to civilian law enforcement agencies.

(2) Past practices with respect to similar types of assistance.

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Appendix A Required Publications

AR 1-4	(Employment of Department of the Army Resources in Support of the United States Secret Service). Cited in paragraph 2-5a.	AR 340-21	(The Army Privacy Program). Cited in paragraphs 2-1b and 2-2.
AR 37-61	(Budgeting, Funding, and Reimbursement for Telecommunications Support of Army Activities). Cited in paragraph 4-1b.	AR 360-5	(Public Information). Cited in paragraph 1-6a.
AR 37-100	(Account/Code Structure). Cited in paragraph 4-1c.	AR 380-13	(Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations). Cited in paragraph 2-2.
AR 75-15	(Responsibilities and Procedures for Explosive Ordnance Disposal). Cited in paragraph 2-5a.	AR 381-10	(US Army Intelligence Activities). Cited in paragraphs 2-1c and d, 2-2, 2-4b, 2-5d, and 3-1e(1).
AR 105-23	(Administrative Policies and Procedures for Base Telecommunications Services). Cited in paragraph 4-1b.	AR 381-20	(US Army Counterintelligence (CI) Activities). Cited in paragraphs 2-2 and 3-1e(1).
AR 340-17	(Release of Information and Records from Army Files). Cited in paragraphs 2-1b and 2-2.	AR 381-45	(Investigative Records Repository (IRR)). Cited in paragraph 2-1b.
		AR 500-50	(Civil Disturbances). Cited in paragraphs 2-5a, 3-1a, and 3-4b and c.
		AR 500-60	(Disaster Relief). Cited in paragraph 2-5a.
		AR 700-131	(Loan of Army Materiel). Cited in paragraphs 2-5b(2) and 4-1a.

Appendix B Sample Format for Quarterly Report of Assistance to Law Enforcement Officials

B-1. This appendix provides a standard format for submitting quarterly reports of assistance to civilian law enforcement officials. Reports can be submitted electronically or in writing, but must follow this format. Explanatory data should be confined to the remarks entries at paragraph B-2a(14) and B-2b(15). Entries not applicable for the reporting period should still be reported and annotated as not applicable.

B-2. The report is in three parts, as outlined below.

a. Part I. Part I is for requests for assistance from civilian law enforcement officials (other than equipment).

- (1) Requesting activity.
- (2) Request date.
- (3) Support requested (facilities, information, personnel, expert advice, training, and so forth).
- (4) Support period requested.
- (5) Approval status (approved, pending, or denied).
- (6) Approval authority.
- (7) Rationale for disapproval.
- (8) Period support provided.
- (9) Incremental costs to Army (\$).
- (10) Costs paid (year or now).

(11) Rental fee (for buildings, facilities, and so forth).

(12) Rental fee paid (year or now).

(13) Number of personnel, workdays, and grade (civilian and military).

(14) Remarks.

b. Part II. Part II is for all equipment loans.

- (1) Requesting activity.
- (2) Request date.
- (3) Item requested.
- (4) Quantity.
- (5) Loan period requested.
- (6) Approval status (approved, ending, or denied).
- (7) Approval authority.
- (8) Rationale for disapproval.
- (9) Date equipment shipped.
- (10) Incremental costs to Army (\$).
- (11) Costs paid (year or now).
- (12) Rental fee (\$).
- (13) Rental fee paid (year or now).
- (14) Equipment returned (year or now).
- (15) Remarks.

c. Part III. Part III is for Explosive Ordnance Disposal (EOD) support.

- (1) USSS support—(number).
- (2) Other Very Important People support—(number).
- (3) Other incident responses—(number).
- (4) Classes taught—(number).

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By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

DISTRIBUTION:

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Mr. ENGLISH. I think certainly this committee, and I know Congress, is assuming that everything is progressing on schedule with regard to the Blackhawk and the C-12. Do you foresee any stumbling blocks with regard to that schedule?

Mr. SHANNON. Mr. Chairman, as I mentioned earlier, the Secretary of Defense made a commitment. The Army intends to carry out its part of the commitment. The Secretary of Defense has made no change in this commitment with regard to the Blackhawk or C-12.

Mr. ENGLISH. I want to thank you very much on behalf of this subcommittee for the very sensitive manner in which you have responded to this problem. We have appreciated the cooperation we have received from you and we also appreciate the fact that you have taken the leadership, as far as the Army is concerned, and the way the Army has responded. You have done well, and we appreciate it.

Thank you very much for testifying before us today. And, General, we appreciate your testimony. Thank you for coming before us.

Mr. SHANNON. The last time you asked if I had anything to say, I said one should shut up when the chairman say that's all; However I really do think it is important to state that the people of El Paso are very fortunate in having General Maloney commanding Fort Bliss. He is a distinguished soldier. He has a long and distinguished background in research and development, as well as defense business, and we are fortunate to have him here because he can play a vital role in assisting the local law enforcement agencies with his expertise. So I just want the people of El Paso to know that the Army is proud to have him here, and we know that they will treat him right.

Mr. ENGLISH. I certainly agree, and I understand he is a native of El Paso as well. I am sure the people of El Paso are glad to have him back home.

General, we thank you for your cooperation and appreciate your hospitality.

General MALONEY. Not quite a native, but I came here in 1938 and El Paso served as my home.

Mr. ENGLISH. Our next witness is Larry L. Orton, Special Agent in Charge of the El Paso Intelligence Center. If you would please identify for the record the gentlemen accompanying you today, Mr. Orton.

**STATEMENT OF LARRY L. ORTON, SPECIAL AGENT IN CHARGE,
EL PASO INTELLIGENCE CENTER**

Mr. ORTON. Mr. Chairman, I have with me on my right Mr. William Matthews. He is a special assistant. On my left is Mr. Charles Updegraph, who is the Chief of Analysis at EPIC.

Chairman English and members of the subcommittee, I am pleased to appear before you today to discuss the role of the El Paso Intelligence Center [EPIC] in drug law enforcement and, specifically, in the dissemination of tactical intelligence.

In preparing for this hearing, we have had the opportunity on four separate occasions to meet with and provide information about our dissemination of tactical intelligence to a member of your staff. Because of the sensitive nature of certain of the aspects of the EPIC operation and our desire to be responsive to the informational needs of the committee, we are pleased to have your assurance through your staff that we will have the opportunity to provide further detail in executive session.

Mr. ENGLISH. That is exactly correct. What we hope to do here today is to have a discussion of that information which can be stated in public, and should we stray off into an area that gets a bit sensitive, I hope that you will not hesitate to remind the committee.

Again I want to state to the public that we will be going into this issue at great length in the future, and that will be done in executive session so we can have a much fuller exchange of that sensitive information.

Mr. ORTON. Timely and reliable exchange of intelligence is critical to the efficient and effective utilization of law enforcement resources. The El Paso Intelligence Center was established in 1974 to facilitate the exchange of drug intelligence among law enforcement agencies.

This unique, cooperative effort—designed to collect, process, and disseminate information concerning illicit drug trafficking—provides tactical intelligence to Federal and State law enforcement agencies around the country.

At the close of fiscal year 1982, EPIC had 132 authorized full-time and part-time positions, drawn from the ranks of DEA, Immigration and Naturalization Service, U.S. Coast Guard, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, Federal Aviation Administration, U.S. Marshalls Service, Internal Revenue Service, and the Federal Bureau of Investigation.

EPIC's major functions, as set forth in its charter are: to provide a complete and accurate intelligence picture of the drug movement by land, sea and air throughout the world as it relates to the United States; to provide tactical support through the exchange of time-sensitive information dealing principally with drug movement; and to support, through the intelligence process, other programs of interest to EPIC's participating agencies, such as alien smuggling and weapons trafficking.

Forty-six State law enforcement agencies with jurisdiction over illicit drug trafficking are also affiliated with EPIC. Each State must select an agency which can serve as a focal point for information exchange to interested departments in that State. This agency then becomes the EPIC affiliate and EPIC deals primarily through it.

EPIC is organized into two components: the watch section and the analysis section, which have diverse but complementary roles.

The watch is staffed by experienced investigative personnel from DEA, INS, Customs and the Coast Guard. It is a 24-hour, 7-day a week operation designed to respond to outside telephone and teletype inquiries and requests for information.

The watch concentrates primarily on two areas: responding to inquiries regarding individuals suspected of committing crimes and conveyances utilized; and placing lookouts on suspects and vehicles, vessels, and aircraft suspected of being used in those crimes.

EPIC focuses on drug trafficking, as well as alien smuggling, weapons trafficking, and other crimes of interest to EPIC's participating agencies.

The watch first attempts to fully identify the subject of the inquiry and then link it with other available information such as known criminal associates and organizations, methods of operation and recent activities.

Inquiries are indexed and retrievable so that agents who later make a similar inquiry can be put into immediate contact with those who might have or want related information. EPIC is the sole repository of some types of information, especially that which relates to aircraft and vessel activity.

In response to a request, the watch section will place a lookout with INS, FAA, the Coast Guard, or the U.S. Customs Service on a particular suspect, vessel, vehicle, or aircraft. The data base is checked for reports of prior criminal involvement and all lookout information is placed in various alert systems. As soon as word is received that the suspect, vessel, vehicle, or aircraft is sighted, a watch officer notifies the requestor and any other law enforcement agencies that might participate in the operation.

The analysis section integrates watch activity with all investigative reporting by participating Federal, State, and local agencies. This section, which is staffed by personnel from DEA, INS, Customs, Coast Guard, ATF and the U.S. Marshals Service, stands ready to assist the law enforcement officer with up-to-the-minute intelligence assessments.

By tracking events as they occur during the watch and comparing those events with incoming investigative reporting from various other agencies, the analysis section derives tactical intelligence and information on criminal organizations, concealment techniques, smuggling routes, and other related drug movement indicators. This information is disseminated in special reports designed for restricted distribution to a selected audience with a special need for the intelligence.

The heart of the EPIC system is a constant and meaningful exchange of data between the watch and analysis sections, both supporting and providing additional data to each other. The information disseminated by EPIC is in addition to the routine passing of

information from DEA field agents to their counterparts in other law enforcement agencies.

While EPIC serves a critical role in dissemination and exchange of intelligence, it is not intended to be a substitute for the daily exchange of information that occurs between law enforcement officers across the Nation.

EPIC maintains access to a number of automated data bases, providing comprehensive and up-to-date intelligence for member agencies. EPIC also maintains its own data retrieval intelligence terminal [IT] system to facilitate rapid access to operations and analysis files. Additionally, micrographic manual and hard-copy reference files are available at EPIC from the participating agencies.

EPIC activity has increased tenfold since 1975. The watch section processes over 550 queries daily. During fiscal year 1982 EPIC handled 198,692 separate transactions, including all types of inquiries and lookouts. The monthly average was 15,807 transactions. For the first 8 months of fiscal year 1983, the monthly average has been 17,095 transactions.

EPIC's average hit rate, that is, inquiries related to information already maintained in EPIC's data bases, was over 33 percent and was considerably higher in certain programs, such as in the suspect aircraft and vessel files.

The level of EPIC's activity fluctuates with the addition of new programs and the elimination of others that either have not yielded significant intelligence or are no longer timely. Overall, however, criminal inquiries from participating agencies have steadily increased, and continued increases are anticipated. The top five users of EPIC services during fiscal year 1982 were DEA, U.S. Coast Guard, Immigration and Naturalization Service, State and local law enforcement agencies, and U.S. Customs Service.

During the past year, EPIC furnished extensive support to the Vice President's task force in south Florida. Support was also provided to air and maritime operations in the Caribbean, Central America-South America area, for which EPIC served as a major source of intelligence.

The success of EPIC's interagency support can be illustrated by the following two examples which have occurred in the recent past. One concerns general aviation aircraft and another concerns a vessel.

On May 17, 1982, a Convair 880 departed New Iberia, La., for Panama with a load of cattle. The aircraft arrived in Panama around midnight and the flight crew was sent to a motel while the cattle were offloaded. When the flight crew returned, they found the aircraft contained what was reported to be sacks of wet cattle feed which had been rejected by a Panamanian company.

On May 18, it was learned that the plane was en route from Tocumen, Panama back to New Iberia. The watch officer on duty ran data base checks at EPIC on the aircraft and its owner. There was no adverse information on the aircraft. However, information on the owner's son and the fact that the aircraft had made many foreign flights with few Customs and INS declarations being completed on return to the U.S. caused an EPIC watch officer to notify the U.S. Customs Service at LaFayette, La., that the aircraft was en route to either New Orleans or New Iberia from Panama.

The supervisory customs patrol officer contacted at LaFayette had prior knowledge of a cattle exporting operation utilizing a Con-vair 880 at the Acadiana Regional Airport in New Iberia.

Based on this information, U.S. Customs patrol officers were dispatched to the New Iberia Airport, arriving 15 minutes before the aircraft landed. Customs' inspection of the aircraft revealed 25 feed sacks, encased in woven plastic, containing approximately 1,200 pounds [gross weight] of cocaine in kilo-sized packages. The pilot and two crew members were arrested in that case.

In the second instance, 3 months later, on August 17 EPIC received a teletype from the DEA office in Bogota stating that the vessel Rio Sulaco departed Turbo, Colombia, on August 17 en route to Galveston, Tex., with 30 to 40 kilos of cocaine hidden in the engine room under the control of the chief engineer.

The information indicated that the second port of call was to be Albany, N.Y. A check by EPIC personnel with a U.S. Customs office in New York verified that the vessel did, in fact, depart Turbo on August 17, however, the first port of call was to be Albany, N.Y., instead of Galveston.

U.S. Customs officers in New York reported that the vessel had been searched on August 22 and \$13,960 cash was found under the plates of the engine room. A second search of the vessel was conducted on August 23, and the chief engineer was found with an additional \$73,000 in his possession. No narcotics were found at that time.

The chief engineer admitted that the money was his and that he received it as payment for 23 kilos of cocaine that he delivered to Houston on the vessel's previous trip. He was to have delivered the money to a contact in Honduras, but the vessel's itinerary had been changed. The vessel had been diverted to Turbo and assigned another U.S. run without going to Honduras. The chief engineer subsequently advised law enforcement authorities that the vessel did, in fact, have cocaine on board and he provided the exact location. Another search of the vessel was conducted and 40 pounds of cocaine were found in the ceiling of the phone room.

EPIC's role in the exchange of drug intelligence has broadened over the years. As a result of several Federal initiatives, EPIC has expanded further, especially in terms of the amount of support provided.

I am confident that with your support and with the continued support of the various Federal and State agencies, EPIC will continue to respond to the needs of the law enforcement community.

I will now respond to any questions you may have, Mr. Chairman.

[Mr. Orton's prepared statement follows:]

STATEMENT
OF
LARRY L. ORTON
SPECIAL AGENT-IN-CHARGE
EL PASO INTELLIGENCE CENTER

Chairman English and Members of the Subcommittee:

I am pleased to appear before you today to discuss the role of the El Paso Intelligence Center (EPIC) in drug law enforcement and specifically in the dissemination of tactical intelligence.

In preparing for this hearing, we have had the opportunity on four separate occasions to meet with and provide information about our dissemination of tactical intelligence to a member of your staff. Because of the sensitive nature of certain of the aspects of the EPIC operation and our desire to be responsive to the informational needs of the Committee, we are pleased to have your assurance through your staff that we will have the opportunity to provide further detail in executive session.

Mr. Chairman, I know that you and the other members of the Committee join me in being encouraged by recent evidence that the decade of increasing trends in drug abuse in the United States have shown signs of reversing. Marihuana use among teenagers appears to be down slightly, the sharp increase in PCP abuse experienced during the past decade is tapering off, and we have seen a significant reduction in abuse of methaqualone in the past year. However, our optimism over these positive trends must be tempered by the realization that the seriousness of the drug abuse problem overall remains with us and drug abuse levels remain unacceptably high, many near the peak levels of the mid 1970's.

While we recognize the importance of convincing the drug user to stop using, reducing the availability of illicit drugs remains the major part of the national strategy. Projected trends indicate that major drugs of abuse will continue to be readily available at least through 1985, and our drug abuse problems will remain as long as there is an abundance of narcotics and dangerous drugs.

OVERVIEW

Timely and reliable exchange of intelligence is critical to the efficient and effective utilization of law enforcement resources. The El Paso Intelligence Center (EPIC) was established in 1974 to facilitate the exchange of drug intelligence among law enforcement agencies. This unique, cooperative effort, designed to collect, process and disseminate information concerning illicit drug trafficking, provides tactical intelligence to Federal and state law enforcement agencies around the country.

At the close of FY-82, EPIC had 132 authorized full time and part time positions, drawn from the ranks of DEA, Immigration and Naturalization Service, U. S. Coast Guard, U. S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, Federal Aviation Administration, U. S. Marshals Service, Internal Revenue Service and the Federal Bureau of Investigation.

EPIC's major functions, as set forth in its Charter, are:

- (1) to provide a complete and accurate intelligence picture of the drug movement by land, sea, and air throughout the world as it relates to the U.S.;
- (2) to provide tactical support through the exchange of time-sensitive information dealing principally with drug movement; and
- (3) to support, through the intelligence process, other programs of interest to EPIC's participating agencies, such as alien smuggling and weapons trafficking.

Forty-six state law enforcement agencies with jurisdiction over illicit drug trafficking are also affiliated with EPIC. Each state must select an agency which can serve as a focal point for information exchange to interested departments in that state. This agency then becomes the EPIC affiliate and EPIC deals primarily through it.

ORGANIZATION AND PROCESS

EPIC is organized into two components, the Watch Section and the Analysis Section, which have diverse but complementary roles.

The Watch is staffed by experienced investigative personnel from DEA, INS, Customs and the Coast Guard. It is a 24-hour, seven day a week operation designed to respond to outside telephone and teletype inquiries and requests for information.

The Watch concentrates primarily on two areas:

- (1) responding to inquiries regarding individuals suspected of committing crimes and the conveyances utilized.
- (2) placing lookouts on suspects and vehicles, vessels, and aircraft suspected of being used in those crimes.

EPIC focuses on drug trafficking, as well as alien smuggling, weapons trafficking, and other crimes of interest to EPIC's participating agencies.

The Watch first attempts to fully identify the subject of the inquiry and then link it with other available information such as known criminal associates and organizations, methods of operation and recent activities. Inquiries are indexed and retrievable so that agents who later make a similar inquiry can be put into immediate contact with those who might have or want related information. EPIC is the sole repository of some types of information, especially that which relates to aircraft and vessel activity.

In response to a request, the Watch Section will place a lookout with INS, FAA, the Coast Guard, or the U.S. Customs Service on a particular suspect, vessel, vehicle, or aircraft. The data base is checked for reports of prior criminal involvement and all lookout information is placed in various alert systems. As soon as word is received that the suspect, vessel, vehicle, or aircraft is sighted, a Watch Officer

notifies the requestor and any other law enforcement agencies that might participate in the operation.

Other types of inquiries elicit different responses from the Watch Officer. As a general rule, EPIC responds directly to the requestor. If an active investigation is being conducted by a participating or affiliated agency, the requestor may be advised to contact the appropriate field office of that agency. States not affiliated with EPIC may obtain access to information through their local DEA field office.

The Analysis Section integrates Watch activity with all investigative reporting by participating Federal, state and local agencies. This Section, which is staffed by personnel from DEA, INS, Customs, Coast Guard, ATF, and the U.S. Marshals Service, stands ready to assist the law enforcement officer with up-to-the-minute intelligence assessments.

All inquiries are fully researched and coordinated in order to provide the most current information, whether it be related to drugs, alien smuggling, or weapons trafficking offenses, or to a smuggler, aircraft, vehicle, or vessel. When appropriate, a report will be prepared.

By tracking events as they occur during the Watch and comparing those events with incoming investigative reporting from various other agencies, the Analysis Section derives tactical intelligence and information on criminal organizations, concealment techniques,

smuggling routes and other related drug movement indicators. This information is disseminated in Special Reports designed for restricted distribution to a selected audience with a special need for the intelligence.

The heart of the EPIC system is a constant and meaningful exchange of data between the Watch and Analysis Sections, both supporting and providing additional data to each other. The information disseminated by EPIC is in addition to the routine passing of information from DEA field agents to their counterparts in other law enforcement agencies. While EPIC serves a critical role in dissemination and exchange of intelligence, it is not intended to be a substitute for the daily exchange of information that occurs between law enforcement officers across the nation.

EPIC maintains access to a number of automated data bases providing comprehensive and up-to-date intelligence for member agencies. These computer bases are:

DEA

- o Narcotics and Dangerous Drugs Index System (NADDIS)
- o PATHFINDER

TREASURY

- o Treasury Enforcement Communications System (TECS)

FEDERAL BUREAU OF INVESTIGATION

- o National Crime Information Center (NCIC)

IMMIGRATION AND NATURALIZATION SERVICE

- o Master Index Remote Access Computer (MIRAC System)

EPIC also maintains its own data retrieval intelligence terminal (IT) system to facilitate rapid access to operations and analysis files. Additionally, micrographic manual and hard-copy reference files are available at EPIC from the participating agencies.

WORKLOAD

EPIC activity has increased tenfold since 1975. The Watch Section processes over 550 queries daily. During FY-82, EPIC handled 189,692 separate transactions, including all types of inquiries and lookouts. The monthly average was 15,807 transactions. For the first eight months of FY-83, the monthly average has been 17,095 transactions. EPIC's average "hit rate" that is, inquiries related to information already maintained in EPIC's data bases, was over 33% and was considerably higher in certain programs, such as in the suspect aircraft and vessel files.

The level of EPIC's activity fluctuates with the addition of new programs and the elimination of others that either have not yielded significant intelligence or are no longer timely. Overall, however,

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During the past year, EPIC furnished extensive support to the Vice President's Task Force in South Florida. Support was also provided to air and maritime operations in the Caribbean - Central America - South America area, for which EPIC served as a major source of intelligence.

CASE EXAMPLES

The success of EPIC's interagency support can be illustrated by the following two examples which have occurred in the recent past -- one concerns general aviation aircraft and another concerns a vessel.

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however, information on the owner's son, and the fact that the aircraft had made many foreign flights with few Customs and I&NS declarations being completed on return to the U. S. caused an EPIC Watch Officer to notify the U. S. Customs Service at LaFayette, Louisiana that the aircraft was en route to either New Orleans or New Iberia, from Panama. The Supervisory Customs Patrol Officer contacted at LaFayette had prior knowledge of a cattle exporting operation utilizing a Convair 880 at the Acadiana Regional Airport in New Iberia. Based on this information, U.S. Customs Patrol Officers were dispatched to the New Iberia Airport, arriving 15 minutes before the aircraft landed. Customs inspection of the aircraft revealed 25 feed sacks, encased in woven plastic, containing approximately 1,200 pounds (gross weight) of cocaine in kilo-sized packages. The pilot and two crew members were arrested.

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CONCLUSION

EPIC's role in the exchange of drug intelligence has broadened over the years. As a result of several Federal initiatives, EPIC has expanded further, especially in terms of the amount of support provided. I am confident that with your support and with the continued support of the various Federal and state agencies, EPIC will continue to respond to the needs of the law enforcement community.

I will now respond to any questions you may have.

Mr. ENGLISH. Does EPIC routinely provide unsolicited tactical information to interdiction agencies?

Mr. ORTON. Yes, it does, sir.

Mr. ENGLISH. Can you explain to me what the routine process is that you follow in putting that information out?

Mr. ORTON. The watch section at EPIC as one of its major functions places lookouts to the various field agencies. In other words, a request will come into EPIC regarding an aircraft, a vessel, a person, a vehicle from investigators in the field with information that that vessel, person, aircraft is suspected of being used to smuggle narcotics into the United States.

Generally that information is specific to the point of within a certain timeframe for an aircraft, for example, within the next two weeks or a week, with very reliable information, indicates the aircraft will fly to a South American country to pick up a load, and usually the individuals know the type of drug, whether it be cocaine or marihuana, and expect it to fly back to the United States.

That then is the basis for lookouts being placed. The lookout would be placed within the TECS System, which is the Treasury Enforcement Communications System which goes to Customs, and would also be placed with the FAA facilities to be on the lookout for that aircraft entering the United States

We also notify the DEA office in the suspected country so that they can be on the lookout for it in that location. In our notifications on that lookout, the information is input into TECS by EPIC, a notice is given to the Customs headquarters, and they put out notifications and alerts to the support branches that an aircraft is coming in.

And at the same time, if it looks like it warrants it—if something is happening very quickly—we will actually make phone calls to the air support branches themselves.

In some instances, information is developed apart from a request for a lookout. EPIC may develop some information on its own that warrants a lookout to be placed. At that point we will call some people and then place the lookout ourselves.

We also have information that comes in that would lead us to believe or would indicate that we have a suspect. It may not be enough to warrant a lookout, but it is enough to warrant making a phone call or advising somebody in the area we expect that person, vehicle, vessel, to arrive. This fits some profiles and should be looked at.

Again, that information could go out on a teletype or could go out over the phone to an air support branch, to—in the case of Florida with the south Florida task force—we could give it to the IOIC down there. That is the type of information that is being passed, tactical-type information.

Mr. ENGLISH. You also indicated about 25 percent of the EPIC transactions result in 44,000 inquiries which you get from the Coast Guard each year. The Coast Guard told us, though, that the inquiries they made, for the most part, were for confirmation purposes, rather than for actual tactical intelligence purposes; that if they found a vessel out there that fits their profile, then they will call in and see what information you have.

If that is true, it would appear, then, that EPIC is more a confirmation center than it is a true intelligence center. Would you comment on that, please.

Mr. ORTON. I think that confirmation is important, No. 1 mission. The second thing is that with the Coast Guard lookouts, in many cases those lookouts are being placed as a result of information coming from, in this case we tend to talk about DEA Bogota.

We receive cables and information from the offices in Colombia advising us that a boat has been spotted, it is believed to contain marihuana, it is headed out on this date. And we are talking maybe of a 4, 5-day trip from Colombia. They have got certain passages they have to go through to get to the United States.

We know that the Coast Guard is sitting in those passages. We are alerting them at that point there is one coming. Now, that is to me a tactical intelligence.

Mr. ENGLISH. So what you are telling me, if I understand what you are saying here, is that you tell the Coast Guard where the best area is for them to be. If it is coming through the Yucatan Passage or the Windward Passage or whatever, there is an indication we are going to have traffic in that area, it is a good idea to have your boat down in that area.

So whenever they see somebody coming through, it may be something that you would inform on. But then Coast Guard asks you to take a look at the boat, so you are not getting the full credit for the position.

Mr. ORTON. Essentially, that is true, except we are not making the recommendation. We are providing them the information. They know where their assets are and they know where they can best be utilized. We are trying to give them the information where we think that boat is going to go, whether they have got assets in that location already.

They have got several ways to go, and we may not be able to actually pinpoint which pass they are going to take, but there are spotter aircraft working along with some of this. And if we can get a course that is also provided to them as tactical information, and I think that is of some use to the Coast Guard, other than for confirmation purposes.

Mr. ENGLISH. I would agree. The point, though—the impression I got from the Coast Guard, again, may be one we will have to clear up.

Mr. ORTON. Another thing that we are providing to the Coast Guard on board all of their ships is a microfiche copy of what we call "suspect vessels" so if they do come upon vessels in their normal patrol, they do have microfiche that is provided by EPIC that this one is a suspect vessel. You may want to look at that.

Mr. ENGLISH. The impression I was getting, though, from the testimony we have received from the Coast Guard was that they are out there in this location, they have got a vessel that fits their profile, they are going to go take a look at it. They find the name of it, they call you all, and you give them confirmation. That would not fit tactically, but if you are suggesting and recommending that our intelligence is saying, "This is the area that you ought to be in; this is where you have got a lot of trafficking going on," it is intel-

ligence and you are giving them that. I would have a tendency to agree with you that you are providing tactical information.

Mr. ORTON. I feel that we are providing that.

Mr. ENGLISH. This is something that we may want to get into a good deal more in depth when we have the closed hearing because I think it is important that we do attempt to define and identify exactly what is taking place in that procedure.

Another question that has arisen is the question of priorities. Are the priorities of EPIC determined by DEA?

Mr. ORTON. As you have heard, EPIC is managed by DEA. We have a major role, but I would state quite strongly that in terms of priorities at EPIC, the various agencies there are never given a back seat because DEA may want to do it this way.

For example, if a request were to come in for information from either the analysis or the watch, there is no priority being given by agency. As a matter of fact, probably our biggest users of special reports in our analysis section right now is Customs.

We continually are getting requests for various assistance from Customs, and we respond to them fully. I really do not feel that any particular priority is given to one agency over another at EPIC. In fact, we have an advisory board, an EPIC Advisory Board that has people from the various agencies at the higher levels that kind of set the course for where EPIC is going. And I know of no occasion that that advisory board has made a recommendation or a request that was not followed.

Mr. ENGLISH. Do you need any additional resources at EPIC—particularly the unsolicited information—to provide a more timely, more tactical mode, to do a better job from the tactical standpoint? And if so, what resources would those be?

Mr. ORTON. Understanding that EPIC is not operating in terms of tasking for intelligence or even directing interdiction efforts out there, we are basically accepting intelligence information from the agencies, from our user agencies, trying to do some work with that data, putting it in day-to-day situations, making it available to all of the agencies as it comes in, and working with the lookouts in some other operations that we may have.

I, in my 19 years with Federal drug enforcement, have never been in a position where I could not use more resources, never. If somebody were to offer me resources, I would probably assign some to my watch section in our special operations, I would further assign a large share to my analysis section, where I would use them to better evaluate the information that comes in, in anticipation of increased reporting, which I think we are seeing now.

Mr. ENGLISH. Are you satisfied with the level of support that you receive from other Federal agencies?

Mr. ORTON. I think I am at this moment. For example, I know there was some discussion earlier about Customs' support and maybe increasing it. Well, Customs has just earmarked four people for our analysis unit, four brandnew people. We have got one on board that came on board this week, and three more coming on board, which is great.

Commissioner Kelly deserves an unbelievable pat on the back. He has had five TDY people at EPIC the time I have been there;

two of them are in my operational section involved strictly in interdiction, and the other three are working in my analysis section.

The Coast Guard has got eight people there basically involved in the marine area and of course that has been one of our major areas in the last several years, particularly with the south Florida operation and the vessels coming out of Colombia.

The FBI is increasing their role at EPIC in terms of not only hardware, but manpower coming on board. I think what we are seeing is some improvement, and it may have been as a result of some of what was in the GAO report.

But it looks to me like the agencies are beginning to put more resources into EPIC. I think we will probably see an increased flow of intelligence coming in. We certainly are aware of the need for additional intelligence. I do not think we can ever have enough intelligence. I would like to think that the support is there and coming.

Mr. ENGLISH. Mr. Coleman.

Mr. COLEMAN. Do you have any specific comments with respect to the GAO report, the first group that testified here this morning. When reports come out—particularly from GAO—I believe there are agencies that would like to have one last comment on them. Do you have any specific comments relative to that report?

Mr. ORTON. I would like to make one comment relative to that, and that is, GAO identified the fact that we had not been receiving all the seizure information from various agencies and subsequent to that, we have—as we mentioned to you this morning—what we feel is pretty much full reporting now on seizures from the various agencies, particularly with Customs, and special enforcement activity reports that are being sent to us routinely.

So I think that we have seen quite an improvement in that area, and I would like to commend GAO for pointing that out.

Mr. COLEMAN. One other item of concern is the question of EPIC's utilization in some seizures whether or not EPIC had been utilized at all.

It seems to me that your advisory boards should be notified of that, and so that any time you are utilized, write the word "EPIC Assist" somewhere in that report, for whatever agency it may be.

So long as we are going to attempt to continue to justify the expenditure of the kinds of funds we are for an intelligence center, I think it is going to be necessary.

Mr. ORTON. In the past, Mr. Coleman, we have not tried to take credit for any of the seizures that have gone on there because they really belong to the agency that is making that seizure. We have talked about this as recently as last week, to set up some method of tracking, just to see what the results are of the information we are sending out, for two reasons: First, so that we know we are sending something good; and second, to evaluate maybe the source of information.

Mr. COLEMAN. I think we have to do it. I applaud your original view of not seeking to take credit for it, but it seems that we have got to have some method so that we can continue to justify expenditures.

The only other thing that I would bring up would be whether or not your center had the capability and the authorization to receive

and store classified information. If you don't have that authority, wouldn't that be helpful?

Mr. ORTON. Yes, we have authority to store up to top secret at the center, and we are in the process of expanding to go higher than that. And I think that will be of real benefit to us.

Mr. COLEMAN. There was a question that had come up before about whether it was true or not that EPIC was aware of a special operation called "Thunderbolt," just prior to its deployment. Do you have any comments with respect to that?

Mr. ORTON. I personally can't comment on that. I wasn't here during that time frame when Thunderbolt was put together, and I have not at this point looked into it.

Mr. COLEMAN. Were you all aware of and included in the special operation conducted out of New Orleans late last night? Were you aware of that? Did you participate in that?

Mr. ORTON. I am not sure what.

Mr. COLEMAN. It may have come from the recent hearing. Which one?

Mr. MEHL. New Orleans hearing. It was Admiral Stewart.

Mr. COLEMAN. It was the NNBIS Operation.

Mr. ORTON. In fact, Admiral Stewart was at EPIC about 2, 3 weeks ago and he may very well have mentioned they had a special operation going, but as EPIC is set up, we are pretty much set up to handle—if it is an interdiction, it is going to result in handling of calls or us passing information. So in terms of formally on board with the planning of it, we weren't.

Mr. COLEMAN. Were you aware of a special operation for the southwest coast any particular operation that you might—

Mr. ORTON. Four months ago?

Mr. COLEMAN. It could have been.

Mr. ORTON. We were aware of a—

Mr. COLEMAN. Did you participate in that?

Mr. ORTON. I think we did in terms of being a repository in the kind of things that were being spotted.

Mr. COLEMAN. I am advised that this was one just 2 weeks ago.

Mr. ORTON. Not that I am aware. Was that an NNBIS?

Mr. COLEMAN. Yes.

Mr. ORTON. We do have a notification on NNBIS operations that are taking place in the various regions of NNBIS at this point; in terms of being in on the planning stages of it, no. But I suspect that if I had that memo in front of me, the two you mentioned would be on it. And the watch has that and is aware of it.

So from the standpoint of the watch officers being aware of things going on out there, when he receives a call or information to be passed, it is available to the watch.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Coleman.

I might say, again, this is an area that we want to get into in some depth, and we will in the hearings that we have in Washington in the future.

I would like to make a comment. It is kind of hard for you all to help if you don't know anything about the operation and support. Again, I think it points up some problems that we have in coordi-

nating the intelligence operations in the active operations that are taking place.

So I am hopeful that we are going to be able to further enhance the tactical intelligence information coming out of EPIC and the support of all the law enforcement efforts across the country. But I am afraid we cannot get into it much deeper than that in an open session. We have to get into it in a closed session to discuss that in depth.

Mr. Orton, I want to thank you for testifying before us, and we appreciate the tour that we had of EPIC this morning and the briefings that we received. That is certainly helpful to us, and we will be looking forward to further discussions with you and the people in your command in the future.

If there are no further questions, we will recess until Saturday afternoon, at 1 o'clock, in San Diego.

With that, we will recess.

Mr. ORTON. Again, I would like to thank you for the opportunity to show you EPIC because there is a lot that goes on there that is hard to understand for those not seeing it. I welcome your interest.

[Whereupon, at 4 p.m., the subcommittee adjourned, to reconvene at 1 p.m., Saturday, July 9, 1983, in San Diego, Calif.]

REVIEW OF THE ADMINISTRATION'S DRUG INTERDICTION EFFORTS

SATURDAY, JULY 9, 1983

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION, JUSTICE,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
San Diego, Calif.

The subcommittee met, at 1 p.m., in room 6-N10, Federal Building, 880 Front Street, San Diego, Calif., Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English and Ronald D. Coleman.

Also present: Representative Edward R. Roybal.

Staff present: Theodore Mehl, professional staff member; Edward Gleiman, counsel; Robert Gellman, counsel; Euphon Metzger, clerk; John J. Parisi, minority professional staff, Committee on Government Operations; and Tex Gunnels, counsel, Committee on Appropriations.

Mr. ENGLISH. The subcommittee will come to order.

This subcommittee has been holding hearings along our southern border from New Orleans to San Diego. The purpose of the hearings is to gain a clear understanding of the air drug trafficker or smugglers' new trafficking patterns which avoid Florida; and to determine the resources available with which to interdict the drug smuggler. We have found that although Florida is the drug smuggler's preferred destination, he is very adaptable. This adaptability is manifested by a significant increase in the drug trafficking into this area and the entire southern border. Unfortunately, we have also found that our ability to catch the smuggler outside of Florida ranges from very poor to nearly none.

There are three essential elements necessary to insure a successful air interdiction program. First, that program must be capable of detecting the smuggler. Second, once detected, an interception capability must be present; and finally, the program must assure the rapid movement of law enforcement agents in time to provide for the seizure of drugs and the arrest of the smuggler. The lack of any one of these three elements prevents any reliable interdiction capability.

Today we will hear from the U.S. Customs Service witnesses as to whether they have the ability to provide those three essential elements in California. We will also hear from Navy officials who will testify to the assistance which may be provided by the Navy as a result of the relaxation of the Posse Comitatus Act.

Last March the President announced the formation of a national narcotics border interdiction system. The system is headed by the Vice President and has the potential to massively impact on drug trafficking. We will be anxiously watching this program as it pursues its objectives. One of those objectives is the interdiction of the air drug smuggler who is responsible for the illegal importation of nearly 50 percent of all the cocaine entering the United States. The President's program must rely on the capability of the U.S. Customs Service to catch the air drug smuggler. If that is not possible with the current resources, then it is time to improve those resources or to prepare for the failure of this important program and a lost opportunity.

I am very delighted today to also have with us a member of this subcommittee, Mr. Ron Coleman of El Paso. Ron, do you have a statement you would like to give?

Mr. COLEMAN. Thank you very much.

I am more than ever convinced that the adaptability of the smuggler that the chairman referred to is evidenced. I am convinced that the Southwestern United States and the 2,000-mile stretch of border of land from Brownsville, Tex., to San Diego, Calif., will become an even greater trafficking area than we have ever known before and I think part of that is because of the efforts of the Coast Guard in the gulf, along with the south Florida task force that will necessarily force drug smuggling to new and varied routes. Therefore, I am delighted to be here on the western end of this border and I anxiously await the testimony.

Mr. ENGLISH. Thank you very much, Ron.

I am also extremely pleased and honored that we have joining us today the Appropriations Committee subcommittee chairman who has jurisdiction over Customs and the Treasury Department, Mr. Edward Roybal. Ed, we appreciate your being with us today.

Mr. ROYBAL. Mr. Chairman, first of all I would like to thank you and the members of your committee for the opportunity of joining you here in the State of California and to welcome you to this State. While I do not represent an area here in San Diego, I do represent an area in downtown Los Angeles so I feel that I can take the opportunity and privilege to welcome you to our great State.

May I also say that I am pleased to cooperate with your committee. You have done a tremendous job throughout the last year, that I know of, for sure. You have had hearings throughout the country. It has been my good fortune to have my able assistant, Mr. Tex Gunnels, accompany you. He has given me a report of what you have accomplished. I just want to take this opportunity to publicly thank you and to commend you for the work you have done.

Mr. ENGLISH. Thank you, Mr. Roybal. I appreciate that very much.

Our first witness today will be from the Customs Service, Mr. Quintin Villanueva, who is the Regional Commissioner of Customs from the Los Angeles Region. He will be accompanied by Mr. J. Robert Grimes, who is Director of the Office of Patrol. I want to welcome you, gentlemen, and, Mr. Villanueva, if you would, please identify the gentleman who is accompanying you for the record.

Mr. VILLANUEVA. For the record, Mr. Chairman, on my right is Mr. William Meglen, spelled M-e-g-l-e-n, who is the Assistant Re-

gional Commissioner of Enforcement for the Pacific Region, U.S. Customs Service.

**STATEMENT OF J. ROBERT GRIMES, DIRECTOR, OFFICE OF
PATROL, U.S. CUSTOMS SERVICE HEADQUARTERS**

Mr. GRIMES. Thank you very much.

Mr. Chairman, we are very, very pleased to be here and we are especially honored to have Mr. Roybal join us, Mr. Coleman, and we are pleased to have this opportunity to brief the subcommittee and other Members of Congress on Customs efforts in interdicting air smugglers. We are proud of our efforts in this area and are grateful for the support and interest which this subcommittee and the Congress has shown.

As you are aware, Mr. Chairman, the Customs Service bears the primary responsibility for interdicting all drugs being smuggled into the United States. But in these hearings today, our focus is on smuggling by private aircraft.

Our pilots and air officers have performed as heroes in this war, risking their lives daily. In fact, much of what they have accomplished in my mind bordered on the impossible. They are a proud and professional cadre of men and women who reflect the true spirit of America. However, Mr. Chairman, we have not been as successful as we would have wished or as successful as all of us would have desired, but it is my sincere belief that with what we have, we have done as well as could be expected.

Customs is actively pursuing new ways and means to meet the new challenges in interdicting narcotics and dangerous drugs being smuggled into the United States by private aircraft. Customs initiated amendments to 19 CFR, part 6, expanding the special reporting requirements for general aviation aircraft entering the United States via the Mexican, Gulf, and Atlantic coast borders. We worked with the FAA in changing the air defense regulations to require all private aircraft flying around Florida to be on a filed flight plan and be identified. These actions, and the increase of information generated, have improved the Customs officer's capability to screen and identify the illegal target from the legitimate private flyer. This information, along with "profiles" of smuggler aircraft—type or size of aircraft, the presence of extra fuel tanks, unmarked aircraft, et cetera—are of great assistance.

Customs has decided, after a number of years of research and development, that the air module concept is the best possible strategy to interdict smugglers in private aircraft and is the direction for the future.

The air module concept combines detection, interception, seizure, and arrest in a unified strategy aimed at reducing the air smuggling population. Pilot arrests are an excellent indicator of success in the drug war. Many experienced smuggler pilots fly one load after another. The arrest of just a few of these pilots can have a significant impact on the smuggling community. Up until now, we have been able to employ this concept on a permanent basis only in the south Florida area, but plans are underway, and we are hopeful that we may be able to implement the same concepts in other areas of the Nation.

It is evident that the air smuggling threat is not limited to Florida. Indeed, we have no doubt that air smuggling activity has moved into the New Orleans and other areas as would-be smugglers are deterred from their regular air corridors in Florida.

The air smuggler is often flexible, well-organized, and has a resource base more superior to ours. They have sophisticated equipment which they do not hesitate to "ditch" rather than be caught. A large load of narcotics has a sale value which makes even a one-time trip profitable. Smuggler pilots are well paid, experienced, and are willing to take the risk. We are, however, developing new ways to counteract their ability to enter unchallenged.

Customs is presently meeting the new challenges on numerous fronts. We are developing an interim solution, which is where your personal help and that of Congress has been so valuable. We are also actively supporting several legislative proposals that are extremely important to Customs and enforcement generally. These include issues such as increasing the amount of forfeiture value of seized aircraft which must go through court proceedings, increasing the arrest powers for Customs officers, and imposing more stringent penalties on pilots engaged in illegal transport of narcotics by aircraft, as well as on aircraft owners who permit the use of their aircraft for such activities. We are developing a long-term, overall strategy, whereby we hope our success will increase the risk of air smuggling to where it will be common knowledge to would-be smugglers that they cannot cross our borders without being challenged by the Customs Service. We think, with your help, that we are getting closer to fulfilling these ultimate goals.

Millions and millions of dollars worth of narcotics and drugs come into the country each year. Within the last few weeks, there have been several large seizures—625 pounds of cocaine in La Belle, Fla., 2,500 pounds of marihuana in Childress, Tex., 620 pounds of marihuana in Waller, Tex., and 205 pounds of cocaine near Homestead, Fla. There is a large smuggler population we have yet to stop or deter. Our efforts in Florida have been successful, and we feel the intensified enforcement posture in Florida has redirected much of the air smuggling threat to areas north and west of that area.

With the increased commitment and the shifting of other positions into online enforcement positions, we are now approaching a level of strength where intelligence is a necessary complement to the future success of our operations. In fact, the Commissioner of Customs, William von Raab, has recently made a strong commitment toward this end by reassigning 66 positions to intelligence-gathering activities.

For some time now, we have had to depend on local knowledge and speculation concerning increased air activity into the south central area. Recently, we began assessing the degree of threat in this area by special enforcement operations, which I might add, Mr. Chairman, were highly successful. We will also conduct these operations in other areas of the country to determine exactly where our limited resources can be best utilized.

We continue to achieve very significant results, mainly due to our constant monitoring of the air smuggling threat. In the first 8 months of fiscal year 1983—October 1982 through May 1983—the

Customs air program participated in seizing 1,441 pounds of cocaine, 88,214 pounds of marihuana, 71 smuggler aircraft, and made 185 arrests.

Customs air interdiction results are measured not only in seizures and arrests but also by disrupting smugglers, forcing them to change their smuggling routes and methods, and deterring them from attempting to enter the United States by air.

Customs reassigns resources on a temporary basis to those areas where we have determined they can be most effective. Also, we are in the process of identifying older, less effective aircraft which can be sold under the provisions of the exchange/sale program in order to purchase more suitable aircraft with the funds received.

The current plan to obtain from the military the P-3 and C-12 aircraft and Blackhawk helicopters would allow us to implement the Customs air strategy at a much faster rate than originally anticipated. The long-term loan commitment from the Department of Defense would give the Customs Service the ability to respond much more effectively to the air smuggling threat confronting us at several locations along the southern border. The military equipment which is expected to be phased in during fiscal years 1984 and 1985 will be placed in locations where the smuggling threat is most severe. Customs is now reviewing the best possible placement of these aircraft to ensure rapid and effective deployment as these resources are received from the military.

On another point, we are expected to play a major role in the National Narcotics Border Interdiction System [NNBIS], which is chaired by the Vice President. In support of this effort, we will be involved in special interdiction operations at sites all along our borders. Our resources will be teamed with those of other participating agencies, such as the Coast Guard, for a unified air and marine interdiction effort.

As I mentioned earlier, we are very appreciative of the support we have received from the Department of Defense. We are also aware that our level of effectiveness will increase dramatically as they make additional sophisticated equipment available to us. Their continued assistance will be a very crucial and important contribution to the overall war on drugs.

The Customs Service for its part will continue to test and improve its air interdiction strategy. We will continue to work toward implementation of the National Narcotics Border Interdiction System. We will maximize the use of Customs and loaned military aircraft, and apply the air module concepts, and we will continually review intelligence information and conduct our regular missions to stop narcotics from entering our country.

Mr. Chairman, Customs enforcement personnel are highly dedicated Government employees with a tremendous enthusiasm, and they, as well as I, look forward to making great strides in our efforts against drug smugglers. We have pioneered the air interdiction program with some measure of success and I assure you it will continue to be given the high priority within the Customs Service it indeed deserves.

Thank you very much.

Mr. ENGLISH. Thank you.

Mr. Villanueva.

STATEMENT OF QUINTIN L. VILLANUEVA, REGIONAL COMMISSIONER OF CUSTOMS FOR THE PACIFIC REGION, ACCOMPANIED BY WILLIAM J. MEGLEN, ASSISTANT REGIONAL COMMISSIONER FOR ENFORCEMENT

Mr. VILLANUEVA. Mr. Chairman, members of the subcommittee, thank you for this opportunity to brief you on the Pacific Region's air interdiction efforts.

I am Quintin Villanueva, Regional Commissioner of Customs for the Pacific Region. I have held this position for 1 month. I have been with the Los Angeles Police Department for 25 years. Although I am relatively new to the Customs Service, during my years with the Los Angeles Police Department, I have come to know most aspects of the enforcement work here and I am thoroughly conversant with the drug problem in southern California.

Mr. Robert Grimes, director of the patrol headquarters, who has already briefed you on the national situation, has been traveling with you most of this week, but the Pacific Region has responsibility for enforcement of Customs laws in the States of Washington, Oregon, Nevada, Alaska, Hawaii, and here in California. My region is unusual in that it includes a vast difference in coastlines and two areas of responsibility that are actually divided by hundreds of miles from the rest of the region.

My recent selection as Regional Commissioner has forced me to address the air smuggling problem without any historical knowledge of the special problems the Customs Service has experienced in the past in this area. At first, without knowing, I considered my lack of knowledge a liability, but after having been briefed during the past several months, I have come to realize that the willingness of the Customs Service to tackle a tough job is without limits. Customs managers in Washington, in the regions, and in the air branches themselves are now thinking in newer and bolder terms. Their enthusiasm is without limits and the expectation of obtaining adequate equipment is added to this enthusiasm.

I hope I bring fresh and untainted opinions into the strategy of stopping air smuggling—frankly, I am glad I was not part of the day when Customs was trying to convince the FAA they needed larger call numbers on the underbelly of an aircraft so they could read them while they were standing on the ground. This was necessary because Customs had no planes at all at that time.

These are today, however, exciting times. But from briefings, I sense we could not have avoided the other earlier times. As intelligence indicated that smuggling by air was increasing, Customs used its seizure laws to fly whatever it could get its hands on. As air smuggling increased, Customs worked hard to meet the challenge. After a period of some difficulty, the air module concept has been formalized with the hope of obtaining hardware to at least meet the threat where it was most severe: in south Florida, for example. Customs successes in south Florida, I think, give us all hope for the future, not just in the southeastern United States, but across the entire southern border and eventually the entire border.

I will give you a thumbnail sketch because I think it is important to explain where we are today. First, the President created the south Florida task force and proved that a massive Federal effort

could be an effective deterrent. This, coupled with Customs air successes, created a climate which helped to change the FAA reporting requirements for the first time in the southeastern United States. Some of these were, for example, the reporting and penetrating requirements, the requirements to notify Customs upon landing, designating airports, requiring flight plans to be filed, et cetera. Once these requirements were set into place, Customs soon established a central command and control center to monitor compliance and to ferret out suspect air traffic. Later, the Vice President's task force enabled Customs to utilize the Navy's E-2C's—or mini-AWACS—and other radar platforms. The success of this effort, however, also pointed out other weaknesses.

Perhaps, for the time, we had a measurable standard of not only what was happening in south Florida, but one could conclusively prove that air smuggling was moving into other areas of the country. Customs resources, although significant, do have limits when it comes to meeting this new threat on a permanent basis. That, of course, is one reason your subcommittee is visiting three of the locations of the National Narcotics Border Interdiction System [NNBIS] chaired by Vice President Bush. Mr. Chairman, we appreciate your being here. I also want to thank Congressman Roybal, chairman of our Appropriations Committee, for being here.

We in this region are aware that the Congress shares our concerns about air smuggling. Your efforts on behalf of Federal law enforcement and the relaxation of the posse comitatus laws have given the Department of Defense the opportunity to offer assistance that has been extremely helpful to us. For their past assistance and for whatever DOD is able to do in the future, we are extremely grateful.

You heard an earlier summary of the national air interdiction picture by Mr. Robert Grimes, Director of Patrol Headquarters, at your hearing in New Orleans. Today I will discuss the local air smuggling threat, the resources currently available to us, and our overall capability to respond to this threat here in the Pacific region.

Official estimates indicate that fully 90 percent of all narcotics that will enter the United States by air is expected to cross the southern border. We are aware the air smuggler is very flexible, often well organized and has a resource base sometimes superior to ours. Many have sophisticated and extremely expensive equipment which they unhesitatingly prefer to "ditch" rather than they themselves being caught. A large load of narcotics has a resale value which often makes even a one-time trip profitable. Smuggler pilots are well paid and are obviously willing to take the risk. We must, however, continue to develop new ways to counteract air smugglers. We must enhance our capabilities and thus increase the risk to a point where only the most foolhardy will continue to try to illegally penetrate our borders.

Here in the San Diego area, intelligence shows that air smuggling attempts are up compared to last year. In the last few months, however, they appear to have stabilized. Recently we have noted principal entry points for smugglers in this region to be in the areas around Tecate, Jacumba, and Yuma. We have, for example, noted that in recent weeks, several previously convicted air

smugglers have returned to the San Diego/Los Angeles area. Their actions indicate to us that they are again involved in smuggling by air. We are expecting not only them but others as well to increase the air smuggling activity in our region in the future.

As smugglers continue to divert from Florida, I believe we can expect them to fan out farther along the southern border and into the Pacific region. This will impact on the air branch located here in San Diego.

Mr. Chairman, you and the entire subcommittee visited our air branch yesterday in San Diego and by seeing our equipment there, you can understand why we are eagerly anticipating the arrival of the loaned aircraft from the Department of Defense which will give us an increased airborne detection capability and additional intercept and pursuit aircraft. These along with our current fleet will give us a much-needed enhancement to counter the air threat in the Pacific region. Any military detection assistance will be integrated with existing FAA and military radar. This will obviously increase our ability to detect and interdict drug smugglers.

In my judgment, the proposed loan of military aircraft in the form of P-3 and C-12 aircraft should help us in implementing a Customs air module strategy at a much faster pace than originally anticipated. The addition of Blackhawk helicopters should increase our seizures and arrests of smuggling pilots.

Again, I want to say how much we appreciate the committee's efforts to upgrade our equipment and your interest in our success. I also want to thank the Department of Defense for the loan of their military facilities. Customs has a proud 200-year history as the first line of defense against smuggling, but never before have smugglers been so well financed and equipped with modern state-of-the-art technology and excellent aircraft. With the rewards of this illegal activity being so great, they are willing to take almost any risk.

Now is the time for us to take some risks as well—today, tomorrow, and from now on. We have the ability to meet this challenge if we all work together.

I am proud that we have an administration that is committed to the antidrug effort. They were committed in south Florida. They were committed in formation of the new task forces under Attorney General William French Smith, and they are committed to the NNBIS program under Vice President Bush.

When you add to that commitment the interest and support of congressional committees like yours and others, and the increased commitment and cooperation of the agencies involved—the Coast Guard, DEA, DOD, and the Customs Service—I feel that we can make real progress.

Mr. Chairman, none of us possess a monopoly on virtue and wisdom. But our best chance for success is for all of us to join hands together and do the very best job we can to fight the great evil of narcotics smuggling. You have that commitment from us.

Do you have any questions, sir? We would welcome them.

Mr. ENGLISH. Thank you very much, Mr. Villanueva.

Mr. Grimes, is it true that any U.S.-registered vessels that come from a foreign country to the United States not only do not have to report to Customs to clear Customs but do not have to even notify customs of their arrival for 24 hours after they have arrived?

Mr. GRIMES. Yes, sir, that is correct.

Mr. ENGLISH. Can you tell me why such a policy would exist, given the difficult times that we are having with regard to smuggling?

Mr. GRIMES. I think that the policy exists primarily to support the traveling public in the community, who we feel by and large the majority are legal citizens and to impose a strict law on every citizen just to accommodate a few smugglers or in an attempt to capture a few smugglers would be an imposition that would be unwarranted.

Mr. ENGLISH. We have seen——

Mr. GRIMES. When you said "vessels," you mean vessel or plane?

Mr. ENGLISH. I am talking about vessels.

Mr. GRIMES. OK.

Mr. ENGLISH. We have seen at El Paso—I know in the past I have seen down at Tijuana cars lined up block after block, in many cases people sitting for hours in the hot sun, cars overheating, having all kinds of problems. Those people each have to come through and clear Customs before they come into this country. The same thing happens with regard to people that are coming into this country by air, flying into the country. Each must clear Customs. It is up to Customs as to how much of a check they do but each has to clear Customs in coming into this country. Why would we have a different policy for ships or boats?

Mr. GRIMES. Most recently I think we are relaxing these regulations. Even as you referred to the passengers coming through, we have systems now where they do not have to clear Customs. As such, they can walk through what they call a green area and if they have nothing to declare, go on through so we are trying to expedite the movement of people at all areas of entry into the country at this point.

Mr. ENGLISH. Still, those individuals must report to Customs. They have to fill out something. They have to lay something out before they can actually enter the United States, is that not correct?

Mr. GRIMES. Yes, sir. The declarations.

Mr. ENGLISH. How long has this policy with regard to U.S.-registered vessels been in effect?

Mr. GRIMES. I am sorry, sir. I do not know that. I will be glad to find it out. You are questioning in an area that is really not my area of expertise.

Mr. ENGLISH. It is certainly not a recent occurrence; is that correct?

Mr. GRIMES. No, sir.

Mr. ENGLISH. So it has been there for some time. Do you have any idea as to why such a policy would be in effect at all?

Mr. GRIMES. I am afraid I am really not in a position to answer that. I am sorry, sir.

Mr. ENGLISH. We would be interested in knowing the exact title—for the record, the specific policy, or regulation. Also, we would like to know the rationale for such a policy.

[The information follows:]

Customs has not relaxed reporting requirements for vessels. All vessels are still required to report arrival within 24 hours (19 U.S.C. 1433). However, licensed yachts or undocumented American pleasure vessels are exempt from the requirement to make entry (19 U.S.C. 1441 and 19 C.F.R. 4.2 and 4.3).

Years ago Miami required small boats to report to certain specific docks for Customs clearance. This was aimed at the increasing use of pleasure boats for drug smuggling, and was actually a tightening of the reporting requirement. It was soon discovered that this effort was unproductive: the honest boat captain would report; the smuggler would either not report at all (if caught, he could easily afford the \$1,000 fine), or slip into some cove.

The current practice is simply a reversion to the original procedure modified slightly. Small boats may go to any public arena to report, usually by phone, within 24 hours, the name of the boat, passengers and crew, where located, where arriving from, description of the boat, and any articles acquired abroad. This information is analyzed, the names are queried through TECS, and the Customs officer decides whether boarding and a thorough exam are warranted. If not, clearance is given to the boat captain over the phone.

Mr. ENGLISH. Do you think there might be some wisdom in re-evaluating that policy under the circumstances?

Mr. GRIMES. I will be happy to convey that to our Commissioner. I will be happy to find the information for you and get it to you as soon as is possible.

Mr. ENGLISH. You would not care to comment about the wisdom of such evaluation, would you?

Mr. GRIMES. No, sir, I would not.

Mr. ENGLISH. Is it also true that an aircraft can enter Puerto Rico from Colombia undetected and transload its drugs to another aircraft which has flown down from the United States with a flight plan or—with or without a flight plan, I should say, and then turn around and fly back to the United States without ever having, by any requirement of law, regulation, or anything else, to clear Customs?

Mr. GRIMES. That is correct, sir. You would not even have to transload in Puerto Rico. You could land there, refuel, and take off again and come right on in.

Mr. ENGLISH. He does not have to go to one of the airports?

Mr. GRIMES. If he was coming from another country, but—

Mr. ENGLISH. From the United States?

Mr. GRIMES. If he originated from Puerto Rico, came into the United States, he would not have to clear the airport.

Mr. ENGLISH. How would you know for sure that he originated in Puerto Rico?

Mr. GRIMES. You would not know for sure. He would not have to clear.

Mr. ENGLISH. So he would not have to say?

Mr. GRIMES. If he could keep it quiet. I meant from a practical standpoint, we would not know.

Mr. ENGLISH. Other planes that are coming from other countries are supposed to fly into—

Mr. GRIMES. Designated airports.

Mr. ENGLISH [continuing]. Designated airports to clear Customs but a plane originating from Puerto Rico can fly to any airport in the United States just as if he were flying from California to Arizona or any place within the continental United States?

Mr. GRIMES. That is correct.

Mr. ENGLISH. Do you think there might be some wisdom in reviewing that policy?

Mr. GRIMES. I think there would be some wisdom in reviewing that.

Mr. ENGLISH. What is tactical intelligence as it relates to air smuggling? Describe generally to us what it is.

Mr. GRIMES. We consider tactical intelligence and real time intelligence providing us with the detailed knowledge of where and when and how smuggling activity is about to occur so that we can then launch an enforcement effort in order to capture the smuggler.

Mr. ENGLISH. So we would be talking about such things as getting a call from DEA, say, in Yuma to say, "We have information to indicate that this airplane has just taken off with such and such registration number and given the distance that we know, it is coming your way, you can expect it to come through such and such

canyon between 9 to midnight tonight." That would be what we would describe as tactical intelligence?

Mr. GRIMES. Yes, sir, very definitely.

Mr. ENGLISH. OK. Do you now receive tactical intelligence of that manner from EPIC?

Mr. GRIMES. Occasionally, yes, sir, we do.

Mr. ENGLISH. Does that occur very often?

Mr. GRIMES. Not as often as we would like but we do receive information on occasion which allows us to effect an arrest.

Mr. ENGLISH. So we would classify that as occasional. That would be the key word?

Mr. GRIMES. I could not say exactly how many times or when it occurs. I know it does occur. You know, it is a topic of constant discussion. We all are trying to improve our tactical intelligence because that is the name of the game for us if we are going to make arrests.

Mr. ENGLISH. What is the DOD procedure for passing time-sensitive intelligence to the civilian law enforcement community on a time-sensitive basis?

Mr. GRIMES. They have their information centers where they have—are you talking about like if—the command center or control center in Florida?

Mr. ENGLISH. Any kind of DOD time-sensitive information.

Mr. GRIMES. Some of it they radio to us directly into our own command control centers and it is my understanding some of it is—goes in to EPIC.

Mr. ENGLISH. Is there a set procedure, to your knowledge, for passing on such information?

Mr. GRIMES. Only the regions establish their own based on the type of information. It is well established, for example, in Florida.

Mr. ENGLISH. At the DOD level though, there is no set policy; is that correct?

Mr. GRIMES. I could not answer that, sir.

Mr. ENGLISH. Thank you very much.

Mr. Coleman, do you have any questions?

Mr. COLEMAN. Mr. Chairman, if I could, I would like to ask—Mr. Villanueva or Mr. Grimes, either one would be fine. I am just trying to identify the parameters in my own mind. For example, with NNBIS, as I understand, they have a southern or south central, is that correct, sector, and we have a southwestern sector. Where does San Diego lie within that sector? Is it also the southwest or do we have a separate sector?

Mr. VILLANUEVA. We have got a sector in Long Beach which is the end of the sector and their sector lines or region lines overlap. They are not consistent with the Customs regional lines. We have some crossover between that which is covering the Texas border that which is covering our border here.

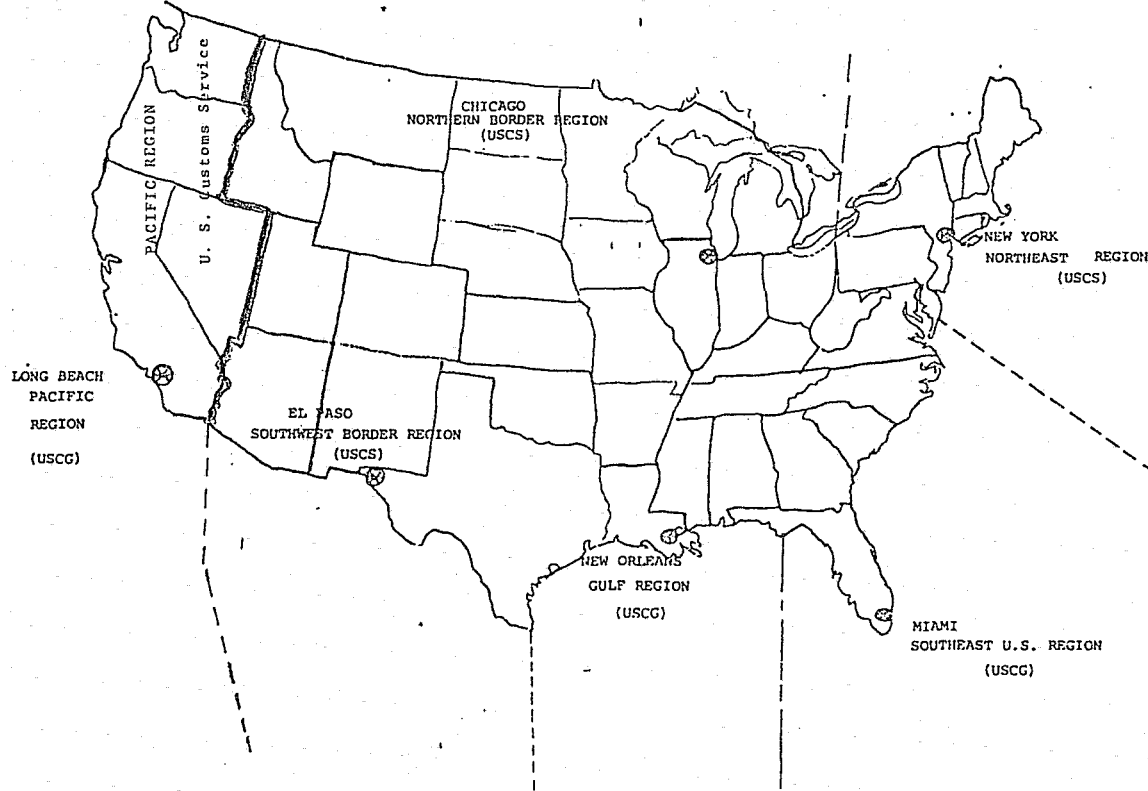
[Mr. Meglen submitted the following clarification subsequent to the hearing:]

The Long Beach Pacific Region NNBIS Center covers the Pacific Region as well as the 11th Coast Guard boundaries. There is not an overlap between the Long Beach Pacific Region Center and the Southwest Border Center in El Paso, Texas. The only overlap in NNBIS Center coverage is along the United States/Canadian border in the state of Washington where the Chicago and the Long Beach NNBIS Centers

both have jurisdiction. Attached for your information is a map showing NNBIS Center locations which has been annotated to show the Customs Pacific Region boundaries.

17 JUNE 1983

ESTABLISHMENT OF REGIONAL CENTERS



Mr. COLEMAN. Do you feel that is going to cause any real problems?

Mr. VILLANUEVA. I think it could be a coordination problem but I do not think they are insurmountable.

Mr. COLEMAN. I just wanted to make sure that did not occur. I would hope that you would feel free to communicate any problems that Customs might have to this committee.

Mr. VILLANUEVA. Yes, sir.

Mr. COLEMAN. That way, we could attempt some changes if they are needed.

Mr. VILLANUEVA. I think the only problems that we have, and we have discussed this, you know, with my staff and people with Customs and Texas area is the overlapping, is going to require a heck of a lot more coordination and I think that this is so new, we just have not seen the problems arise yet. That is probably first and foremost, you know, on our things to watch.

Mr. COLEMAN. I do not imagine that they had hearings. We are talking about your air service branch here and I unfortunately could not be with the committee during the tour. Could you give us a breakdown of your air service branch?

Mr. VILLANUEVA. Yes, sir. May I refer to that?

Mr. COLEMAN. In terms of resources.

Mr. VILLANUEVA. We have 17 people assigned to the air branch. We have seven planes of different types. Specifically, we have got a list. If I could refer to Mr. Meglen, who is in charge of the force, I would be glad to.

Mr. MEGLEN. We have one KingAir and a Cessna 421, several single-engine Cessna aircraft, a 185, a 210, and an 0.2 is a Cessna Skymaster and two Huey helicopters.

Mr. COLEMAN. OK. Any equipped with FLIR?

Mr. MEGLEN. The KingAir is equipped with a FLIR.

Mr. COLEMAN. Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. Roybal.

Mr. ROYBAL. Thank you, Mr. Chairman.

First of all, I would like to congratulate Mr. Villanueva for an appointment to Customs. Mr. Villanueva has been a law enforcement officer for more than 24 years. He has an excellent reputation that has been established in the Los Angeles Police Department and his appointment is definitely an asset to Customs. We know that with the cooperation of Mr. Grimes and those that have served Customs for so many years, he will meet with a tremendous success.

I would like to pursue a point that was made by both Mr. Villanueva and Mr. Grimes. You have stated that about 90 percent of all narcotics will enter the United States by crossing the Southern border. You also went on to say that here in San Diego intelligence shows that air smuggling attempts are up compared to last year and you elaborated on that by saying that entry points for smugglers in this region are around Tecate, Jacumba, and Yuma. Does that mean that you will be concentrating more on the Southern border in the future?

Mr. VILLANUEVA. We will deploy the resources, sir, according to where the activity is and as we see the—whatever resources we

get, and as we see the increase in activity, that is, where we will put the people.

Mr. ROYBAL. All right. But the truth remains that 90 percent of all narcotics will enter the United States by crossing the Southern border and if that is a fact, it would seem to me that the activity will be concentrated along the border. Do I understand that to be correct?

Mr. VILLANUEVA. I would imagine so, yes.

Mr. ROYBAL. All right. Now, that of course would include concentration in Miami. The Florida task force has been in place now for sometime. Where did those personnel come from, Mr. Grimes? Is it not true that those personnel came from other points of entry?

Mr. GRIMES. That is correct. We brought in personnel from all over the country on temporary assigned duty assignments and to expand our resources in that area.

Mr. ROYBAL. All right. Now, what is the number of personnel at Miami now and how long have they been there, as an average?

Mr. GRIMES. I have the figures with me, sir. I do not have them in front of me.

Mr. ROYBAL. Will you provide that for the record, Mr. Grimes?

Mr. GRIMES. I would be happy to, yes, sir.

[The information follows:]

With the South Florida Task Force, there are 46 agents and 8 support personnel. In addition, Customs Service has 41 agents and 9 support personnel with the Office of Investigation in Miami, and Tactical Interdiction Within Florida has 100 patrol officers and 8 support personnel.

With the beginning of the South Florida Task Force, personnel were assigned temporary duty from 30 to 120 days. The positions were converted to permanent positions in December, 1982.

Mr. ROYBAL. We would like to know how many are there, how long they stay. It is, I think, well known that they are not there on a permanent basis, that these people have their homes elsewhere.

Mr. GRIMES. We have now increased the number of people in the Miami area on a permanent basis so that we could bring the people home that were on a temporary assigned duty.

Mr. ROYBAL. But you are still taking them from other points?

Mr. GRIMES. Well, permanently now they are reassigned but they are not there temporarily.

Mr. ROYBAL. Now, what about aircraft that is provided for in the Miami area and will be provided for in any activity along the border? How many aircraft are we talking about?

Mr. GRIMES. In the Miami area?

Mr. ROYBAL. Yes, sir.

Mr. GRIMES. About 25. That includes the Southeast area of the United States, not just Miami. That is also Jacksonville and Tampa.

Mr. ROYBAL. Do you consider that to be sufficient?

Mr. GRIMES. It is much—it is our strongest air support area. We have much better equipment in there than we have anywhere else in the country. I don't consider it sufficient from the standpoint that the type of aircraft needs to be improved, which is part of our new strategy using the military equipment, however, we have been able to at least have some effect with the equipment that we do have there.

Mr. ROYBAL. Who performs your aircraft and radar maintenance? How is that funded?

Mr. GRIMES. We have a contract which was recently reawarded to an organization, Northrup Corp., and they provide us with the maintenance and maintenance support at our various air branches.

Mr. ROYBAL. And that is on a contract basis?

Mr. GRIMES. Yes, sir.

Mr. ROYBAL. What worries me is the attempt to reduce personnel to do the job that is so greatly needed along the border. The last budget that went through my subcommittee and was presented to the Congress as a whole, was \$73 million above the recommendation of the President. The President's budget recommended a decrease in Customs personnel of 2,000 employees—820 of those employees, they were going to be RIF'd, if the committee had permitted that to happen—were coming from the law enforcement field and inspectors. Eight hundred and twenty were going to be RIF'd and we have such a problem along the border and in Miami, it seems to me that that recommendation that was made by the administration was not in keeping with a commitment that was made when the Florida task force was organized for the sole purpose of interdiction of narcotics.

Are you aware of that, Mr. Grimes? I know Mr. Villanueva may not be. He is now, but are you aware of the fact that the recommendation by the President was way below the amount that we brought into the House of Representatives?

Mr. GRIMES. I am aware of the administration's budget proposal, yes, sir.

Mr. ROYBAL. I am not going to ask you if you agree with it or disagree because I understand the position that you are in, but may I speak for you? In this instance, I don't think that you agree with that reduction, in view of the fact that the problem is so tremendous in this Nation and I am sure that those who are in Customs as a whole do not agree, particularly when we see the use of narcotics by our children, even in the grammar schools, junior high schools, high schools, and colleges. Why this reduction in moneys, is something that we don't understand.

Now, you know the bill was defeated on the floor of the House because we were over the President's budget and because the President said, "If that bill passes the way it is, I am going to veto it." Now, the committee has a problem, Mr. Chairman. What kind of bill are we going to bring in and present to the House of Representatives? And we intend to do that within the next 3 or 4 weeks.

Will it have the recommended reduction in and if it does and does pass in that manner, what can you do about narcotics if you are going to have 820 less inspectors along the border? It is going to be quite a problem, isn't it, Mr. Grimes?

Mr. GRIMES. Resources are always a problem when you have this amount of drugs coming into the country, if we do in fact have the mission to interdict these drugs.

Mr. ROYBAL. So the way to interdict the drugs is by providing the best equipment we can get and the best trained personnel we can get, in numbers. That will make that effective, don't you agree with that?

Mr. GRIMES. I would agree that the best equipment we certainly need and we do need good people and we are hopefully, with your help, getting these items and these hearings are having this kind of effect.

Mr. ROYBAL. Well, my point is and my concern is that the recommendations are constantly to decrease in this area, and sometimes I think that the Florida task force is just taking from other sources personnel without the ability to replace that personnel elsewhere. Now, we in this last attempt, put back the 2,000 that were recommended to be RIF'd and we added to that 650 personnel and provided the money for that.

I think that what is happening at this moment ties your hands to the point where you will be somewhat ineffective in stopping the narcotics that are crossing our borders I hope that the members of Customs will start reacting to the point that they will start making recommendations to the administration and all concerned that if we really want to lick this narcotic problem we have to provide money and equipment to do the job.

Do you agree in general with that statement?

Mr. GRIMES. Yes, sir.

I would like to say that in regard to the Customs position on south Florida, we—the majority of drugs coming into this country that we are concerned with do come from the south Florida area and we do have to maintain a rather sizeable force there to effect the enforcement effort and I think we have to maintain that force and because of that, we have had a definite impact on the smuggler, which we have never been able to do before.

And unfortunately, the part of that impact is a displacement of narcotics into areas such as southern California and also along the Southern borders.

Mr. ROYBAL. What worries me, Mr. Grimes, is the fact that while you are doing a good job with what you have out there, you are also taking personnel from elsewhere.

Mr. GRIMES. That is true.

Mr. ROYBAL. So some other area of the country is suffering.

Mr. GRIMES. We are never going to have all the resources that we would like.

Mr. ROYBAL. Then when there is a recommendation that 2,000 Customs personnel be RIF'd, it is a recommendation I just cannot understand anyone making if they are really interested in the interdiction of narcotics along the border or anywhere else.

That will be all, Mr. Chairman. Thank you.

Mr. ENGLISH. Thank you, Mr. Roybal.

Mr. Grimes, can the EPIC lookout procedures be considered intelligence or prior information in any way?

Mr. GRIMES. Yes, sir, I think so.

Mr. ENGLISH. Is it being used in that manner?

Mr. GRIMES. Yes, sir.

Mr. ENGLISH. Or is it being used simply to confirm suspects?

Mr. GRIMES. It is being used both ways. Many times it is used to confirm suspects, once they have a target—

Mr. ENGLISH. But—

Mr. GRIMES. Cold target. Then they run the number, see if it is on the lookout.

Mr. ENGLISH. But if you receive it on the lookout, how can you use it as intelligence?

Mr. GRIMES. Well, once you know that that is on the lookout, then it is a definite suspect. It is part of the sorting process.

Mr. ENGLISH. That is confirmation? That is not intelligence?

Mr. GRIMES. Well, I imagine we could play with the words a little bit but it is information that tells us that this possibly is a suspect aircraft.

Mr. ENGLISH. I think it is important to recognize—you know, we are not splitting hairs here because I think it is important to understand that unless and until you have detected an aircraft, you have physically seen the numbers on the side of that aircraft, the lookout cannot do anything for you, can it?

Mr. GRIMES. Not at that point.

Mr. ENGLISH. The lookout doesn't tell you when it is coming through——

Mr. GRIMES. Oh, no, sir.

Mr. ENGLISH. What it is going to be flying or what color, where a certain plane is at any certain time?

Mr. GRIMES. It is not that kind of intelligence.

Mr. ENGLISH. So it is not tactical intelligence of any sort then?

Mr. GRIMES. Right.

Mr. ENGLISH. What capability does Customs have to receive classified intelligence on a regional level on a time-sensitive basis?

Mr. GRIMES. We have—we do not have classified terminals or communication links.

Mr. ENGLISH. So regions like here in San Diego cannot receive classified information unless you do it through the Navy? Without the Navy, you cannot do it; is that correct?

Mr. MEGLEN. That is correct. We have a secure facsimile coming in within the next month at the Los Angeles sector but we would be limited in how we could transmit it from there.

Mr. ENGLISH. Do you have procedures that are worked out with the Navy to receive that type of classified information?

Mr. MEGLEN. We do at North Island.

Mr. ENGLISH. And there are certain procedures that are set out by the Navy—"This is how this will be done," as far as delivering intelligence information?

Mr. GRIMES. We receive message traffic at their communication centers.

Mr. ENGLISH. Well, but are the procedures set out by the Navy?

Mr. GRIMES. I am not aware of that.

Mr. MEGLEN. I really—I don't know, but I could provide you the answer.

[The information follows:]

OFFICER IN CHARGE
NAVAL TELECOMMUNICATIONS CENTER
NAS, NORTH ISLAND
SAN DIEGO, CALIFORNIA 92135

NTCCNORISINST 5512.1A
Code 90
1 August 1983

NTCC NORTH ISLAND INSTRUCTION 5512.1A

Subj: Message Pickup and Delivery Authorization Procedures

Ref: (a) NTP-4 (Art. 03.07.2300)

Encl: (1) Instructions for preparation of DD-173/2OCR Form

1. Purpose. To standardize procedures and method of submitting message pickup and delivery authorizations for NTCC North Island CA.
2. Background. In an effort to better serve our customers and to increase efficiency and reliability, the process of maintaining message pickup and delivery authorization lists has been fully automated. Customer commands can assist in the overall effectiveness of this process by limiting message pickup and delivery authorization to only those personnel actually utilized to pickup and deliver messages and by submitting updates in a timely manner.
3. Cancellation. NTCCNORISINST 5512.1 of 1 October 1981
4. Procedures. Enclosure (1) contains an example and detailed instructions for the preparation and submission of message pickup and delivery authorizations. NTCC North Island may be contacted for any clarification and assistance as necessary. The following should be considered in the preparation of authorization listings:
 - a. Personnel listed should be limited to those who are actually utilized to pickup and deliver messages.
 - b. All listed personnel must have a security clearance of at least SECRET.
 - c. Message releasing signatures/authority remains the originator's responsibility as noted in reference (a) and should not be included in the message pickup and delivery authorization.
5. Action. Activities who do not have a message pickup and delivery authorization with NTCC North Island in Enclosure (1) format must submit a PROMULGATION in advance of the effective date of the commencement of message service.
 - a. Modifications to the authorization lists should be submitted as they occur in accordance with enclosure (1).
 - b. Enclosure (1) will serve as a guide and should be followed precisely, particularly the mandatory TAB stops.
 - (1) In the sample provided in enclosure (1), if items such as LIMDIS, SPECAT and TICON are not applicable, leave the proper tab stop blank.
 - (2) Should a command have more than one UIC code assigned, the major command's UIC code shall be used.
 - (3) Due to the computerized processing of message pickup and delivery authorization lists, resubmission of messages with format errors and/or missing mandatory information will be requested.

R. G. Lund
R. G. LUND

Distribution:

All activities serviced by NTCC North Island CA

DD173/20CR FORM PREPARATION INSTRUCTIONS

1. Strict adherence to the prescribed format is essential in order to permit automated processing.

2. Explanation of specific messageline items:

- a. LMF block. This block shall contain TC (indicating tape-to-card format).
- b. Originator (FROM): NTP 3 SUPP-1 listed Plain Language Address (PLA) of the activity submitting the authorization. The submitting command will be the Primary command.
- c. Action Addressee (TO): Always addressed to NTCC North Island CA
- d. Information Addressee (INFO): As appropriate.
- e. Classification line: Always use UNCLAS FOUO //N05512//. (There should be two spaces following FOUO).
- f. Subject line: Always use SUBJ: MESSAGE PICKUP/DELIVERY AUTHORIZATION LISTING.
- g. Listing Identification line (first line of text): Always use PROMULGATION, or CHANGE XXX.

(1) PROMULATION: Used only on the initial submission of the list. All personnel listings are identified as additions (A in tab stop 72).

(2) CHANGE XXX: Changes are numbered sequentially from 001 and are used between PROMULGATION submissions to make minor changes to the authorization listing. Personnel listed on a CHANGE XXX are identified as Add (A), Change (C), or Delete (D) in tab stop 72. Each line of the listing will require that all applicable field items be provided for addition, changes and deletions as shown in example (1).

h. Primary Command line: Always use CMDP: before the NTP 3 SUPP-1 PLA of activity submitting the authorization.

i. Secondary Command line: Always use CMDS: before the NTP 3 SUPP-1 PLA of activity for which the originator is also providing message pickup and delivery authorization.

DDI73/20CR FORM PREPARATION INSTRUCTIONS

(1) Personnel listing:

<u>TAB STOP</u>	<u>FIELD ITEM</u>	<u>EXPLANATION</u>
6 thru 10	UIC	Primary Command's UIC
11 and 12	Always Blank	
13 thru 37	Name	Last name, comma, space, First name, space, Middle initial, Period. In the event an individual has no middle name/initial, it will appear as: last name, comma, space, first name, space, NMN (to indicate no middle name). Do not exceed 25 characters, including commas and spaces. Names should, appear in alphabetical order by last name, first name and middle initial.
38	Always Blank	
39 thru 49	Social Security Number	Example: 123-45-6789 (Slant, space or other characters are not authorized separators).
50	Always Blank	
51 and 52	Security Clearance	TT = Top Secret, SS = Secret,
53	Always Blank	
54 and 55	Limited Distribution (LIMDIS) authorization	LI = Individual Authorized to pickup/deliver messages with LIMDIS handling indicated. Leave blank or insert zeros if not authorized.
56	Always Blank	
57 and 58	Special Category (SPECAT)	SP = Individual authorized to pickup/deliver message with SPECAT handling indicated. Leave blank or insert zeros if not authorized.
59	Always Blank	
60 and 61	Tight Control (TICON) authorization	TI = Individual authorized to pickup/deliver messages with TICON handling indicated. Leave blank or insert zeros if not authorized.

DD173/2OCR FORM PREPARATION INSTRUCTIONS

<u>TAB STOP</u>	<u>FIELD ITEM</u>	<u>EXPLANATION</u>
62	Always Blank	
63 thru 66	Rank/Rate/Grade	Do not exceed 4 characters.
67	Always Blank	
68 thru 70	Office Code	<u>FOR USE BY GUARDED COMMANDS ONLY.</u> To indicate office code when it is desired to limit pickup authorization to a specific office code. Omission of code indicates the authorization is valid for all office codes.
71	Always blank	
72	Action Code	A = Addition, C = Change, D = Deletion

NOTE: The remainder of the message is completed in the same manner as other messages. DO NOT FORGET, TC goes in the LMF block at the top of the form.

JOINT MESSAGEFORM							UNCLASSIFIED																												
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MESSAGE HANDLING INSTRUCTIONS													
<p>FROM: NAVAIREWORKFAC NORTH ISLAND CA</p> <p>TO: NTCC NORTH ISLAND CA</p> <p>INFO NAVCOMMSTA SAN DIEGO CA</p> <p>UNCLAS FOUO, //NO5512//</p> <p>SUBJ: MESSAGE PICKUP/DELIVERY AUTHORIZATION LISTING</p> <p>A. NAVCOMMSTASDIEGOINST 5512-1</p> <p>CHANGE 001</p> <p>NTCC: NTCC NORTH ISLAND CA</p> <p>CMDF: NAVAIREWORKFAC NORTH ISLAND CA</p> <p>55873 ACHTER, THOMAS E. 551-62-6183 SS 00 SP 00 GS14 000 A</p> <p>55888 ADAMS, DONALD R. 560-32-3767 SS LI 00 00 GS13 000 A</p> <p>55888 ALONZA, ERNESTO M. 262-68-7004 SS 00 00 TI GS3 000 D</p> <p>55888 ALVAREZ, ROBERT W. 564-44-2665 SS KI SP TI GS12 000 C</p>													
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BUREAU OF CUSTOMS TUS NAS NORTH ISLAND CA
 NTCC NORTH ISLAND CA

INFO NAVCOMMSTA SAN DIEGO CA

UNCLAS FOUO //NO5512//

MESSAGE PICKUP/DELIVERY AUTHORIZATION LISTING

A- NAVCOMMSTASDIEGOINST 5512-1

CHANGE 1

91447 KETCHUM, JOHN S	498-50-4583 SS 00 00 00 6S13 000 D
91447 SHIELDS, WILLIAM B	576-28-1408 SS 00 00 00 6S13 000 A
91447 TAYLOR, JAMES D	568-60-0644 SS 00 00 00 6S13 000 A

RECEIVED
 PATROL DIVISION
 LOS ANGELES, CALIFORNIA
 AUG 23 1983
 AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

COPY TO: SHIELDS/TAYLOR/

P.J.GROOTENDORST 370-30-8537X5464

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A COATES, HARRY T 210-16-8764 SS
A GROOTENDORST, PETER J 370-30-8537 SS
A KETCHUM, JOHN S 476-50-4583 SS
A MAXWELL, JOSEPH W 282-38-3813⁸³ SS
A NIELSEN, LEONARD M 482-46-2876 SS
A Shields, William B
A Taylor, James D.

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Frank Engstrom

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J.W. MAXWELL, 282-38-3813, X5464

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Mr. ENGLISH. We would like you to provide that for the record. But to your knowledge, there is not any; is that right?

Mr. GRIMES. Not to my knowledge.

Mr. ENGLISH. So it is just whatever procedure that the guy that is receiving it or the officer who happens to be in charge wants to follow in providing that information to you; is that correct?

Mr. MEGLEN. I think that would be correct.

Mr. ENGLISH. Mr. Grimes, what is your overall assessment of Customs' ability in this region to detect aircraft, to intercept aircraft, and to be able to move in and make an arrest and seizure of any contraband?

Mr. GRIMES. Without prior knowledge, I think you have a very limited capability. As I said earlier, I think the only place in the country where we have what I consider an opportunity to effect cold seizures is in Florida. Everywhere else I think we are extremely limited. With prior knowledge, we can—I am sorry, go ahead.

Mr. ENGLISH. Well, even with south Florida, and granted, I think we are all agreed that is the best you have got—

Mr. GRIMES. Yes, sir.

Mr. ENGLISH [continuing]. Is down in south Florida, is not even the ability to detect in south Florida extremely limited?

Mr. GRIMES. I would say it is limited, yes, sir. I don't know that I would use the adjective "extremely."

Mr. ENGLISH. Depending on the time?

Mr. GRIMES. That is true.

Mr. ENGLISH. Depending on the month you are talking about?

Mr. GRIMES. Yes, sir.

Mr. ENGLISH. What role does the Customs headquarters play to facilitate the timely transfer of tactical intelligence to the regional level?

Mr. GRIMES. We recently enhanced our intelligence capability. However, we do not disseminate tactical intelligence to the region. Most have a strategic type of information transfer.

Mr. ENGLISH. Does the Customs Service presently have the necessary resources, the hardware to detect, intercept and arrest and seize anywhere along the Southern border?

Mr. GRIMES. No, sir.

Mr. ENGLISH. There is nowhere on the border that we have that ability?

Mr. GRIMES. We do have some capability, but we don't have what I would consider sufficient resources.

Mr. ENGLISH. Is there any place along the border where we have all those ingredients in place?

Mr. GRIMES. Maybe on the south Florida area, would be by far the best.

Mr. ENGLISH. Sometimes?

Mr. GRIMES. Yes, sir. Well, yes, sir. We do move our equipment. We don't have it on a permanent basis.

Mr. ENGLISH. I realize that now, but the point I was making is unless you have all three of these ingredients—you don't have an ability unless you have got all the elements; isn't that correct?

Mr. GRIMES. That is correct, sir.

Mr. ENGLISH. Mr. Villanueva, if you would, could you describe to the subcommittee the nature of the air threat here in this region?

Mr. VILLANUEVA. We have got—in terms of physical, the physical threat, the planes that are coming in from the south of the border, coming up across the—at least in my region, up across the Baja border and sometimes out off the ocean and back in, medium-sized aircraft coming through the canyons also on the eastern part of our region. In numbers, I have heard a number of numbers being given. I haven't seen any hard documents that are counting the numbers of intrusions but I have been told that there are possibly six to seven a day intrusions that come up from the south.

[Mr. Meglen submitted the following clarification subsequent to the hearing:]

The U.S. Customs Service currently has an Automated Aviation Operations Reporting System in effect. Semi-annually, or on an as needed basis, we receive a printout from Headquarters which provides intrusion activity by month, time, day and border segment for the San Diego Air Support Branch and the National totals.

Mr. ENGLISH. So you are talking about somewhere in the neighborhood of 150, 200 a month?

Mr. VILLANUEVA. I think that is what I heard, yes, sir.

Mr. ENGLISH. There is quite a difference in the threat which you have got to deal with here in this area as opposed to what the Customs Service has run into down in the south Florida area. You have got quite a variety of types of terrain. For instance, you have got mountainous areas, you have got some flat area, land area. You also have an area out over the water in the Pacific.

Mr. VILLANUEVA. Yes, sir.

Mr. ENGLISH. Given that variety of elements that is involved, I am personally not aware of any low-level detection system that you have available to you that can cover all these different kinds of terrain. Am I correct in assuming that there is not one?

Mr. VILLANUEVA. You are correct, sir.

Mr. ENGLISH. What tools do you use to determine the amount of drug traffic, air traffic, that you have in this area?

Mr. VILLANUEVA. Well, by intrusions that we pick up on the scope, by downed aircraft, information we get by their—by informants by giving us information that we make an assessment of how many planes might be coming over, how heavy the traffic is.

Mr. ENGLISH. In order to even know the numbers of planes that are flying in, first of all they have got to be flying high enough?

Mr. VILLANUEVA. For us to see them.

Mr. ENGLISH. For them to be on FAA radar. Either that, or they have got to crash?

Mr. VILLANUEVA. Yes, sir.

Mr. ENGLISH. What was the third one?

Mr. VILLANUEVA. Informants.

Mr. ENGLISH. Or there have got to be informants. I would assume that not many air smugglers are stupid enough to fly high enough to hit FAA radar and the majority at least don't crash—I would assume they don't. The third, you probably don't have anywhere near the majority that are identified by informants, so really, as far as what you have got, is very, very few of the elements there to determine even how many aircraft are coming through?

Mr. VILLANUEVA. Precisely.

Mr. ENGLISH. So the six or seven a day you are talking about is nothing more than a wild guess?

Mr. VILLANUEVA. It is a guesstimate.

Mr. ENGLISH. OK.

I might also ask you if this is correct: Until you get that detection capability, namely a detection capability to look down, to look down lower where there presently is no radar look to the ground to detect low flying aircraft, then it is going to be extremely difficult, if not impossible for you to even determine the amount of smugglers you have coming through there; is that correct?

Mr. VILLANUEVA. I would say that.

Mr. ENGLISH. Looking at your air support branches, and the ability to intercept, I think you said you had six or seven aircraft available but only on one of those did you have a FLIR radar, a forward-looking infrared radar?

Mr. VILLANUEVA. Yes.

Mr. ENGLISH. So as we go through the essential elements to detect, intercept and to make arrests and seizure, you are extremely limited?

Mr. VILLANUEVA. Detection——

Mr. ENGLISH. Detection wise, and interception wise. As far as having any aircraft available to you that has both a FLIR and a radar, you don't have anything, do you?

Mr. VILLANUEVA. No, sir.

Mr. ENGLISH. So what we would have to have—even for the one aircraft that you have that is equipped with a FLIR, what you would have to have is someone to direct him to where the suspect aircraft is so he could lock in?

Mr. VILLANUEVA. Lock in with his FLIR, yes, sir.

Mr. ENGLISH. So from an intercept standpoint, we don't have a true interceptor. We have got a tracker, one tracker; is that correct?

Mr. VILLANUEVA. Yes, sir.

Mr. ENGLISH. Once we get down to seizure and arrest, I think you said you had two helicopters. Would you tell me roughly what the speed of those two helicopters are?

Mr. VILLANUEVA. No, I cannot. We have Harry Coates, a pilot with our air support planes who flies that. I can bring him up. He can have the answer for that.

Mr. MEGLEN. A hundred thirty knots, max.

Mr. ENGLISH. A hundred thirty max. That is both or either one?

Mr. MEGLEN. They are both the same.

Mr. ENGLISH. A hundred thirty knots. That is not going to get you there very fast. Have you been able to arrive on the scene with one of those 130-knot helicopters in time to arrest somebody and seize the contraband?

Mr. VILLANUEVA. I am told we generally use fixed wing as a bust airplane, Mr. English.

Mr. ENGLISH. You use fixed wing as a bust airplane?

Mr. VILLANUEVA. Yes.

Mr. ENGLISH. So you don't have anything in the helicopter element even involved in the bust in any way? Is that due to their slow speed? None of them would arrive on the scene fast enough to deliver a sizable number of people fast enough to make an arrest; is that correct?

Mr. VILLANUEVA. Yes, I would say that.

Mr. ENGLISH. As far as the fixed wing aircraft, do you have problems with directing that aircraft in at night? Can you make an arrest at night with a fixed wing if you don't have a lit field?

Mr. MEGLEN. We have gone in the dark behind them before.

Mr. ENGLISH. Kind of dangerous?

Mr. MEGLEN. It is a difficult, dangerous practice.

Mr. ENGLISH. We had one of the air regions down in New Orleans that said they wouldn't even send anybody in after dark. What they would do is try to call the local sheriff, see if he could get out there in time to arrest them. Are you faced with the same thing?

Mr. MEGLEN. Very much of the time. The most common method is calling the local departments to effect the arrest and apprehension.

Mr. ENGLISH. If we come right down to it, we have extremely little detection unless they happen to fly high enough to be in the radar or unless you have one of your land radars set up. You have got one tracker, nothing that would meet the definition of an interceptor and you have no helicopters that are fast enough to get people on the ground in time to make an arrest and therefore you have to rely pretty much on making a delayed arrest. Unless, of course, he is going to land at a major airport that is lit up; is that correct?

Mr. VILLANUEVA. Yes, sir.

Mr. ENGLISH. So of the ingredients that are necessary, you might have one plane that would fit that; is that correct?

Mr. VILLANUEVA. Yes, sir.

Mr. ENGLISH. How much prior information on drug smugglers do you receive from the El Paso Intelligence Center?

Mr. VILLANUEVA. For a tactical intelligence?

Mr. ENGLISH. Right. Something that is time sensitive and that you have not requested.

Mr. VILLANUEVA. We haven't had good experience with that, Mr. English, as I am told that most of the information that we get, if it is a lookout, is not timely in terms of getting it to us in time and I am not aware of the numbers of calls we might have gotten just to alert us to something coming over the border into our region.

I think there has been some. We have had some experience but I just don't know how much, but it is minimal. Whatever it is, is minimal.

Mr. ENGLISH. To your knowledge, and I understand you have just been there a month and may have to turn and ask somebody—feel free to do so—but within the last year, are you aware of a single call that would fit within that definition of being tactical information that had come from EPIC in a timely manner that has been—

Mr. VILLANUEVA. No, sir.

Mr. ENGLISH [continuing]. Has led to an arrest?

Mr. VILLANUEVA. No, sir.

Mr. ENGLISH. What, in your opinion, is the value of followup investigation with regard to any seizure?

Mr. VILLANUEVA. I think—I think they are extremely valuable from a law enforcement point of view on identifying people and conspiracies, eliciting information to track people that are involved

in drug smuggling. I think they are extremely valuable for immediate followup.

Mr. ENGLISH. Are there followup investigations conducted on all the seizures that are made here, as far as Customs is concerned?

Mr. VILLANUEVA. I believe they are, as far as I know, that when we make a seizure that it is turned over to DEA or if there is some other violation involved where we—Customs has jurisdiction, we begin immediate followup.

Mr. ENGLISH. So Customs doesn't do it. They turn it over to DEA. Do you receive the results of all investigative efforts that are conducted by DEA or anyone else?

Mr. VILLANUEVA. I don't know. Do we?

Mr. MEGLEN. I don't know that we receive all the information. We receive considerable.

Mr. ENGLISH. Are you telling me all the information about all the reports or are we talking about some of the reports?

Mr. MEGLEN. We get some of the reports and usually especially those associated with air smuggling. We have a pretty good record of receiving reports on interviews of defendants and that sort of thing.

Mr. ENGLISH. But the thing I am trying to get at here is whenever you make a seizure, you turn this information over to the DEA, and they go out, supposedly to conduct an investigation. When they conduct that investigation, as they obtain information on that investigation, they are automatically sending that back to you and saying, "Here is what we are learning. Here is what we are finding out on this investigation that had to do with your seizure"?

Mr. VILLANUEVA. No, sir.

Mr. ENGLISH. You don't receive it. Whenever the investigation is completed, do they automatically send you a report on every investigation that they have completed and carried out?

Mr. MEGLEN. No, sir. Not automatically.

Mr. ENGLISH. Could you give me a percentage roughly? I am not trying to hold you down to anything but a rough percentage of the numbers of reports that you receive in that manner, even of those that are completed.

Mr. VILLANUEVA. Less than 50 percent.

Mr. ENGLISH. Do you think it would be helpful for Customs to be able to do some followup investigations?

Mr. MEGLEN. Extremely helpful.

Mr. ENGLISH. Do you, on your part, provide information in a timely manner to EPIC? When you obtain information, do you sent it to EPIC automatically in a timely manner?

Mr. MEGLEN. Not automatically, however EPIC had access to our data base and our system for entering time sensitive information. Lookout information is through our TECS communications system which, like I said, they have complete access to.

Mr. ENGLISH. Thank you very much.

Mr. Coleman.

Mr. COLEMAN. Mr. Chairman, your last question was the one I wanted to emphasize.

From the testimony we had concerning EPIC, it appeared that often followup was not related back and forth. There were reports

that we understood that are actually written, transmitted, delivered, but evidently also there seems, from what you say, a need to request that information. Once again, although I don't know about your intelligence unit within your region, it seems to me that there might not be enough transfer of information.

That is what bothers us the most—at least bothers me the most as a member of this committee, is that fear that we are not talking to each other again. That is, as you know, the reason that the Vice President originally was placed in charge of the NNBIS and the south Florida task force. Do you agree that we can do a better job of transferring that information around?

Mr. VILLANUEVA. I don't think there is any question about it, Mr. Coleman. I don't have any historical perspective though. I didn't know people weren't talking to each other. From the local point of view, I can tell you I have heard those kinds of stories as related to some people recently. We just don't. I hope it is not going to bring that to my region.

I think it is essential that we talk to each other and exchange information. I think it doesn't make any difference who gets the credit for an arrest. Doesn't make any difference how many people have worked together, as long as we get the bad guy. That is the bottom line. If we are not getting information out of EPIC, that might be a systems fault, but I think we have to address it and make sure we do get the kind of intelligence information we need.

Mr. COLEMAN. One of the important things, Mr. Villanueva, was to see what we can do as a committee in making recommendations to Congress. We are going to have some closed hearings, you understand from the chairman, in Washington at a later date, concerning what we can do to make it even less strategic and more tactical, even though those terms can get fuzzy at times.

But I am concerned that even from the strategic standpoint, perhaps you are not getting the kind of information you need and background you need to better equip your officers and I appreciate your last statement.

Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Coleman.

Mr. Roybal.

Mr. ROYBAL. Thank you, Mr. Chairman.

I have a final followup question.

It is my understanding that the number of aircraft in Miami is 25; is that correct?

Mr. GRIMES. Yes, sir. I said in the Miami region, which includes Jacksonville and Tampa.

Mr. ROYBAL. How many more are expected from the military within the very near future?

Mr. GRIMES. We are expecting three additional Blackhawk helicopters. Are you speaking just for the Miami region? I am talking about all Customs right now.

Mr. ROYBAL. First of all, from the Miami region, then all of Customs.

Mr. GRIMES. All right.

We have no plans to put any additional Blackhawk helicopters in Miami at this time. We have plans—we are going to put them in other portions of the United States. I think we are going to put a

P-3 Navy aircraft in there when we receive one from the Navy and we are going to—we have not laid out the plan—or excuse me—made any projection for the C-12 aircraft at this time. We are looking at the entire country and the threat, then we are going to make that decision.

Mr. ROYBAL. Is this aircraft that is expected together with the aircraft now in place, as fast and as sophisticated as that used by the smugglers?

Mr. GRIMES. The new aircraft will be, yes. As fast or faster and more sophisticated.

Mr. ROYBAL. But not the old aircraft?

Mr. GRIMES. Some of the old aircraft is very good.

Mr. ROYBAL. But not good enough?

Mr. GRIMES. We have a variety of aircraft. Some is quite capable to do the complete mission and others are not.

Mr. ROYBAL. What I have seen of the aircraft and have flown in some of them in Miami, they are not the most sophisticated aircraft I have ever seen.

Mr. GRIMES. We have the Cessna Citations there. Of course, they are very sophisticated with the radar and FLIR.

Mr. ROYBAL. I saw those.

Mr. GRIMES. Actually, they are the best plane in our fleet.

Mr. ROYBAL. I saw some of that aircraft but I also saw some aircraft there I think should be traded in for something else.

Mr. GRIMES. We agree with you.

Mr. ROYBAL. Now, the next thing is, and I have been puzzled by this: Where are—the pilots that are arrested and the aircraft that are confiscated—where are they from?

Mr. GRIMES. They are from all over the country.

Mr. ROYBAL. Our country?

Mr. GRIMES. Yes, sir.

Mr. ROYBAL. So most of these—

Mr. GRIMES. For the most part, our country. Some foreign.

Mr. ROYBAL. So most of these pilots and aircraft are American pilots and American aircraft that make the trip from the United States to whatever country supplies them with their narcotics and then bring it back?

Mr. GRIMES. That is correct.

Mr. ROYBAL. That is correct?

Mr. GRIMES. Yes, sir.

Mr. ROYBAL. Thank you. That is all, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Roybal. I appreciate that.

One last question. Here in the San Diego area, with regard to air seizures—I am talking about air smugglers only—what were the number in the last year that you have arrested?

Mr. MEGLEN. I better help you. There were 25 arrests. There were a total of 21 seizures but they may have—they may be combined.

Mr. ENGLISH. How many airplanes?

Mr. MEGLEN. Total of nine aircraft.

Mr. ENGLISH. Nine aircraft that you actually seized?

Mr. MEGLEN. Seized.

Mr. ENGLISH. And you arrested—

Mr. MEGLEN. Twenty-five persons.

Mr. ENGLISH. Twenty-five persons within the last year?

Mr. MEGLEN. Within fiscal year 1983.

Mr. ENGLISH. That is within fiscal year 1983 that you have done it?

Mr. MEGLEN. Yes.

Mr. ENGLISH. As stated by Mr. Coleman, we plan to look further into the question of intelligence. We will be following that up at later dates with a number of intelligence agencies as well as with Customs and others who were involved in this activity, but that will have to be done in a closed session. We will do that at a later time in Washington, D.C.

We appreciate the cooperation that Customs has given us in providing us some very candid, very frank answers. I would also like to say, and I think it is important, that what I have seen over the past few days as we have gone from air support branch to air support branch all across the southern border is that the people in Customs are outstanding. We have some exceptional people. We have some people that without question are risking their lives and should not be asked to risk their lives.

What we have to do now, I think, is provide Customs with equipment to match the people. We have some exceptional people and I think that they deserve the opportunity to work with equipment that is going to allow them to do the kind of job they have the potential for doing. So we are looking forward to the day when the Customs has that equipment. We expect great things when that happens.

Thank you, gentlemen, very much. We appreciate the information.

Mr. MEGLEN. Thank you, sir.

Mr. GRIMES. Thank you, sir.

Mr. ENGLISH. Our next witness will be Mr. J. Ronald Denney, who is Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs). Mr. Denney, for the record, we are going to let you identify the gentleman who is accompanying you.

Mr. DENNEY. I have Jim Halvorson with me from our Legislative Affairs staff.

Mr. ENGLISH. Welcome to this subcommittee. We want to welcome you both.

STATEMENT OF J. RONALD DENNEY, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE NAVY, ACCOMPANIED BY LT. COMDR. JAMES HALVORSON

Mr. DENNEY. Thank you very much. I will begin, Mr. Chairman, by reading a prepared statement, if I may set the tone for our discussion.

Mr. ENGLISH. We will be happy to receive it.

Mr. DENNEY. Mr. Chairman, and members of the subcommittee, I am honored to again testify before you on the participation by the Department of the Navy in support of civilian law enforcement in the war on drugs. Before discussing our ongoing activities, I would like to express my appreciation for the interest, initiatives, and

support of this subcommittee. The high priority you have placed on this issue insures we have strong congressional involvement, which is vital to the success of the program.

Coordination between Navy's operating forces with the Coast Guard has continued to improve. Through our experience in operating with those agencies in south Florida, we, along with the other members of the Department of Defense, have identified additional equipment and services which could be provided to assist with the interdiction of drugs entering our country.

Marine and Navy turboprop aircraft have now been added to the list of support planes, and we are providing basing support for Air Force helicopter operations in the Bahamas. As you know, we have been routinely flying P-3 patrol aircraft on navigation training flights into areas which are under Coast Guard surveillance. Atlantic Fleet patrol aircraft have flown 105 such sorties for 490 hours during the period from April 1 through June 30, 1983.

Coast Guard boarding teams are continuing to deploy on Navy ships transiting the Caribbean. During the April to June 1983 period, 11 such teams were deployed on Navy ships. Along with the Vice President's Southeast task force, this subcommittee has played a strong role in insuring that the maximum possible level of E-2 search aircraft support has been provided to the Customs Service in the south Florida operation.

I am happy to report to you that the coordination between Customs and the Navy has also improved so that the support to which the Navy committed is now properly scheduled and utilized. And a new initiative commenced on April 20 in which ongoing E-2 search aircraft support was combined with Marine Corps OV-10 chase aircraft equipped with forward-looking infrared radar, FLIR, for night tracking. This combination of assets was particularly effective in that the E-2's gained radar contact of suspected drug smugglers and the OV-10's then intercepted and tracked the target until Customs aircraft arrived to make the arrests.

During the first month of operations, 3 aircraft were seized, 830 pounds of cocaine and 1,000 tons of marihuana were interdicted, and 7 arrests were made. Continuing OV-10 operations have shown similar results. I would also like to note that S-3's, our carrier-based antisubmarine aircraft, are joining our support teams this month for the first time both here at North Island and on the east coast.

Utilizing the experience gained in south Florida, we are now expanding the scope of Navy support in five of the six regional centers under the National Narcotics Border Interdiction System, [NNBIS], which was announced by the Vice President on June 17, 1983. For the Navy, this means increasing the tempo of Atlantic Fleet operations, and it brings Pacific Fleet assets into the program for the first time. While we expect some growing pains, we are taking advantage of the lessons learned on the east coast and the coordination between west coast naval operating forces and the civilian agencies is falling into place.

It should be noted that the Pacific Fleet units have been coordinating with the Coast Guard for some time. Since February 1982, Navy and Coast Guard have supported each other in the southern California area, sharing drug interdiction and antisubmarine war-

fare operations. Even before DOD approved Pacific Fleet interdiction operations, Navy and Coast Guard had developed an operation order to cover the pending request. Now, with the formal tasking of Pacific Fleet air and surface units, the total Navy contribution to drug interdiction support is significantly increased. We expect that west coast units will be able to sustain similar levels of support provided by their east coast counterparts without impacting operational readiness.

Significant to this hearing is the support which we expect by the E-2 search squadrons flying from Miramar, and the effect that law enforcement operations might have on their operational capability. As a starting point, we are scheduling the same level of operations currently being flown by east coast E-2 squadrons.

An important consideration with regard to E-2 utilization is the extent to which requested operations will allow them to operate from their home base. Long transit times do not have to be absorbed to and from mission areas, logistic support problems inherent in deployed operations do not arrive, and a greater number of mission sorties can be made available.

The Commander-in-Chief of the Pacific Fleet will closely monitor the readiness impact of units involved in the civilian law enforcement effort as does the Commander-in-Chief, Atlantic Fleet. As necessary, we will restrict availability when we feel there would be significant degradation of our operational readiness.

Last, I would like to report on the progress on another of the invaluable assistance. Navy has completed an engineering study for the Customs Service which assessed the feasibility of mounting an air search and radar in our patrol aircraft. The study shows that several effective approaches can be taken. We expect a Customs decision in the near future and we are ready to move ahead with the loan of P-3 aircraft.

Mr. Chairman, the last time I appeared before you and your subcommittee, I stated that I believed we were attacking the problem far more effectively than we were 6 months previous. Now, 4 months later, I am confident that we are providing support in an even more effective manner. Close coordination exists between the enforcement agencies and the services so that the search, tracking, and intercept capabilities are well integrated.

Under the direction of the Office of the Vice President and with the continued strong support of this subcommittee, we will be able to extend the capability of our various agencies to counter the drug menace.

Thank you very much for your attention. I would be pleased to answer any questions you have at this time.

Mr. ENGLISH. Thank you very much, Mr. Denney.

I, first of all, want to state that the Navy has been exceptional in its support of this effort. We have commended the Navy in the past for the assistance that they have given, and I certainly want to do that again. I think the Navy has leaned over backward and done more than its share to help us out as far as the law will allow, but the law prohibits anything that is going to have a negative impact on combat readiness.

Mr. DENNEY. That is right.

Mr. ENGLISH. Could you explain to us exactly how the Navy goes about determining what combat readiness is? We are not just talking about some admiral somewhere deciding it, there is more to it than that. Is there not a system for deciding what is combat readiness?

Mr. DENNEY. That is right. There is a very sophisticated, and more sophisticated now than ever, defense-wide system, unit reporting system, which exists. I will read you a little bit about it here:

This readiness measurement is common to all aviation squadrons and consists of a measurement of the amount of required resources available to the unit to do its wartime mission. The four resources considered are personnel, (their training, their quality, and their skill level and the completion of certain specific requirements), skill requirements, equipment, (the supply, quantity of aircraft, for instance), and training, (the percentage completion of required air crew training programs). Degradations to any one of these resources will cause a like degradation to the squadron's overall combat readiness ratings.

Those ratings, I don't know whether you have been briefed on this by Mr. Lucas, but there are four classifications going from fully ready to not ready. They are called C ratings—C-1, 2, 3, and 4. It is the military objective to have these ratings in at least a C-2 condition, generally, that is where our units are maintained but when any one of those four elements should fall below that C-2 level, that means the entire squadron exists in a lower state of readiness and the entire squadron itself is considered in a less ready condition.

And a C-3 condition is not acceptable. So it is a well-documented, carefully worked out system by which we measure our readiness, and it is a statistical measurement rather than just a commanding officer's guess.

Mr. ENGLISH. There is very set, precise measurement instead of just an arbitrary decision on the part of an individual officer?

Mr. DENNEY. Right.

Mr. ENGLISH. You have mentioned the help that the Navy had given in the past, and I think this is a very important point, because the Department of Defense has, in the short run, provided all the detection capability for the low flying aircraft that Customs has had. But, due to the law, due to this precise measurement that you are talking about, this thing cannot go on indefinitely. Each month that goes by, it becomes more and more of a burden for the individual services.

And to make that point—and, again, I want to do this primarily for the record—we mapped out a chart on the South Florida Task Force, which everyone understands and recognizes as the best that we have got in terms of flying coverage that the Navy has given us. It shows the problems that I think you were running into that you were alluding to.

Mr. DENNEY. Yes, sir.

Mr. ENGLISH. In the spring, as we started out with the South Florida Task Force, in the spring of 1982, 85 hours was what was asked of the Navy. This is the figure up here, 85 hours per month of flying, of detection coverage over the southern Florida area. But as we moved through the spring and into the early summer, we began to see that the impact that this was having on the Navy

started to become a burden that simply could not be supported, so we have got this up and down each month, a variation of the amount of detection capability that we had in the south Florida areas. Some months we didn't have any. I think it underscores, without question, the importance that we bring online as soon as possible, the in-house detection capability for the Customs Service. Certainly we cannot, as I said earlier, rely indefinitely upon the Navy, the Air Force, or anyone else to take up the slack and do the job for Customs.

Again, as I said, I want to commend the Navy for making every effort, particularly in south Florida, to provide some detection capability. But the trend is obvious; it can't be kept up indefinitely.

Mr. DENNEY. I think there might be a point. A lot of—

Mr. ENGLISH. Mr. Denney, you mentioned there was another point.

Mr. DENNEY. Yes. I think it is just another point that would go along with exactly what you are saying. The variation in the amount of support that can be provided depends, also, an awful lot upon our schedules, that is, existing operations schedules. We are shooting to provide a certain amount of level of support, but if all of a sudden we have to place another carrier in Lebanon with the E-2's operating from that carrier, we won't have E-2's here. So you are going to be getting those fluctuations.

Mr. ENGLISH. What would be the impact on the E-2C units in San Diego if they were placed in a dedicated—not training, but in flat dedicated support of the Customs Service similar to what took place on the Atlantic coast? In other words, after a period of time, a short period of time, would we begin having the same type of impact on the west coast that we had on the east coast?

Mr. DENNEY. In very round numbers, we have about the same number of E-2 aircraft here on the west coast that we have on the east coast—slightly less—because one of the units is permanently deployed to Japan. It would be our objective to attempt to provide roughly the same level of support because we have roughly the same number of aircraft. That being the case, and reviewing the history of what we did in Florida, I think we probably would do a little bit better because we suffered some growing pains there. But we would be attempting to provide the same level, roughly 50 hours a month, that we are attempting to supply on the east coast.

The impact on readiness would be the same on this coast as it would be on a long-term basis on either coast simply because there is a similar number of aircraft and similar missions.

Mr. ENGLISH. So, on short run, you could probably do pretty well in meeting that goal. But as the months go on further, the time, the more difficult it is to make that goal—is that correct—because of that combat readiness issue?

Mr. DENNEY. Combat readiness is an issue—other overriding operational concerns is another. If we had a low operating tempo, for whatever reason, we could probably readily meet the commitment. On a long-term basis, we know that is not going to be the case. We would have trouble keeping the coverage needed that the Customs Service would request.

Mr. ENGLISH. What is the mission of the E-2C units located here in the San Diego area?

Mr. DENNEY. They provide one very specific and easy-to-understand mission. They are meant to be carrier-borne aircraft which provide air detection capabilities for our task forces at sea. They are meant to operate off carriers and detect airborne enemy planes or missiles that might be coming in through their radar surveillance.

Mr. ENGLISH. About the missions of the E-2C; are they expected to have a significant capability over the land, or is it—

Mr. DENNEY. There is—yes. There are some land detection requirements that are required. Roughly 25 percent of their mission could potentially take place over the land.

Mr. ENGLISH. OK.

Mr. DENNEY. And the E-2C is fairly capable of doing that. The older models are not.

Mr. ENGLISH. The B's?

Mr. DENNEY. The B's.

Mr. ENGLISH. Mr. Coleman?

Mr. COLEMAN. Thank you, Mr. Chairman.

I didn't know if you had the privilege of seeing the chart that we had in El Paso, with that testimony with respect to the lack of radar coverage—yes: would you get that for me? And I just wanted to show you some of the problems that I feel Customs faces with respect to the land issue. If I could explain that graph to you.

If you are looking at the bottom of the chart, that is a view from Mexico into the United States. Just along Arizona, New Mexico, and Texas is the region. I think the best way to describe the line would be the terrain line. It is the ground line, mountains—

Mr. DENNEY. Right.

Mr. COLEMAN [continuing]. And what have you. The radar detection capability, utilizing a square foot—forget that was derived from skin paint—across this area; the altitude. These numbers you might not see.

Where this red line starts is 10,000 feet altitude, and that is approximately 12,000 feet along Brownsville. If you are under 12,000 feet, you are probably not going to be detected by radar. So if you can stay within these—you can see we have got an extremely large gap that is basically the Big Bend area of Texas—you will not be detected.

The green line at the top was an undetermined altitude. The target couldn't fly that high, so we don't know how high up those go. If you kept along, you might get some pretty serious altitude problems.

The whole point being that we are showing that anywhere under 14,000 feet along an extremely long part of our border, and I would say that from here to here is probably close to 600 or 700 miles—we have got a serious problem in terms of the lack of radar detection. I just wonder what assistance you might be able to provide for that region.

In other words, what would be the best equipment or resources that we should be seeking in those terms?

Mr. DENNEY. For radar detection, the only thing we would have to offer would be the E-2C. However, with the terrain like that, even it will have limited detection capability. It can't see over the

mountains or it can't see down in the ravines unless it is over the ravine.

I don't know of any other equipment that the Navy would have to offer with the exception of chase planes which are going to be flying in the ravine itself. I wouldn't have anything more to offer from a Navy viewpoint; that is, nothing to speak of.

Mr. COLEMAN. I think we talked about look-down radar with F-15's, radars on the P-3 that may show some capability to deal with that issue if we are able to at least sporadically or periodically commit to a region like that, P-3's with that F-15 look-down radar.

Mr. DENNEY. Any look-down radar is going to be able to pick a target out within those ravines there, as an E-2 would, and so would an F-15 radar. The question is, there is an awful lot of ravines, and you can't see.

Mr. COLEMAN. I will admit that bottom line on terrain, as you can see, is going down toward the coast there toward sea level. It is really not smooth. I agree with you.

Mr. DENNEY. Yes. So any look down radar is going to help. The question is, How much—how much coverage you are going to be able to get out of how many planes? I can't answer that.

Mr. COLEMAN. You were talking about the Navy supporting five of the six regions. Which regions?

Mr. DENNEY. I believe the one that we are not supporting is the Chicago region. Our areas are coastal and start in New York; come all the way around to the Pacific.

Mr. COLEMAN. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. ENGLISH. Mr. Roybal?

Mr. ROYBAL. Thank you, Mr. Chairman.

Mr. Denney, you stated that the coordination between the Navy and Customs has improved; that the Navy support is now properly scheduled and utilized?

Mr. DENNEY. Yes.

Mr. ROYBAL. How long has this cooperation existed?

Mr. DENNEY. Well, we have gone through a year of growing and experience. There was a period of time, roughly 4 to 5 or 6 months ago, where the Navy was providing the aircraft, that it was making aircraft available to be utilized. But the aircraft wasn't able to be utilized for any number of different reasons, even including weather. So, while we would make the aircraft available, there may not have been enough chase planes that Customs had in order to go ahead and make the pursuit, that kind of thing.

So there was a time about which we were all very unhappy, in which we had identified the planes and made them available for the search capability, but they stayed on the ground and were not utilized. Now we are able to better match up available aircraft time with the Customs capability, or the Customs—Marine Corps capability, including the OV-10's, to provide complete chase and interception operations.

Mr. ROYBAL. Well, this coordination has resulted in positive action, has it not? You have stated that with three aircraft during the first month of operation, you were able to confiscate 830 pounds of cocaine, 1,000 tons of marihuana, and that you made

seven arrests. Can you tell the committee what the street value is of 830 pounds of cocaine?

Mr. DENNEY. I would like to defer that question to Customs. I think they would have a quicker answer for that. I couldn't answer that off the top of my head.

Mr. ROYBAL. Then, will you provide that for the record? Get it from Customs or whatever source you have; and also the street value of 1,000 tons of marihuana?

Mr. DENNEY. Yes, sir.

[The information follows:]

Marijuana has a variable price depending upon quality and the local market. In the U.S., marijuana has a street value of approximately \$2000 per pound. Accordingly, 1000 tons would have a value of approximately \$4 billion.

In the U.S., the value of pure cocaine will vary, but, its current value is approximately \$23,000 per pound. Pure cocaine, however is usually cut eight times prior to street sale resulting in a street value of \$152.72 million for 830 pounds.

Mr. ROYBAL. Now, with regard to the arrests, what happened to those who were arrested?

Mr. DENNEY. I cannot answer that either because we don't make the arrest. We simply detect. We know that it led to an arrest but again, I would have to provide that for the record.

Mr. ROYBAL. I would appreciate that, if we could provide it for the record. We would like to know whether another problem exists, whether the arrests that are made are just temporary detentions or whether they are in fact arrests in which people actually go to prison.

[The information follows:]

Information on arrests and disposition of the cases are not known to the Department of the Navy. This request has, therefore, been passed to Customs for response.

Mr. ROYBAL. In my opinion, I think they ought to just throw the key away. I think, Mr. Denney, that the problem that weighs most heavily upon the youth of this Nation is narcotics, and I get very disturbed when I see a recommendation reducing personnel in this area.

Now, I think that coordination among the various agencies is most important. I also think that Customs and the Navy and those who are involved in this field are doing an excellent job, but that their job is limited because of limited finances and equipment. I don't think we are doing enough in this field at all. We should do a great deal more than we are doing. But I still feel that the coordination of the various departments of the Government is most important.

You may not be able to provide it at this moment, but I would like to know what kind of coordination there is between Customs, the military in general, other Federal agencies, and State and local law enforcement agencies. If you cannot provide it at this time, will you please provide it for the record, whether it comes from the Navy or from the Customs? Will that be possible?

Mr. DENNEY. Yes, sir. I would be happy to do that, Mr. Roybal. It is certainly the objective of the entire President's Task Force and the efforts of this committee to do exactly that, to get that coordination linked together well and I would be delighted to provide a response for you.

[The information follows:]

Coordination between all federal and state agencies is accomplished through the National Narcotics Border Interdiction System (NNBIS). On March 23, 1983 the NNBIS was established by the President to become a permanent program to protect the borders with the mission to coordinate all federal efforts to interdict the flow of narcotics into the U.S. In June the Vice President unveiled the details of NNBIS, the establishment of 5 additional regional centers at New York, New Orleans, Long Beach, El Paso and Chicago and the NNBIS staff located in Washington, DC. It is at these regional centers where state and local interface occurs.

At the national level, Customs and Coast Guard requirements are translated into military tasking requests through the NNBIS. These requests are coordinated two to three months in advance.

At the regional centers, the following agencies are represented: USCG, Customs, DEA, INS, DOD, (USA, USN, USAF, USMC), CIA, FBI and FAA. Some regions (i.e. New Orleans) already have representation from both state and local police departments. All regional centers now liaison with state and local law enforcement agencies, and, with time, this cooperation and coordination should greatly increase. For example, visits to state and local law agencies in N.Y., Baltimore, Norfolk, L.A. and San Diego has resulted in mutually beneficial training sessions and commitments to support NNBIS.

Mr. ROYBAL. But even with the task force, while I applaud what they are doing, they are still taking personnel from elsewhere and the smuggler, with the personnel in Miami, comes to Tecate and to other areas of the southern border. So we are kidding ourselves when we use the same personnel or take from somewhere else, put it into a pinpointed area and then let these smugglers come from somewhere else. They are smart enough to know that there are areas along the border that aren't protected.

I think we ought to put more people into this, more experts, give people the equipment that is available so they can do a proper job.

May I thank you for your statement and congratulate you and the Navy for the coordination and the cooperation that you are making available for this effort.

Mr. DENNEY. Thank you very much.

Mr. ROYBAL. Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you, Mr. Roybal. I appreciate it.

Mr. Denney, during the routine E-2's training flight out of San Diego, could the Navy provide detection coverage for the Customs Service without having any kind of negative impact on combat readiness?

Mr. DENNEY. Let me address that—and I do have a short statement about it—in this way: It is a very difficult mission. The E-2's when they are flying in a true training environment really can't do much to assist in the drug detection enforcement effort, particularly radar detection. Simultaneously when E-2's are on a specifically dedicated drug detection mission, they can't do the kind of training necessary for the carrier qualifications for their defense work, so we are really not joining the two together right now except on a very occasional basis. If in fact an E-2 that was operating all of a sudden got diverted to be involved in a drug mission, the Navy training mission simply goes away. It is apples and oranges, to do them simultaneously. Now, that is not true for the P-3's which can do both, but for the E-2's, it becomes difficult to do simultaneously.

Mr. ENGLISH. Let me see if I can understand that a little bit. What is there that an E-2 does in its routine training mission that is different, say, from an AWACS? In an exercise you have got two different sets of aircraft that are engaged in some type of mock battle—or I would assume in some cases an attack on ships?

Mr. DENNEY. Yes.

Mr. ENGLISH. They are engaged in mock battle?

Mr. DENNEY. Yes.

Mr. ENGLISH. Those aircraft are supersonic aircraft, are they not?

Mr. DENNEY. Some of them can be. The incoming can be, yes. Not the E-2's.

Mr. ENGLISH. No. I realize the E-2 is not, but at least my experience on an AWACS, in going through one of those training exercises, is that they lasted for a very short period of time. You are not talking about an individual attack lasting for more than 4 or 5 minutes at the most. In the entire exercise, I think, of any particular group of planes, it didn't last more than 20 or 30 minutes because of the very rapid depletion of fuel under those circumstances. They don't go out there and fly around all day long, the "attacking" aircraft. As in the case of an AWACS, I would assume an E-2C is on station for a considerable amount of time. Both wait for attack aircraft, to position them, waiting for the aircraft to arrive on station if they are coming from other areas. So there is an awful lot of time that they spend sitting around and waiting on the exercise to begin or for the repositioning of the aircraft so the exercise can continue—in many times, 30 minutes or so.

But the point I am trying to make is that there is a very small amount of time, given the time that the aircraft is on station—flying to and from station or whatever it is that is actually involved in the exercise; isn't that correct?

Mr. DENNEY. Yes, and I would be happy to submit more specific reasons, for the record, Mr. English. I think as I perceive it, when we are involved in actual training requirements on a carrier, the carrier is deployed off the coast, not necessarily an area where there is, in fact, a major drug smuggling problem.

Mr. ENGLISH. I recognize that.

Mr. DENNEY. My understanding is that during those periods of time, they really wouldn't be in an area where they could do much to assist in looking for a drug smuggling situation. They are communicating back to the carrier within their reporting system. Their communications are geared to do that as versus to any shore activity or to a customs point. So I don't see an easy correlation between the utilization of those planes while they are on station in a carrier task force undergoing training. I would like to check myself on that, provide something a little bit more specific for the record.

Mr. ENGLISH. I wish you would because it is my understanding that these exercises are done in very specific areas. For instance, the area that the E-2's train in off the coast of San Diego is about 500 miles west and about 500 miles south, so you have got a square area out here of airspace that is blocked off specifically for this purpose, the same as you do for AWACS and their training areas.

The training areas for the E-2's, interestingly enough, is to the south of San Diego along the coast, which in fact is the very traffic route, particularly for ships, that may be coming up the coast. They also—I would assume if we are able to put together the type of network that we can through the southern part of California, you are going to start seeing aircraft. They are going to start trying to slide around to get outside the detection in that area.

They are going to be sliding out into the training area of the E-2's which should make them very easy targets for those E-2's. I would think if we are in this dead time between training exercises, it would be a very simple matter for the E-2's scope operators simply to notify the carrier, which can pass that information on to Customs. In the case of a P-3 that happens to be on station, they would have direct communication without any problem at all. It would seem to me that this would be an area that we might want to explore some.

Mr. DENNEY. I will get something for the record.

[The information follows:]

Routine U.S. Customs detection requirements are not compatible with E-2C mission training exercises. Present aircraft scheduling by both fleet and training squadrons allows for no dead time between fleet exercise commencement and completion. At exercise completion, the E-2C aircraft returns immediately to base in order to be turned around and utilized on the next scheduled event. Often the same aircraft flies three or four missions per day. Present E-2C aircraft utilization rates are high and are consistent with the high mission cable rate currently enjoyed. Most E-2C training missions are complex and require the full attention of the relatively small (when compared to AWACS or P-3) crew.

Mr. ENGLISH. I would appreciate if you would look into it, examine that a little bit, see if you can't give this some thought. It just seems to me that if E-2's are out there cutting doughnuts in the sky, we might as well get the maximum use of the taxpayer's dollars. We certainly don't want to interfere with formal exercises. We don't want to do anything that is going to have a detrimental impact on combat readiness.

How often do the E-2C's and B's fly off the coast of San Diego?

Mr. DENNEY. Frequently in their training flights.

Mr. ENGLISH. Would you say that on an average we are going to have at least one or more out there per day training? Average, now?

Mr. DENNEY. That is probable.

Mr. ENGLISH. In the last few days, all along the border here we have discussed the feasibility of providing the Customs Service with their own detection platform, namely the P-3A aircraft.

Mr. DENNEY. Yes.

Mr. ENGLISH. Would you comment on the Navy's willingness to provide six P-3's to the Customs Service under the change of the law that we have had under past combat?

Mr. DENNEY. Yes, sir. Secretary Weinberger, I believe—on March 17 made the commitment to the committee that the Navy stands ready to supply six P-3's in whatever timeframe required. We are thinking in terms of one as a test and then we would proceed and within the parameters of being able to receive those airplanes back in a well-maintained condition, such that they can be reconverted into an antisubmarine aircraft. The Navy is ready to roll, as soon as asked, to provide such aircraft.

Mr. ENGLISH. So understanding those conditions, you foresee no problem that has cropped up recently that would prevent that proposal from moving ahead?

Mr. DENNEY. I don't know of anything recent that has cropped up, no, sir.

Mr. ENGLISH. Would the Navy be prepared to negotiate with the Customs Service for the maintenance of these aircraft, the P-3's, either by the Navy or particularly through a Navy reimbursement?

Mr. DENNEY. Yes; and the key to this is going to be identifying the site in which the maintenance—especially the major maintenance, will be achieved and I think this all can be worked out. To keep those planes properly maintained, we must have qualified people do the maintenance and to have the parts available. It is going to be important to try to colocate them with other P-3 aircraft which are in the operational squadrons.

Mr. ENGLISH. I think it is important that we understand that you are not going to pull the P-3 up underneath a shade tree. You will have a formal mechanic and very specific parts that have to be used, special tools that have to be used in maintaining that equipment. Certainly you have got some very expensive test equipment that would be required to maintain that type of equipment.

Mr. DENNEY. That is right. There would probably be—out of six aircraft, there would probably be one or two undergoing repair at a maintenance activity at all times. Depending on where that is, how well the maintenance is done, and how efficiently it is done, is going to determine how well the aircraft is maintained.

Mr. ENGLISH. Does the Navy do their P-3's at New Orleans?

Mr. DENNEY. They don't do depot maintenance, which is the maximum amount of repair. Intermediate maintenance—do you know, Jim? They might do intermediate maintenance. They certainly do the routine which is actually part of squadron maintenance, but for major work, they would have to go somewhere else—Jacksonville, I believe.

Mr. ENGLISH. Jacksonville. So for maintenance, whether it is routine or whether we run into a real problem, the P-3's could really—

Mr. DENNEY. Circle.

Mr. ENGLISH. Circle through the entire Southern border without having any problem at all?

Mr. DENNEY. Yes.

Mr. ENGLISH. Everything would be kept at the Southern border?

Mr. DENNEY. Yes; and we have—

Mr. ENGLISH. Do you have any routine maintenance facilities for P-3's here in San Diego?

Mr. DENNEY. That is just what I was asking Mr. Halvorson. I know we have them in California, routine that is. I am talking about more a depot level maintenance. I know we have it in California but I am not so sure whether it is San Diego or whether it is north.

Mr. ENGLISH. But routine, you do here?

Mr. DENNEY. Oh, yes.

Mr. ENGLISH. San Diego. So there wouldn't be any problem here?

Mr. DENNEY. We do all the routine maintenance right where the planes are located, which is right here in California and in New Orleans. But they have to be flown to other locations for major testing, and so forth, every once in awhile.

Mr. ENGLISH. OK. Mr. Coleman.

Mr. COLEMAN. If you are about to adjourn, I just had one other question of Customs. Mr. Villanueva, I didn't want to leave any

part of this extensive border out of this chart and I would be interested if you all could obtain for us something similar, if you know of anything similar.

Stanford Research Institute provided this data. You all indeed may have information of this kind that you could provide for us at future hearings. I would appreciate it. Thank you, Mr. Villanueva. That's all I have.

Mr. ENGLISH. Mr. Roybal.

Mr. ROYBAL. Mr. Denney, you state in your written testimony that the Navy has completed engineering study for the Customs Service which assessed the feasibility for mounting an air search and radar in our patrol aircraft.

Mr. DENNEY. Yes.

Mr. ROYBAL. You went on to say that the study showed that several effective approaches can be taken.

Mr. DENNEY. Yes.

Mr. ROYBAL. Will you please make that study available to members of this committee, but particularly to the Subcommittee on the Treasury of the Committee on Appropriations?

Mr. DENNEY. Yes, sir; and the report is being submitted to Customs and they are the ones that are going to have to actually put their final approval on the Treasury information.

Mr. ROYBAL. I understand that the final approval is expected in the near future.

Mr. DENNEY. Yes.

Mr. ROYBAL. So I would assume that the near future means next week, perhaps?

Mr. DENNEY. Perhaps, yes, sir.

Mr. ROYBAL. Well, the sooner we get that report, the more informed we will be. I thank you very much.

Mr. DENNEY. Yes, sir.

Mr. ENGLISH. I would also like to state for the record our admiration for the Appropriations Committee, and certainly Chairman Roybal, and their fine support of the Customs Service. This is a problem that they have been working on for some time and we are, in many ways, Johnny-come-latelies on it. We have long admired the fine work that they have done over in that area. We hope that we will be able to also make a contribution.

It is also my understanding that today we are very honored to have Mrs. Roybal with us. Mrs. Roybal, if you would stand, we would like to welcome you here. Thank you very much for coming. We appreciate it.

Again, we want to thank the Navy. We appreciate the fine work they have been doing. We want to thank all of our witnesses from the Customs Service for the day's appearance. I think it has been extremely enlightening for us. I think that the record that this committee will be forthcoming with should be helpful not only to the Congress but also the administration.

So with that, we will recess subject to call of the Chair.

[Whereupon, at 3:30 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

APPENDIXES

APPENDIX 1.—SUBCOMMITTEE CORRESPONDENCE WITH THE DEPARTMENT OF DEFENSE AND U.S. CUSTOMS SERVICE CONCERNING THE ENGLISH AIR-INTERDICTION PLAN

A. Letter from Chairman Glenn English, Subcommittee on Government Information, Justice, and Agriculture, dated February 7, 1983, to Hon. William von Raab, Commissioner, U.S. Customs Service, with reply dated February 17, 1983.

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February 7, 1983

The Honorable William von Raab
Commissioner
United States Customs Service
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

Dear Mr. Commissioner:

As we discussed on February 5, 1983, I have serious reservations as to the U.S. Customs Service current capability to satisfactorily interdict the drug smuggler crossing our borders by air. I am writing to you to outline those concerns and to put forward my recommendations for a resolution to the problem.

The following are the U.S. Customs Service's weaknesses as I see them. During the past year of investigation I have concluded that three elements are essential to insure an effective interdiction capability. First, the ability to detect the drug smuggler is crucial. Second, once detected the capability to intercept is necessary. Third, the ultimate goal is seizure of the drugs and arrest of the offender. This requires the ability to arrive at the scene in a timely fashion. The absence of any one of these three essential elements insures failure of the effort. From an operational viewpoint, the support branch is only as strong as its weakest link.

Starting with your furthest southwest air support branch, located in San Diego, I have concluded that there is an unacceptable capacity to detect the drug smuggler. This is a result of poor ground radar coverage which prevails in that support branch's area. There is also an absence of any airborne look-down radar resource which could be made available to you to resolve this problem. In addition, it is evident that limited equipment in San Diego prevents you from providing a reliable interception threat on a routine basis. I further observed, again in the same area, Customs' lack of capacity to arrive at the smuggler landing scene in time to effect

seizure and arrest. So, as you can see, the extreme southwest flank, in my opinion, has none of the essential elements necessary to be consistently effective.

In the Tucson, Arizona Air Support Branch area of responsibility, which is adjacent to San Diego's, I have observed similar weaknesses in detection capability. Their ability to intercept is sufficient. However, again there is no acceptable means by which to arrive at the scene in time to effect seizure and arrest.

From the El Paso to the New Orleans Air Support Branches, which encompass the Gulf Coast area, I have concluded that there is also a lack of the elements necessary to insure success. Their collective weaknesses lie primarily in the interception, seizure and arrest elements. Although the NORAD and FAA radar capabilities, which you rely on, are better than in the Southwest region, it does not provide sufficient low level coverage to meet your operational demands. While I do not point this out as a major weakness, it does limit your effectiveness.

In Florida, where your greatest capability is, you have poor low level detection. You are presently relying on the Seek Sky Hook located at Key West and occasional E2C support. Given that this area is the drug smugglers' preferred entry point, there must be a permanently established look-down radar capability which prevents the smuggler from using this destination. In addition, this look-down radar ability must be able to prevent the smuggler from easily avoiding the Florida peninsula via the Bahamian Island Chain, which E2C documentation shows the smuggler is presently doing. Although the E2C, without question, has the look-down radar capability necessary to cover this weakness, its current schedule and costs, as well as impact on the Navy, leads me to believe that reliance on this resource is only prudent in the short run.

As you know, the Air Force is constructing a second Seek Sky Hook to be located at Patrick Air Force Base. The integration of these two Sky Hooks at your C3 in Miami will provide you with look-down coverage over most of the Florida peninsula. This radar coverage, however, does not address my concern as it relates to the use of the Bahamian Islands as a refueling point, airdrop location, and transshipment point.

The Miami Air Support Branch's ability to intercept and arrive at the scene in a timely fashion are its two strongest elements. However, several of your strongest interception resources are presently being consumed in an unproductive detection role necessitated by the lack of adequate detection capability. Given my assessment that the air support branch is only as strong as its weakest element, I again conclude that there is extremely limited capability to achieve satisfactory results even in your most capable region.

I believe, at this point, a review of your proposed air module concept would be helpful. I assume that Customs sees the air module as the answer to its interdiction responsibilities. If that is true, I would like to record my objection for the following reasons: first, it does not provide you with adequate ability to detect the drug smuggler. Second, it only provides coverage for a small portion of our exposed border. Third, to duplicate that plan in the other seven air support branches would cost the U.S. Government approximately \$128 million in acquisition costs alone. This figure is unacceptable when you consider that we would still be unable to present a viable threat to the drug smuggler.

A solution to your problem is potentially available with the recent relaxation of posse comitatus. Your needs in each of the essential elements should be applied to what may be available through the assistance of the Department of Defense under posse comitatus.

1) Detection: I recommend that you give serious consideration to acquiring six (6) P-3A aircraft. The P-3A has the capability to cruise at approximately 400 kts, remain in the air in the neighborhood of 14 continuous hours and already has an excellent surface detection radar system on board. I further recommend that you favorably consider accepting six (6) F-15 radars, which may be available, and integrate those radars into the six (6) P-3A aircraft. This system would provide you the multiple capability of detecting surface and airborne targets which might be of interest to Customs. This system could then be employed anywhere along the U.S.-Mexican border, the Gulf Coast and the threat corridors between South American and Florida. It would relieve you from having to rely on limited Navy E2C resources, and it would allow the Navy to return to their necessary E2C crew training.

Although not within your authority to request, I would recommend that you support the establishment of a third Seek Sky Hook to be located on Grand Bahama Island. That capability, along with the two Sky Hook systems, will create

a permanent look-down radar array over all of the preferred smuggler destination as well as the transient country presently being employed by the drug smuggler. To avoid this radar system the smuggler will have to fly far to the east of the Bahamas and well north into our eastern coast-- the current E2C routine training areas north of Florida. It would be my intent to insist that the Navy, in the conduct of its routine training in those areas, provide further detection. This would essentially offer you a look-down radar capability stretching from far south of Grand Bahama Island, covering the entire peninsula of Florida, in addition to almost the entire Eastern coast. It is further my intent to influence the Administration to provide the Government of the Bahamas with the necessary training and resources required to take advantage of the information which might be provided as a result of the establishment of the third Seek Sky Hook.

2) Interception: With the exception of the three Citation aircraft and five C-12 aircraft presently in your inventory, your ability to intercept is marginal. I would recommend that you acquire approximately twelve (12) additional interceptor-type aircraft from the Department of Defense. For standardization purposes the best candidate appears to be the C-12. Assuming this acquisition, it would allow you to place two of these type aircraft in each of your eight Air Support Branches. These twenty aircraft would offer you not only the ability to intercept, but also provide you with a high degree of operational availability as a result of the multiple stationing.

3) Seizure and Arrest: You are presently conducting an operational test of one UH-60A Blackhawk helicopter. Assuming a successful test, I would recommend that you request the Department of Defense to loan the U.S. Customs Service four of these type aircraft. These four aircraft should be placed in the four greatest threat regions. The four AH-1G Cobra helicopters, which are presently on loan from the Army, should then be positioned in the secondary threat areas.

These recommendations will provide you the capability to detect, intercept, seize and arrest across the entire Southern border. The \$18.1 million you presently have in your FY1984 budget for the air module plan should be reprogrammed to provide approximately \$12 to \$14 million for the operational and maintenance needs of the equipment recommended above. This allows

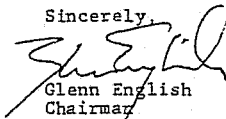
you, for \$18.1 million, to provide a real threat to the drug smuggler rather than pursuing a \$128 million plan which is operationally inadequate.

I mean this letter to be constructive in nature and tone, even though I recognize that I have been critical of your current air interdiction capabilities. I would like to commend you and the many Customs agents whom I have come to know during my investigation for their sincere, professional and dedicated efforts towards stemming the illicit drug traffic into the United States. I feel that if you are properly supported by the Administration and the Congress, in a bipartisan approach, your efforts will be rewarded with dramatic interdiction results. I am confident that a strong Congressional coalition in both the House and Senate is developing which will be seeking real solutions to your immense problem. Please contact Ted Mehl or William Lawrence of my staff for any further information you might need. They can be reached at 225-3741.

I request that your comments on these conclusions and recommendations be submitted to my subcommittee office by Monday, February 21st.

Warm regards,

Sincerely,



Glenn English
Chairman

GE:tm:kar

cc: John M. Walker, Jr.
Assistant Secretary of the Treasury
for Enforcement & Operations



THE COMMISSIONER OF CUSTOMS

FEB 17 1983

WASHINGTON, D.C.

MAN-1 E:P:A:E

Dear Mr. Chairman:

Thank you for your letter of February 7, regarding Customs air interdiction efforts. We are pleased to have this opportunity to address the recommendations outlined in your letter and discussed in our earlier meeting.

We are proud of the Customs Service accomplishments in interdicting smugglers. We have been able to achieve remarkable results with our Air Strategy, and believe that its tactics and operational concepts are sound. The real key to expanding our strategy is suitable equipment. Without the equipment to properly detect, intercept and apprehend the smuggler, the Air Strategy effectiveness will not be fully realized.

Our ultimate goal has been to establish a chain of air modules along the southern border, from Florida to California. The air module would be used in concert with already established FAA and military radar. We believe that this is the ideal way to proceed, as it would form a strong link along the border allowing us to severely hamper the smugglers' ability to penetrate.

In reality, we did not expect to achieve this capability in the near future. In the past, the budget process seemed to be the only way to acquire the equipment we need. We have had to rely heavily on seized aircraft, old military aircraft, and aircraft exceded from other Federal agencies. None of these have proven to be sources for suitable, state-of-the-art aircraft. It is the quality of our aircraft--not the quantity--which is important.

With the recent relaxation of the posse comitatus regulations, assistance from the Department of Defense has increased. The military E-2 and E-3 airborne radar proved very useful in our Florida operations, as have the Cobra helicopters. We are anxiously awaiting an evaluation of the effectiveness of the Black Hawk helicopter. The Department of Defense has been very helpful and we look forward to working closely with it in other cooperative efforts.

The following are our comments on your specific recommendations:

1. Detection - The loan of six P-3A aircraft could prove useful to our mission if equipped with the appropriate radar (such as F-15). Before any decision is made, however, an evaluation and test of the effectiveness of the aircraft and its radar to our unique mission should be undertaken.

We are in favor of supporting a Seek Skyhook aerostat to be located on Grand Bahama Island.

2. Interception - The 12 C-12 aircraft could prove very beneficial in our mission, particularly if they are equipped with the proper infrared and radar sensors. For intercept operations during the night, radar and FLIR are essential. The 5 King Air aircraft now in our fleet are in the process of being modified with FLIR.
3. Seizure and Arrest - If the current test proves successful, we would welcome four additional Black Hawks from the military.

We view any equipment loan as a total and complete package. Any one aircraft without the others, or without the necessary radar and sensor equipment, would not be effective.

We are optimistic about the type of assistance offered in your letter. Our primary concerns, however, are that (1) the equipment will be suitable to our mission, and (2) Customs will be able to operate and support the aircraft. While these concerns apply to any aircraft, they are particularly true with the P-3. As we stated, the P-3 should be thoroughly evaluated before proceeding further.

You suggest reprogramming the \$18 million requested in FY 1984 to include \$12 to \$14 million for the operation and maintenance of the loaned aircraft. The following preliminary estimates indicate the first-year cost to operate and maintain the 22 military aircraft. The annual recurring cost beyond FY 1984 would be approximately the same. It would be necessary to include this funding in each year's budget. The House and Senate Appropriations Committees would have to ensure that appropriate funds and language are included. These estimates are based on the assumption that Customs would be required to reimburse the military for maintenance, repairs and parts:

<u>P-3A</u> (6 aircraft) -	Fuel	\$ 3,100,000
	Maintenance, repairs and parts	4,800,000

(based on 640 annual
flight hours per
aircraft)

<u>C-12</u> (12 aircraft) -	Fuel	650,000
	Maintenance, repairs and parts	2,300,000

(based on 480 annual
flight hours per
aircraft)

Black Hawk

(4 helicopters) -	Fuel	250,000
	Maintenance, repairs and parts	1,500,000

(based on 480 annual
flight hours per
helicopter)

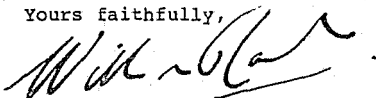
\$12,600,000

(If Customs would be required to fund the radar
modifications to the P-3 aircraft, the cost could
increase an additional \$9.8 million.)

If we are able to acquire more suitable aircraft, over the
next 3 years we could possibly reduce our current fleet which
includes approximately 30 older, unreliable aircraft. This would
result in a total savings in fuel and maintenance of approx-
imately \$1.5 million, which could be applied to supporting the
military equipment.

The Customs Service sincerely appreciates your support in improving the Federal response to drug smuggling. Your proposals have been well received. We believe that military resources can do much to further our drug interdiction capabilities. We look forward to working with your Committee in acquiring equipment which will be suitable to our enforcement mission and which we will be capable of supporting.

Yours faithfully,



The Honorable
Glenn English
Chairman, Government Information,
Justice and Agriculture Subcommittee
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

P.S. Please thank Ted Math &
Bill Lamm for all their help.
Truly hope that their work is out!

B. Letter from Chairman Glenn English and Ranking Minority Member Thomas N. Kindness, Subcommittee on Government Information, Justice, and Agriculture, dated March 1, 1983, to the Honorable Caspar W. Weinberger, Secretary of Defense, with reply dated March 17, 1983.

GLENN ENGLISH, OREGON, CHAIRMAN
STEPHEN L. HEAL, N.C.
RONALD L. COLEMAN, TEX.
ROBERT E. WHEELER, JR., W. VA.
SUDDY MURPHY, FLA.
DOUGLAS TOWNSE, N.Y.

THOMAS N. KINDNESS, OHIO
TOM LEWIS, FLA.
DAN BURTON, IND.
[202] 225-3741

NINETY-EIGHTH CONGRESS
Congress of the United States
House of Representatives

GOVERNMENT INFORMATION, JUSTICE AND AGRICULTURE
SUBCOMMITTEE
OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

5-349-C RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20515

March 1, 1983

The Honorable Caspar W. Weinberger
Secretary of Defense
The Department of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Weinberger:

For over a year this subcommittee has been engaged in a study of the implementation of military assistance to the civilian law enforcement community under the Posse Comitatus Act. Our efforts to assess this matter include six hearings and numerous meetings with officials from the Department of Defense, the individual military services, the Treasury Department, and the Coast Guard.

Our study has indicated that the assets of DoD are, in some instances, being strained by providing dedicated support to law enforcement agencies. While the willingness of the military services to assist is beyond question, we are concerned that unwise commitment of their assets may ultimately lead to a loss of enthusiasm and possibly to elimination of the support which only they can provide.

Because of this concern, and because of the knowledge which we acquired regarding certain weaknesses of the current enforcement posture, we prepared a plan which we feel would make the best use of available military assets against the drug smuggler, while causing the least possible amount of readiness impact to the military services. Attached to this letter please find a copy of a letter to the Commissioner of Customs in which the details of our proposal are outlined.

We request that you assess this proposal, and provide whatever comments you might have for our information. Please regard this proposal as an extension of the request from the Treasury Department which has been pending at DoD for some weeks. Since we are attempting to coordinate our actions with the appropriation process, we request that you respond to this proposal by March 11, 1983.

We thank you for your attention to this request.

Sincerely yours,

Glenn English
Chairman

Thomas N. Kindness
Ranking Minority Member

Attachment



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

17 MAR 1983

Honorable Glenn English
Chairman
Government Information, Justice and
Agriculture Subcommittee
Committee on Government Operations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter of March 1, 1983 concerning your interest in Defense Department support to the Customs Service.

Since Chapter 18 was added to Title 10 of the United States Code in December 1981, I have committed myself fully to the anti-drug trafficking effort; indeed, I have never refused a major request for assistance. On many occasions, I have reaffirmed publicly and directly to the President my support of the administration's drug policy.

We have evaluated a Treasury Department and Customs Service request for assistance that was submitted to us on January 18, 1983. We have also evaluated your recommendations to Customs Commissioner William Von Rabb as an extension of the Walker request, which you sent us in your March 1, 1983 letter.

Under DoD Directive 5525.5, I approve the provision of aviation support based upon service recommendations which were submitted on March 7, 1983. Having now reviewed the Service responses, I will offer assistance to the Customs Service along the lines discussed below.

For the detection phase of air interdiction, the Air Force will provide an F-15 (APG-63) radar system for configuration on a P-3A Orion aircraft to be provided by the Navy, which is prepared to offer a total of six P-3A's. However, I agree with Commissioner Von Rabb, who in his February 17, 1983 letter to you, urged an evaluation and test of this type of detection system before a total commitment is made. My offer is conditioned upon Customs' funding of the F-15 radar/P-3A

configuration, their assumption of all operating and maintenance costs for all loaned equipment, and a program to reimburse the Navy for spare parts.

The Army will lend Customs eight C-12A aircraft for interception and tracking. They will be transferred to Customs as soon as funds have been added to the Army budget for purchase of replacement C-12D aircraft and those aircraft are available for delivery on a one-for-one exchange. I must also point out that the Army has no organic maintenance capability for the C-12 aircraft. Since the Army requires maintenance support directly from Beech Aircraft, Customs will have to arrange for its own maintenance support.

I am especially sensitive to the reality that an interdiction program without an effective apprehension capability is meaningless. I have evidenced my particular commitment to this effort by providing four Cobra helicopters to Customs. I have also authorized an additional Blackhawk, now in Customs possession, for testing, the outcome of which could lead to the provision of a total of four Blackhawks to Customs in FY 84, on the condition that the Army's budget be supplemented that fiscal year with authorized appropriations for the accelerated purchase of four Blackhawks which were scheduled for delivery in 1991. I must also require that Customs arrange for a separate support package that does not compete with the Army's mission needs, and agree to restore the aircraft to their original military operating condition upon their return in three to five years. I want to add that, given the criticality of these state-of-the-art weapons systems to the national defense, I will not support any provision of support that interrupts the monthly Blackhawk procurement schedule or reduces the Blackhawk inventories of the active forces or reserve components.

I have carefully developed this assistance package taking into consideration, as I must by law, the requirements of military preparedness and reimbursement. Further, each service was directed by me to evaluate the drug trafficking threat and strategic situation, as presented to us by the Customs Service, and to structure assistance accordingly. In my judgment, the assistance proposed here allows the President to discharge his executive duties in balancing national defense requirements with domestic and other needs.

An identical letter has been forwarded to the Honorable Thomas N. Kindness, Ranking Minority Member, of your Subcommittee.

I applaud your continued support for an effective drug policy.

Sincerely,

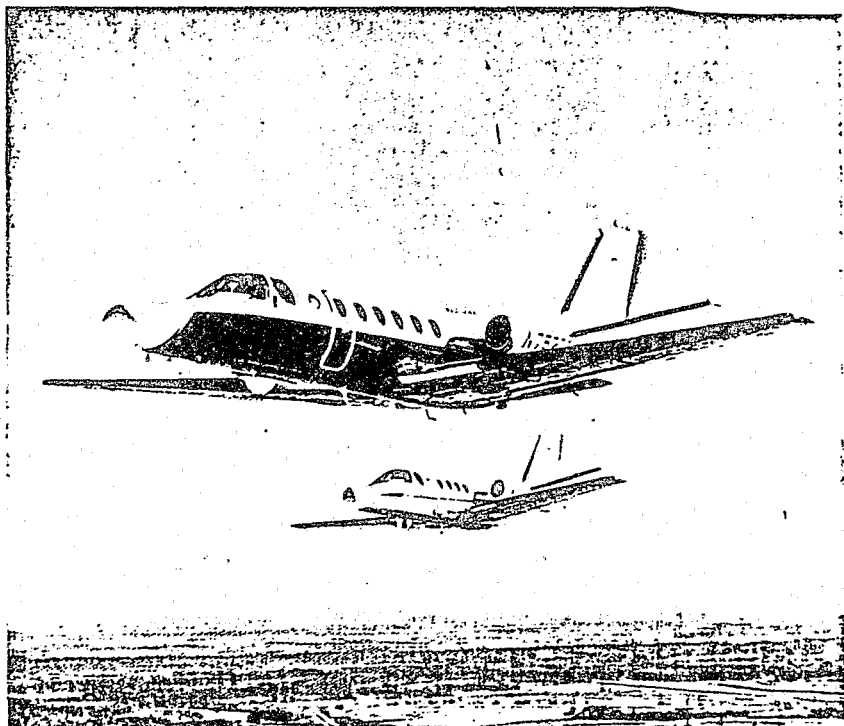
APPENDIX 2.—U.S. CUSTOMS SERVICE, SOUTHWEST REGION OFFICE OF
ENFORCEMENT AIR OPERATIONS, JULY 1983

CUSTOMS AIR PROGRAM

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

SOUTHWEST REGION

1983

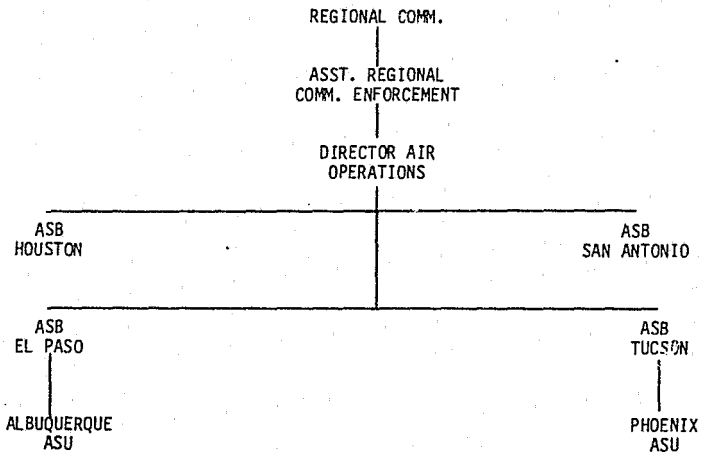


SOUTHWEST REGION
OFFICE OF ENFORCEMENT
AIR OPERATIONS
JULY 1983

OBJECTIVE AND MISSION

- o INTERDICTION
 - o Objective: Significantly inhibit smuggling by aircraft
 - o Mission: Detect, identify, intercept, track, apprehend smuggling aircraft
- o SUPPORT
 - o Objective: Provide rapid response aviation services at selected locations along the southern border.
 - o Mission: Provide assistance to Customs, Federal, State, and local agencies.

REGIONAL
ORGANIZATIONAL STRUCTURE



AREA OF RESPONSIBILITY

The Southwest Region which includes the States of Arizona, New Mexico, Texas, Oklahoma and the two most western parishes of Louisiana. Additionally, ASB responsibility extends north to the Canadian border. This total area exceeds 1,300,000 square miles.

HOUSTON

SAN ANTONIO

EL PASO
ALBQ.TUCSON
PHOENIX

THREAT

1. 300+ percent increase in air-related Enforcement statistics for first 6 months of FY 83.

Air Stats Only

Marijuana Seized - 11,000 lbs to 14,000 lbs - 290%

Cocaine Seized - 1 lb to 12.6 lbs = 1160%

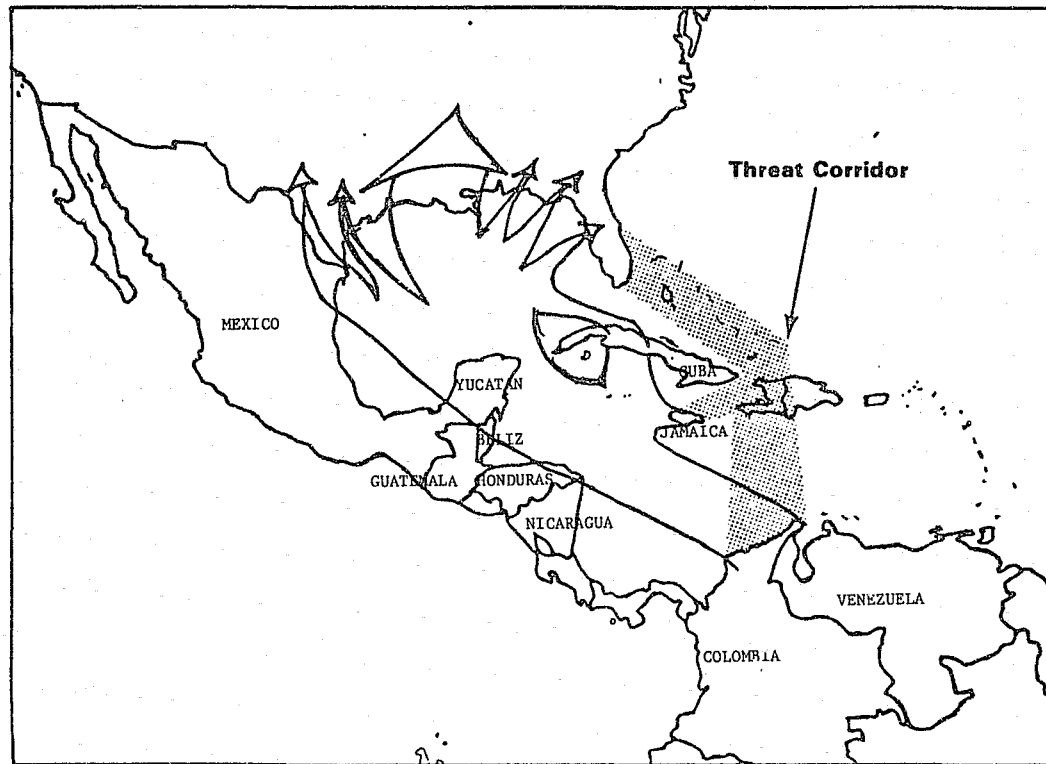
To Date - 1 lb to 662.6 lbs = Drastic

Aircraft seized - 13 to 20 = 62%

2. Florida-based Colombian and Cuban organizations are establishing new air smuggling routes from source countries via Belize, Cuba and the Yucatan Peninsula, across the Gulf to Louisiana and south Texas.
3. Operation Pegasus: During 21.4 hours of AWACS Radar coverage 2 aircraft, and 3,000 lbs of marijuana were seized.
4. Multi-ton quantities of Mexican marihuana being stock piled in various locations south of the U.S./Mexico border.
5. The 1983 National Air Threat document estimates that during FY 83 1.4 million pounds of narcotics will be smuggled via aircraft.
6. July 1, 1983, joint Customs, FBI, DEA Investigation culminated with the seizure of 650 pounds cocaine off loaded from a Cessna 404 #N547RB at Talihina, Oklahoma.

This case was initiated by Customs in late 1982. Investigation resulted in the installation of a tracking device on a Cessna 404 flown by Englehart. This aircraft crash landed in a field in Idabill, Oklahoma, on June 26, 1983. Subsequent investigative efforts by Customs, FBI and DEA resulted in the identification of two additional 404 aircraft and the seizure of 650 lbs cocaine and a 404 aircraft flown by Englehart on July 1, 1983.

THREAT CORRIDOR OVERVIEW



MAP OF LAND BORDER
SOUTHWEST REGION

Map indicates identified air-threat problem areas on the land border.

Mexican intelligence has identified numerous dry lake beds approximately 80 - 100 miles South and Southwest of El Paso, Texas, which indicate frequent large aircraft traffic.

In the past 6 months, visual sightings of suspect contraband-laden aircraft crossing the border within the boundaries of Big Bend National Park have increased from 14 to 39.

Multi-ton stockpiles of marijuana are allegedly located approximately 30 miles south of Lukeville, Arizona, 20 to 30 miles South of Saseby, Arizona, and in the Magdalena and Santa Ana, Mexico, area.

ENFORCEMENT STATISTICS

JUNE 82 - JUNE 83

<u>ASB</u>	<u>TRANS/BEEPER INSTALLATIONS</u>	<u>A/C SEIZED</u>	<u>ARRESTS</u>	<u>\$</u>	<u>MARIH LBS.</u>	<u>COCAINE LBS.</u>
Houston	39	15(2)	40	116k	37k	650
San Antonio	30	12(2)	46	21k	32k	6.8
El Paso	10	7(3)	19(17)	--	38k/50k	--
Tucson	<u>18</u>	<u>15</u>	<u>32</u>	<u>42k</u>	<u>5k</u>	<u>5.8</u>
TOTAL	97	49+(7)	137+(17)	\$179k	112k+(50k)	662.6

- o Approximately 50 percent of aircraft seized are equipped with a transponder and/or beeper resulting from investigative activity.

PERSONNEL

<u>ASB</u>	<u>PILOTS</u>	<u>AIR OFFICERS</u>	<u>CLERICAL</u>	<u>TECH's</u>	<u>TOTAL</u>
Houston	8	8	1		17
San Antonio	8	10	1		19
El Paso	4	7	1		12
Albuquerque	1	5			6
Tucson	7	8	2	1	18
Phoenix	<u>2</u>	<u>5</u>	<u>1</u>	<u>-</u>	<u>8</u>
TOTAL	30	43	6	1	80

AIRCRAFT

SOUTHWEST REGION AIRCRAFT JULY 1983

ASB	TURBO FANS	TWN ENG.		SNG/ENG.	HELOs	SENSOR EQUIPPED		TOTAL	TOTAL AVAIL.
		(Hrv.)	(Lt.)			(FLIR)	(FLIR/RADAR)	A/C	PILOTS
Houston		1	1	2	2	1 (OVIC)		6	8
San Antonio		1	4	1	2	1 (B200)		8	8
El Paso		2	1	1	2	1 (B200)		6	4
ALBQ. ASU			1					1	1
Tucson	1	1	1	3	2	1 (BE90)	1 (CE500)	8	7
Phoenix ASU	—	—	1	—	—	—	—	<u>1</u>	<u>2</u>
Regional Total	1	5	9	7	8	(4)	(1)	30	30

CURRENT PROGRAM
CAPABILITY

- VS -

THE NATIONAL AIR STRATEGY
PROGRAM REQUIREMENTSHOUSTON
ASB

<u>FUNCTIONS</u>	<u>CAPABILITY</u>	<u>PROGRAM REQUIREMENTS</u>
Detection	OVIC, FLIR 100 kts. 3.5 hrs	Radar and FLIR 100/205 kts. 8 hours
Intercept	OVIC, FLIR 200 kts 3.5 hrs	Radar and FLIR 100/275 kts. 5 hours
Track	OVIC FLIR 200 kts. 3.5 hours	FLIR 250 kts. 8 hours
Apprehension	B-206 & UHIM 90 kts. 120 kts. 2.5 hrs. 2.5 hrs.	High speed HELO 160 kts. 3 - 5 hours

SAN ANTONIO
ASB

<u>FUNCTION</u>	<u>CAPABILITY</u>	<u>PROGRAM REQUIREMENT</u>
Detection	B200, FLIR 260 kts. 6 hrs	Radar and FLIR 100/205 kts. 8 hours
Intercept	B200, FLIR 260 kts. 6 hrs	Radar and FLIR 100/275 kts. 5 hours
Track	B200 FLIR 260 kts. 6 hours	FLIR 250 kts. 8 hours
Apprehension	UHB & UHIM 95 kts. 120 kts. 2.4 hrs. 3 hrs.	High speed HELO 160 kts. 3 - 5 hours

EL PASO
ASB

<u>FUNCTION</u>	<u>CAPABILITY</u>	<u>PROGRAM REQUIREMENT</u>
Detection	B200, FLIR 260 kts. 6 hrs	Radar and FLIR 100/205 kts. 8 hours
Intercept	B200, FLIR 260 kts, 6 hrs	Radar and FLIR 100/275 kts. 5 hours
Track	B-200 FLIR 260 kts. 6 hours	FLIR 250 kts. 8 hours
Apprehension	UHB & UHIM 95 kts. 120 kts. 2.4 hrs. 3 hrs.	High speed HELO 160 kts. 3 - 5 hours

ALBUQUERQUE
ASU

SUPPORT RESOURCES ONLY

TUCSON
ASB

<u>FUNCTION</u>	<u>CAPABILITY</u>	<u>PROGRAM REQUIREMENT</u>
Detection	C500 Radar & FLIR 280 kts 2.5 hrs.	Radar and FLIR 100/205 kts. 8 hours
Intercept	C-500 Radar & FLIR 260 kts. 2.5 hours	Radar and FLIR 100/275 kts. 5 hours
Track	E-90 FLIR 210 kts. 6.5 hrs.	FLIR 250 kts. 8 hours
Apprehension	B206 & UH1B 90 kts. 95 kts. 3.4 hrs. 2.4 hrs.	High speed HELO 160 kts. 3 - 5 hours

PHOENIX
ASU

SUPPORT RESOURCES ONLY

STRATEGY & TACTICS

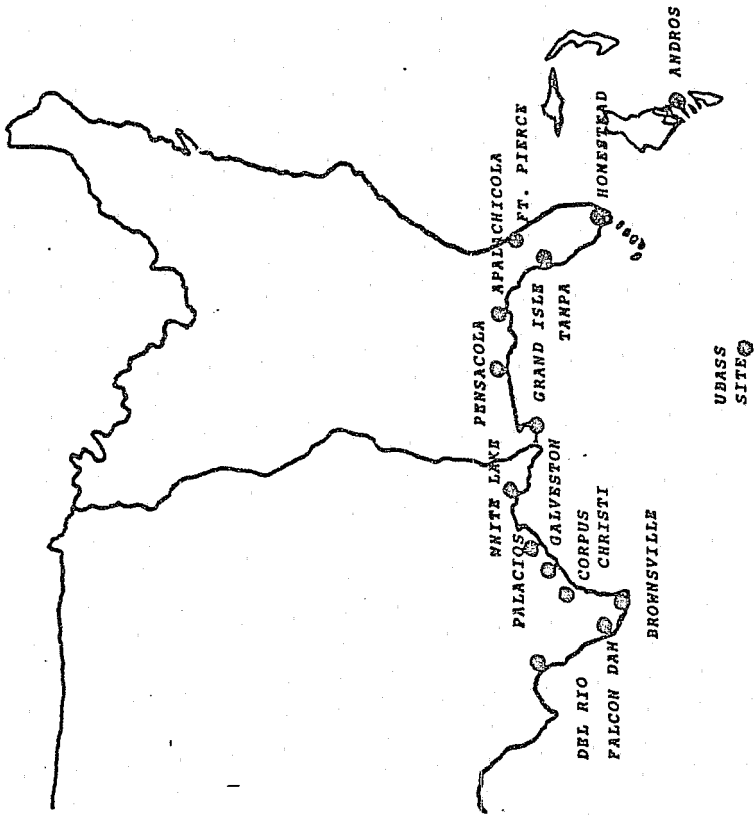
PREMISE

- o Effectiveness is critically dependent on the capability to detect low-flying aircraft.

DETECTION

- o Implement a modified (air module) concept with detection emphasis in the Gulf of Mexico.
- o Enhance existing tactical C3 facility, FAA, ARTCC Center, Houston, Texas.
- o Established data-link with Mexico FAA radar sites, Merida, Monterrey, Guadalajara and Mazatlan.
- o Establishment of early warning radar sites on offshore oil platforms in the Gulf.

STATUS



- o Full utilization of DOD resources.

TACTICAL OPERATIONS

- o Strategic location of sensed resources.
- o Short term concentration of resources as dictated by threat.
- o Cooperation enforcement efforts with Mexico Customs

INTELLIGENCE

- o Full-time intelligence personnel at the field, region and Headquarters level.
 - o Acquisition of a secure facsimile
 - o Access to Mexico intelligence data.
-