

~~CP 8-1~~
MFI
U.S. CITIZENS IN FOREIGN JAILS ON
DRUG RELATED CHARGES

HEARING
BEFORE THE
SUBCOMMITTEE ON FOREIGN ASSISTANCE
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
UNITED STATES CITIZENS DETAINED IN FOREIGN JAILS ON
DRUG RELATED CHARGES

OCTOBER 14, 1977



and for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

77974

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(II)

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CASE OF TOM M'GINNIS

My own concern for safeguarding human rights is magnified when it hits close to home. For over a year, I have been involved in sustained effort to insure that justice and due process be provided to Tom McGinnis, one of my constituents, who has been detained in the La Paz jail since June 9, 1976.

Tom was arrested with three other Americans and one Uruguayan, and initially charged with possession of 40 grams of cocaine, an amount found in the room where the party of five was present at the time of the arrest. During the interrogation by Bolivian narcotics officials, the Americans were allegedly beaten with a rubber hose.

A few days after the arrest, the Uruguayan admitted the cocaine was his and exonerated the others. Despite this confession, the four Americans were taken to prison. Today, nearly 15 months later, Tom still remains in jail waiting for the Bolivian judicial system to act.

A few weeks ago, the government prosecutor recommended that Tom's case be absolved. The Bolivian judicial system, however, moves at a snail's pace, and Tom McGinnis remains in prison, where the conditions are miserable, trapped in a quagmire.

I submit that in the case of Tom McGinnis, there is little question that his basic legal rights and due process have been denied.

ISSUES TO BE EXAMINED

Today the subcommittee will be particularly interested in examining the following issues:

Whether the Bolivian judicial system is depriving young Americans, the great majority of whom are not charged with being heavy traffickers of drugs at all, of their due process and basic human rights. Various cases have been brought to the attention of this committee, some like that of Tom McGinnis, in which long periods of incarceration have occurred. There are other cases in which prisoners have been held following expiration of their sentences, and many variations on a theme that suggest that in any number of these cases, the rudiments of due process have been denied.

Second, the subcommittee will consider whether the State Department, through its political and consular representatives in Washington and the U.S. Embassy in La Paz, has adequately protected the interests of American citizens during their arrests and incarcerations.

Third, whether it is possible to continue our bilateral narcotics control program with Bolivia if it means the continued deprivation of rights of our citizens.

Next, whether agents of the DEA—Drug Enforcement Agency—have acted within their charter. Finally, whether the State Department and the Congress can realistically do anything to accelerate the judicial process in Bolivia so that speedier trials and sentencing—in short, justice—can be guaranteed.

At the request of the subcommittee, Mr. Bill Richardson, a member of the subcommittee staff, traveled to Bolivia in September to look into some of the issues I have raised, and to report his findings to the subcommittee. Mr. Richardson's report will be released within a few weeks.

WITNESSES

Our first witness this afternoon is my colleague, Congressman Hansen, from Idaho, who has recently returned from a trip to Bolivia. I would like to ask Congressman Hansen to testify first.

Following Congressman Hansen, we will hear from Mrs. Roni Abrahams. Then we will have a different progression, as we have had to rearrange the schedule to accommodate Congressman Hansen.

STATEMENT OF HON. GEORGE V. HANSEN, U.S. REPRESENTATIVE,
SECOND DISTRICT OF IDAHO

Mr. HANSEN. Thank you, Mr. Chairman. I appreciate this very much, especially since we are colleagues from the same State, and I think it is very fitting that you should sit in the chair today, knowing of your ongoing concern about human rights.

I appreciate very much the opportunity to help make a record on this very serious matter. I don't have a prepared statement. I feel that having been there, it would be better just to discuss for a moment, and invite you, Senator, to come in with questions. I will progress for my allotted time under those circumstances.

BOLIVIA: GEOGRAPHY AND GOVERNMENT

Bolivia is a very remote country. It is isolated from the sea. It is very high. I come from high country, as you do, Senator, and the mountain peaks there reach around 13,000 feet, and the airport in La Paz is 13,000 feet and the mountains go on up to 21,000 feet. It is high country, and it is poor country. Many things there are rather slow and primitive by our standards, and certainly the laws that we have run into are no exception.

I find that the government there is very gracious, very helpful, but there is a dichotomy, there is a political system and there is a court system, and the court system is very much independent, which I suppose is frustrating to us all.

The system of justice is based on the Napoleonic or the Roman code more than the English common law, and are contrary to ours. I am not an attorney, so I am not greatly familiar with American law, but I have become quite an expert on Bolivian law, under the circumstances. Anyone who deals with this somehow has to become some kind of a self-styled expert.

BIGGEST PROBLEM INVOLVED

I think the biggest problem involved, as I saw it, more than the privations, more than the human rights, more than anything else is the uncertainty. It is a fact that here you have some 40 people who have been incarcerated, some out, some still in, who don't know what to do to plan their lives. Their families don't know what to do.

Their prison system is different. Our prisons are self-sustaining, and you don't get money in prison to any great degree. There it takes money to live. It takes money to exist. I know some families which are really in a situation where it is very difficult for them to pay that which would help their loved one to sustain himself, or herself, while they are there.

Not knowing how long the time period is, makes it very difficult to know how long the budgeting problem is. The problem that we run into with our own Tom McGinnis, there are eight people involved in that case right now. Of course, they progress as a group under the Bolivian system, rather than individually.

Now the Fescals have recommended no prosecution, or at least complete absolution. The problem we have is that this has to go to each attorney, and they have to be sure to make their case, because the court will still have the independent right to make a judgment, whether it is the Fescals' recommendation. So they still have to make their case.

So the documents go from defense attorney to defense attorney, 3 days apiece plus transit time. As I understand, the last report, as of today, has progressed through five such attorneys. There are still three to go.

One of the young people involved has run out of money, and there is the problem of hiring an attorney. They work it on a rotation basis, so that this has not delayed it too much. But nevertheless, we are still in the lower court with this one group of people alone, faced with another week or two, at a very minimum, to get through the lower court before we even go to the superior court. This is if they get the attorney problem worked out, and the money problem worked out.

We are certainly dealing with a multifaceted problem, and certainly it does have a great impact on the lives of those people in being able to plan, and the lives of the families here. This is where the issue of human rights comes in.

JOB DONE BY STATE DEPARTMENT

Although the State Department, in some respects, has done a fine job, I think there are some places where other elements of the State Department have fallen very badly. Even in the areas where they have done a good job, I find that in many cases they have not contacted the family, and I guess it is the old adage of building a better mousetrap and the world will beat the path to your door.

This is true if they advertise. They have to tell their story. They have to let these people know what they are doing. In the absence of anyone doing what the State Department is doing, or anyone else is doing, there is frustration, there is concern, there are people who believe that nothing is being done.

So I do believe that our State Department has to do a better job of contacting the people who are concerned, both here as well as in Bolivia.

I believe that the Senator has a question.

Senator CHURCH. I was just concurring. I think that it is so.

RECOMMENDED CHANGES

Mr. HANSEN. I think that we have made great progress to help modernize Bolivia's law through this process, if that is any consolation to any one. They have reduced their courts to two. There have been a number of other modifications that have taken place, which I am sure someone else will review without my taking the time to do it.

I just feel that they have to do something to sort out the innocent, or the possible innocent, from those who appear to have the more serious charges. In the McGinnis case, as well as the Susan Scanlon case, it appears that she is in the process now, perhaps, of being released. But there are cases where they find very little evidence, if any, yet they are held there month after month, even year after year, while this is determined.

It seems that there has to be some way of withdrawing charges. We ought to, perhaps, push with this type of thing, so that they do not get locked into that Neanderthal court, and have to wait and wait, even if they are innocent.

I certainly think that there ought to be a way, as we have in our system, to encourage them to change their law, so that they will make it possible, if they find that there is scanty evidence, or no evidence, that they can withdraw the charges and let the people out.

I think that this is one of the instances that I would think are very important.

There are a number of other changes that we would like to get, where those who have served their sentences, or nearly so, can ask for a parole of a sort, even if they still have to stay in the country. We still have to resolve the possibility of getting them out of the country through some kind of a deportation scheme.

For those who are incarcerated, and are kept there after their sentence is over, I hope that we put some urgency following the Mexican agreement, of allowing people to finish their sentences in the United States, rather than having to remain incarcerated in a foreign country, such as Bolivia.

GOING TO BOLIVIA RECOMMENDED

Mr. Chairman, I appreciate this opportunity. I guess our session of Congress is about to draw to a close in the next few weeks, and there is not much place for a congressional junket—I guess that I am the only one who has gone there specifically, in Congress, for a look at the prisoners, even though there have been some who have gone there to look at the drug charges and have looked at the prisoners.

A Senate team was there, and I think that they did an admirable job of handling themselves with the Bolivians officials, as well as the Department of State people who are behind me today.

I think that this is something that we have to work on. As this session of Congress draws to a close, it means going down there again in the next few weeks, and trying to push harder, to get more concessions, more movement. I guess that I am prepared to do it.

I appreciate very much the opportunity to be with you, Senator.

CONGRESSIONAL EFFORTS

Senator CHURCH. Thank you very much, Congressman Hansen, for your testimony. All the members of the Idaho delegation have been, I think, frustrated in the McGinnis case. This is my file on it. Recently I wrote a letter and had it delivered to the Bolivian President, when he was here.

Generally, I think we have to continue to do our best until we get some results. One thing that we should consider, it seems to me, is the

possibility of opening up formal negotiations between the United States and Bolivia on this question. It has been on the back-burner too long.

Thank you.

Mr. HANSEN. One parting shot, Mr. Chairman, if I may. I would like to say that I know the efforts of Congress have helped because when your Senate team was there—I think foreign nations have a very difficult time understanding the dichotomy or trichotomy that we have in our Government, and where agreements are made to assist them in changing their crop pattern from cocaine to some other type of substitution program, or some other type of crops.

They did not understand that a State Department agreement still had to be validated by acts of Congress. There are people here concerned about moving these things along. I know that this has been impressed upon them.

I know that the fellows in prison have, I think, the same needs to understand that we are aware. I hope that we can encourage our colleagues to do this. When I went into Mr. McGinnis's room, there was a letter from our other colleague, Senator McClure, and the letter was still on top of his desk. So you know that these count, and it is about the only hope they have.

Thank you very much.

Senator CHURCH. Our next witness is Mrs. Roni Abrahams, representing the Committee for Concerned Parents in Washington, D.C.

PRESENCE OF FAMILIES OF INCARCERATED CHILDREN

Before you begin, I want to acknowledge the presence here of a number of mothers and fathers, and families who have children incarcerated in Bolivian jails. I know that some of them have come considerable distance to be here today. I wanted to extend the welcome of this committee to all of them, and thank them for their presence.

Now, Mrs. Abrahams, if you would like to proceed with your statement.

STATEMENT OF RONI ABRAHAMS, CHAIRMAN, COMMITTEE OF CONCERNED PARENTS

Mrs. ABRAHAMS. Thank you, Mr. Chairman. I am going to try very hard to keep my remarks within the prescribed time.

I would like to introduce Mr. Morton Blum, who is the father of Susan Blum, who is imprisoned in La Paz. Mr. Blum has been down to Bolivia three times, and I believe that he might have the answers to many of the questions you might want to pose to him.

On my left is Larry Ebner, who has been working since November of 1976, helping with our research and our organization of the Committee of Concerned Parents.

I am Roni Abrahams, and I speak for the Committee of Concerned Parents. Our organization was formed because Washington was failing our children and condoning the violations of our children's rights.

We are neither professional lobbyists nor political analysts. We are parents who could no longer individually handle the frustrations we were faced with from our State Department, Consular Services, and

the incompetence and indifference of our Embassy officials. The fight to bring justice to the more than 40 Americans imprisoned in Bolivia has been and still is seemingly endless. We hope that this Senate hearing will bring to a conclusion this horribly long, unfair struggle.

We are not here to denigrate individuals or to pursue personal grudges, though God knows there has been more than enough cause. We are here to show that our Government must bear the brunt of responsibility for the imprisonment of Americans in La Paz, Cochabamba, and Santa Cruz.

Further, we want to show that the State Department has not yet begun to think of a solution that recognizes the basic political and legal realities in Bolivia.

U.S. GOVERNMENT EFFORTS CONCERNING INTERNATIONAL NARCOTICS CONTROL

In the early 1970's the trafficking of narcotics and dangerous drugs had risen sharply in the United States and had become a source of increasing alarm for many Americans. President Nixon asked that international cooperation be accelerated, and he elevated narcotics control to a top priority foreign policy objective.

Bolivia, a major source of cocaine to the United States became a target area for drug control. A 1970 U.S. AID team had discovered that the Bolivian narcotics control program was not going well. In 8 years, the Bolivians had convicted only one person on drug charges.

Our Government suggested that the control of cocaine would improve with U.S. money and direction. Bolivia responded to these suggestions in 1971 by establishing a national office of narcotics and dangerous drugs. But it was unable to begin operation until June of 1972, when the first U.S. dollars were sent down.

Even with this new office, there were few narcotics convictions because in Bolivian drug law was so lax that many of those arrested were released. The Nixon administration was not satisfied.

Consequently, the Justice Department sent two lawyers down to Bolivia to present a case for a tough narcotics law and promises of aid to insure that such a law would be implemented. The lawyers did not suggest specific sentences, but the message was clear.

The new law went into effect in December of 1973, proclaiming 10 to 20 years sentences for drug related offenses. It made no distinction between major trafficking, simple possession or mere suspicion, and was so harsh that the Bolivian judges were reluctant to pass sentences on suspects.

With the law on their side, the drug enforcement agents were sent to Bolivia as the power arm to break up the cocaine trade. The DEA was supposed to concentrate their enforcement and intelligence efforts on those high-level traffickers believed to be involved in the international narcotics traffic affecting the United States.

BOLIVIAN NARCOTICS ARRESTS

Narcotics control was off and running in Bolivia. The DEA trained Bolivian narcotics police and figured out what intelligence equipment needed to be purchased. Two hundred and twenty-four thousand dol-

lars from the United States poured in the first year. And the arrests were made.

There was only one problem. Except for a meager few, those arrested were not traffickers. But many of them were our children. They were arrested by our tax dollars we paid to curtail drug flow into the United States. Our dollars were paid to imprison our own children.

The parents have repeatedly claimed that the Americans arrested under the 1973 law have been used both by the DEA and Bolivian narcotics police as showpieces to demonstrate that the hundreds of thousands of dollars invested are yielding a measurable result. What else can we conclude?

INCREASED COCAINE TRAFFIC FROM BOLIVIA SINCE 1973

It is generally admitted that cocaine traffic from Bolivia has increased since 1973. In a recent press release, Congressman Lester Wolff, chairman of the Select Committee on Narcotics Abuse and Control, estimated more than 400,000 pounds of cocaine are leaving Bolivia and Peru yearly.

Since 1973, an estimated 1.6 million pounds of cocaine have been smuggled out, while 17 out of the 35 Americans arrested had a cumulative total of less than 2 ounces of cocaine. Eleven of the seventeen victims had absolutely nothing. Yet, research at the DEA library shows seizures of less than 100 grams of cocaine are rejected for the study as insignificant. Is our money to control international narcotics trafficking supposed to arrest these kinds of people?

TREATMENT OF U.S. PRISONERS

There have been allegations of beatings by DEA agents, but to single out the agents would put some of the prisoners' lives in jeopardy.

To the American Embassy, the Americans thrown into jail were pariahs. Most of the prisoners were bewildered and confused when they were arrested. Some were beaten during questioning at the narcotics office. Most were made to sign some kind of confession in Spanish, a language that they did not understand, and many were threatened verbally and physically.

By the time the American consular officer arrived, sometimes after a week or two, prisoners would be terrified. Often the consul made no attempt to discover what had happened to a prisoner during arrest or questioning.

To many of the prisoners, it seemed that in the eyes of the Embassy they were already condemned criminals. Those who protested their innocence were greeted with scorn.

The less than friendly feeling of the Embassy towards the prisoners was the result not only of personal hostility, but of intentional decisions to be tough with Americans arrested on drug charges.

Until the United States got involved in Bolivian narcotics control in 1973, Americans and other foreigners had been traditionally deported from Bolivia when they were arrested. With the new law came a conscious decision by the Embassy not to seek deportation, even though all they had to do was ask.

We know that some Americans were deported after 1973 because of decisions made by the Bolivians. What we see even more clearly, however, is that the U.S. decision not to request deportation condemned our children to the squalid prisons in which they are now rotting away.

CASE OF MR. AND MRS. BRUCE ABRAHAMSON

My son, Bruce, his British-born wife and 10-week old son were arrested in La Paz. Bruce was taken to the police station and Cecilia was put under house arrest. Let me point out the results that were produced by the British Embassy when one of their subjects needed help.

As soon as the situation was brought to their attention, immediate action was taken and guards were removed from her room. Not only were the guards removed, but she was given comfort and protection.

Now let me point out the American negligence. Instead of help and comfort, Consul Milburn's reaction was, and I quote: "Tough luck." He also said that since Bruce would be in for 20 years, there was no great rush to see him. A few days more or less won't matter.

Senator, I have another case that I will not go into verbally, but which I would like to have included in the record. Thank you.

Senator CHURCH. Would you like to have it entered at this point in your statement?

Mrs. ABRAHAMSON. Yes.

Senator CHURCH. It will be entered at this point in your statement. [The information referred to follows:]

QUOTE FROM LETTER FROM SUSAN BLUM, DATED JULY 18, 1977

[Supplied by Ms. Ronnie Abrahamson]

"While in Narcotics, I never did see the U.S. consul. Paul Logan (my co-defendant) was always asking to call the Consul. However, he was always refused. But the British Consul was at the Narcotics Office twice. The first time I met Mr. Milburn I was in the Women's Jail. He happened to stop by to see the 3 other American women. When he saw me—he said "What are you doing here? I didn't know you were arrested". I was arrested January 20, 1976 and entered the Jail February 5, 1976. I asked him if he didn't hear of the big bust in the Yungas (100 km north of La Paz). He said he had but didn't know any North Americans were involved. The first day we were arrested, we made the front page of the popular La Paz newspapers. They said they busted a kitchen (fabricating laboratory for cocaine) in Coroico (a town in the Yungas). They named the 2 North Americans (us) and the 1 Canadian as such. The second day, they revised their information saying that they had arrested a band of international traffickers again naming the 2 North Americans and the Canadian.

Even the American prisoners and various American missionaries were aware that more Americans were arrested and were awaiting our arrival to jail.

Also, the Narcotics people told us that one of the reasons they could not deport us was because of the tremendous amount of publicity surrounding our arrest. We were arrested by Interpol agents. After 2 days at "their" jail they transferred us to the Narcotics Dept. I think that Milburn is lying when he said he didn't know Americans were arrested. Either than or else he is very negligent and inefficient in the administration of his job. Anyone who looks at a newspaper or listens to the radio was aware of the "sensational" arrest. He said neither Interpol nor Narcotics called him. I feel as an aware official he should have known.

I, Paul Logan & George Ross McElroy (who is a Canadian citizen) were arrested by Interpol Agents for consuming drugs.

We all were put into the Narcotics Office. Ross was allowed to see the British Consul twice—there was also talk of his paying \$500. (U.S.) to the Narcotics Office. A day later he was deported.

At a hearing at which 3 Narcotics Agents came to testify the judge asked why George Ross McElroy was deported. They said because he was a consumer and therefore undesirable. In the same paper, the Narcotics Agents were using to justify deporting Ross—it very clearly states that the 3 of us were arrested for consuming drug. The question? Why did he go free & paul & I go to Jail?"

The above information was quoted directly from a letter received from Susan Blum written July 18, 1977.

EXCERPT TAKEN FROM CECILIA WALTERS ABRAHAMS' SWORN AFFIDAVIT, DATED JULY 1, 1977

[Supplied by Ms. Ronnie Abrahams]

"As soon as Bruce was taken I ran out of my room (with the cops hot-footing behind me) and called Brian Barrett (the consul). I told him of my predicament, he told me to call back in an hour or so. When I did, he said he had talked to the Chief of Narcs. and that I was not to be hassled, & that the guards would leave my room by evening—he apologized for not being able to help Bruce. In the afternoon an English girlfriend of ours came by to see us, not knowing about what was happening. When she came in she was searched & taken to the police station. I called Mr. Barrett again, & I believe he went to the police station & got her passport back & secured her release. The guards left my room by late afternoon."

"Before I called the G. B. Embassy in the morning I called Ed Millburn who totally enraged me by his total lack of concern—he told me that I might be able to see Bruce in a couple of weeks—I started crying & told him that I had a two month old baby & Bruce didn't have any drugs, etc. to which he said "tough luck".

When we arrived in Cochabamba I called my consul here—Mrs. Geraldine Byrne de Caballero—she was most sympathetic & came straight to our hotel (this was on a Sunday). She apologized for not being able to help Bruce, but said that she would do everything to help me and the baby.

During the next week while Bruce was in the Guardia Nacional she visited the Chief of Narcs, a couple of times & sent a lawyer for me. Between them they secured my passport, the baby's passport and \$200 of our confiscated money. She also helped me find our lawyer (Carlos Corvera) to defend Bruce."

I have further information about Ed Millburn's remark about Bruce being in prison for 20 years or so, but must wait until I go home to N.J. and locate the letter in which this was reported.

INADEQUACY OF BOLIVIAN JUDICIAL SYSTEM

Mrs. ABRAHAMS. The American Embassy and State Department have misrepresented to the parents, the Congress, and the American public the judicial system that now entangles my son and all the other Americans.

There is no way an American narcotico can receive a fair trial in Bolivia. Evidence disappears, records are lost and the courts bend to outside influence. Until recently hearings were often months, sometimes years, apart. Often the judge, witnesses or lawyers would not appear and scheduled hearings would be cancelled.

In recent months, pressure from the Embassy and the State Department has resulted in more regular hearings, but the Bolivian judiciary remains inadequate, unable to cope with the political complexity of increasing numbers of narcotics cases.

BOLIVIAN JAILS

The four Bolivian jails that confine Americans are experiments in dehumanization. The La Paz men's prison was built over 100 years ago to house no more than 200 inmates. Today it holds more than 750. Three holes serve as toilets and a prisoner must have boots on to wade through the human excrement.

There are eight showers for the entire prison. Each prisoner must rent a cell. There are no mattresses, sheets, blankets or electricity provided. Either you buy your bed, or you sleep on the ground. Nothing but the walls and the 24-hour companionship of fellow inmates is provided by the prison. Everything must be paid for by the prisoners. Because there is no way for them to make money inside the prison, they depend exclusively on their parents.

Parents send \$150 to \$200 a month just to keep their children alive. Medical and dental treatment, when available, are extra. Also, one cannot dismiss the expense of waste of human spirit and the questioning of our children's faith in humanity and their country.

These prisons are not designed for rehabilitation. They are designed to cage. Other prisons in Bolivia are much the same.

DIFFERENCE BETWEEN U.S. AND BOLIVIAN PRISONERS' LIVES

Contrary to all reports from our Embassy and State Department, the imprisoned Americans do not live in the same manner as their Bolivian counterparts. The Bolivian penal system is family-oriented. Food is brought to a Bolivian prisoner every day. Entire families visit every Thursday and Sunday.

During the week, sons work beside their father who carry on their trades within the prison walls. A Bolivian can get a pass issued by the warden to spend a few hours or a day or a weekend with his family. Some families actually move into the prison cell so as not to be separated. Mothers have their children living right alongside of them. For all but two Americans, who have their wives in Bolivia, this family life-style is impossible.

To quote from a letter from a young man to his mother, he wrote: "Mom, God has made my hell on earth right here."

Within the loathsome walls of the Bolivian carcel, the Americans are thrust into the real cocaine connection. Narcotics are more easily available inside the prison than they are on the street. When a prisoner's credit is exhausted for food, it is still good for cocaine purchases, and the cocaine is cheap. If a person is not addicted to drugs when they go into the prison, the chances are that they will be when they come out.

LACK OF U.S. GOVERNMENT ACTION

If you were a parent who had just received a letter from your son or daughter that said they were imprisoned in Bolivia, who would you turn to?

Like many parents, I turned to the only place I knew, the U.S. Government. But what do you do when the U.S. Government turns its back?

When I first learned of the Committee of Concerned Parents almost 3 years had slipped by since the first American arrests in April of 1974. They had been joined behind walls by more than 30 others, and the American Government had done nothing.

When the parents and families of the prisoners organized in December 1976, they discovered that the State Department neither accepted responsibility for the imprisonment of our children, nor were aware of the numerous complaints that had been lodged against the DEA, the U.S. Embassy, the Bolivian court system or the prison conditions.

STATE DEPARTMENT INVESTIGATION AT PARENTS' INSISTENCE

Only the insistence of the parents and some congressional pressure convinced the State Department that some kind of investigation must be made. The parents were told that an impartial investigation would be conducted by a high-level State Department team.

A three-man team was dispatched from Washington and returned over a week later with the conclusion that although sanitary conditions and progress through the Bolivian court system was beyond belief, American officials and DEA agents had not engaged in improper activity.

According to the team, the Embassy was doing all it could do for the prisoners. When questioned further, the commission team admitted that Ed Milburn and Ambassador Stedman had coordinated much of the investigation. For obvious reasons, no attempt was made to look into alleged Embassy misconduct.

Further there had been no effort to investigate widespread allegations against the use of torture and intimidation by the DEA. We later discovered that members of the team had shared a friendly dinner with Arthur Sedillo, one of the DEA agents accused of torture by an imprisoned American.

EMPTY PROMISES OF STATE DEPARTMENT

The parents were infuriated. But when they announced that they were going public with their charges against the Embassy and the DEA, and the whitewash by the commission, they were cautioned by members of the team that if they did, delicate negotiations set in motion might be jeopardized. The team had received commitments from top Bolivian officials that there would be releases within the month. We were told to wait 30 days, and we waited.

A month later all 33 Americans were still locked in Bolivia, unsentenced. But the State Department was continuing to make empty promises. In his confirmation hearing as Assistant Secretary of State for Inter-American Affairs, Terence Todman confidently told the Foreign Relations Committee that some prisoners should be released before the end of March. We waited.

Again the parents had put faith in the word of a State Department official. Again, they were disappointed. There were no releases in March or April. By the end of April, however, so much pressure had been mounting in Washington that some reluctant interest was being aroused in the Embassy.

For the first time in 3 years, since the first arrests, the Embassy had hired two Bolivian lawyers to advise on processing the cases through the Bolivian legal maze. Ambassador Stedman also agreed to a Prisoner Committee designed to review the progress of cases and recommend new initiatives and action.

However, there was little interest in developing a comprehensive plan to release the minor offenders and innocents and offer an incentive to control real drug traffic. Bolivians were still confused because it seemed to them that some Americans wanted to keep the prisoners in and some wanted to get them out.

The parents were at the end of their rope. Scraping together their savings, 25 parents and relatives from all over the country traveled to Washington and arrived on May 7. Responding in a predictable way, the State Department released a 6-page briefing paper on American prisoners in Bolivia that defended its record down the line and embellished the small achievements that had taken 3 years and pressure from an angry group of parents to accomplish. Typically, it avoided any question of Embassy failure and the issue of why the prisoners were there in the first place.

On May 14, while the parents were beginning their second week in Washington, Ambassador Todman was in Bolivia. We were assured by the State Department officials that Ambassador Todman would present a strong proposal to Bolivia.

Instead, Todman told the Bolivian papers that he found no violation of human rights among the prisoners, and officially pretended that there was some way the tedious, incoherent court system could somehow expedite matters.

At a meeting with Todman, after his return to Washington, the parents learned that Todman had arrived at most of his conclusions with the assistance of the already implicated Embassy.

Finally, he assured the parents that several prisoners should be released within the next 30 days. Except for the release of Michelle Fryer before Todman met with the parents, nothing happened that month.

OFFICIALS BEGIN TO LISTEN

After May, some Government officials began to listen. After so much resistance it was almost a shock that a few new voices agreed that the charges repeated since January were substantially correct.

Acting Secretary of State Warren Christopher promised us to become personally involved and decided to reassess the policy of non-deportation that had been a basis for keeping Americans in jail since 1973.

At a meeting with Mr. Christopher, Mathea Falco and Patt Derian, it was agreed that the judicial approach would not work. Mr. Christopher gave these two officials the task of drawing up proposals that would be acceptable to all parties concerned.

Mathea Falco and Patt Derian have been refreshingly candid and supportive to the parents and many of the parents have commended Lou Fields for his willingness to talk with them. Even the Embassy is responding more than ever before, and individuals such as Bob Blohm and Pete Delao have been generous with their time for prisoners.

RESISTANCE TO WORKABLE POLITICAL SOLUTION

However, the State Department and the Justice Department as a whole continue to resist contemplating a workable political solution, and opt instead for hiding behind the unworkable judicial facade. There is almost a systematic avoidance of thinking about the wider dimensions of the problem or the pursuit of a political solution that recognizes the nature of the Bolivian judicial system. At this point, the State Department does not have a unified approach to our problems.

One of the more predominant excuses for not taking stronger political action is that the United States cannot interfere with the internal affairs of Bolivia, and, therefore, any solution must go through normal judicial channels.

As far as we know, this mythical premise is the basis for every current American proposal to date. The position ignores historic U.S. involvement in Bolivian narcotics control.

The United States is already inextricably implicated in the internal affairs of Bolivia. Without U.S. money, guidance, weapons, encouragement, and legal assistance for the Bolivian narcotics law and assistance of American DEA agents, our Americans would never have been arrested. Some of our U.S. money has paid the salary of a Bolivian prosecutor named Sixto Fleig Saucudo.

If the United States had taken advantage of available deportation traditions, these Americans would never have had to deal with the Bolivian legal system. The interference has already been done.

We are sick of hearing that the State Department cannot interfere. As we see it, there is a pressing need that what was done be apologized for, and rectified.

We have heard from the State Department that a political solution will not work. What we want the State Department to know is that waiting for a judicial solution is not acceptable.

To claim that solution lies in expediting cases through the Bolivian judicial system ignores historical realities. All five American prisoners released thus far are home because American political figures made trips to Bolivia. Michelle Fryer was released while Mr. Todman was in La Paz. Two prisoners, Bill Rodenberg and Willie Rivera, were released after a trip to Bolivia in July by Lou Fields and other members of the State Department. Diane Walker and Dick Farmer were disentangled while Barbara Watson was negotiating with the Bolivians.

The Drug Enforcement Administration has told us that the only reason our Government provides money for the Bolivian narcotics control program is to curtail the international cocaine flow into the United States. Twenty Americans with a cumulative total of less than 700 grams of cocaine, is that the cocaine flow?

Does that justify the millions of dollars spent and the millions more promised for the Bolivian narcotics program? If the Bolivian Government needs money, I suggest that the financial assistance designated for narcotics control be simply given outright to them for the release of our children. Then perhaps the job of catching major traffickers and intercepting international networks that supply all the cocaine to the United States can begin.

SUPPORT FOR RECOMMENDATIONS REQUESTED

The Americans imprisoned in Bolivia must be released before their lives are ruined. We have come here before you to plead with you, to help us get our loved ones home. We have been put off long enough. We want our children home. We are asking this subcommittee to support our recommendations:

1. The Senate must make it clear to the State Department that only a solution that encompasses political realities is acceptable. A high

level diplomatic team from the United States to Bolivia, Cyrus Vance, if necessary, to immediately negotiate for prisoner release.

2. The Senate must make a clear statement to the DEA that the DEA should confine itself to its original goal, stopping major narcotics trade into the United States. Trying to gloss over this failure in Bolivia has ruined the lives of our sons and daughters.

3. Acknowledging traditional political maneuvering vis-a-vis the narcotics program in Bolivia, the Senate must make it clear to the Bolivian narcotics police that the United States will not continue to fund a control program there unless the Americans that are clearly not major traffickers are released. It must be understood that the money being supplied is to cut down on drug traffic, not to arrest Americans and others to make reports look good.

4. Economic aid from the United States to Bolivia has been a sign of good will and friendship between our countries. Nevertheless, human rights and justice must be given first priority. Due to the serious life-long effects imprisonment in Bolivia is having on our children, the Senate must make it clear to Bolivia that if the prisoners are not out in the very near future, all aid will be cut when the Congress reconvenes.

5. Until the prisoners are returned to the United States, immediate funds should be made available and utilized for dental and medical treatment, food, showers and toilets, and other essentials that are now unavailable.

The parents of these Americans in prison will not give up until all of the Americans are released. We will return to Washington again, and again, and again, until our sons and daughters, our sisters and brothers, are with us, home.

Thank you.
[Applause.]

COMMENDATION OF MRS. ABRAHAM'S STATEMENT

Senator CHURCH. You have made a very powerful statement. I want, first of all, to commend you for it. Then I want to ask you, or one of your associates, whoever feels best qualified, to respond to a few questions, which would be helpful, I think, to the committee.

REASON FOR CHANGING CUSTOM OF DEPORTATION

First of all, I was taken by your statement that heretofore, in cases of this kind, when Americans were charged with drug violations, they were deported. The custom had been to deport them.

Mrs. ABRAHAM. Before the 1973 law.

Senator CHURCH. What was to be gained by changing that custom? What was to be gained by insisting that young Americans go to jail instead of being deported from Bolivia, since most of them have been held on minor charges?

Mrs. ABRAHAM. Just to justify the amount of money that was being sent down to Bolivia, I think they had to say: "Look at all of the people that we are arresting. We are earning our money."

I don't know if Mr. Blum can be a little more specific. He has been with this organization longer than I have.

Mr. BLUM. Senator Church, I think that you are asking the wrong people that question. If you would ask the Government.

Senator CHURCH. I intend to.

Mr. BLUM. It is a question that I have asked myself hundreds of times. Why, what is supposed to be a major effort to apprehend and interdict the flow of drugs to the United States, ends up with users sitting as show pieces in a jail, and the traffic goes on.

Mrs. Abrahams has mentioned that Congressman Wolff pegged the traffic at 200 tons a year out of South America, whereas 3 years ago, before this great effort began, the traffic was somewhere around 70 tons a year.

So we have a tripling of the drug traffic and nobody is in jail.

INDIFFERENCE SHOWN BY U.S. EMBASSY OFFICIALS

Senator CHURCH. You contrast the concern that was shown by the British Embassy for British subjects with the indifference that was shown by the American Embassy, our consul, and our Embassy officials. You quote Consul Milburn as having said: "Tough luck."

Mrs. ABRAHAM. That is right.

Senator CHURCH. Also, as having said that since Bruce would be in for 20 years, there was no great rush to see him. A few days more or less would not matter.

Mrs. ABRAHAM. That is right.

Senator CHURCH. It seems unbelievable.

Mrs. ABRAHAM. I agree with you that it is unbelievable, it is unconscionable, but that statement was made to my daughter-in-law.

CHANGE IN ATTITUDE OF U.S. EMBASSY

Senator CHURCH. You have given us an assessment of the general indifference that the Embassy has shown, and the little priority that was given to these young American prisoners. In the last 6 months or so, has that attitude changed?

Mrs. ABRAHAM. I think so.

Mr. BLUM. I think the attitude is greatly improved, possibly not to the extent that we would like to see it, because we will never be satisfied until our children are home. But we have found that a great many members of the State Department, notably the people on the seventh floor, Barbara Watson, Patt Derian, Mathea Falco, and lower down in the State Department, such as the Bolivian desk, we find a more responsive attitude, and we are getting better answers, even though we are not getting all the answers we want.

We find much more compassion and much more cooperation. In many ways, they seem to be hassled by the situation and looking for answers as well. It is just that it is moving very, very slowly and something has to come along to give this thing a major push, to help everybody out of this.

NECESSITY OF TAKING POLITICAL ACTION

Senator CHURCH. Right, and we have been looking, in this committee, for ways that we could help. Language was included, that I offered, in the Foreign Relations Authorization Act, giving the Secretary of

State a special responsibility to press investigations, to take appropriate action to assist Americans who are in foreign jails, and to report to this committee and to the Congress in detail the actions that are being taken.

We hope that that will help, but I am frankly skeptical that we can solve this problem by passing laws. I think what we have to do is to find a way to take political action in Bolivia. I think this is the point that you have underscored.

Given the extent of our involvement in the narcotics programs in that country, and the presence of our own agents there, I agree with you, Mrs. Abrahams, that it is not an acceptable excuse to say that we refrain from interfering in the internal affairs of other countries. It seems to me that we are involved in the narcotics problems of Bolivia in every conceivable way, except in helping these prisoners.

Mrs. ABRAHAM. Senator, I like your style.

Mr. BLUM. May I voice one thought?

It seems that every time an American representative goes down there, he is able to accomplish something. When he comes home, it just seems to dissipate. You mentioned in your opening remarks the formal negotiations. I think that someone has to go down there for a longer period of time, to talk to them and work this thing through, so that they will know that someone is not waiting for you to leave.

When I was there, the first thing that they asked me when I went down, was: "When are you going home?" As the days drew near, they were anxious to see me leave. This is basically the problem.

Senator CHURCH. My impression is that given the fact that the judicial process continues to work at a snail's pace, and so few have been released, and so many, many have waited so long, direct negotiations between the two Governments are called for. This is something that Members of Congress cannot do. We are not empowered to negotiate for our Government. But this is something that the Administration could do, acting through the State Department.

It seems to me that if we give this matter the importance that it warrants, we could get it done. This hearing, of course, is meant to underscore the importance that the Senate attaches to the question of these young Americans.

Senator Javits is here, and I know that he would like to ask some questions.

Senator JAVITS. First, Mr. Chairman, I would like to apologize for not being here on time. We just concluded the conference on the minimum wage bill, which was a rather critical thing.

SENATOR JAVITS' CONCERN WITH CASES

Mr. Blum is a constituent of mine, and my office has been in very close touch with him about his daughter. I have been in touch with the Secretary of State about this case, and the case of another prisoner named Susan Scanlan. We have a number of other New Yorkers in a similar situation.

I would like to associate myself with your views, Mr. Chairman. I shall work with you in the effort to bring about the relief and satisfaction of these parents and their relatives that they are entitled to.

It is inconceivable to us that people should be incarcerated for a year or more and not even be tried.

This is a travesty of justice, and we ought to have some leverage. I think it is often exaggerated what leverage we have in these countries, but we have some, and we must use it to the full. I assure you that we will, and we have as far as the case we have handled.

I promise to work closely with Senator Church in order to realize what he has just stated.

AFFIDAVITS OF PRISONERS AND SIGNED PETITIONS

Mrs. ABRAHAM. Senator, I would like to add something. I have a large number of affidavits from prisoners, which will substantiate an awful lot of things. I also have approximately 6,000 to 7,000 signatures on petitions that were gathered in a very short period of time, showing the interest of America in the situation. I wanted to make mention of it.

Senator CHURCH. Thank you very much. With reference to the affidavits, do you wish to make a copy of those available to the committee? Would you like for them to be included in the file on this case?

Mrs. ABRAHAM. Yes, we brought the copies with us.

Senator CHURCH. Very well, then those copies will be received and made part of the file of this proceeding.

[The information referred to is in the committee files.]

DIRECT NEGOTIATIONS ON QUESTION SUGGESTED

Senator CHURCH. I think that you have said it all exceedingly well. There is very little I can add except to tell you that this committee will do everything that it can to try and bring this matter to a solution.

As you know, the United States and Canada, and the United States and Mexico entered into two separate treaties that provide for an exchange of prisoners. The problem with that approach in the Bolivian cases is that it is just going to take too long. It is an option, but it is not the kind of option that I would choose because I think that this has already gone too long, and we have to get results much more rapidly.

It seems to me that direct negotiations on this question are the best way to proceed. I will consider taking this up with other members of the committee to see if the subcommittee itself could not make such a formal recommendation to the President, and to the State Department.

Mrs. ABRAHAM. That sounds very good. Thank you, Senators.

WITNESSES

Senator CHURCH. Our next witnesses are a panel representing the administration, including: Mathea Falco, Senior Adviser to the Secretary of State; and Director of the Office of International Narcotics Matters; Hon. Peter Bensinger, Administrator of the Drug Enforcement Agency; Hon. Barbara Watson, Administrator of the Bureau of Security and Consular Affairs; and Hon. William B. Stedman,

Deputy Assistant Secretary, Bureau of Latin-American Affairs, Department of State.

Do you all have prepared statements that you would like to make?

Ms. FALCO. We all have prepared statements, and they are very brief.

Senator CHURCH. If your statements are brief, we welcome them. You could perhaps summarize your statements, and we will get to questions more quickly.

STATEMENT OF HON. MATHEA FALCO, SENIOR ADVISER TO THE SECRETARY OF STATE AND COORDINATOR OF INTERNATIONAL NARCOTICS MATTERS, DEPARTMENT OF STATE

Ms. FALCO. Mr. Chairman, I am the Senior Adviser to the Secretary of State for International Narcotics Matters. I am pleased to appear before you today to discuss our international narcotics programs with Bolivia.

I am sure you know that Bolivia, along with Peru, is the primary producer of coca leaves which are used to manufacture cocaine. The vast majority of Bolivia's 20,000 to 30,000 metric tons of coca leaves harvested annually actually go to the illicit production of cocaine. The rest is used by indigenous coca chewers in Bolivia and the Andean region.

Let me add at this point that our present estimate, which we believe reflects accurately the amount of cocaine coming into this country every year, is 15 tons. We will be working with the staff of Congressman Wolff's Select Committee on Narcotics Abuse and Control to determine why there is such a discrepancy between our figures and his.

RESULTS OF U.S. NARCOTICS PROGRAM IN BOLIVIA

Senator CHURCH. Let me ask you this. Of that 15 tons, how much do you estimate is coming from Bolivia?

Ms. FALCO. We have not yet refined the figures to that point. I would estimate no more than a quarter. We will provide the committee better estimates as they are formulated.

Senator CHURCH. We have a large and expensive program; we are spending a great deal of money in Bolivia for the purpose of reducing the amount of cocaine that is produced there, thus reducing the amount that is coming into this country.

Do you have any figures you can give us as to the results of this program and to what extent production in Bolivia has been reduced? To what extent has this program resulted in a reduced amount of cocaine coming into the United States?

Ms. FALCO. I do not believe that there has been a significant reduction. Let me clear up one misunderstanding which I think I inadvertently created in reference to cocaine estimates. When I said a quarter of the cocaine coming into this country comes directly from Bolivia, I did not indicate that Bolivia is the primary coca leaf supplier to Colombia and other cocaine producing countries. So when I said a quarter, I meant the cocaine refined in and coming directly from Bolivia.

Senator CHURCH. If you doubt that there has been any reduction, then what good is this program doing for the taxpayers?

Ms. FALCO. I don't think that there has been a measurable difference in coca leaf cultivation in Bolivia.

The balance of my statement deals with the longrun goals of the international narcotics program, if you would like me to proceed?

Senator CHURCH. Go ahead.

REVIEW OF U.S. COCAINE POLICY

Ms. FALCO. The new Administration has been carefully reviewing the entire international narcotics control program, and in recent months, particular attention has been directed toward our cocaine policy.

The Department of State, in conjunction with the Office of Drug Abuse Policy and other relevant agencies, is evaluating the many facets of the complex and difficult issues involved in developing a coherent national and international strategy towards illicit cocaine production and traffic.

Briefly stated, our present thinking from a domestic viewpoint is that the critical factor underlying the lack of a reported severe health consequences from cocaine use in the United States is the high price of the drug, which restricts the general level and extent of use.

At this point, we simply do not know the full range of potential adverse health consequences that might result if use increases significantly. But animal studies with unlimited use of cocaine, as well as studies conducted in countries where cocaine is freely available, indicate that there are some very serious consequences, including death, that might result.

The domestic focus of our strategy, therefore, is to restrict usage through curtailing availability in this country.

DELETERIOUS EFFECTS OF INTERNATIONAL ILLICIT COCAINE TRAFFIC

From the international perspective, the deleterious effects of the illicit cocaine traffic are immense.

President Carter clearly stated the rationale underlying our international initiatives to curtail cocaine and other illicit drug trafficking and production in his drug abuse message to the Congress of August 2, 1977. He stated:

The enormous profits generated by the illicit drug traffic distort the economies of many smaller countries, aggravating inflation and draining tax revenues; they also engender corruption and corrode political stability.

The President concluded that we must work closely with other governments to assist them in their efforts to eliminate the cultivation of drug producing crops, and to develop legitimate alternative sources of income for the often impoverished farmers who produce these crops.

Accordingly, the suppression of cocaine production and traffic has been assigned a high priority both to reduce the drug's domestic availability and to undermine the strength of the illicit multinational trafficking networks.

LONG-TERM GOALS OF COOPERATIVE PROGRAMS WITH LATIN AMERICA

The long-term goals of our cooperative program with Bolivia and other Latin American countries are to disrupt the major trafficking networks and to reduce the amount of cocaine and coca produced for the illicit market. These goals do not lend themselves to simple strategies or rapid solutions. They require a complex variety of policy approaches, involving diplomatic initiatives, improved enforcement, and rural development in primary coca producing areas.

Joint drug control efforts with the Bolivian Government date back to fiscal year 1972 and include vehicles, communications equipment, training, technical assistance, and agricultural research to identify alternatives to coca cultivation. Through fiscal year 1976, including the transition quarter, our international narcotics control assistance in Bolivia totalled \$1.2 million.

As a result of a meeting between Bolivian President Banzer and then-Secretary of State Kissinger in June of 1976, U.S. narcotics and development assistance programs in Bolivia were substantially expanded.

Long-term funding commitments were made by President Ford in August 1976 to provide Bolivia with \$8 million in narcotics assistance and up to \$45 million in AID funds for rural development in the coca growing regions.

Pursuant to these agreements, fiscal year 1977 narcotics assistance increased to \$1.4 million. The current program is designed to improve the professional competence of the Bolivian narcotics enforcement effort to disrupt major trafficking networks and to curtail illicit coca and cocaine production.

FOCUSING LAW ENFORCEMENT RESOURCES EFFECTIVELY

Focusing law enforcement resources effectively against major traffickers is a long and difficult process, one which has taken the industrialized countries of the world years to develop and which has not yet been fully realized.

We are hopeful that through the international narcotics program, law enforcement priorities in many key countries can be focused on major trafficking networks, which are critical targets of an effective worldwide drug control policy.

May I interject at this point, Mr. Chairman, a following up on some of Ronni Abrahams' remarks. This summer, after a series of discussions within the Department and with DEA, we did send a cable instructing our missions in the field to work for the deportation of Americans arrested on petty drug offenses, as well as to make very clear to other governments the distinction between major drug traffickers who are the appropriate targets of all of our concerns, and petty offenders who are not.

Senator CHURCH. Did that cable represent a change of policy?

Ms. FALCO. I am not sure of that, Mr. Chairman. I was appointed to this office in February. Perhaps Ambassador Stedman could answer that more fully. It was the first time in this Administration that we had clarified it in writing.

Senator CHURCH. Ambassador Stedman, can you give us a reply?

Mr. STEDMAN. I don't think that is a new policy. It was clarification and emphasis for the benefit of those in the field.

U.S. INTERVENTION CONCERNING DEPORTATION

Senator CHURCH. What were you doing while you were in Bolivia?

Mr. STEDMAN. The best that I could, Senator.

Senator CHURCH. Were you encouraging deportation instead of imprisonment?

Mr. STEDMAN. Neither, Senator Church. These decisions, I think, are Bolivian decisions. I think that it was our effort to see that appropriate justice and appropriate attention was given as rapidly as possible in the cases that developed.

However, to attempt to judge whether in a particular instance the case merited deportation, or merited judicial process is something that is beyond the ability of the consuls on the scene at the time.

Senator CHURCH. Weren't you able to determine what the charges were?

Mr. STEDMAN. There is a very peculiar aspect in the whole judicial process that is carried out in Bolivia, and countries under the Napoleonic code, where you do not have charges, as we know them, but police accusations.

The judicial process, it may not be until the end of the judge's deliberations that he will develop what he considers from some of the evidence presented, what the charges are, and render a verdict against those charges.

Senator CHURCH. Let me put the question this way. Since, in most of these cases the accusations involved petty amounts of drugs—to my knowledge, there are only four or five cases involving traffickers—you must have known that these accusations were, therefore, not to be regarded as serious drug trafficking cases.

Mr. STEDMAN. Many of them, unfortunately, were accused of either possessing relatively large amounts of drugs, or accused of possessing small amounts, or conspiracy, in which there would be no amount whatsoever. But there have been some relatively serious accusations made.

Senator CHURCH. We ought to get the facts straight on these prisoners we are discussing. The number is 39; is that correct?

Mr. STEDMAN. Yes.

Senator CHURCH. Of that 39, how many stand accused of being regarded as heavy traffickers, that is, involved with large amounts of drugs.

Mr. STEDMAN. We have done an analysis in our office, and this is not an analysis that we have done in a coordinated and concerted fashion. What I say is based on a little bit of work that we have done in the Latin American Bureau. It may be subject to some checking.

What is the actual amount of heavy trafficking may vary. Nonetheless, we count some 18 serious possessions, 11 minor possessions—the levels, I would not say whether they were more or less serious—and eight minor cases.

Senator CHURCH. You know that the DEA has furnished this committee with an estimate that of the 39 prisoners there were 4 they regarded as major traffickers.

Mr. STEDMAN. I am not aware of that information.

Senator CHURCH. It was given to me by the staff.

Mr. STEDMAN. You are asking me what the Bolivian accusations were, and this is the answer that I would give.

Senator CHURCH. Having been apprised of the accusations, you then took no steps to urge the Bolivian authorities to deport these Americans? You did not think that this was your responsibility.

You knew the conditions of the Bolivian jails. You were there to represent the U.S. citizens, and the U.S. interests. If there were a choice between deportation and going to jail in Bolivia, which would you have preferred to do?

Mr. STEDMAN. I would prefer to be deported.

Senator CHURCH. You would prefer to be deported, if you were accused, certainly. Then, why didn't you ask the Bolivian Government to consider deportation rather than incarceration in a Bolivian jail?

Mr. STEDMAN. Many were deported, Senator Church.

Senator CHURCH. During what period?

Mr. STEDMAN. During the period that I was there, many were deported, and there are still many people being deported. There were people being deported before the 1973 law was enacted, and are still being deported.

Senator CHURCH. But not as a result of your request.

Mr. STEDMAN. I don't think that we have made formal requests for deportation cases, that is correct. I think that when a case arises and the consul is there, there is almost always an effort to talk with the authorities to see if this isn't a case that could very well be disposed of by deportation.

It is a Bolivian choice in the matter, and there is an interval in there in which the authorities make the determination as to which direction they go. We are not controlling, I guess that this is what I am trying to get at.

There have been periods of time when the Bolivian authorities—
Senator CHURCH. I know that you were not in a position to control the Bolivian decisions, but certainly you were in a position to influence them to some degree, and particularly when large amounts of American money were flowing into that country to finance their drug programs as well as other aid and economic assistance. We have endeavored to assist Bolivia at the expense of the United States in many ways. So, certainly, the American Ambassador must have some influence, right or wrong?

Mr. STEDMAN. America's Ambassador has influence, but to translate the role of representing the entirety of our programs, economic, narcotics, or otherwise, to this specific decision in an individual case where the police official is making his judgment rather quickly whether to go ahead and deport the person, or to turn that person quickly over to a judge to determine whether there will be a trial or not, is a different level of operation. That, I think, has to be borne in mind.

Senator CHURCH. I am a lawyer, and I understand the process. I also understand that when a young man is jailed for 15 months or more, and has not been formally charged, there is something awfully wrong with the process by anybody's standards, Napoleon or Anglo-Saxon standards.

There ought to be somebody there defending young Americans in that situation. If it is not the American Embassy or the State Department, then who is it going to be? Why weren't you there?

We have looked into these cases, and here is the case of a young man who has been there for 15 months, and he has not been formally charged.

Mr. STEDMAN. I am not an attorney, but I would go back to the point that the formal charge that you are discussing is the process which comes out at the end of the judge's deliberation.

On the level of what intervention we have made with the Bolivian Government in this case, we have made countless active intercessions with the President, with the Minister of Interior, with the judges, even. Our involvement in trying to bring some kind of speed and compassion on the part of the Bolivian authorities has been ongoing and endless.

I must say that our frustrations and our concerns in many of the cases, our emotions are equal to those of the parents.

Senator JAVITS. Would you yield to me for one question?

Senator CHURCH. Certainly.

AMBIVALENCY ABOUT NARCOTICS PROGRAM AND U.S. PRISONER TREATMENT SUGGESTED

Senator JAVITS. Mr. Ambassador, aren't we ambivalent about this thing? In other words, I am a pretty adult fellow and I was the chief prosecutor of my State. We understand what cocaine does. It is not a joke. So do these parents; they are not fools either. That is very understandable, and we are trying some new campaigns to try to dry it up, if we can.

This, it seems to me, is not at all inconsistent with saying that an American who is caught in the net should get justice. If he is not getting justice, then we should scream bloody murder, cut off aid, or do anything else that is required.

These parents are not asking for these kids to be let out. They are only asking that they get a trial and get some kind of humane treatment. They don't know the details of the case, any more than you and I do.

This is what worries me, that we are ambivalent. We have gotten mixed up with the fact that we want to get rid of narcotics, and we have forgotten that this has nothing to do with the treatment of an American in a foreign jail for any crime, whether it is this one or any other.

There we have a certain responsibility, which if I understand the chairman's question, he is narrowing on. What do we do about this responsibility? Let us not get mixed up in the fact that we want to get anybody out of the charge of running cocaine, or anything like that. We don't. But we want expeditious, humane justice done. If I have divined the Chair's views correctly, that is the way I feel. That is all we are really asking you about.

Mr. STEDMAN. May I take you back to the earlier law which was on the books until 1977, a law which was enacted in 1973, which had some very undesirable features such as mandatory jail sentences of 20 years for simple possession.

Senator CHURCH. Is that a law we helped to draft?

Mr. STEDMAN. As I understand it, the U.S. Government officials who went to Bolivia in the spring of 1973 provided some technical assistance, provided some model code, but I don't think they were involved in the drafting of the sentencing. The Bolivians have been very hard-line on sentencing in drug cases.

What I wanted to note was that we found this so distasteful that we started in 1976 a campaign, not public, working on the Bolivian Government to get this law changed. In that same period the Government founded a commission to reform the law. When this became known, some of the defense attorneys preferred to await the reform of the law, hoping for better, more compassionate, more reasonable sentencing.

So for a considerable part of 1976, there was not great pressure to have trials concluded rapidly for fear that they would, then, be receiving very, very lengthy sentences for minor offenses.

In early 1977, the law was reformed and enacted, and the sentences for simple possession were changed to a range of two to eight. One part of the judicial process was dropped out, and a provision for parole, or conditional liberty, that is one-third off for those sentences, was introduced for the first time in the legislation.

So, the year 1976 was spent in hard work, trying to get the law changed. In 1977, when it was enacted, we worked as hard as we could to get the cases pushed through this judicial process. It has been slow. It has been complicated. It has been frustrating. But there have been results, I believe. The Bolivians have created more courts, more judges.

They have a fellow in who is more compassionate and more helpful. Subsequently, in 1977, they eliminated another process of the law where each sentence would be reviewed by the Supreme Court after it had been reviewed by the superior court.

I think that a lot of the cases are now moving, but they are not moving as fast as one would want them to move. But a lot of them, I think, are on the verge of final resolution. I hope that this is the case.

CHANCE OF MEXICO-TYPE TREATY WITH BOLIVIA

Senator CHURCH. Is there any chance of a Mexico-type treaty with Bolivia?

Mr. STEDMAN. A Mexico-type treaty is one that would be helpful, but it does apply, as I understand it, to those who have been sentenced, and are serving out their sentencing. The basic problem in Bolivia to this day has been prolonged trials without resolution of the case.

U.S. HAS EVERY REASON TO BE VERY STRONG

Senator JAVITS. I most respectfully suggest that the United States has every reason to be very strong. There is no reason in the world why Americans should be submitted to that kind of inhuman treatment. If there is a crime, there is punishment, but not just plain misery.

Senator CHURCH. Particularly, the argument does not reach me somehow that the first law was so horrifying that the United States was hopeful, and did what it could to get it liberalized, and that it took years. Meanwhile, the prisoners just waited with nothing happening, even those charged with relatively minor offenses.

I would have thought that the least we could have done during that period would be to press the Bolivian Government to work on those minor charges so that they could be freed from the jails.

QUESTION OF CHANGE IN POLICY

I notice that when you appeared before Mr. Fascell in the House, and were asked about these matters, Mr. Fascell said:

What you are saying is, as a matter of policy, the United States does not seek deportation, because we don't want to get into the question of the innocence or the guilt of the arrested persons.

You said:

That is fundamentally correct, too.

Now, I ask the question about whether there is a change in policy. How do you reconcile what you said to Mr. Fascell with what you are saying to this committee?

Mr. STEDMAN. I think that what I said to Congressman Fascell is correct. We have not had a policy of formally asking the police authorities to deport American citizens when arrested. But I think that the consul in the circumstances where a police officer has an extremely minor case, and it is obvious to all, would do his best to see that the person be deported.

Senator CHURCH. Let us go back to Mrs. Falco. Had you completed your statement?

Ms. FALCO. I had a little more, but I can submit it for the record, if you prefer, Mr. Chairman.

[Ms. Falco's prepared statement follows:]

PREPARED STATEMENT OF HON. MATHEA FALCO, SENIOR ADVISER TO THE SECRETARY OF STATE, AND COORDINATOR FOR INTERNATIONAL NARCOTICS MATTERS

Mr. Chairman, members of the committee, I am pleased to appear before you today to discuss the Foreign Assistance funded narcotics control program in Bolivia. Bolivia, along with Peru, is the primary producer of coca leaves which are used to manufacture cocaine. Approximately 20,000 farmers in the Yungas and Chapare regions of Bolivia currently grow about 20,000 to 30,000 metric tons of coca leaves annually, a substantial increase over previous years. The vast majority of this production is converted to cocaine for the illicit market. The rest is used by indigenous traditional coca chewers.

Allowing for the leaves used by indigenous chewers, Bolivian coca production can potentially yield 28.9 metric tons (63,580 pounds) of cocaine. This, of course, is a maximum potential. The amount reaching the United States is considerably less. If all of that were to reach the streets of the United States, it would be worth over \$26 billion. As these figures indicate, Bolivia is critical in the international drug control effort.

This new Administration has been carefully reviewing the entire international narcotics control program, and in recent months, particular attention has been directed toward our cocaine policy. The Department of State, in conjunction with the Office of Drug Abuse Policy and other relevant agencies, is evaluating the many facets of the complex and difficult issues involved in developing a coherent national and international strategy towards illicit cocaine production and traffic. Briefly stated, our present thinking from a domestic viewpoint is that the critical factor underlying the lack of reported severe health consequences from cocaine use in the United States is the high price of the drug, which restricts the general level and extent of use. Although there were only 20 cocaine related deaths reported in the United States last year, we simply do not know at this point the full range of potential adverse health consequences that might result if use increases dramatically. The major focus of our domestic strategy, therefore, must be to restrict the usage of cocaine through curtailing availability.

From the international perspective, the deleterious effects of the illicit cocaine traffic are immense.

President Carter clearly stated the rationale underlying our international initiatives to curtail cocaine and other illicit drug trafficking and production in his drug abuse message to the Congress of August 2, 1977: "the enormous profits generated by the illicit drug traffic distort the economies of many smaller countries, aggravating inflation and draining tax revenues; they also engender corruption and corrode political stability." The President concluded that we must work closely with other governments to assist them in their efforts to eliminate the cultivation of drug producing crops, and to develop legitimate alternative sources of income for the often impoverished farmers who produce these crops. Accordingly, the suppression of cocaine production and traffic has been assigned a high priority both to reduce the drug's domestic availability and to undermine the strength of the illicit multinational trafficking networks.

The long-term goals of our cooperative program with Bolivia and other Latin American countries are to disrupt the major trafficking networks and to reduce the amount of cocaine and coca produced for the illicit market. These goals do not lend themselves to simple strategies or rapid solutions: they require a complex variety of policy approaches, involving diplomatic initiatives, improved enforcement, and rural development in primary coca producing areas.

Joint drug control efforts with the Bolivian Government date back to fiscal year 1972 and include vehicles, communications equipment, training, technical assistance, and agricultural research to identify alternatives to coca cultivation. Through fiscal year 1976 (including the Transition Quarter), our international narcotics control assistance in Bolivia totalled \$1.2 million.

As a result of a meeting between Bolivian President Banzer and then-Secretary of State Kissinger in June 1976, U.S. narcotics and development assistance programs in Bolivia were expanded. Long-term funding commitments were made by President Ford in August 1976 to provide Bolivia \$8 million in narcotics assistance and up to \$45 million in AID funds for rural development in the coca growing regions.

Pursuant to these agreements, fiscal year 1977 narcotics assistance increased to \$1.4 million. The current program is designed to improve the professional competence of the Bolivian narcotics enforcement effort to disrupt major trafficking networks and to curtail illicit coca and cocaine production. Focussing law enforcement resources effectively against major traffickers is a long and difficult process, one which has taken the industrialized countries of the world years to develop and which has not yet been fully realized. We are hopeful that through the international narcotics program, law enforcement priorities in many key countries can be focussed on major trafficking networks, which are critical targets of an effective worldwide drug control policy.

We are also supporting limited pilot projects in the Chapare and Yungas regions to determine the feasibility of more extensive efforts to encourage coca growers to cultivate other crops, such as coffee, cocoa, citrus and spices. This research is still in the preliminary stages and it is too early to predict the results. In conjunction with this project a registry of coca producers is being carried out by the Bolivian Government.

It is unlikely that "crop substitution" will dramatically reduce total coca production in the immediate future. These efforts, which are more appropriately described as agricultural research preparatory to integrated rural development programs in primary producing areas, must be viewed in the broader context of a many-faceted diplomatic, enforcement, and long-term development strategy. While the projected multi-year AID program will not provide the local farmers with income commensurate with coca cultivation, it will begin the laborious process of bringing rural development to very poor regions of Bolivia. This is a critical factor in any plan to ease the impact of the progressive coca cultivation reduction proposed by the Bolivian Government. AID now has ongoing projects contiguous to the coca producing areas and similar to those being undertaken in the Chapare and Yungas regions. The same Bolivian agencies are administering both projects.

In conjunction with Bolivia and other Latin American governments, we have undertaken a long and difficult process, the goal of which is to reduce significantly the availability of illicit cocaine. For the reasons I have discussed, dramatic results are unlikely in the near future. However, our commitment to this goal must be sustained. Without these cooperative efforts, an unchecked flow of cocaine

would increase greatly the risks of domestic health hazards as well as intensify the corrosive power of the illicit traffic on the economic, social, and political stability of many Latin American nations.

Thank you, Mr. Chairman.

BUYING OFF PRODUCTION OF CROPS SUGGESTED

Senator CHURCH. I take it from your statement that this Administration is committed to the same policy as previous administrations in an attempt to buy off the production of these crops.

Ms. FALCO. I don't agree with that interpretation, Mr. Chairman.

Senator CHURCH. You have funding of \$45 million for crop replacement.

Ms. FALCO. Let me see if I can clarify this a little.

This is a commitment that was made by the previous administration, by President Ford, which has not yet been obligated.

The commitment was made. There is now a very limited agricultural research pilot program in the Chapare and Yungas regions of Bolivia, which we support. The further funding of the expanded rural development program, which I think is a more accurate description than direct crop substitution, will depend on the outcome of these pilot research projects.

Senator CHURCH. These pilot research projects would be in what countries?

Ms. FALCO. They are in Bolivia, in the Chapare and Yungas regions.

Senator CHURCH. Do you have them in other countries?

Ms. FALCO. There are no others in South America. There are some in northern Thailand.

Senator CHURCH. What about Turkey?

Ms. FALCO. We have an agricultural specialist. Turkey produces poppies for the legal market.

Senator CHURCH. We did have, at one time, a market substitution.

Ms. FALCO. After the ban was imposed on the cultivation of the poppy, the United Nations provided some agricultural assistance. Of course, we are very heavy supporters of the United Nations.

Senator CHURCH. That program has terminated, has it not?

Ms. FALCO. The United Nations, I think, is still providing some technical assistance, but Turkey resumed poppy cultivation 3 years ago. The poppies are now harvested by the straw method instead of incision. Today there does not appear to be any diversion from the Turkish crop into illicit channels.

Senator CHURCH. Thank you very much.

Who is next?

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

Mr. BENSINGER. Mr. Chairman, I appreciate very much the opportunity to appear. I would like to summarize my remarks, if I may, and comment in part on the inquiry you made of Deputy Assistant Secretary of State Stedman, who was Ambassador to Bolivia, as well as to provide you personally with a briefing that has been prepared for me on the overall program in Bolivia.

U.S. ACTIVITY IN SOURCE COUNTRIES

Your line of questioning with respect to the activity of the United States in source countries is exactly right. In Turkey, we have seen considerable success at stopping narcotics at the source through controls that that government has adopted. The same is becoming true of Mexico, which has adopted a very vigorous antinarcotics program, including the eradication of poppy fields which are illicit.

In Bolivia, our job is not easy, and the Drug Enforcement Administration has conducted extensive investigations with respect to the issue involving U.S. prisoners as well as the overall effort of the Bolivian National Police Agency.

I want you to know that my belief is, if we are going to be successful in this narcotics effort, we have to stop the flow of narcotics at the source country. One of the encouraging points that I pointed out in testimony earlier this week was the 47 percent drop in the overdose death rate from heroin over the last 15 months.

This, in no small way, was as a result not only of the U.S. Government, but of the government of Mexico which stopped narcotics crops in the field, before they were harvested.

Senator CHURCH. I don't want to debate that point with you. If there is a way for us to diminish effectively or eliminate the planting and harvesting of these crops, and if we are making progress with Mexico and Turkey, I think that nobody is going to argue with that point.

The progress we made in Mexico resulted in so many arrests of young Americans caught with small quantities of marijuana, or in possession of marijuana and drugs, that we had to enter into a special treaty with Mexico to exchange prisoners and to try and rescue these Americans from Mexican jails. The problems were not quite like the problems in Bolivia.

TRANSLATION OF U.S. PURPOSE INTO ARREST OF YOUNG AMERICANS

I suppose that the thing which is hard for me to understand where our purpose is to stop production in the field, and where the purpose beyond is to try to arrest those who are engaged in major traffic is: How does this get translated into the arrest of young Americans, all 39, whose total possession is 131 pounds.

Mr. BENSINGER. May I respond to that?

Senator CHURCH. The big traffickers, how many of them have been arrested? I assume that it is very few.

Mr. BENSINGER. If I could respond to your comment. One hundred and thirty pounds of cocaine at 56 cents a milligram represents a wealth of \$30 million. I would like to read in 10 seconds per prisoner the amounts of cocaine that were in the possession of the American citizens arrested.

One individual had 210 grams of cocaine, which at the retail market today would be \$100,000. The second, born on the 5th of January 1951, was arrested with no indicated amount, according to our information. A third, a female born on the 9th of January 1944 was in possession, along with another person, of 330 grams worth \$130,000 on the streets of the United States.

A fourth, born the 18th of October 1943, had over one kilo of cocaine which could be sold for half a million dollars. The next person, born in 1957, had 10 pounds of cocaine worth over \$2 million. There was an additional four kilos that had been smuggled prior to that.

The next individual was born in 1947, and the seizure was two kilos which would be in excess of \$1 million. The person was in possession of \$14,000 in cash.

The next individual had 130 grams worth \$60,000 and \$99,000 U.S. dollars in cash.

There was a young lady who was arrested in Bolivia; she had a significant amount of cocaine and a significant amount of marihuana. We were not involved in that investigation and I don't have the value on that.

The next individual was born on the 28th of July 1952, and was in possession of eight kilos of cocaine. The investigation revealed that an additional 15 pounds of cocaine had been smuggled through La Paz to the United States through couriers from an organization, operating between Spokane, Wash., Bolivia and Mexico. There were 34 arrests in the Seattle-Spokane area. This organization was responsible for bringing in \$70 million of retail cocaine.

An individual born on the 3rd day of July 1937 was charged with conspiracy as a result of a 3.5 kilo seizure, at a sale value of \$3 million.

If I could, Mr. Chairman, I would like to submit my testimony as well as the appendix, which gives you two items. It gives you the amount of the seizure. It does not give you the dollar value, but you can figure that a kilo of cocaine is \$560,000 when brought to the street level.

To answer your major question, the individuals who were involved as major traffickers of class one organizations, like the Seattle organization—

Senator CHURCH. Let us get those figures.

You say that there were four major traffickers, and there were 12 couriers who were involved in transporting the cocaine into the United States.

Mr. BENSINGER. What we would consider to be class one organizations. You can have a courier, who may not be the head of the organization, but who has been in a sense, enlisted to bring the illegal narcotics into the United States. The individual himself would not be what I would consider a class one financier or an organizer. But would be, perhaps, a class three violator, with large amounts of money and large amounts of cocaine being brought into the United States.

Of the 41 individuals, 24 were actually apprehended as a result of information that was provided by the Drug Enforcement Administration.

I would like to make it clear, Mr. Chairman, that our agency does not conduct unilateral investigations. It does not engage in direct arrests. It does not engage in the placing of wiretaps. It does not engage in having any bounty paid to the Bolivian Government.

We are not here to represent to the Congress that our agents have done a good job, just based on the number of people there. We are working on preselected major organizations rather than trying to say to the Bolivian police: "Just arrest anybody you can."

We do not target Americans as compared to non-Americans. We do have obligations under the 1961 Single Convention on Drugs, to share with other countries, and to cooperate with the competent law enforcement agencies, to assist each other in drug campaigns.

There are 5,000 people who die every year in the United States from drugs. I am here representing a law enforcement agency. I do believe there is some representation of those individuals as well.

DEA ROLE IN ARRESTS IN FOREIGN COUNTRIES

Senator CHURCH. We are all aware of the drug problem, We are all aware of the effort that we are making to control it. I am not exactly sure what the role of the DEA is in a foreign country in connection with these arrests.

Once an arrest is made in, let us say, Bolivia, what role does the DEA play in questioning the suspects, and in prosecuting the case?

Mr. BENSINGER. We have no role whatsoever in the prosecution of the case. We have no role whatever in advising the prisoner from an advisory legal standpoint what to do. In the past, there have been instances when agents of the Drug Enforcement Administration were able to assist in translation, but we don't need them any more.

They did, in fact, answer questions and that took place following the arrest. As you know, Mr. Chairman, following the Humphrey-Mansfield amendment, the Senate made it very clear that we should not participate in a direct role.

Our role, we feel, is to assist the local enforcement agency in training their personnel, and to increase the capability of our own intelligence so we can interdict larger amounts of cocaine.

What has happened in the last 3 years, we have seen larger amounts of cocaine which had been interdicted from some 1,200 pounds to some almost one ton in 1976.

ALLEGATIONS MADE AGAINST DEA BY PRISONERS

Senator CHURCH. In reviewing the DEA's present operations there have been some allegations made against the DEA by the 39 individuals interviewed by the staff. The summary of the allegations follows:

First, the DEA agents were present. In cases where they were not present, the prisoners alleged that the DEA agents were available, and were aware that the drug bust was taking place.

What do you have to say about those charges?

Mr. BENSINGER. I would say that there are a number of charges that have been made.

Senator CHURCH. Are you in a position to argue this one?

Mr. BENSINGER. Yes, I am.

Senator CHURCH. Do you deny it?

Mr. BENSINGER. I would say this, Mr. Chairman. We sent DEA inspectors on several occasions to Bolivia. Second, there was a hearing here in Washington in which it was known to me that there were allegations against the Drug Enforcement Administration's agents. I requested John Evans, our chief inspector, who is in the room today, to seek out and meet with the parents of Bolivian prisoners, which did happen.

Three days after the meeting attended by Mr. Evans, our chief inspector, and Bob Stutman at the State Department, through the offices of Ms. Falco, I personally met with the prisoners' relatives in my office.

I am concerned not only about the treatment of American prisoners by Bolivian authorities, but the need to have thorough internal security operations in DEA. Since I have been Administrator, we have increased the number of investigators from 29 to 51. That is, 1 out of every 40 agents is an internal security investigator.

We have had in the last 15 months 19 DEA employees resign, of which a number retired or moved as a direct result of internal security, 20 received suspensions ranging from 1 to 30 days. Inspectors found, when they went to Bolivia, that 14 citizens lodged complaints. Out of 23 allegations, 9 related to the comment that you asked me about, that they seemed to be coerced about signing statements; 2 related to physical abuse; 3 that the agents had knowledge of abuse, but were not present; and 2 that evidence had been planted, and 5 that the DEA agents had been present at the arrest.

Inspectors have thoroughly interviewed all of the appropriate mission and agent personnel. They reviewed all file information. They interviewed all Bolivian personnel. They tried to interview all the prisoners. The investigation failed to substantiate these complaints.

Several of the prisoners requested a polygraph examination. On September 18, at our instructions, two DEA inspectors, who qualified as official polygraph examiners, went back to Bolivia.

Six of the 14 Americans had made allegations, which were the type that could be, in fact, resolved through polygraph examination. For example, during the course of the preliminary interview, they just hold up a number and ask you if this is number "6," and it is actually number "5," if you say, yes, this reflects deception and the polygraph machine can deal with the factual information.

Of the six that were willing to be polygraphed, three showed deception during the polygraph examination; one refused at the last minute to be polygraphed; and two recanted their allegations during a pre-polygraph interview.

Today, our Office of Internal Security has made every reasonable investigative effort to examine complaints and allegations that were made by prisoners against DEA personnel. We would welcome and follow through on any allegations that have not surfaced so far.

In the book that I gave you, you will find, under tab H, the name, date of birth, and description of each of the American prisoners in Bolivia, the arrest specification, the internal security investigations.

This book is quite complete in addressing each of the individual charges as well as the size and value. There is also a report from a professor from the University of Wisconsin Law School on the conditions of American prisoners held in Bolivian jails on narcotics charges.

This professor left Washington with the Assistant Legal Adviser to the State Department as well as officials from the Office of Latin American Affairs. He made some summaries and conclusions with respect to not only the legal process, which in my professional and personal opinion, seems to have been at the nub of many of the problems that have been experienced, but also the issue of the prisoner treatment.

I would like to submit this as well, since it is from an independent outside source.

Senator CHURCH. I have one further question.

DEA CLASSIFICATION OF PRISONERS

Based on your testimony, I think you are in a position to give the committee the best authoritative figure as to the numbers. Out of the 39 or 41, 4 would be what your agents regard as heavy traffickers.

Mr. BENSINGER. That is right. Twelve were involved in what we call class one cases, and they were mainly couriers.

Senator CHURCH. That would make 16. What about the other 26? Of the 23, 17 you knew nothing about when they were arrested. The other six would be classified as class four, or minor traffickers. The 17 you simply do not know about.

Mr. BENSINGER. They were not class one violators, and were not arrested as a result of information provided by the Drug Enforcement Administration.

I think you have in Bolivia a situation where cocaine, which is sold in large amounts in the United States and is profitable, is being transported by U.S. citizens for money. We also have some individuals there—

Senator CHURCH. How many Americans were arrested as a result of information supplied to the Bolivian Government by the Drug Enforcement Administration?

Mr. BENSINGER. There were 24 out of 41, sir.

Senator CHURCH. You say 24 out of 41?

Mr. BENSINGER. Yes, sir, and the detail is provided in the backup sheets.

Senator CHURCH. But only 16 of these were what you would consider as serious cases?

Mr. BENSINGER. Well, I wouldn't say serious. I would say that they would be organizations.

Senator CHURCH. I mean I think couriers carrying cocaine into this country—

Mr. BENSINGER. That is serious.

Senator CHURCH. It is serious, right.

Mr. BENSINGER. Because to get those—

Senator CHURCH. And the cases that you mentioned as being heavy traffickers would be very serious. I am trying to get at those, at the balance of the cases that would not fall into that category.

Mr. BENSINGER. Well, I will try to be helpful, sir, if I could make any comment on it.

Senator CHURCH. In 24 of the cases you supplied information that led to the arrest of these.

Mr. BENSINGER. Right.

Senator CHURCH. Sixteen of those cases by your definition were serious ones. That leaves eight cases that I must assume were not very serious.

Mr. BENSINGER. They would not be considered to be major traffickers, part of a major trafficking organization, or couriers working for a major trafficking organization.

DEA INFORMING OF BOLIVIAN GOVERNMENT ABOUT AMERICAN CITIZENS

Senator CHURCH. Under your guidelines then is it your policy to inform the Bolivian Government of any American citizen regardless of whether that American is engaged in what we would regard as a serious drug case? Do you also inform the Bolivian Government of any American that might have some marihuana on him, or might have a small amount of drugs that he may be using? I mean, how far do your guidelines go? How many Americans do you gather into this net to deliver to the Bolivian authorities?

Mr. BENSINGER. First, let me object to that characterization.

Senator CHURCH. I just want to know how far you go in informing Bolivians on American citizens.

Mr. BENSINGER. Because we don't target international traffickers by citizenship, No. 1. There are many Americans who are engaged in narcotics traffic, also Mexicans, Bolivians, other nationalities, and if they are involved in international travel with purpose to smuggle narcotics into the United States, it is our job to try to stop them.

Before an arrest is made we inform that someone leaving Dallas or New York or Miami, if a confidential informant in one of our district offices tells one of our agents that someone is going down to Bolivia to bring some coke, we don't know whether this person is going to be bringing 25 kilos or 25 grams, and we won't know until the investigation is made in Bolivia.

Senator CHURCH. I suppose what I am trying to get at is the different policy.

Mr. BENSINGER. But if it was someone going down to bring up a small quantity of marihuana or cocaine for their own use, this is not what we consider our mission. We don't have, always, complete information on what the purpose of their trip is ahead of time.

DEA POLICY TOWARD YOUNG AMERICANS

Senator CHURCH. I understand. But there are lots of kids who are out on a lark, who aren't very old, who haven't very good judgment. And so they acquire some marihuana, they experiment with some drugs while in Mexico or in Bolivia, and they haven't the slightest notion what the system is like or what the jails are like. They don't know how imperiled they might be if they fall into the hands of foreign governments.

They are not hardened criminals, they are not out to traffic in drugs back and forth to the United States. They are not into the business of making money by engaging in drug traffic. And you know what I am talking about.

What is the policy of your organization with regard to young Americans who fall into that category?

Mr. BENSINGER. Our policy and the policy of the agency as to young Americans, those are not the targets to which we should and are directing our efforts. The reason we are making fewer arrests there is because we are trying to build up a higher level of cases. We have reduced the number of marihuana cases in the Drug Enforcement Administration from 1,200 to 800. They involved huge quantities, tonnage quantities. Marihuana, for instance, represented 10 percent of our efforts, now it is down to over 5 percent. We have directed in-

vestigation to lengthy conspiracy investigations and we are working with the Bolivian National Police to try to develop, and I could not give you the names of the organizations right now, but I have them if you want them in sealed exhibit form of long-range type of investigations which we feel they need to do because I feel they need to adopt the same policy.

[Mr. BENSINGER's prepared statement and subsequent letter follow:]

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

The Drug Enforcement Administration welcomes the opportunity to appear here today to discuss DEA's activities in Bolivia.

The concern of the United States toward Bolivia as a source country of illicit drugs is well-founded. Bolivia has a firmly entrenched, centuries-long tradition of coca leaf production, yielding perhaps half the world's illicit supply.

The maximum total annual yield of Bolivian coca leaf is estimated at approximately 29 metric tons of cocaine hydrochloride. A significant share of this finds its way to U.S. consumers.

In 1976 U.S. authorities seized approximately 1,700 pounds of cocaine, compared with 1,400 pounds in 1975 and 1,200 pounds in 1974.

As a signatory to the 1961 Single Convention on Narcotic Drugs the United States is authorized, under Article 35 of that agreement, to conduct a wide range of programs of assistance and cooperation with drug source and transit countries.

Article 35 states that parties to the Convention are to do the following:

1. Assist each other in the campaign against the illicit traffic in narcotic drugs;
2. Cooperate closely with each other and with competent international organizations of which they are members, with a view to maintaining a coordinated campaign against the illicit traffic;
3. Ensure that international cooperation between the appropriate agencies be conducted in an expeditious manner . . .

The primary mission of DEA agents overseas is to assist host government officials in the prevention of illicit drug trafficking which affects the United States. Thus the tasks of DEA agents overseas are basically comprised of gathering and exchanging strategic and tactical intelligence with local officials.

DEA participates in the bilateral development and utilization of informants. All investigations resulting from the utilization of these informants are conducted on a bilateral basis. DEA fosters and participates in a continuous two-way flow of drug related information and intelligence. DEA also provides drug enforcement training upon the request of the Bolivian government.

In Bolivia, DEA works closely with its counterpart agency, the National Directorate for the Control of Dangerous Substances (DNSP), which is under the Ministry of Interior. The DNSP is responsible not only for narcotics law enforcement, but also for drug abuse prevention and rehabilitation, and for the registry and control of coca production.

In Bolivia, as well as in all countries in which DEA has programs, we have imposed limitations upon our activities.

In the area of investigations, we do not:

- Conduct unilateral investigations;
- Engage in direct arrests;
- Target individuals by nationality, including U.S. citizens;
- Pay bounties for the work done by Bolivian authorities;
- Have any police powers;
- Undertake any unusual activity which has not been approved by DEA Headquarters, the U.S. Mission and the host government; or
- Take any action that is contrary to Bolivian and/or U.S. laws.

In the area of intelligence, we do not:

- Install telephone intercepts; or
- Seek any intelligence not related to drugs.

In no foreign country do we engage or participate in any direct police arrest action; neither do we involve ourselves in any foreign police actions where any physical use of force takes place.

Restrictions such as the above were formalized in the revised version of the DEA Foreign Guidelines which were implemented on July 1, 1976. The Guidelines were promulgated as a result of the enactment of the Humphrey-Mansfield Amendment to the "International Security Assistance and Arms Export Act of 1976," Public Law 94-329.

We have also developed specific guidelines concerning DEA activities in the more than 60 countries where we have personnel assigned, or in which we conduct liaison. DEA's Foreign Guidelines outline other prohibitions, including one that specifies that DEA personnel will not encourage or participate in cruel or inhuman treatment of any detained or arrested individual.

During May 11 and 12, 1977, a group of relatives and friends of American prisoners in Bolivian jails held meetings with the press and representatives of Congressional offices in Washington, D.C. During these meetings the Drug Enforcement Administration became aware of several allegations of improprieties made by American prisoners against DEA Special Agents assigned in Bolivia.

On May 16, 1977, DEA representatives including Mr. John Evans, DEA's Chief Inspector, sought and obtained a meeting with relatives of Americans who are imprisoned in Bolivia on drug charges. Three days later, on May 19, 1977, I personally met with representatives of the relatives in my office. We emphasized, during these meetings, that DEA was concerned about their charges against DEA personnel and that any agent who had acted improperly would be appropriately disciplined. I initiated these meetings because I was, and am, extremely concerned with the conduct of DEA personnel.

Among the very first actions I took after my appointment to the position of Administrator of DEA in February 1976 was to increase the number of Inspectors from 29 to 51 and have the Office of Internal Security report directly to me. When the investigations of these Inspectors sustain the allegations against our employees, appropriate disciplinary actions are taken. During the last fifteen months, a total of nineteen DEA employees resigned, retired or were removed from the service as a direct result of Internal Security investigations. During this same period, twenty employees received suspensions ranging from one to thirty days as a result of Internal Security investigations.

As an outgrowth of the various meetings during mid-May, the Drug Enforcement Administration became aware of specific allegations of improprieties made by American prisoners against DEA Special Agents.

DEA's Office of Internal Security initiated an investigation and on May 22, 1977, two DEA Inspectors traveled to Bolivia to conduct investigations of these allegations. The investigations consisted of in-depth interviews of DEA Special Agents stationed in Bolivia, reviews of DEA investigative files and interviews of several American Embassy personnel. Interviews of the American prisoners were not conducted upon the specific request of their relatives. The investigations failed to substantiate any of the allegations and the two Inspectors left Bolivia on June 3, 1977.

It later came to our attention that a number of the prisoners did wish to be interviewed by DEA Inspectors regarding their allegations. On August 25, 1977, three DEA Inspectors traveled to Bolivia for the purpose of attempting to interview each of the 41 American prisoners incarcerated in Bolivia on narcotics charges. These American citizens were imprisoned in La Paz, Cochabamba and Santa Cruz. Seventeen of the American citizens incarcerated advised they had no complaints or allegations against DEA Special Agents. Ten prisoners refused to be interviewed by the Inspectors and fourteen prisoners made various allegations against DEA Special Agents.

These fourteen American citizens lodged a total of 23 complaints or allegations against DEA Special Agents. There were nine allegations that DEA agents coerced them into signing statements; two allegations of physical abuse; three allegations that DEA agents had knowledge of physical abuse by Bolivian officials; two allegations that evidence had been planted; five allegations that DEA agents participated or actually arrested American citizens and two allegations that DEA agents directed the actions of Bolivian officials.

While the Inspectors were conducting this phase of the investigation in Bolivia they also reviewed all file information and conducted extensive interviews of the DEA Special Agents involved, interviews of Bolivian officials involved in the arrests and additional interviews of American Embassy officials.

This phase of the investigation failed to substantiate any of the 23 complaints; however, several of the prisoners expressed their willingness to undergo polygraph examinations.

On September 18, 1977, two DEA Inspectors who are also qualified polygraph examiners traveled to Bolivia to polygraph six of the fourteen Americans who had made allegations; it had been determined that the types of allegations made by eight of the American prisoners could not be objectively resolved through a polygraph examination. Of the six who were willing to be polygraphed, three showed deception during the polygraph examinations, one refused at the last minute to be polygraphed and two recanted their allegations during the pre-polygraph interview.

To date, the DEA and its Office of Internal Security has made every reasonable investigative effort to examine the complaints and allegations of the American prisoners against DEA personnel. We have conducted an extensive investigation, interviewed all relevant personnel and witnesses, reviewed all pertinent documentation and utilized the investigative capabilities of the polygraph.

In sum, the DEA has been unable to identify improprieties or violations of law by DEA employees stationed in Bolivia.

Our job in Bolivia is not easy—nor is it popular with the individuals arrested, any more than it is with those arrested in the United States. But if we want to stop illicit drugs coming into this country, then we must act to deter the traffickers, reduce the sources of supply and exchange information with foreign governments on those violating the law. This we have done and this we will continue to do.

On a personal and professional note, I welcome the guidance and interest of the United States Senate.

[Additional material supplied by DEA appears in the appendix:]

Senator CHURCH. Thank you very much.

Who is next on our witness list?

STATEMENT OF HON. BARBARA WATSON, ASSISTANT SECRETARY, BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE

Ms. WATSON. I think everything has perhaps been said by now.

Senator CHURCH. All right.

Ms. WATSON. I do have a statement, but rather than read it, I could summarize it.

ROLE OF BUREAU OF CONSULAR AFFAIRS

Our Bureau's role is essentially a policy and guidance one for consular activities worldwide. We have direct supervisory authority of U.S.-based consular activities only. Specific management responsibility for members of Embassy staff, consular offices included, is vested with the Ambassador.

What has been happening recently is that we have seen a dramatic increase in the number of American citizens who have been caught up in narcotics arrests and find themselves in the unfortunate position of being guests of the host government in rather unpleasant circumstances.

At the present time there are some 2,200 American citizens who are in jails abroad. That has created tremendous pressure on our limited consular resources. It is in the past 3 or 4 years that Bolivia has seemed to attract great numbers of Americans, some of whom seem to have been caught in aspects of our concern about narcotics.

Our role is that of trying to protect their interests, to visit with them, to see to it that they get legal advice and to take part in helping them.

CORRECTION OF CONSULAR SITUATION IN BOLIVIA

Senator CHURCH. As you know, the consular officer has been very harshly criticized for inattention to these duties in the case of many of these prisoners. What is being done to correct that situation?

Ms. WATSON. Well, sir, if I may go back before, when this problem became such a severe one, we had exactly one consular officer in the entire country of Bolivia, who was not only required to take care of the plights of the prisoners, but also to perform other statutory duties.

When we saw that the prisoner population was rising dramatically, there was a request for an additional consular officer to help to deal with this matter. Because of the fact that our consular resources are so terribly limited, and since the person must be selected, trained, given language training, it took a year before we could get the second such officer to help to alleviate the pressures of the problems that face us in Bolivia.

We have now been able to get a third consular officer, who will help to relieve this pressure and give more active and prompt attention to these matters.

Senator CHURCH. This problem in Bolivia began back in 1974. That is better than 3 years ago.

Ms. WATSON. Well, sir—

Senator CHURCH. At that time there was one consular officer in Bolivia. When did you get a second one there to help out?

Ms. WATSON. Not until January of this year.

Senator CHURCH. January of 1977? That is slow, even by State Department standards.

Ms. WATSON. I might say that of approximately 100 persons who have been arrested from 1973 on, 60 of them have been released shortly thereafter, and that leaves a hard core of 39.

Now, we have, I am happy to announce, just 38 under detention. I have just received word today that Susan Scanlon has been released today, so slowly but surely we are whittling it down.

But the bulk of arrest cases arose last year, as I understand it, and that is when we asked for additional personnel, and it took a year to get the second and now the third.

EMBASSY PERSONNEL INVOLVED IN BEHALF OF AMERICAN PRISONERS

Senator CHURCH. Does the State Department operate on the theory that in cases of this kind where we have difficulty getting extra help the consul is the only one that can engage in efforts on behalf of American prisoners?

Ms. WATSON. No, indeed, sir. We consider—

Senator CHURCH. I would consider that would be everybody's business, including the Ambassador.

Ms. WATSON. Indeed, it is. As a matter of fact, when we were so pressed for additional personnel, other elements of the Embassy put their shoulders to the wheel. One of our acting consular officers was actually a consular political officer, but he was also deeply involved in

this. The resources, unfortunately, are not terribly large in that particular Embassy and everybody was taking part in the protection of these Americans.

[Ms. Watson's prepared statement follows:]

PREPARED STATEMENT OF HON. BARBARA M. WATSON, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS

Mr. Chairman, members of the subcommittee, it is with pleasure and appreciation for your concern that I appear before you today to discuss American citizens arrested, on trial and imprisoned in Bolivia. This has been a matter which has occupied a considerable amount of my time and that of my staff since my return to Government service in April of this year.

First, a brief explanation as to my area of responsibility within the Department of State would seem to be in order. The Bureau of Consular Affairs, which I head, was established by Congress in the Immigration and Nationality Act in 1952. It now consists of the Passport Office, the Visa Office, and, the office with which we are particularly concerned today, that of Special Consular Services. It should also be noted that, like other functional bureaus in the Department, my Bureau's role is essentially a policy and guidance one for consular activities worldwide, but with direct supervisory authority over U.S.-based consular activities only. Specific management responsibility for members of an embassy staff, consular officers included, is vested with the Ambassador.

Over the past few years, no other function of consular services has attracted more public, media and congressional attention and criticism than the extent and quality of services performed on behalf of the more than 2,200 U.S. citizens detained or imprisoned abroad. The relationship between the youthful American drug offender arrested abroad and the increasing numbers of younger Americans traveling is obvious. Further, with the strong encouragement and support of the U.S. International Narcotics Control Programs, described by my colleague Ms. Falco, many foreign governments have come to see illicit drug use as not just an "American" problem but an international one, and consequently have increased their drug enforcement efforts. This is the case in a number of countries, including Bolivia, where some 400 Bolivians and other nationalities are detained on drug charges. These increased law enforcement efforts, although certainly necessary, have inevitably resulted in sharp increases in the number of Americans arrested abroad on drug charges.

Consular officials abroad do as much as possible to assist Americans placed under arrest, but they must work within the framework of foreign legal systems with standards of detention and justice that are often very different from those that prevail here at home. A citizen who travels abroad places himself under the laws and legal systems of the countries he visits. All the constitutional rights he sometimes takes for granted do not go with him. Hardships endured by American prisoners abroad and charges of improper actions by foreign officials—including delays in due process and physical abuse—are investigated promptly by American consular officials. Frequently, official protests and requests for investigations are made to the foreign governments involved. Where possible embassies and consulates work with local officials to improve the conditions for American prisoners.

There is no question that some Americans incarcerated abroad are subject to penal and judicial systems that Americans would not tolerate at home. The Department is committed to helping these individuals in every way it can. However, some prisoners and their families, in their understandable anxiety, often-times overestimate the degree of leverage available to the U.S. mission or consulate to ameliorate penal and legal processes in foreign countries. Furthermore, the bottom line in the demands of many prisoners and their families is, quite understandably, "release". Obviously, we cannot demand from foreign governments a degree of immunity or "extraterritoriality" for American citizens that we are not prepared to grant foreign visitors to the United States. The operative word here is "reciprocity". What we must demand, however—unequivocally and unceasingly—is that American citizens not be discriminated against under local law and procedures and that their treatment meet what are generally accepted standards of human rights and international practice.

We have extended and expanded arrest services in an effort to meet the humanitarian needs of American prisoners around the world. We now require that

arrestees be visited by a consular officer as soon as possible after arrest—within 24 hours if possible. We also require, with rare exceptions, that every American imprisoned abroad be visited by a consular officer at least once a month. We have increased consular monitoring of trials, pretrial hearings and other judicial proceedings. In a number of countries, including Bolivia, the Department has authorized the Embassy or Consulate to hire attorneys, proficient in the local judicial system, to advise our consular officers in carrying out their responsibilities with respect to arrest cases. We have also obtained approval of, and received full support from the Congress for a program to provide emergency medical and dietary assistance to prisoners. In addition, the Department is currently studying other ways in which our services may be expanded and extended to these individuals. This understandable demand for additional consular services is creating a severe drain on our already strained consular manpower resources, particularly when the prisons or courthouses are scattered throughout each consular district, or are often accessible only by crude or slow means of transportation. To meet these and future demands will inevitably require a steady increase in consular oriented manpower.

In order to place the Bolivian problem in proper perspective and to fully understand the problem as it exists today, I believe it is necessary to look at the situation as it developed over the past several years.

During the past 3 years, there have been approximately 100 American citizens arrested in Bolivia. With but a few exceptions, all were detained on drug related charges. Of that total, approximately 60 were released shortly after their arrest. The remainder were held and bound over for trial. At the present time, there are 39 Americans imprisoned in Bolivia—all on drug related charges. At this point I should add that during this rather busy period (or until February of this year) there was only one consular officer assigned to the whole country of Bolivia. In addition to his responsibilities with respect to the prisoners, this officer was also expected, and required by law, to carry out his statutory responsibilities involving the issuance of visas and passports, performing notarial services, etc. In early February of this year, the Department was able to assign a second consular officer for Bolivia. A third officer position has been made available and an officer is now in language training preparing for his assignment to La Paz in December.

Again prior to January of this year, Bolivia had an extremely harsh narcotics law on their books. A law which called for stiff sentences—A minimum of 10 years in prison for simple possession with no possibility of parole. Faced with such Draconian sentences, and knowing that a new and more moderate narcotics law was in the making, many of the defendants, their lawyers, the trial judges and the American Embassy were extremely reluctant to press for "speedier" trials under the old law. With the encouragement of the United States, Bolivia promulgated a new narcotics law on January 25, 1977. Under the new law, which was made retroactive, sentences for possession were reduced to 2-8 years. After promulgation of the new law, the Bolivian Government had to substantially increase the number of judges and courts, authorized to hear narcotics related cases, to cope with the backlog of cases which had developed. At the same time, our Embassy was authorized to engage two highly competent and respected Bolivian attorneys to advise on various aspects of Bolivian judicial processes and assist our consular officers in following the court proceedings.

In addition to the above, the Bolivian Government promulgated an amendment to its judicial code during my recent visit to that country. Previously, Bolivian procedures required the Supreme Court to review all decisions handed down by the lower courts. This was naturally a time consuming step. With the elimination of the Supreme Court review on September 1, we are hopeful that the older cases will be resolved in the near future.

I believe that during the last 10 months, considerable progress has been made in Bolivia toward resolving the prisoner issue. While in Bolivia, I spoke with a number of high ranking Bolivian officials on this matter. During all of these discussions, I experienced no malice toward the American prisoners. I did experience however, an impoverished people and officialdom struggling with an antiquated judicial system. A system which badly needs reform and for which they have neither resources nor the expertise to effect all the needed changes in the time frame we would prefer.

The tragic result is wasted young lives, Americans and others, in a situation where even the most conscientious consular officer usually can offer only limited relief and sympathy. In the meantime, in addition to the initiatives I have

enumerated above, my colleagues and I in the Bureau of Consular Affairs are giving priority attention to "preventive medicine"—television, radio, periodical and pamphlet warnings, aimed at the younger travelers,—stressing the terrible price that can be exacted for even relatively minor infractions of the narcotics laws of other countries.

AMBASSADOR STEDMAN'S PART IN EFFORT

Senator CHURCH. Mr. Ambassador, what part did you play in that effort since there was a shortage of personnel in the consulate?

Mr. STEDMAN. I think I could say conservatively, Senator Church, for the last 2½ to 3 years I spent anywhere from 50, 75 percent, 80 percent of my time on this case, daily, weekends, and in the evening because much of the work that had to be done was evening work as well.

We considered it as a matter of priority.

Senator CHURCH. Did you ever discuss it with the President?

Mr. STEDMAN. Yes, sir. Yes.

Senator CHURCH. Did you ever visit the prisoners themselves in jail?

Mr. STEDMAN. I visited the prisoners; yes. However, I know that there is an accusation which is lodged against me that I did not visit them early not frequently. One learns from experience, and I think that if I had it to do all over again, I probably would be making more frequent and earlier visits to prisoners. But I did accompany Assistant Secretary Todman when he visited. I also on my own visited them earlier this year, and just before I left I visited every American prisoner in Bolivia.

Senator CHURCH. When did you leave?

Mr. STEDMAN. In June.

Senator CHURCH. Of this year?

Mr. STEDMAN. Yes, sir.

Senator CHURCH. Is there anything, Mr. Ambassador, that you would like to say in a statement on this case that you haven't had an opportunity to say?

STATEMENT OF HON. WILLIAM P. STEDMAN, DEPUTY ASSISTANT SECRETARY, BUREAU FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. STEDMAN. I do have a written statement which is there, Senator, which I will just leave.

I did prepare a brief summary, but I think through the question period I made most of the points. But I would like to say, if I might, just one additional point on behalf of consular officers in general.

I am not holding a brief for any specific one. I do think that our consular officers have an extremely difficult, very important, very difficult, very frustrating, and very disappointing job that they perform in posts throughout the world in protection and welfare services.

Our consular officers are not trained lawyers, they are not psychologists, they are not social workers. Many of them are young, for many of them it is a first tour of duty. Many of them have had little experience before in dealing with situations involving large groups of Americans in jail and few of them have had experience dealing with the

complexities of foreign laws. But I do think as a group they are working, they are trying to do their best, and oftentimes remarks are made about them which are based on either exaggerations and emotional response to what may be said. Oftentimes they hold out a hope or an expectation in a way which is translated into a commitment and therein lie some possibilities for misunderstanding.

But in general I would like to say that we have got a group of people who are trying their darndest, and I think the other officers in the Embassy where I was tried to pitch in and help on this problem as a missionwide problem, not just with the consular officers themselves.

[Mr. Stedman's prepared statement and subsequent letter follows:]

PREPARED STATEMENT OF WILLIAM P. STEDMAN, JR., DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. Chairman: members of the subcommittee: I welcome this opportunity to appear before you to discuss U.S.-Bolivian cooperation in the narcotics field, and the related problem of American prisoners in Bolivia. I stress the word "cooperation" because we are attempting to work together with Bolivian authorities from the planning stage to the completion of projects and activities. We are working on law enforcement. Together with the Bolivian Government we are planning what work we can jointly carry out in the area of rural development to curb the illicit production of coca, the plant from which cocaine is derived. Further, we are working closely with Bolivian authorities at all levels to accelerate the processing of the court cases on narcotics-related charges pending against American citizens in that country.

Let me say a few words first about the background of Bolivia and the general state of our relations with that country. Bolivia is one of the poorest countries in Latin America. Per capita income is only \$298. Development efforts are made difficult by a relatively small population base and geographic obstacles. Sixty percent of the Bolivian people are subsistence farmers and communication between isolated population centers is not easy. The economic base is narrow with dependence on agriculture and a small number of raw materials. Chronic political instability has made Bolivia's entry into the modern world an uneven and sometimes painful process. Past changes in governments have been frequent and occasionally violent. The plethora of political parties and subgroups has often made effective governing an impossible task. Although the current government is a de facto one, during the last several years it has brought long needed stability and economic growth to the country. Bolivian authorities are doing what they can to build their country's economy, without diverting scarce resources from their development needs to arms and other less essential purposes. Government budget outlays reflect this development-oriented posture. For example, education is the largest single item, taking 29 percent of the 1977 budget. The military's share has been cut. Allocations for agriculture and public health have increased by 54 percent and 70 percent respectively and infrastructure spending is up 92 percent over the previous year. We have mounted a sizeable economic aid program in that underdeveloped country, and other bilateral and multilateral aid donors are also active there. USAID is especially active in providing assistance to the rural and urban poor. Recent loans and grants have been made to such projects as small farmer organizations, rural education, low cost urban housing, and mobile health teams. On human rights, the Bolivian Government has abolished the Congress and placed political parties and unions in recess but nonetheless preserves the independence of the judiciary and freedom of the press. The Government has announced that in 1980 constitutional government will be reinstated and elections will be held. We have sound trade relations with Bolivia, and the investment climate there is both good now and promising for the future. Our cultural contacts and people-to-people relations with Bolivia are flourishing. Apart from the American prisoners in Bolivian jails—our relations with that developing country are on the whole cordial and effective.

I. U.S.-BOLIVIAN NARCOTICS PROGRAM

Within this context the US and Bolivian Governments have entered into a number of bilateral undertakings to try to cope with the burgeoning production

and trafficking of cocaine. We have embarked on a significant—and reasonably successful—drug interdiction program. Bolivian and US narcotics authorities have been cooperating effectively on such programs since 1972, and this continues to be the case at present. The Bolivians have stepped up enforcement efforts, investing time, money, and personnel in this huge task. For example, in 1975 there were 23 narcotics police; the Bolivian Government has recently increased this number to 194. More emphasis is now being given, to cracking down on major traffickers. This is a program which is intrinsically difficult for Bolivia, and other countries' as it is for the US. Our concern, then, is and should be increasingly focussed on significant cocaine traffickers rather than on small-scale users.

Another, even more intractable problem in the cocaine area is how to reduce, and eventually eliminate, the illicit production of the coca leaf. Studies are underway in Bolivia by Bolivian, US and other experts—to seek suitable and viable alternative crops to replace the ubiquitous coca plants of the Yungas and Chapare regions of Bolivia. Pilot projects of research and extension are being launched in Yungas and Chapare. So far no definite conclusions have been reached as a result of these studies, but our own and others' experts in this area are continuing their work. Studies are also being undertaken to see what general programs of rural development might be mounted in the growing areas which would help eliminate production.

To analyze these problems in depth, and with the full support of the Bolivian authorities, we have agreed to the specific programs which Ms. Falco has already described in some detail to you. Our commitment is to pursue these studies and pilot projects—and to engage in large-scale efforts if their results are sufficiently promising. In the meantime, the Bolivian Government has gone ahead with a program of coca crop registration and has established a unit within the Ministry of Agriculture to deal with crop substitution.

II. AMERICAN PRISONERS IN BOLIVIA

The problem of U.S. prisoners in Bolivia has its origin prior to 1973 when Bolivia, along with the United States and other countries, became increasingly aware of and concerned about the international narcotics traffic. Cocaine became more prominent and began to be exported illegally as a finished product from Bolivia in significant quantities. This was a drastic departure from the traditional use of the coca leaf which had been cultivated and chewed by the Andean population for centuries. In response to external demand, cocaine production in Bolivia increased. The country then experienced an influx of traffickers, carriers, users and experimenters with the drug. When the Government of Bolivia drafted its first comprehensive narcotics law in 1973 the United States followed developments with special interest since the new law could be expected to reduce the flow of cocaine into the U.S. The Bolivians had only recently become aware of the drug problem as a threat to their population and specifically to their youth, and sought to eradicate the problem through severe punishment for offenders. Ten to twenty-five years prison sentences for possession and trafficking were decreed by the Bolivians.

In early 1976 the Bolivian authorities found themselves unable to cope satisfactorily with the results of the 1973 narcotics law. The La Paz judicial district alone, with a population of 600,000, had nearly 600 detainees awaiting or in the process of trial and sentencing. Approximately 50% were held on narcotics charges. Close to thirty were American citizens. Only three judges presiding over three criminal courts were attempting to adjudicate all the cases and administer justice through an archaic judicial system. At that time, most of the U.S. prisoners and their defense attorneys were not pressing for prompt trials because of the severity of penalties under the 1973 law and because new or amended narcotics legislation was expected. In the meantime, the Consul was providing assistance, making monthly calls, and interceding on the prisoners' behalf with executive branch and judicial authorities.

A Bolivian Government Commission was established in 1976 to draft a new narcotics law. Several key members of the Commission firmly wished to retain the very heavy penalties of the earlier law, but the American Embassy at La Paz successfully used its influence during Commission deliberations throughout the year to convince them that more reasonable levels of punishment, particularly for simple possession, should be adopted. When promulgated in January of 1977, the new law reduced sentences for simple possession to 2-8 years, considerably

reduced the length of trials in narcotics cases by eliminating the first, or summary, phase and provided for the parole, under certain conditions, of prisoners who had completed two-thirds of their sentences with a record of good behavior.

In spite of the improvements brought about by the new law, some difficulties which impact upon American detainees continue to exist. These remaining difficulties have no easy solutions and are a continual source of frustration to American Consular Officers in La Paz as well as to the detained American citizens.

Delays are inherent in the Bolivian judicial system itself, which is based on the Napoleonic Code. Due process is quite different from that prevailing under common law systems such as that in the United States. The trial consists of a series of investigative hearings before a judge and there is no provision for a jury. The charges under which the defendant is sentenced are not known in their final form until sentence is actually pronounced by the judge. Each sentence must then be reviewed by a Superior (District) Court before the judicial process is complete. The judiciary is independent under the Bolivian constitution and the present Government, after it assumed power in 1971, made a point of stressing that the judiciary would remain independent. The effect has been that, although the Government is de facto and dominated by the military, it consciously does not act in a dictatorial, authoritarian manner in judicial matters. It does not inject itself into legal proceedings to decide cases by fiat.

Other delays in processing have sometimes resulted from lack of dedication on the part of the defense attorneys of individual prisoners. Additionally, some US prisoners are involved in cases with a number of prisoners of other nationalities and with different defense attorneys. This also means delay since all detainees must be heard in the same court and the decision involving the US citizen must await that handed down for all participants in the pertinent case.

Exacerbating problems created by the slow pace of the judicial system is Bolivia's relative underdevelopment. Under the political and economic circumstances that I outlined above, it is not surprising that resources for the administration of justice are minimal, that the number of judges to hear arguments is small, and that food and accommodations in detention facilities are primitive by US standards.

With the preceding difficulties and frustrations in mind, allow me to outline the efforts that have been made to improve the overall situation.

With the enactment of the new law in January the Embassy in La Paz immediately reinforced its efforts to accelerate the proceedings involving American citizen prisoners. This period coincided with the arrival of a second consular officer whom the Embassy had requested more than a year earlier. A series of Consular Officers were also assigned to temporary duty in La Paz to further assist with the prisoner problem and a third permanent officer, now in training, will take over within a few weeks. The Ambassador and Embassy officials have held frequent talks on the problem of implementation of the new law with the Bolivian President, the Ministers of Foreign Affairs and Interior, the Subsecretary of Justice, judges and "fiscales" (public prosecutors) and other concerned officials and prominent citizens. A three-man team organized by the Department of State visited in late January to obtain information on the legal situation of each prisoner and on the physical condition of each one. In July another team visited to evaluate progress and discuss legal technicalities. The Embassy pressed for rapid hearings, arranged for a consular officer to attend each hearing in La Paz, and provided paid interpreters when necessary. Two Bolivian legal advisers were retained and they have been particularly helpful in assisting defense attorneys, monitoring their activities and making them more attentive to their clients. A Prisoners Committee was organized under the leadership of the Deputy Chief of Mission to draw on the resources, experience and advice of all sections of the Embassy and to recommend ways in which the trials could be expedited. The Embassy suggested to the Government of Bolivia that it amend the new law to eliminate the mandatory Supreme Court review which followed Superior Court review of lower court decisions. This was done and recently went into effect.

On the Bolivian side, in addition to the efforts of individual officials to keep the proceedings moving, a new Subsecretary of Justice was appointed; he has been cooperative in accelerating procedures and sympathetic to problems of individual prisoners. The Government has established four new criminal courts in La Paz, has provided space for them and has named presiding judges. These new courts, which are now in full operation, have helped reduce delays resulting from crowded court calendars.

As of October 7 there were 39 Americans detained in Bolivia. The detainees in La Paz are visited regularly, at least once a week, by a consular officer, and more often if there are indications that a prisoner is troubled. Prior to February 1977, when there was only one consular officer assigned to La Paz, prisoners were visited at least once each month. In addition to the regular visits, a consular officer may be called upon when a special need or problem arises. Members of the English-speaking community have also visited the prisoners on a regular basis, helping to maintain morale and welfare. Prisoners in Santa Cruz are visited with the same frequency as those in La Paz by the local Consular Agent. Because there has been no Consular Agency in Cochabamba, (one is now being established), detainees received, until recently, weekly visits from U.S. military personnel stationed there and a consular officer from La Paz continues to make periodic trips to maintain close Embassy contact. The Embassy attorneys also visit Cochabamba and Santa Cruz to consult with the prisoners and their defense attorneys.

Until very recently US legislation did not provide financial or other resources through American Embassies for improving conditions for American prisoners in foreign jails. There were no funds for inoculations, food supplements, vitamins and emergency medical care. I am particularly pleased to note that the Department recently requested—and the Congress approved—funds for just these purposes.

In a country like Bolivia, with limited detention facilities, the absence of funds has been a daily cause for consternation among Consular officers. To ameliorate some of the problems, the Embassy in La Paz has arranged for prisoners to obtain formal permission required from the judges to visit dentists at their own expense and to have medical attention as required. Unfortunately, experience shows that prisoners sometimes fail to notify Embassy officers promptly of their need for medical or dental attention.

It seems appropriate at this juncture to add a word or two about the physical treatment of American citizens detained in Bolivia. The Embassy's reporting substantiates that while individuals may have occasionally been mistreated in the past, there has been no systematic practice of brutality toward those detained on narcotics charges. Mistreatment was stopped as soon as the Embassy became aware of it and took action. Official protests were lodged on behalf of the prisoners on several occasions. All instances of mistreatment, except one, occurred at the time of arrest when detainees were in the custody of the police and not after they had been moved to a regular detention facility. While these incidents are reprehensible, they do not represent a deliberate policy or a pattern of violation of human rights by the Government of Bolivia.

The Department of State and the Embassy in La Paz are acutely aware that, in the eyes of the prisoners' families and friends, the solution to the prisoner issue can only be the release and return to the United States of their loved ones. The Department and the Embassy also want to see a successful resolution of this problem, consistent with local constitutional and legal requirements and most importantly with justice. But as representatives of our government we must remain mindful that the procedures to be followed on the road to the goal are those of a sovereign foreign country with its own and different system of justice. As I have described to you these procedures can be painfully slow; however, substantial progress has been achieved since January in breaking the log-jam of proceedings related to detained American citizens. The Bolivian judiciary has speeded up procedures and obstacles are being surmounted. This has reinforced the view that the solution to the problem remains in the judicial system.

III. PROCESS IN INDIVIDUAL CASES TO DATE

The accelerated pace has brought about substantial tangible movement since January when cases involving Americans were at a standstill awaiting the new narcotics law. Five Americans have been released: one on a decision of absolution, one on a writ of habeas corpus, two who completed their trials and served their sentences, and one who was found not responsible for his actions. In addition to those released, eight Americans have completed both the lower court trials and the Superior Court reviews. The timing of their releases are, of course, dependent upon the length of sentence in each case. Eight more are currently in the Superior Court review process, one of whom received a lower court decision of absolution. The case of another is entering the review process. Three have completed their trials and are awaiting sentencing by the lower court. Nineteen others are at various earlier stages of their trials. Of these last nineteen Americans, eleven were arrested after May 1 of this year.

The prisoner problem will not suddenly disappear when all of the present detainees complete due process. So long as Bolivia remains a center of cocaine production and there is an effective external demand for it. It is expected that narcotics offenders and suspects will continue to be apprehended and that some will be American citizens. The Department of State and the Embassy in La Paz will continue their efforts to encourage improvements in the Bolivian legal system and will be zealous in protecting those rights which American citizens are entitled to under Bolivian and international legal standards.

The prisoner problem in Bolivia has arisen in a comparatively short period of time. It has called for new initiatives and revised concepts on the part of Bolivian officials and United States representatives in La Paz. These initiatives, as you have heard, are being taken.

DEPARTMENT OF STATE,
Washington, D.C., October 19, 1977.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: If you have no objection, I would appreciate having the following points included in my testimony at the hearing about U.S. prisoners in Bolivia which took place before you on Friday, October 14.

These points are offered to help clarify my responses to several questions raised at the hearing.

1. Since American citizens are subject to the laws of the country where they are traveling or residing, they are subject to the penalties for drug violations provided in those laws and the judicial procedures in effect. Since there is no bail permitted under the Bolivian narcotics law, persons accused of violations and remanded to the courts are detained in jail during the trial period. U.S. Consular officers seek to obtain immediate access to Americans arrested; provide assistance in locating legal representation; and safeguard the citizen from mistreatment to the maximum extent possible. The Consul is not empowered nor has the capability to determine innocence or guilt and is not charged with the responsibility for obtaining release of Americans from judicial processing. He is expected to do his best to ensure that the citizen is given a speedy and fair trial; a task which is naturally complicated by the customs and procedures of the country.

2. Many persons detained by the Bolivian police on suspicion of violation of the narcotics law have been expelled, if the police considered their offenses minor. This practice has continued and it always has been U.S. policy to favor it. However, this is an informal procedure in Bolivia dependent upon police discretion. It is and has been our policy to have our consular officers encourage the use of this discretion where the accusation is that a minor offense has occurred. Since the process is informal and is not spelled out in law, it has been treated at the consular level and has not been a matter of formal diplomatic overtures. Since the procedure is discretionary, its performance has been uneven, being subject to the circumstances of each arrest. For example, in several situations newspaper publicity about an arrest inhibited the police from carrying out expulsions for fear of being charged with exceeding their mandate. Accordingly some minor offenders were turned over to the courts which decided to carry out judicial proceedings. It is important to note that according to the Embassy's legal advisors, expulsion or deportation is not an option under Bolivian law that is open to the Bolivian Executive Branch after judicial proceedings have started against an accused person.

3. My experience in Bolivia indicated that it would be counterproductive and inappropriate to attempt to use leverage available from U.S. economic and antinarcotics assistance programs to influence judges and the processes of an independent Bolivian judiciary, either directly or through the Bolivian executive.

4. The active and vigorous efforts by the Embassy at all levels of the Bolivian Government, both executive and judicial, to accelerate judicial action have had beneficial effects. However, at times, our efforts have resulted in newspaper articles accusing the Bolivian authorities of giving preferential treatment to American citizens over Bolivians and other nationals.

Furthermore, we have observed in some instances that Bolivian judges have acted less cooperatively when they felt that they were being subjected to public pressure by the U.S. Government to take special actions favorable to American citizens.

The Bureau of Inter-American Affairs, which I represented at the hearing, will continue to work to resolve the problems of American citizens accused of violating Bolivian narcotics laws and will, as you requested, cooperate fully with the Committee and its staff on this matter.

Sincerely,

WILLIAM P. STEDMAN, Jr.,
Acting Assistant Secretary
for Inter-American Affairs.

Senator CHURCH. Well, I have no further questions of the panel.

NEED FOR FRESH LOOK AT PROBLEM OF REMAINING PRISONERS

It is obvious that we now must take a fresh look at the problem presented by the remaining prisoners. And for those cases wherein the due process of law is being denied, or where they are insufficiently documented or no competent evidence exists to justify prosecution, we have to find a way to speed up the release of those prisoners.

I think that the present Ambassador to Bolivia should be made fully aware of the feelings of this committee, and we will see to that. He should certainly meet directly with President Banzer to underscore the strong interest of the United States in a just resolution of these matters. I think that this committee should also explore with the State Department the possibilities for direct negotiations between the two governments.

I want to assure the parents of the children who are presently incarcerated in Bolivia that I intend to do everything I can. I am sure that the committee would give me its full support in pushing ahead and trying to get these cases resolved.

We hope that we will have close contact with you, and that you will keep in close touch with us so that we can get the job done.

Thank you very much.

I think that concludes my questions and concludes the hearing for this afternoon.

[Whereupon, at 3:47 p.m., the hearing adjourned, subject to the call of the chair.]

APPENDIX

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., October 27, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the plight of American citizens in Bolivian prisons has been an issue of considerable concern in the Senate. Many Senators have been made increasingly aware of the treatment of these Americans, some 39 at last count, most of whom have long been imprisoned in Bolivia on drug related charges. Press reports, fact-finding missions, and public testimony by parents and relatives have provided detailed accounts of physical abuse and mistreatment of these young Americans; of massive denials of human rights and due process of law; of alleged State Department indifference and insensitivity to the protection and welfare of American citizens; of alleged improper and even illegal acts by agents of the Drug Enforcement Administration.

For many months, and in some cases years, a number of Senators have attempted, through diplomatic channels, to insure that justice and due process are provided to these individuals, many of whom are constituents. However, at a recent hearing before the Senate Foreign Assistant Subcommittee, State Department representatives gave no indication that our present policy of "quiet diplomacy" toward the Bolivian Government would change, despite the lack of progress in achieving a just resolution of these cases.

Therefore, in our judgment, circumstances in Bolivia have reached the point where your intercession is clearly needed to demonstrate to the Bolivians that the United States is indeed serious about this issue.

Specifically, we recommend that a high level team be sent to Bolivia to open negotiations with that government designed to secure the release of a number of these prisoners. In the interest of justice, it appears to us that priority attention should be given to the release of the following categories of prisoners: (1) those in delicate physical or mental health who require immediate treatment; (2) those who have served time commensurate with the minimum mandatory sentence for their alleged crime; and (3) those individuals against whom the evidence is inadequate for a finding of guilt.

We also recommend the immediate implementation of recently approved legislation providing emergency assistance for Americans imprisoned abroad. Under the Foreign Relations Authorization Act, the Secretary of State is authorized to provide medical and dental care, dietary supplements and other assistance to U.S. citizens who cannot obtain this support by other means.

The time has come for the United States to act forcefully and decisively on this matter. It is our strong hope that you will give careful consideration to these recommendations.

We would appreciate your earliest possible response.

Sincerely,

Warren G. Magnuson; Harrison A. Williams, Jr.; Richard (Dick) Stone; Abraham Ribicoff; John Tower; Frank Church; Henry M. Jackson; Lloyd Bentsen; Clifford P. Case; H. John Heinz III; Lowell P. Weicker, Jr.; Wendell R. Anderson; Hubert H. Humphrey; Jacob Javits; Charles H. Percy; Paul S. Sarbanes.

PROFILE OF DRUG ENFORCEMENT IN BOLIVIA

[Supplied by DEA]

During the years 1934 to 1964 information received indicates approximately 10 kilos of cocaine per year (with the exception of one year) were seized from Bolivia. From 1965 to 1970 the seizures increased to 100 kilos per year and have

continued to escalate by 100 kilos a year thereafter. Information received concerning the basis for the increase was related to the change in the American drug culture, attitudes toward cocaine use and smuggling of cocaine into the United States.

Based on intelligence and case history concerning the increase in the cocaine smuggling from Bolivia to the United States, DEA's predecessor agency, the Bureau of Narcotics and Dangerous Drugs opened an office in LaPaz during December 1972. The office originally consisted of one Special Agent and one secretary; however, as the flow of illicit cocaine from Bolivia increased, the bilateral enforcement and intelligence gathering increased at a proportionate ratio.

During January 1974 a second DEA Special Agent was assigned to the LaPaz Office. Presently there are five DEA Special Agents stationed in LaPaz.

All drug enforcement efforts in Bolivia are the primary responsibility of the National Directorate for the Control of Dangerous Substances (DNSP). Very little progress was made by this unit after its creation in 1973 until the Government of Bolivia decided to significantly increase the DNSP budget in 1976 and installed dynamic new leadership. The DNSP does not have personnel stationed at international airports or at land border ports. Other agencies involved to some extent in the drug enforcement are the Bolivian Customs, the Department of Criminal Investigations (DIC) which is a separate police entity reporting directly to the Director General of Police and the National Guard which is also a police organization reporting directly to the Director General of Police. The DNSP receives some operational and administrative support from the National Guard throughout Bolivia.

The new National Law for the Control of Dangerous Substance, Bolivian decree law #14203, was promulgated on January 26, 1977. This new law makes substantial changes in penalties for the two clearly different charges of possession or trafficking. The revised law, while leaving intact the existing mandatory 20-25 year sentence for trafficking has lowered the mandatory imprisonment for possession to 2-8 years from the former 10-15 years.

It appears that Bolivian judicial processes are slow because of archaic procedures and corruption and incompetence at the lower levels of the system rather than negative or willful attitudes and policies of the national leadership. There also appears to be a great deal of "scapegoating" and recriminations among the police, the magistrates and the judges due to the notoriety the Bolivian system has received. There is now a tendency by all parties to go slow, be cautious and to avoid any possible step that would bring public attack.

ADMINISTRATION COMMENTS

[Supplied by DEA]

[Committee Staff Note. Portions of the following statement were deleted by the DEA. Those portions are indicated by the word "[deleted]."]

I. CONDITIONS IN BOLIVIAN PRISONS

La Paz.—Prison is at approximately 11,900 ft. altitude. There are no medical facilities and no heat in the prison. American prisoners benefit from the Bolivian system in that they can afford to pay for better food, living quarters, conjugal visits, and trips outside the prison to nearby bars and restaurants accompanied by Bolivian guards. Americans enjoy a higher standard of living than Bolivian prisoners.

Cochabamba.—No medical facilities are available. All American prisoners have larger accommodations than the Bolivians. One prisoner had the lumber concession in the prison (wooden furniture is made by the prisoners). The wife of one American prisoner had free access to the prison at any time.

Santa Cruz.—One prisoner pointed out to the Inspectors that he did not have a cell, but rather a room. Another prisoner indicated that she had a new bed. On several occasions, it was noted that the main gate of this prison was left open and unattended, and that various prisoners walked in and out at their discretion.

II. AVAILABILITY OF DRUGS

Some prisoners told the Inspectors that drugs were readily available in all prisons.

III. ARRESTS BASED ON DEA INFORMATION

As of September 1, 1977, there were 41 American prisoners in Bolivian prisons on narcotics charges. Twenty-four of the 41 had been arrested by Bolivian authorities as a result of information provided by DEA. The remaining 17 prisoners were arrested by Bolivian authorities without the assistance of advance information from DEA.

IV. The Following 14 Prisoners had Allegations Against DEA Special Agents: [Deleted.]

V. The Following 17 Prisoners Had No Allegations or Complaints Against DEA Special Agents: [Deleted.]

VI. The Following 10 Prisoners Refused To Be Interviewed by DEA Inspectors: [Deleted.]

VII. POLYGRAPH EXAMINATION

Of the 14 prisoners who made allegations against DEA Special Agents, it was determined by DEA Inspectors who are qualified examiners, that only six of the 14 prisoners had allegations of a nature that could be resolved with a polygraph examination. Those prisoners were [deleted] and [deleted].

The DEA Inspectors returned to Bolivia with intentions of conducting the six polygraph examinations. During the pre-polygraph examination, [deleted] refused to take the examination and [deleted] and [deleted] recanted the major portions of their allegations.

Examinations were administered to [deleted] and [deleted]. All three showed deception.

[Deleted.] Male, Caucasian, U.S. Citizen, Born 11/30/47, Cairo, Egypt.

Arrest.—On July 8, 1977, [deleted] were arrested in La Paz by Bolivian authorities for possession of 210 grams of cocaine. Bolivian authorities were acting upon information furnished by DEA.

Allegations.—[Deleted] have alleged that S/A [deleted] coerced and/or tricked them into signing confessions. They also allege that DNSP Officers beat them with S/A [deleted] knowledge in an effort to obtain their confession. They contend that the agent told them that their confessions meant nothing in court.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] and S/A [deleted]. The files of the LaPaz District Office were reviewed in an effort to find additional information reflecting on the circumstances of this case.

Findings.—S/A [deleted] denied the use of threats, coercion and trickery in his dealings with [deleted] and any improper behavior in his contacts with them. He did say that he told them that the normal practice of DNSP was to obtain a statement from each individual charged with drug violations in Bolivia. He went on to state that [deleted] had asked him if he should sign a statement regarding his case. According to S/A [deleted] he declined to advise [deleted] regarding the matter. S/A [deleted] denied having any knowledge that [deleted] were beaten or otherwise physically abused. The case file reflects that both [deleted] admitted possession of cocaine for which they were charged and [deleted] freely discussed their plan to smuggle it into the United States.

[Deleted.] Male, Caucasian, Born 1/5/51.

Arrest.—The DNSP Office in Cochabamba arrested [deleted], on January 3, 1977, and charged them with possession and trafficking in narcotics. [Deleted] escaped from custody on January 6, 1977, and remains at large. [Deleted] were arrested on January 10, 1977 in Cochabamba when evidence indicated they were going to attempt to pay bribes for the release of [deleted] (who had already escaped) and [deleted] and [deleted] have been charged under the conspiracy status of the Bolivian Narcotics Law. DEA participated in this investigation.

Allegation.—None.

Comment.—On August 31, 1977, DEA Inspectors interviewed [deleted] in a Bolivian prison. He stated that he had no complaints or allegations against DEA Special Agents.

[Deleted.] Female, Black, Born 1/9/44.

Arrest.—[Deleted] was arrested on June 15, 1977, in La Paz by Bolivian Police authorities after she and another female courier [deleted] were found in possession of 330 grams of cocaine.

Allegations.—[Deleted] have alleged that S/A [deleted] tricked them into signing confessions. They also alleged they possessed no cocaine and that [deleted]

was beaten by DNSP officers to obtain her confession and that S/A [deleted] was aware of her having been beaten.

Internal Security Investigation.—Sworn statements were obtained from [deleted] and S/A [deleted]. The files of the La Paz District Office were reviewed for relevant material and a polygraph examination of [deleted] was administered.

Findings.—S/A [deleted] denied tricking [deleted] into confessing. The case file indicates that these defendants cooperated with DNSP in initiating cases against their Bolivian sources of supply, and their testimony will be required in future trials. S/A [deleted] also denied any knowledge of [deleted] being beaten by Bolivian authorities. However, he recalled that [deleted] complained to him about being pushed by someone when she was arrested.

[Deleted.] Female, Caucasian, Born 10/18/43.

Arrest.—[Deleted] were arrested in Santa Cruz on June 23, 1976, in possession of 1,190 grams of cocaine. DEA had no prior knowledge of their activities.

Allegations.—None.

Comment.—On September 1, 1977, DEA Inspectors interviewed [deleted] in a Bolivian prison. She advised she had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 11/8/47.

Arrest.—During early 1975 information was obtained from DEA Austin, Texas indicating [deleted] with a small son departed New Orleans for La Paz suspected of smuggling 10 pounds of cocaine into the United States during December 1974.

On March 27, 1975, [deleted] were arrested by Bolivian authorities in possession of 4,500 grams of cocaine. DEA provided the initial information to Bolivian authorities. [Deleted] was subsequently arrested in Bolivia.

Allegations.—None.

Comment.—DEA Inspectors attempted to interview [deleted] on August 27, 1977 in a Bolivian prison; however, he refused to be interviewed by the Inspectors.

[Deleted.] Male, Caucasian, Born 6/18/47.

Arrest.—On July 2, 1976, DEA's Boston Regional Office provided information that [deleted] would travel to La Paz to purchase 5 kilograms of cocaine to smuggle into the U.S. This information was provided to the Bolivian Officials.

On July 8, 1977, [deleted] were arrested by Bolivian authorities in La Paz. [Deleted] was in possession of one gram of cocaine. Investigation led to [deleted] source of supply and the seizure of 2,200 grams of cocaine. [Deleted] arrived in Bolivia with \$14,000.00 and admitted to previously purchasing almost 2 kilograms of cocaine which was smuggled to the U.S. He was charged with violation of Bolivian conspiracy laws.

Allegations.—[Deleted] alleged that S/A [deleted] and S/A [deleted] made statements which coerced him into signing a confession; S/A [deleted] grabbed him by the neck and threw him against the wall; S/A [deleted] and S/A [deleted] conducted an unauthorized raid on a home of a Bolivian and S/A [deleted] effected his arrest.

Internal Security Investigation.—Taped sworn statements were taken from [deleted] S/A [deleted] Col. [deleted], DSNP; and Captain [deleted] were interviewed and all pertinent files were reviewed.

Findings.—S/A [deleted] S/A [deleted] and SAIC [deleted] stated that under no circumstances had they ever utilized any type of physical abuse in [deleted] or any other case. Col. [deleted] stated that he was present at the time of [deleted] interrogation, and he would not permit any prisoner to be abused under any circumstances, either Bolivian or American. It was disclosed that the alleged unauthorized raid was initiated by [deleted] information. Col. [deleted] emphatically stated that the American agents were invited and entered the house after the search was complete and arrests made. Statements taken from [deleted] and [deleted] corroborated this. [Deleted] had originally agreed to a polygraph examination; however, just before the examination he changed his story and withdrew his allegation with the exception of the alleged coercion.

[Deleted.] Male, Black, Born 4/2/34.

Arrest.—[Deleted] were arrested on May 21, 1977, by DNSP. A total of 130 grams of cocaine and \$99,000 US were seized. All have been charged with conspiracy to traffic in cocaine under the Bolivian Narcotics Laws. DEA provided initial information to the Bolivian authorities.

Allegations.—None.

Comment.—DEA Inspectors interviewed [deleted] on August 27, 1977, in a Bolivian prison. [Deleted] stated he had no complaints or allegations against DEA Special Agents.

[Deleted.] Female, Born 4/24/51.

Arrest.—[Deleted] were arrested in Coroico, Bolivia by the Bolivian authorities on January 20, 1976, for the possession of 3 grams of cocaine and about 20 grams of marijuana. During September 1977, [deleted] was sentenced to two years. DEA was not involved in this investigation.

Allegation.—None.

Comments.—[Deleted] was interviewed by DEA Inspectors in a Bolivian prison on August 26, 1977. She stated she had no allegations or complaints against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 7/28/52.

Arrest.—In April 1974 DEA's Seattle Regional Office furnished information indicating [deleted] were cocaine couriers who were intending to travel to La Paz and smuggle 25 kilograms of cocaine into the United States. DEA passed this information to Bolivian authorities.

[Deleted] were arrested on April 18, 1974 by Bolivian authorities in possession of 8 kilograms of cocaine. Investigation revealed they had smuggled 15 pounds of cocaine from La Paz to the United States during February 1974. Their arrest was followed by the arrest of [deleted] in July 1974. These four were couriers for an organization operating between Seattle, Washington; Spokane, Washington and Bolivia through Mexico. Subsequent to the arrest of the four defendants in La Paz there were some thirty-four arrests in the Seattle-Spokane areas. These arrests included the Bolivian Source of Supply, the financiers and organization heads as well as street level dealers.

Allegations.—None.

Comment.—DEA Inspectors attempted to interview [deleted] on August 27, 1977 in a Bolivian prison; however, he refused to be interviewed.

[Deleted.] Male, Born 7/3/47.

Arrest.—[Deleted] was arrested on May 4, 1977, by Bolivian Police authorities after extensive surveillance by DEA Agents and Bolivian Officials linked him with a 1250 gram cocaine seizure. He has also been charged with conspiracy as a result of 2.5 kilogram seizure.

Allegations.—None.

Comments.—Attempts were made on August 27, 1977, by DEA Inspectors to interview [deleted] at San Pedro Penitentiary in La Paz. The Inspectors were advised by [deleted] another U.S. citizen at the prison, that [deleted] was not feeling well and did not wish to be interviewed. [Deleted] also said that [deleted] had no complaints or allegations against DEA Agents.

[Deleted.] Male, Caucasian, Born 2/9/50.

Arrest.—DEA provided no information to Bolivian authorities concerning [deleted]. On February 15, 1976, he was arrested by Bolivian authorities in possession of one kilogram of cocaine which he was attempting to smuggle from Bolivia to the United States.

Allegations.—[Deleted] alleged that he was coerced into signing a confession by former SAIC [deleted].

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] and Special Agents [deleted] and [deleted]. DEA files concerning his arrest were reviewed and Col. [deleted] former Director of DNSP was interviewed.

Findings.—The interviews of S/A [deleted] Col. [deleted] and S/A [deleted], along with file search failed to support this allegation.

[Deleted.] Male, Caucasian, Born 1/22/54.

Arrest.—[Deleted] and [deleted] were arrested in Santa Cruz on June 23, 1973, in possession of 1,190 grams of cocaine, DEA had no prior knowledge of their activities.

Allegations.—[Deleted] alleged that S/A [deleted] took part in the arrest procedures and questioning which lasted from 4 to 6 hours. He further alleged that S/A [deleted] told the Bolivians to handcuff him to a file cabinet for two days.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] and S/A [deleted]. In addition, S/A [deleted] SF-1012 Travel Voucher's were reviewed to determine if he was in Santa Cruz on June 23, 1976.

Findings.—S/A [deleted] stated that he first met [deleted] one week to ten

days after the arrest. He denied that he explained Bolivian sentences to [deleted] in a coercive way or that he directed him to sign a confession. S/A [deleted] also denied asking or directing anyone to handcuff [deleted] to a file cabinet. S/A [deleted] SF-1012's Travel Voucher's reflected that he did not arrive in Santa Cruz until June 29, 1976, or six days after [deleted] was arrested. [Deleted] told DEA Inspectors he would take a polygraph examination regarding his allegations; however, when DEA Inspectors arrived in Bolivia at a later date to administer the examination, [deleted] declined, stating that he didn't have enough advance notice and wanted advice from his Attorney.

[Deleted.]

Arrest.—[Deleted] were arrested on June 22, 1976, in a hotel in La Paz. At the time of arrest the DNSP seized 40 grams of cocaine. The three are in custody of the Bolivian Court System awaiting disposition of their case. DEA was not involved in this case.

Allegation.—None.

Comment.—DEA Inspectors attempted to interview [deleted] in a Bolivian prison; however, he refused to be interviewed.

[Deleted.] Male, Caucasian, Born 8/14/48.

Arrest.—DEA furnished DNSP information that [deleted] and [deleted] were traveling from Austin, Texas, to La Paz to purchase ten pounds of cocaine. DNSP set up surveillance on [deleted] and in the course of the surveillance saw them meet with [deleted] [deleted] traveled to Santa Cruz together and stayed in the same room in Santa Cruz. After they returned to La Paz on March 27, 1975, the DNSP agents entered the room occupied by [deleted] and [deleted] and arrested the two when they discovered 4,500 grams cocaine in the bathroom. [Deleted] was subsequently arrested by DNSP. [Deleted] were recently sentenced to two years in jail and having already served their sentences were released and returned to the United States on September 2, 1977. [Deleted] was sentenced to four years in jail and remains incarcerated in La Paz.

Allegations.—None reported to DEA.

Comment.—DEA Inspectors attempted to interview [deleted] but he refused to be interviewed by the Inspectors.

[Deleted.] Male, Caucasian, Born 11/9/45.

Arrest.—No DEA information was provided concerning [deleted]. He was arrested by Bolivian authorities on July 9, 1975 in La Paz for possession of 20 grams of cocaine.

Allegation.—None.

Comment.—DEA Inspectors interview [deleted] in a Bolivian prison on August 27, 1977. [Deleted] stated he had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 1/8/51.

Arrest.—[Deleted] was arrested on April 19, 1975 in LaPaz after Bolivian authorities found 250 grams of cocaine impregnated in articles of clothing.

Allegations.—That DEA agents arrested [deleted] and took part in a beating of a non-American citizen.

Internal Security Investigation.—[Deleted] was interviewed and a taped sworn statement was obtained from S/A [deleted]. An interview was conducted of Lt. [deleted] DNSP. Further, a file check was done and a very brief interview with the person who was alleged to have been beaten by DEA Agents was conducted. It is to be noted that during the course of the interview that no taped sworn statement was obtained from [deleted] as he is currently undergoing intensive psychiatric care and has been declared mentally unstable by Bolivian authorities. [Deleted] adamantly stated he would not submit to a taped sworn statement. S/A [deleted] and New York Police Officer [deleted] who were in Bolivia conducting an investigation were also interviewed.

Findings.—The interviews with [deleted] and Lt. [deleted] refuted [deleted] allegations. Further, a file review failed to disclose any basis for [deleted] allegations. Additionally, [deleted] (allegedly beaten by DEA Agents) was interviewed at the penitentiary and made no complaints regarding S/A or any of the circumstances surrounding his arrest. The interviews of [deleted] and, [deleted] refuse, [deleted] allegations.

Note.—[Deleted] was originally in Bolivia working as a CI for DEA; however, he was using his semi-official status as a cover to traffic in drugs. During 1976 [deleted] was subsequently charged by Bolivian authorities with trafficking in narcotics while in prison.

[Deleted.] Male, American Citizen, Born 9/14/51.

Arrest.—The DNSP Office in Cochabamba arrested [deleted] on January 3, 1977, and charged them with possession and trafficking in narcotics. [Deleted] escaped from custody on January 6, 1977, and remains at large. [Deleted] and [deleted] were arrested on January 10, 1977, in Cochabamba when evidence indicated they were going to attempt to pay bribes for the release of [deleted] (who had escaped) and [deleted]. [Deleted] and [deleted] have been charged under the conspiracy statutes of the Bolivian Narcotics Law. No narcotics were seized from [deleted]; however, he was in possession of \$19,400. DEA participated in this investigation.

Allegations.—[Deleted] alleged that Col. [deleted] of the DNSP was ready to release him but telephoned LaPaz and spoke with a DEA Agent who advised or instructed Col. [deleted] to keep him in custody. [Deleted] father, [deleted] alleged that DEA Agents in La Paz were rude to [deleted] who travelled there in behalf of his son. He further alleged a DEA Agent told [deleted] that his son would be arrested upon his return to the United States, "no matter what the circumstances." He also stated that his son did not possess any drugs.

Internal Security Investigations.—[Deleted] was interviewed and S/A's [deleted] and [deleted] provided taped sworn statements. Mr. [deleted] was interviewed at his residence in Florida and [deleted] was interviewed on the telephone. The LaPaz District Office files were reviewed.

Findings.—S/A [deleted] was home on leave in the United States when [deleted] was arrested. S/A [deleted] received a call from Col. [deleted] regarding [deleted] arrest, but denied directing Col. [deleted] to detain [deleted]. The interview of S/A [deleted] and [deleted] the file review indicate that [deleted] did not possess drugs and is not charged with that offense. [Deleted] said he spoke with former SAIC [deleted] in LaPaz who was cordial rather than rude. SAIC [deleted] "implied" that [deleted] was under investigation in the United States and "might be arrested" when he returned.

Note.—[Deleted], is a continuous "letter writer".

[Deleted.] Male, Caucasian, Born 5/24/49.

Arrest.—On July 8, 1977, [deleted] and [deleted] were arrested in LaPaz by Bolivian authorities for possession of 210 grams of cocaine. Bolivian authorities were acting upon information furnished by DEA.

Allegations.—[Deleted] have alleged that S/A [deleted] coerced and/or tricked them into signing confessions. They also alleged that DNSP Officers beat them with S/A [deleted] knowledge in an effort to obtain their confessions. They contend that the agent told them that their confessions meant nothing in court.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] and S/A [deleted]. The files of the LaPaz District Office were reviewed in an effort to find additional information reflecting on the circumstances of this case.

Findings.—S/A [deleted] denied that use of threats, coercion and trickery in his dealings with [deleted] and [deleted] and any improper behavior in his contacts with them. He did say that he told them that the normal practice of DNSP was to obtain a statement from each individual charged with drug violations in Bolivia. He went on to state that [deleted] had asked him if he should sign a statement regarding this case. According to S/A [deleted] he declined to advise [deleted] regarding the matter. S/A [deleted] denied having any knowledge that [deleted] and [deleted] were beaten or otherwise physically abused. The case file reflects that both [deleted] and [deleted] admitted possession of the cocaine for which they were charged and [deleted] freely discussed their plan to smuggle it into the United States.

[Deleted.] Male, Caucasian, Born 5/26/47.

Arrest.—[Deleted] was arrested in LaPaz by Bolivian authorities on July 10, 1976, after he was found to be associated with suspected cocaine courier [deleted] was also found to be in possession of a small quantity of cocaine. DEA did not provide information to Bolivian authorities on [deleted].

Allegation.—[Deleted] alleged that he was arrested by S/A [deleted] and that he was not advised of his constitutional rights regarding self-incrimination as per the Constitution of the United States.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] S/A [deleted] S/A [deleted] and former SAIC [deleted]. An interview was conducted of [deleted] and [deleted] and appropriate files were reviewed.

Findings.—The interview of [deleted] resulted in a rather rambling discourse wherein he contradicted himself relative to his being placed under arrest by [deleted]. The interviews of [deleted] refuted [deleted] allegations.

[Deleted.] Male, Black, Born 10/4/54.

Arrest.—[Deleted] was arrested with [deleted] and a Mexican National on May 11, 1977, in LaPaz by Bolivian authorities in possession of 9,800 grams of cocaine. DEA provided the initial information to the Bolivian authorities.

Allegation.—[Deleted] alleged that he was only read half of his Constitutional rights, was accosted, was coerced to sign a confession through statements made by [deleted] failed to identify himself and assisted in his arrest.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] S/A [deleted] and former SAIC [deleted]. Interviews were conducted of Col. [deleted] (DNSP), and Major [deleted] (DNSP). Additionally, a perusal of both DEA files and pertinent teletypes were conducted. Polygraph examination was also administered to KING.

Findings.—[Deleted] allegation of misconduct relative to the failure by DEA Agents to read him his rights is unfounded, as this is not required under Bolivian law. The interviews of [deleted] and [deleted] refuted [deleted] allegations relative to his being arrested, coerced or accosted. The results of the polygraph examination administered to [deleted] on 9/21/77 indicated deception on his part in response to relevant questions asked.

Note.—Until April, 1973, [deleted] was a Police Officer in Austin, Texas.

[Deleted.] Male, Caucasian, Born 4/27/48.

Background.—In April, 1974, DEA's Seattle Regional Office furnished information indicating [deleted] and [deleted] were cocaine couriers who were intending to travel to LaPaz and smuggle 25 kilograms of cocaine into the United States. DEA passed this information to Bolivian authorities.

Arrest.—[Deleted] and [deleted] were arrested on April 18, 1974, by Bolivian authorities in possession of 8 kilograms of cocaine. Investigation revealed they had smuggled 15 pounds of cocaine from LaPaz to the United States during February, 1974. Their arrest was followed by the arrest of [deleted] and [deleted] in July, 1974. These four were couriers for an organization operating between Seattle, Washington, Spokane, Washington, and Bolivia through Mexico. Subsequent to the arrest of the four defendants in LaPaz there were some thirty four arrests in the Seattle-Spokane areas. These arrests included the Bolivian Source of Supply, the financiers and organization heads as well as street level dealers.

Allegations.—[Deleted] alleged that S/A [deleted] had participated in a search of his luggage which resulted in the seizure of 8 kilograms of cocaine and his arrest by Bolivian authorities.

Internal Security Investigation.—A taped sworn statement was obtained from S/A [deleted] regarding the search. Additionally, Major [deleted] (DNSP) was interviewed, a file search was conducted and a sworn statement was obtained from S/A [deleted] as to his knowledge of the investigation.

Findings.—It was determined that [deleted] did not violate any regulations regarding the conduct of American agents by assisting in the search of [deleted] luggage. [Deleted] assisted merely in an advisory capacity and did not conduct a separate or independent search of the luggage.

[Deleted.] Female, Black, Born 2/6/20.

Arrested.—[Deleted] were arrested on May 21, 1977, by DNSP. A total of 130 grams of cocaine hcl and \$99,000.00 US were seized. All have been charged with conspiracy to traffic in cocaine under the Bolivian Narcotics Law. DEA provided initial information to DNSP.

Allegations.—None.

Comment.—On August 26, 1977, DEA Inspectors interviewed [deleted] in a Bolivian prison. She stated she had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 11/15/38.

Arrest.—In April, 1974, DEA's Seattle Regional Office provided information that [deleted] and [deleted] were couriers and in 1973 had smuggled cocaine from Bolivia to the United States through Mexico. This information was provided to the Bolivian authorities.

[Deleted] and [deleted] were arrested by Bolivian authorities on May 2, 1974 in possession of 8,832 grams of cocaine. They were couriers for an organization operating between Seattle, Washington; Spokane, Washington, and Bolivia through Mexico. Subsequent to their arrest in La Paz there were some thirty-four arrests in the Seattle-Spokane areas. These arrests included the Bolivian source of supply, the financiers and organization heads as well as street level dealers.

Allegations.—None.

Comment.—DEA Inspectors attempted to interview [deleted] on August 27, 1977; however, he refused to be interviewed by the Inspectors.

[Deleted.] Male, Caucasian, Born 1/11/50.

Arrest.—[Deleted] were arrested in Corioco, Bolivia, by the Bolivian authorities on January 20, 1976, for possession of 3 grams of cocaine and about 20 grams of marijuana. During September, 1977 [deleted] was sentenced to 2 years. DEA was not involved in this investigation.

Allegation.—None.

Comments.—DTA Inspectors interviewed [deleted] in a Bolivian prison on August 27, 1977; [deleted] stated he had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Black, Born 11/2/43.

Arrest.—[Deleted] were arrested on May 21, 1977, by DNSP. A total of 130 grams of cocaine and \$99,000.00 US was seized. All have been charged with conspiracy to traffic in cocaine under the Bolivian Narcotics Law. DEA provided initial information to Bolivian authorities.

Allegations.—None.

Comment.—[Deleted] was interviewed by DEA Inspectors in a Bolivian prison on August 27, 1977. [Deleted] stated he had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 8/3/25.

Arrest.—In April, 1974, DEA's Seattle Regional Office provided information that [deleted] and [deleted] were couriers and in 1973 had smuggled cocaine from Bolivia to the United States and again in April, 1974, smuggled 6 kilograms of cocaine to the United States through Mexico. This information was provided to the Bolivian authorities. [Deleted] and [deleted] were arrested by Bolivian authorities on May 2, 1974, in possession of 8,832 grams of cocaine. [Deleted] and [deleted] were couriers for an organization operating between Seattle, Washington; Spokane, Washington, and Bolivia through Mexico. Subsequent to their arrest in La Paz there were some 34 arrests in the Seattle-Spokane areas. These arrests included the Bolivian Source of Supply, the financiers and organization heads as well as street level dealers.

Allegations.—During May, 1977, in Washington, D.C., it was reported that [deleted] alleged that when he was arrested in Bolivia S/A Sedillo put a gun under his chin and told him to run.

Internal Security Investigation.—During an interview with DEA Inspectors, S/A [deleted] categorically denied ever having made such a statement.

Findings.—On August 27, 1977, DEA Inspectors interviewed [deleted] in a Bolivian prison at which time he stated he had no complaints or allegations against DEA Special Agents.

[Deleted.] 34 years of age.

Arrest.—[Deleted] were arrested on June 22, 1976, in a hotel room in La Paz. At the time of arrest the DNSP seized 40 grams of cocaine. The three are in the custody of the Bolivian Court System awaiting disposition of their case. DEA was not involved in this case.

Allegations.—None.

Comment.—DEA Inspectors attempted to interview [deleted] in a Bolivian prison; however, he refused to be interviewed.

[Deleted.] Male, Caucasian, Born 9/20/50.

Arrest.—[Deleted] was arrested with [deleted] and a Mexican national on May 11, 1977 in La Paz by Bolivian officials after approximately 9800 grams of cocaine were found in the possession of the defendant. DEA provided the initial information to the Bolivian authorities.

Allegation.—[Deleted] alleged that S/A [deleted] arrested him utilized coercion by making statements and forced [deleted] to open suitcases that contained narcotics of which he had no knowledge.

Internal Security Investigation.—Taped sworn statements were taken from [deleted] and S/A [deleted]. DNSP Col. [deleted] and DNSP Major [deleted] were interviewed. DEA files and teletypes were reviewed. A polygraph examination was refused by [deleted].

Findings.—[Deleted] allegations were denied by S/A [deleted] and Bolivian officials. There is nothing in DEA files or cables to substantiate the allegations.

[Deleted] withdrew a part of his allegation regarding his alleged lack of knowledge as to what was contained in the suitcases.

[Deleted.] Female, Black, Born 9/26/39.

Arrest.—[Deleted] was arrested on June 15, 1977, in La Paz by Bolivian authorities after she and another female courier, [deleted] were found in possession of 330 grams of cocaine.

Allegation.—[Deleted] and [deleted] have alleged that S/A [deleted] tricked them into signing confessions. They also alleged they possessed no cocaine and that [deleted] was beaten by DNSP Officers to obtain her confession.

Internal Security Investigation.—Sworn statements were obtained from [deleted] and S/A [deleted]. The files of the La Paz District Office were reviewed for relevant material and a polygraph examination of [deleted] was administered.

Findings.—S/A [deleted] denied tricking [deleted] and [deleted] into confessing. The case file indicates that these defendants cooperated with DNSP in initiating cases against their Bolivian sources of supply, and their testimony will be required in future trials. [Deleted] underwent a polygraph examination which, in the opinion of the examiner, showed deception in response to relevant questions.

[Deleted.] Female, Caucasian, Naturalized American Citizen. Born 2/23/48.

Arrest.—[Deleted] was arrested on October 16, 1975, at the La Paz Airport. Airport La Paz with about 250 grams of cocaine in her suitcase. She was recently sentenced to two years six months in jail but the prosecuting attorney is asking for a twenty year sentence. DEA did not provide DNSP with information on her.

Allegations.—None.

Comments.—On August 26, 1977, DEA Inspectors interviewed [deleted] in a Bolivian prison. She advised that she has no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 12/3/48.

Arrest.—[Deleted] was arrested on October 16, 1975 at the La Paz International Airport after arriving from San Francisco accompanied by [deleted] had made prior arrangements through correspondence with a source of supply for cocaine in La Paz concerning delivery of an unknown quantity of cocaine. However, the source of supply was arrested by Bolivian authorities prior to [deleted] and [deleted] arrival in La Paz. At the request of Bolivian authorities, DEA Agent Sedillo acting in an undercover capacity met [deleted] and [deleted] upon their arrival in La Paz and represented himself as an associate of the arrested source of supply. S/A [deleted] was informed by [deleted] that they had come to La Paz intending to purchase two or three kilos of cocaine. The undercover agent relayed this information to Bolivian authorities, who arrested both [deleted] and [deleted] for violation of narcotic conspiracy laws.

Allegation.—It was originally alleged in May 1977, that [deleted] had been arrested by DEA Special Agent [deleted] and that he was for 21 days incommunicado.

Internal Security Investigation.—Interviews were conducted of Bolivian police officials and American Embassy Officials. DEA files were reviewed and a signed sworn statement was obtained from S/A [deleted]. On August 27, 1977, DEA Inspectors attempted to interview [deleted], however, he refused to be interviewed.

Findings.—The investigation disclosed that [deleted] was arrested by Bolivian authorities and not by SAIC [deleted]. The investigation also disclosed that [deleted] could have been detained incommunicado by Bolivian authorities because of a strong suspicion that he was associated with subversive or terrorist activities.

[Deleted.] Male, Caucasian, Born 9/12/44.

Arrest.—[Deleted] was arrested on October 16, 1975, at the La Paz Airport after arriving from San Francisco with [deleted] had made prior arrangements through correspondence with a source of supply to purchase cocaine in La Paz. The source of supply had been arrested by Bolivian authorities prior to [deleted] and [deleted] arrival in La Paz and Bolivian authorities requested that DEA Agent [deleted] act in an undercover capacity and meet [deleted] and [deleted] upon their arrival in La Paz. S/A [deleted] met [deleted] and [deleted] and was told by [deleted] that they had come to La Paz to purchase two or three kilograms of cocaine. The undercover agent relayed this information to Bolivian authorities, who arrested both [deleted] for violation of narcotic conspiracy laws.

Allegations.—On August 27, 1977, [deleted] alleged that former SAIC [deleted] had arrested him as he arrived in Bolivia, and influenced the judge.

Internal Security Investigation.—Taped sworn statements were obtained from [deleted] and S/A [deleted]. Col. Tapia, Head of DNSP at that time, was interviewed. A file review was conducted and a polygraph examination was administered to [deleted].

Findings.—It was determined that [deleted] had not arrested [deleted]. However, he had participated in an undercover capacity to further determine the guilt (if any) of [deleted] and a co-defendant, [deleted] statement and Tapia's statement and a file review corroborated the above. The results of the polygraph examination administered to [deleted] indicated that there was deception in response to relevant questions.

[Deleted.] Female, Caucasian, Born 4/14/48.

Arrest.—[Deleted] were arrested in Santa Cruz on June 23, 1976, in possession of 1,190 grams of cocaine. DEA had no prior knowledge of their activities.

Allegations.—None.

Comment.—On September 1, 1977, DEA Inspectors interviewed [deleted] in a Bolivian hospital. She advised she had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 6/11/31.

Arrest.—The DNSP Office in Cochabamba arrest [deleted] on January 3, 1977, and charged them with possession and trafficking in narcotics. [Deleted] escaped from custody on January 6, 1977, and remains at large. [Deleted] and [deleted] were arrested on January 10, 1977, in Cochabamba when evidence indicated they were going to attempt to pay bribes for the release of [deleted] (who had already escaped) and [deleted] have been charged under the conspiracy statutes of the Bolivian Narcotics Law. DEA participated in this investigation.

Allegation.—None.

Comment.—DEA Inspectors interviewed [deleted] in a Bolivian prison on August 31, 1977. [Deleted] advised that he had no complaints or allegations against DEA Special Agents.

[Deleted.] Female, Caucasian, Born 12/5/55.

Arrests.—[Deleted] was arrested in La Paz on September 25, 1975, by DNSP after they had arrested her boyfriend in the hotel room they shared. Officials seized 23 grams of cocaine and incriminating correspondence between [deleted] and other American citizens. On October 15, 1975, La Paz received information from DEA San Francisco that [deleted] and [deleted] were travelling to Bolivia. [Deleted] and [deleted] were met on arrival at the La Paz Airport by S/A [deleted] who approached them in an undercover capacity. They told S/A [deleted] that they were in Bolivia to purchase cocaine. They were then arrested by DNSP Agents.

Allegation.—[Deleted] alleged that she was arrested although she was just present in the room where cocaine was found.

Internal Security Investigation.—Appropriate interviews were conducted of American Embassy and Bolivian officials. DEA files were researched, a sworn statement was obtained from S/A [deleted] was interviewed by DEA Inspectors.

Findings.—The investigation disclosed that [deleted] and an associate named [deleted] were involved in mailing samples of cocaine to recipients in the United States. Several letters were seized which reflect that arrangements were being made for the transfer of money and narcotics between [deleted] and [deleted] and other parties. [Deleted] was interviewed on August 26, 1977, during which time she stated that she had no complaints or allegations against DEA Agents.

[Deleted.] Male, 31 years of age.

Arrest.—[Deleted] were arrested on June 22, 1976, in a hotel in La Paz, along with several other people. At the time of arrest the DNSP seized 40 grams of cocaine. The three are in custody of the Bolivian Court system awaiting disposition of their case. DEA was not involved in this case.

Allegations.—None.

Comment.—DEA Inspectors attempted to interview [deleted] in a Bolivian prison; however, he refused to be interviewed.

[Deleted.] Born 7/2/45.

Arrest.—The DNSP office in Cochabamba arrested [deleted] and [deleted] on January 3, 1977, and charged them with possession and trafficking in narcotics. [Deleted] escaped from custody on January 6, 1977, and remains at large.

[Deleted] were arrested on January 10, 1977, in Cochabamba when evidence indicated they were going to attempt to pay bribes for the release of [deleted] (who had already escaped) and [deleted] and [deleted] have been charged under the conspiracy statutes of the Bolivian Narcotics Law. DEA participated in this investigation.

Allegation.—None.

Comment.—DEA Inspectors interviewed [deleted] in a Bolivian prison on August 31, 1977. [Deleted] states she had no complaints or allegations against DEA Special Agents.

[Deleted.] Male, Caucasian, Born 10/6/40.

Arrest.—[Deleted] was arrested in May 1975, by Bolivian Customs as he attempted to cross the Bolivian border at Puerto Suarez into Brazil with twenty-three kilograms of cocaine in a suitcase. DEA did not furnish Bolivian authorities with information about [deleted] is serving a twenty year jail sentence in La Paz.

Allegations.—None.

Comment.—DEA Inspectors interviewed [deleted] on August 27, 1977, in a Bolivian prison. He advised that he had no complaints or allegations against DEA Special Agents.

[Deleted.] Female, Caucasian, Born 12/11/46.

Arrest.—During early 1975 information was obtained from DEA Austin, Texas indicating [deleted] with a small son departed New Orleans for LaPaz to meet [deleted] and [deleted] to smuggle cocaine into the United States. [Deleted] and [deleted] were suspected of smuggling 10 pounds of cocaine into the United States during December 1974. On March 27, 1975, [deleted] were arrested by Bolivian authorities in possession of 4,500 grams of cocaine. [Deleted] was subsequently arrested. DEA provided the initial information to Bolivian authorities.

Allegation.—[Deleted] alleges that she was verbally abused, threatened and was interrogated for three weeks by DEA Special Agent [deleted]. She was also told that her four year old son would be sent to a Bolivian orphanage if she did not cooperate.

Internal Security Investigation.—Appropriate American Embassy and Bolivian authorities were interviewed, DEA case files were reviewed and a signed sworn statement was obtained from S/A [deleted]. In August 1977 DEA Inspectors attempted to interview [deleted] in a Bolivian prison; however, the Mother Superior at the prison advised that [deleted] refused to be interviewed.

Findings.—The investigation disclosed that [deleted] has not been verbally abused or threatened in any fashion and that S/A [deleted] kept [deleted] child at his home for eight days until a friend of her family came to LaPaz to pick up the child.

Note.—[Deleted] and [deleted] were recently sentenced to two years in jail and having already served their sentences were released and returned to the United States on September 2, 1977. [Deleted] was sentenced to four years in jail and remains incarcerated in LaPaz.

[Deleted.] Male, Caucasian, Born 11/11/42.

Arrest.—On May 1, 1977, [deleted] and [deleted] were arrested in La Paz by Bolivian authorities in possession of 9,800 grams of cocaine. [Deleted] a coconspirator had left Bolivia; however, was arrested in Lima on May 12, 1977 and subsequently released to Bolivian authorities. [Deleted] and [deleted] are charged with trafficking in narcotics and [deleted] is charged with conspiracy to traffic in narcotics.

Allegations.—None.

Comments.—On August 27, 1977, DEA Inspectors attempted to interview [deleted] but they were told by Bolivian prison guards that he did not wish to be interviewed by DEA Inspectors.

[Deleted.] Male, Caucasian, Born 3/16/47.

Arrest.—DEA provided no information to Bolivian authorities concerning [deleted] activities. He was arrested by Bolivian authorities in La Paz on 2/15/76 for possession of 560 grams of cocaine.

Allegation.—None.

Comment.—DEA Inspectors attempted to interview [deleted] on August 27, 1977; however, he refused to be interviewed by the Inspectors.

STATEMENT OF DONALD M. FOSTER.

INTRODUCTION

My name is Donald M. Foster, from Aptos, California. I was in Bolivia from October 1975 until April 1977 employed by a U.S. Firm as the Chief of Party of a technical assistance team that was part of a USAID sponsored loan project for Educational Administrative Reform.

This statement is based upon visits made by my wife, Frances, and I to U.S. men and women prisoners in La Paz at least once a week from June 1976 until our departure from Bolivia on April 9, 1977.

We became aware of the U.S. prisoners by chance. A Nazarene Missionary friend asked Frances to take food and visit the women's prison. She was so shaken by what she discovered that we started visiting both prisons regularly. The more we saw and experienced, the more outraged we became.

We attempted to bring U.S. Embassy Officials attention to the situation. I found them to be not only callously indifferent to the prisoners plight and illnesses, but openly hostile toward them. In addition, a U.S. Official abrogated my rights, which compromised my effectiveness as a technical assistant, and which precipitated my later resignation and departure from Bolivia.

THE U.S. PRISONERS

In the prison, we met physically ill, psychotic, destitute and abused men and women. All were in life threatening physical surroundings, and most were devoid of all hopes and depending for life support on payments from parents and relatives.

Clearly, not only the prisoners civil rights had been taken, but their human rights as well. Specifically, we found a prisoner who had almost died from hepatitis, and were it not for a U.S. Methodist missionary physician and three Bolivian nuns undoubtedly would have died; we found a prisoner with untreated thrombo-phlebitis, who was taking a prescribed dangerous drug (anti-inflammatory), one not to be taken over 7 days without a blood test, and she had been taking them without monitoring for two years; another had painful ulcers, others with abscessed teeth, others who had lost extraordinary amounts of weight from diarrhea and dysentery. Hepatitis, typhoid and amoeba are considered pandemic by the U.S. Embassy Health Unit, and "Official Americans" are required to boil and filter water and take gamma globulin every four months. The Men's prison had open faucets beside the fecal matter runoff from the open privy.

Other prisoners had not had a hearing in 1½ years and when they did occur, did not understand the Kafkaesque judicial proceedings.

Most of the thirty-three prisoners we met were not traffickers and had been arrested with little or no evidence (some by U.S. D.E.A. Agents).

U.S. (APPARENT) AND ACTIONS

The United States has participated actively and systematically in the deprivation of human rights of these prisoners. The U.S. supplies the policy, works with them daily, and pays them a cash subsidy. The Embassy knows there is little or no evidence against many of the prisoners. They know also the judicial and prison infrastructure is totally inadequate to cope with the problem, and they have misrepresented the true situation to the parent, public and the Congress.

For example, Ex-Ambassador Stedman stated that Consul Milburn was the lone Consular Officer in Bolivia, until January of 1977, with the implication that he was too over-worked to do more for the prisoners. This statement is wrong. Wesley Odom was the Assistant Consul and I met him working in the Consulate (and socially) during my stay in Bolivia.

The Department of State Commission of Inquiry in late January 1977 was disappointing to many of us in Bolivia. They cited regulations and budget to explain U.S. incompetence and callousness, spoke of treaty provisions to excuse the D.E.A. excesses, and referred to Bolivian sensitivities to rationalize U.S. impotence. Rhetoric as that following an inaugural address vowing aggressive and

passionate action for human rights did much to dash what hope remained with the prisoners for the redress of "the injustices".

Most of the prisoners felt that their own Government not only has abandoned them, but also has put them where they are; that they are pawns in some absurd political chess game while the real cocaine traffickers continue their traffic unmolested.

Moreover, for several months after the Department of State reported to parents in February 1977 that Bolivia had appointed four new judges to expedite their children cases, they neglected to add that the judges had no courtrooms and were not active. In the same vein, the prisoners and we were disgusted upon hearing from parents that the Department of State had arranged for dental and medical care to be provided prisoners at their own expense. Three months after this announcement, a dentist did indeed arrive at the prison, his professional equipment consisting of two spoons. After a couple of examinations, the remaining prisoners refused to have their "examination" with unwashed spoons, and the Dentist announced that their dental problems were severe and would have to be treated at an office, a fact known before his arrival.

Long before this, the Consulate violated consistently the Department of State's Guidelines for the protection of U.S. Nationals. Page by page of these violations were presented by me to a Congressional Briefing on May 10, 1977. The presentation included a direct quote Consul Milburn made to me in his office on November 10, 1976 that he and the U.S. Government were in no way responsible for the mental or physical health of the U.S. Prisoners. He stated also there were no professional criteria for the lawyers list. At this time, also, the Consul was claiming no instance of physical abuse. When I pointed out several instances of such abuse, he said they didn't count unless the prisoner signed a formal complaint. To ask the victim to formally charge his captors before protesting, not only violates the intent of the Guidelines but also puts the victim in more jeopardy.

There were official U.S. actions taken against me personally—as follows: I was asked by a Bolivian Official and the United Nations representative, Dr. Henry Meyer, to present a paper on human rights to a U.N. sponsored 12 Nation conference on Narcotics and allied issues to be held in December in Bolivia. I called several D.E.A. and Embassy Officials stating who I was, my affiliation and why I was requesting interviews for information. Before the scheduled interviews, Dr. Meyer called me, very distraught, that U.S. Government pressure was forcing him to cancel my invitation to speak. This was on Monday, November 8th. He stated he did not understand my Government, but he and his Bolivian colleagues could not ignore the U.S. position. Later that day, I was told by two people that the USAID Drug Advisor, David Arroyo (who I later discovered had not reported to the USAID Mission Director, but directly to the Ambassador) had told a Bolivian Ministry of Interior (Narcotics) Official that I was a dangerous liberal from California, had led demonstrations against the Vietnam War, and if allowed to speak would cause civil unrest in Santa Cruz (Bolivia). To be called a dangerous liberal in California is humorous. To be so labeled in Bolivia is dangerous. (My only California political activity had been for Cesar Chavez and as University of California San Diego Faculty Chairman for the Robert Kennedy California Primary Campaign). I was concerned for Frances and my safety and called Acting USAID Director Van Fleet and expressed my fear that the Bolivian Security Policy might take my alleged "dangerousness" seriously. He suggested I speak to the Ambassador in order for my status to be clarified. He called later indicating that Ambassador Stedman stated he would not be pushed into speaking with me.

I felt at this time (November 1976) that Embassy actions were so bad, and the prisoners plight so severe that I should document and attempt to bring attention to the situation. So started our letter campaign to Congress, elected Officials and the media. The results have been disappointing. Career Civil Servants and appointed officials of previous and present administration continue to mislead parents. While some appear to be concerned and a few prisoners have been released, totally innocent Americans, such as Tom Duffy, continue to rot in Bolivia.

For me personally, I felt my involvement with the prisoner issue and Embassy activities combined to erode my effectiveness in technical assistance, and I resigned my position and returned to the U.S. six months before the two year contract termination and without considering the expected two year continuation.

Besides prisoners who have been released and those sentenced to less time than they have already served, and still life threatened (e.g. Ken MacDonald and his two years of untreated hypertension), let's look at the recent record.

RECENT U.S. GOVERNMENT ACTION

1. January 1977—Department of State Commission to Bolivia. General Paredo Azbun promises to review each case and release non-traffickers. He specifically named, Susan Blum, Paul Logan, Tom McGinnis, Tom Duffy and William Floyd.

THEY'RE STILL THERE

2. Continuing cash support funnelled through the USAID comptroller to Bolivian Narcotics Policy, the same ones abusing our youth.

3. February 1977—A Department of State decision to press for a "judicial solution" to the prisoners plight, even though Department of State Council and other officials know the judicial system is inadequate, even with more judges to cope with the situation; that the system is corrupt; that rules of evidence do not apply; that records are changed and that some prisoners are in desperate physical and mental states.

4. A public statement by the U.S. Department of State Under-Secretary of State for Latin America that Bolivia has not violated human rights, despite evidence to the contrary. He later admitted his statement was untrue, but would not retract it.

5. The re-assignment of Consul Milburn to Genoa, Italy even after many documented statements as to his incompetence and callousness.

6. The appointment as Deputy Under-Secretary of State Ex-Ambassador Stedman, despite his stewardship in Bolivia that exhibited little or no concern for the human rights of the U.S. Prisoners.

7. Combined U.S. Military, technical and other assistance to the Bolivian Junta, including the bankrupt concept for a coca substitution programs and which may include sophisticated infra-red surveillance equipment.

This record does not include those aggressive and passionate human rights activities, many of us expected to see during this calendar year.

Recommendation.—I urge this Committee to attempt with all urgency the following:

1. To cease all assistance payments to the Bolivian Government until all the non-traffickers are released.

2. That a joint U.S.-Bolivian U.N. team of jurorists assist in the determination of guilt of the U.S. prisoners.

3. That treaty provisions proceed with haste for a treaty, whereby sentenced "traffickers" can be extradited to serve time in the United States.

4. That the Department of State immediately through their own offices or with non-profit foundations.

(a) Assign human rights ombudspersons in each embassy—to work with counterpart attachés to be named (hopefully) by Ministers of the Interior of the host country to define, design and foster human rights activities, projects and programs;

(b) Implement immediately a special training program for consular officers to facilitate their performing with efficiency, knowledge and compassion—para-legal, paramedical, counselling techniques, humanistic psychology, and the psycho-social dynamics of incarceration could be elements of that training;

(c) Authorize special prisoner life support funds to be available for medical care and the like;

(d) The formation of surrogate families for prisoners among U.S. communities abroad—offshoots could be better lawyers' lists and fee schedules and a total life support system. (Remember that most foreign prisons are predicated upon family life support);

(e) Dispatch special teams of ombudspersons to be composed partly of ex-inmates to counsel where appropriate the approximately 3,000 prisoners in foreign jails on survival techniques, health, nutrition, drug education and the like;

(f) Initiate immediately a program to assist putting people back together after they get out, including mental and physical health profiles, personal and vocational counselling where indicated, and job rehabilitation and training if necessary.

CONCLUSION

I thank you for this opportunity to submit a statement to this Committee. My first exposure to human rights activities was in the late 40's at the University of California, Berkeley. One of the few voices at that time in Washington for human rights was the young new Senator from Minnesota, Hubert Humphrey. He has been a marathon runner in human rights where most of us barely get out of the starting blocks. I honor him for his inspiration and am hopeful our Nation can translate his passion for human rights into aggressive programs and projects. To do less is hypocrisy.

Thank you.

WAYNE STATE UNIVERSITY,
Detroit, Mich., October 8, 1977.

SUBCOMMITTEE ON FOREIGN ASSISTANCE,
Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. DECKER: Patsy Guyer of Senator J. Bennett Johnston's staff informed me of the Subcommittee hearing on October 12 concerning Bolivia and the matter of prisoners there.

The enclosed statement is sent to you for inclusion in the record of the hearing.

The statement begins with an outline of the case of our missing son, Frank Gould, who on at least one occasion was detained by the authorities in Mindanao. Merely outlining his case should serve to indicate that what the Subcommittee is dealing with is not just a one-country problem.

Actually, the more important part of the statement deals with the needs of the Office of Special Consular Services as they emerged in discussions I had with State Department personnel and on the Hill in July of this year. Although the discussions were necessarily oriented toward the missing persons problem in general rather than specifically to the narrower problem of those in jail whose families may or may not know where they are, what was said bears such a close relationship to the narrower problem that I believe that my effort to be constructive should be in the record, particularly since it reflects the feelings of a family that had its problems trying to control its feelings and recognize that conscientious efforts were being made in spite of difficulties not always known to us since we asked for help.

Your ensuring that the enclosed statement becomes part of the record will be much appreciated.

Sincerely yours,

WESLEY L. GOULD, *Professor.*

STATEMENT OF WESLEY L. GOULD, PROFESSOR OF POLITICAL SCIENCE, WAYNE STATE UNIVERSITY, ON THE CASE OF FRANK B. GOULD AND ON IMPROVING THE CAPABILITIES OF THE OFFICE OF SPECIAL CONSULAR SERVICES

My concern about the linked problems of the disappearance of Americans overseas and their actual or possible detention in foreign jails or prisons arises from my family's experiences in the case of our son, Frank B. Gould, who disappeared in the southern Philippines in September, 1974. Because statements about our son's disappearance have been incorporated in the record of the Subcommittee on International Operations of the House of Representatives Committee on International Relations, only an outline of Frank's case need be presented before turning to the larger and more important matter of the capacity of the Office of Special Consular Services to do an adequate job for those families who, in the future, must endure the fears and anxieties that attend the uncertainty about whether a loved one is alive or dead, imprisoned or in hiding, in some remote, politically troubled or dictatorially governed land. They may also suffer from self-recrimination as they speculate about whether, had they done something different at a particular time in the past, a son or daughter might not have traveled to a land where he or she met trouble.

Frank Gould was a free-lance journalist who, in the spring of 1974, had interviewed Muslim rebels in Mindanao and the Sulu Islands that stretch toward Borneo. Back in Manila, he obtained assistance from the National Council of Churches of the Philippines (NCCP) and, in July, went south again to gather material for a scholarly book on the Muslims. He went first to Sulu, where he obtained about 20,000 words of notes, and then to Zamboanga City on Mindanao.

From Zamboanga City came Frank's last letter to his parents, dated August 11, 1974. He stated that he was to have a meeting the next day with Admiral

Romulo Espaldon, in charge of the then Southwest Command (now Southern Command). The meeting was to take place because a colonel in charge of intelligence objected to Frank's interviewing Muslims.

We do not know whether the meeting with Admiral Espaldon took place. Philippine authorities are silent about it. They are also silent about Frank's brief detention, occurring at about the same time, when he attempted to visit the Zamboanga City attorney, Bong Malanzo. But from a number of sources, including Amnesty International in London, we know that the arrest occurred and that Frank was questioned about his relations with the NCCP. We also know that Frank's notes and a chapter already written for his book were taken from him and that a second copy of the book chapter was taken from NCCP headquarters in Manila.

After his release, Frank went to Cotabato City, farther east in Mindanao. There, he expressed the intention of going into rebel camps to obtain more information for his book, after which he would return to Manila and leave the Philippines. It appears that, at least until the last definite report of his whereabouts in late September, 1974, Frank did not succeed in getting to rebel camps in the Mindanao province of North Cotabato.

We know that around August 25 Frank reached the Methodist agricultural mission at Kidapawan, roughly 70 miles east of Cotabato City. We have a picture taken of him at Kidapawan by the missionary, Paul Van Buren, that is dated September 26, 1974.

Frank was in and out of Kidapawan for about a month. Among other things, according to Van Buren, he had contacts with a Lieutenant Cristino Dacuyucy in the town of Kabacan, about 20 miles west of Kidapawan. Lieutenant Dacuyucy verified this when visited by the American Consul. It might be noted that to date Frank's contacts with Lieutenant Dacuyucy have not been acknowledged in reports from the office of the Philippine Secretary of National Defense.

Shortly after the above-mentioned picture was taken, Van Buren drove Frank to the town of Kayaga, about three miles from Kabacan and about 23 miles from Kidapawan. That is the last definitely known place that Frank visited.

When we began inquiries through the Department of State, prior to using academic and other channels, the Manila Embassy's self-imposed ban on travel to the southern Philippines prevented concerned personnel from going to Mindanao and Sulu. Therefore, the Embassy relied on Philippine authorities. Their reports about Frank's movements after mid-August, 1974, have been quite inaccurate, particularly the reports from sources in Sulu and those from the Secretary of National Defense who even expressed doubt about whether Frank had been to Kidapawan where Van Buren took his picture. Indeed, reports from the Secretary's office are silent about everything from just before the scheduled meeting with Admiral Espaldon on August 12, 1974, despite their giving arrival times (as well as dates) at places that Frank visited up to mid-August, the known continuing surveillance, and the statement by Lieutenant Dacuyucy in support of Van Buren's assertion.

Reports from Sulu authorities and from the Department of National Defense assert that Frank went by boat to Sandakan, Sabah, Malaysia, and checked through Immigration there in the spring of 1975. This might have been a case of mistaken identity. However, the Embassy at Kuala Lumpur recently ascertained that no American had entered Sabah at Sandakan at the time that Frank is alleged to have done so.

We presume that Frank was killed. Where and by whom, we do not know. A number of reports have been received but differ as to when and where. These reports have to be sorted out and, if possible, confirmation obtained for one of them—obviously, without cooperation of Philippine authorities.

Earlier, we thought it to be likely that our son had been imprisoned, perhaps because he was acquiring information that the Philippine Government did not want revealed. After three years, that is certainly a virtually vain hope.

Quite early in our inquiries we were told by both clergymen and Embassy personnel that if Frank had been imprisoned, they would have known about it. Why this should be so in the Philippines and perhaps not in some other countries, I lack the necessary familiarity with local conditions to know. There seem to be some indications that the situation in regard to learning about imprisonment is different, given the statement in the August, 1974, GIST, issued by the Department of State's Bureau of Public Affairs, that "Consular officers cannot: Contact the detainee's family or friends unless he is asked to by the

detainee." Such a rule would, of course, mean that information could be withheld from a concerned family. However much this rule may be of concern to the subcommittee in its inquiry, I must emphasize that there is no reason to regard it as having resulted in the withholding of information about our son.

However, whether a person has been imprisoned or not, it is certain that there is need to provide the Office of Special Consular Services with greater capability for carrying out its task of protecting Americans abroad who are not guilty of generally recognized criminal offenses against the laws of the host country. The words "generally recognized" are essential because there is a significant difference between, on the one hand, such things as drug offenses, acts otherwise disturbing the peace, and offenses against banking laws, etc., and, on the other hand, what dictatorial regimes are likely to treat as opposition to themselves, even though the latter also be classified as crime under the local law.

In asking that the capabilities of the Office of Special Consular Services be enhanced, I am doing so in the awareness, aroused by experience in seeking information about our son, that very conscientious officials both in Washington and overseas have suffered discouragement and frustration in their efforts to help us. Among those of whose activities I am aware, I want to mention Elizabeth Powers of the Office of Special Consular Services in Washington, Charles Stephan of the Consular Section in Manila, and Robert Pringle, until recently First Secretary at the Manila Embassy. Naming these three individuals illustrates the extent of genuine concern among officers with a variety of duties, including Mr. Pringle and others whose chief concern has been political rather than consular matters.

It does not always appear that the Office of Special Consular Services in Washington and Foreign Service officers abroad are making a sufficiently intensive effort to obtain information about Americans who are missing and, if alive, possibly in jail. To a distraught family a lengthy period without messages from an Embassy or from Washington, except, perhaps, in response to congressional requests for information about a case, is likely to appear to be a callous lack of interest. While there probably are callous individuals in positions of responsibility for obtaining information about missing Americans, a diatribe against callousness, seeming or real, helps no one. What can be helpful is to provide facilities and technical skills to enable conscientious and capable individuals, such as those whom I have identified, to be more effective in the discharge of their responsibilities. Toward that end, some suggestions are in order on the basis of what I have learned in recent months about the circumstances under which consular personnel must seek information about missing Americans and, in so far as possible while respecting the jurisdiction of host countries, provide protective services.

One relevant question is whether there are large enough staffs in Washington and overseas to cope with the workload. For example, I have been told that the American Consulate in Cebu City, which made a number of inquiries of Philippine officials and other in the southern islands during the early effort to obtain information about our son, has an establishment of two. In Washington Miss Powers, who has an oversight responsibility (not an investigatory responsibility) that includes receiving inquiries from the families of missing persons and ensuring that the appropriate consular officers abroad are aware of what investigations need to be made, has the assistance of three people.

In terms of the relation of staff size to workload, I can make no inference as to whether the small establishment in Cebu City is adequate in terms of numbers. Although at first glance it appears to be too small, one must remember that there is also a consular section at the Embassy in Manila and I am not knowledgeable about the distribution of consular work (which embraces much more than obtaining information about missing and imprisoned persons) between Manila and Cebu City. The most that can be suggested is that in terms of special investigative skills, particularly necessary when confronted with recalcitrance on the part of local civilian officials and military officers, it is doubtful whether even the consular section in Manila, let alone the small Cebu City establishment, is at present well staffed.

As for Miss Powers' office, it seems to have too few people in relation to the case load. When I asked about the case load in July, I was told that at that time, at the height of the tourist season, it was about 9,000. Even at a lower figure, some thousands of cases would be bound to impose a severe burden on a handful of individuals.

Probably most serious is the fact that most of the cases directed to Miss Powers' office are trivial. A worried and perhaps overly protective family, not having received a postcard for a week or ten days, may want a son or daughter located somewhere between Denmark and Turkey. An overwhelming number of cases of this type cannot help but take the attention of small staffs away from the truly serious cases.

It would, therefore, be appropriate to consider the organizational and procedural aspects of the screening process presently in effect for distinguishing the trivial from the serious cases and for directing each type to where it can be most appropriately and effectively handled and then to seek ways of improving the organization and procedures. The basic principle relevant to the screening process would be that the serious cases should be directed to specially trained investigators unencumbered by the trivial cases. This does not mean that there would be no instances when serious cases would be mistaken for trivial cases and vice versa. But if, though appropriate organization and procedure, a combination of experience and special skill were brought to bear, the number of misclassifications could be minimized. For the trivial cases, the task is communication with worried parents and relatives, perhaps accompanied by a bit of psychology. For the serious cases, the task is investigation.

There is need, also, to improve the information storage and retrieval processes. Inquiries about the number of truly serious cases of missing Americans about whom the Office of Special Consular Services is seeking information have brought different answers—e.g., 12, 15, 18. Obviously, one cannot be certain whether any of these numbers is correct or even approximates the actual number of serious cases, particularly when one bears in mind that such different figures were were given in a period of less than a month. About all that can be said with certainty is that the numbers given are lower than the January, 1977, count (reported in the above-mentioned issue of GIST) of persons imprisoned abroad that ranges from 31 in the Philippines and also in Bolivia to 604 in Mexico. A better system of information storage and retrieval, susceptible to relatively prompt updating, should be a help to officers concerned with missing Americans.

It is also my understanding that there is a lack of capability for cross-referencing information and retrieving it in aggregate form. For example, the files on Frank Gould and Paul Steveken (also missing in the Philippines) are readily available, but to retrieve aggregate information related to such specific places as Mindanao, North Cotabato, and Cotabato City (to mention progressively more precise locations) is not possible except through tedious, slow manual search, if there be time for it. Nor is there a capability either for relating locations to such things as the activities of individuals who have disappeared or who have met particular types of problems in pursuing an activity, let alone for relating them to such things as propensity to violence, mode of travel, or the backgrounds and tribal or other affiliations of guides.

Were the type of information processing capability, entailing cross-reference, to be available, two benefits would result. First, in terms of investigation, there would be a ready guide to the likely places of occurrence of untoward incidents—a guide to where investigation might prove fruitful. Second, in terms of protection, it would be possible to issue more precise warnings to travellers—at least to the extent that communication with them is possible and they are receptive—about the dangers in particular areas of a country. Despite the ever-present possibility that warnings will not be heeded, each person who is dissuaded or, alternatively, is persuaded to take special precautions represents a gain. Moreover, a protective effort might aid investigation, for travellers could be advised to keep an Embassy or Consulate posted as to their movements—perhaps even provided with a standard form for doing so. We are of the opinion, on the basis of our son's travels in Sulu, that he tried to keep us posted at least until August 11, 1974, but have no way of knowing whether he attempted to do so subsequently and, for some reason, his letters failed to be posted or to make their way through the Philippine mails. Or it may be that he did not know what address to use, since the family left for England on August 4, 1974, and my letter to him which would have informed him reached Zamboanga City (c/o the attorney Bong Malanzo who had been arrested in Manila) on August 12, according to the postmark, that is, on the day of the scheduled meeting with Admiral Espaldon. It was returned to me with an October 21, 1974, Zamboanga City postmark and some numbers on the envelope that may or may not have something to do with censorship or police investigation of Malanzo, a supporter of the working classes in Mindanao. This suggests that attempts to advise an Embassy or Consulate

about one's travels may not get through. But every message that did get through would be helpful in case a disappearance made investigation necessary.

At several points in the preceding paragraphs, reference has been made to technical training and skills. Besides the need for the employment of computer information processing skills inferable from the preceding paragraphs on information inadequacies and from that about discerning the serious cases amid an overabundance of trivial cases, there has been explicit reference above to a need for investigatory competence. Both in Washington, where information from a variety of sources can accumulate, and in the field there is need to bring investigatory techniques to bear.

In the field, particularly in countries prone to terrorism, arbitrary arrest, and similar risks to travellers including researchers and investigative journalists, Embassies should have a capacity to deploy investigatory personnel who have knowledge of the country and its conditions in addition to training as investigators. It should be noted that the kinds of skills required for investigation are the type one associates with job requirements for agencies such as the F.B.I. rather than for the Foreign Service. Training for diplomatic activity is quite different from that which is essential to law enforcement functions, including investigations. However, for the particular task of obtaining information for families of imprisoned and missing persons, the latter is essential and could well be supplemented with language training and also "area studies" that would be directed toward providing knowledge and understanding of the local set of mind, sense of time and place, concepts of propriety, etc.

In addition to the task of obtaining information, there is need for proper analysis of what might be learned about a particular person, his travels, his contacts, and his activities. Our son's case has brought home the need to analyze and re-analyze in order to find discrepancies in stories, ascertain the probable place of an unfortunate event (and eliminate the less probable and improbable places), check and recheck the time when a person was alleged to be at a particular place, be alert for faulty descriptions and mistaken identifications, find new questions to ask even of individuals already questioned, and inquire about procedures of volunteer helpers lest the information given to them be the product of suggestion (perhaps by showing a picture and asking if that person was on a particular boat instead of showing five or six persons and asking whether the person seen was one of those whose photograph is shown).

The need to perform an analytical task is the reason for saying that in Washington, as well as in the field, there is need for investigatory skills. Information may be obtained by more than one agency operating overseas that has to be fitted with and checked against information obtained by an Embassy or Consulate. Moreover, there may be reason to relate such information to information obtainable from or obtained by families and friends of the imprisoned or missing person. In addition, a second analyst in Washington may pick up discrepancies and incongruities that an investigator in, for example, Bolivia or the Philippines might not perceive.

How the investigative function is organized can have an important bearing on how effectively and with how much dedication it is carried out. Obviously, there are some tasks that have to be performed by other agencies, e.g., an air search of the Mexican portion of the Sonora Desert under an international agreement permitting United States aircraft to overfly Mexican territory for specified purposes. The need for aircraft alone makes that type of specialty something that, for practical reasons, one does not make a component of the Department of State's organization in the way that one could provide it with trained investigators.

It is possible to second from another agency such as the F.B.I. I have been told that such an arrangement exists and that one result is the presence of a Legal Attache in South America. But I have also been told that such an arrangement does not work too well because the Legal Attache does little more with cases of missing persons than appear at an Embassy, look over the information that is on hand, and comment, often without suggestion and perhaps saying that the Embassy personnel are doing fine and should continue in the same way. In other words, expertise is not really brought to bear.

Nor is there much reason for it to be brought to bear, at least in career terms. If a person's reward structure lies within the F.B.I. and not within the Department of State, promotion and related pay raises depend on what is done for the F.B.I., not for the Department of State. The primary incentive tends to be negative, that is, not botch whatever is being done for an Embassy—bland-

ness rather than investigative drive. Such, at least, is a nearly universal reaction observable in a variety of governmental agencies, corporations, and universities that makes it virtually necessary to hope that whoever is seconded to another organization turns out to be an exceptional individual.

It would be better if the Department of State and, more specifically, the Office of Special Consular Services, had its own in-house complement of specially trained investigators. Rewards would then come from the Department of State to provide incentive for more effective work in cases of imprisoned and missing persons.

On possible consequence of the lack of trained investigators within the Department of State structure is that families may go to inordinate expense in the effort to learn what has happened to a loved one. The record of the July 12 and 14, 1977, hearings of the House Subcommittee on International Operations reveals that some families have spent unduly high sums, even hiring their own investigators. Indeed, recently I noticed in the New York Times an advertisement by a New Orleans firm offering the families of missing and imprisoned persons their services as overseas investigators. At worst, such an advertisement offers a good possibility of a rip-off of emotionally distraught families; at best, the probability is strong that there will be fruitless expenditure. Strengthening the Office of Special Consular Services is a better option.

There are, of course, problems about how to proceed in conducting investigations in other countries. As Alan A. Gise, Director of the Office of Special Consular Services, wrote in a letter of June 10, 1977, "the primary responsibility for locating lost persons rests with the local authorities having jurisdiction over the area where such persons were last known to be." Presumably, information about jailing of Americans reaches Embassies through local authorities. Mr. Gise expressed the proper governing principle, reiterated often in the claims cases with Mexico and other countries prior to World War II that dealt with "denial of justice" questions. The principle fits the basic concept of diplomacy as a conversation between governments, conducted through official channels. To the extent that the local authorities are both cooperative and competent, as they would be, for example, in England or Sweden, one can confidently rely on them.

But what can be done if the local authorities are not competent? What if they are not reliable? What if the feed information to an Embassy that is demonstrated to be false or incorrect? What if they are simply silent? Is it enough to settle for the formalities of official channels and, if they are unsatisfactory, merely to say "Too bad"?

To this last question the answer from a distraught family is a simple "no" that, obviously, ignores the complexity of diplomacy. Among other things, diplomacy requires that there be both avoidance of interference in the internal affairs of another country (despite the variety of breaches of which many are aware) and maintaining as friendly an atmosphere as possible for the conduct of whatever negotiations are in order. Yet, the distraught family's feelings suggest that the human being ought to be of some importance in a world of impersonal organizations, including states.

One approach is to recognize that the police and other services in a number of other countries do not meet the best standards to be found in North America and Europe—and the fact that there are lapses in North America, as when we contacted the F.B.I. agent and helped to apprehend a swindler who had taken a captain of detectives in Indiana for \$2,000 in a siding deal, something that underlines the importance of technical competence. Where capabilities are low and technical competence lacking, it may be possible to have formal arrangements with another country whereby American investigators can work with the local officials and supplement their efforts. However much pride, suspicion, and other local sensitivities may limit the number of countries to which this type of supplementary competence can be openly extended; it is evident that the more countries with which cooperative arrangements can be made, the better the chances that the Office of Special Consular Services can fulfill its responsibilities to the satisfaction of its officers.

The greater problem is how to enable investigatory specialists attached to a Consulate to function in countries whose officials are uncooperative and in the absence of an agreement providing for supplementation of local police skills. In the Philippines, under martial law, a consular agent, seeking to question people about a missing person, will be accompanied by Philippine Army personnel.

Needless to say, this inhibits the transmission of information by potential informants. More than that, it prevents contact with members of the Moro National Liberation Front and, in other countries, with members of essentially similar anti-government organizations who may possess vital information or even more tangible evidence. Under such conditions, the best of good will cannot prevent the frustration of investigation that, even if unable to save a traveller's or researcher's life, otherwise might relieve a family of anxiety and uncertainty.

It would appear that where local officials are least helpful and most secretive, the need for specialized skills is greatest. For only private, unofficial contacts and channels of communication are likely to circumvent official roadblocks. To employ them without disrespect for the local sovereignty requires qualities and skills that are too obvious to need exposition here. Given that covert information-seeking is not unusual in today's world, it does not seem unreasonable to employ private communications channels for the purpose of protecting individuals rather than for seeking military information or otherwise threatening a nation's sovereignty. Protecting one's nationals abroad has long been a basic function of diplomatic and consular services.

Private sources of information can be tapped by affected families. Besides the very unlikely handicap of inadequate resources, many families would not know where to begin let alone, upon receiving a sympathetic response from someone, how to move along networks of other people's friends and acquaintances until a person with an item of relevant information is reached. Nor would they be likely to know the right questions to ask, how to phrase them, or how to analyze information received in order to ask supplementary questions.

Above all, most families would not be able to devote sufficient time to the task as would a full-time investigator, himself not overburdened with trivial matters as discussed above. Indeed, on a part-time basis families would be attempting both to cope with informants whose full-time activities have little to do with an American family's son or daughter and to circumvent officials whose full-time jobs may include maintaining secrecy. In short, with very rare exceptions, families would be undertaking an almost impossible information-seeking task in terms of their own skills, time, and resources.

In terms of resources and in terms of potential for primary, full-time investigatory effort, the United States Government is in far better position to undertake effective seeking of information about missing and imprisoned persons. What is needed is that Congress ensure that the Office of Special Consular Services has the necessary authorization and funds to be effective and to hire those who can bring to bear expertise and technical capabilities such as, but not confined to, what has been suggested in general terms in these paragraphs. Those active in dealing with the cases of Americans in a variety of troubles abroad are well aware of the kinds of specialized help that are needed and can be trusted to implement a more effective information-gathering program if opportunity to do so is provided them by Congress.

What I have suggested arises from an awareness of the extent to which officers in Washington and Manila have not only tried to do their best to obtain information about our son and to follow such suggestions as I have been able to make after receiving information from sources other than those available to Embassy personnel. It also arises out of awareness that they have taken time from burdensome schedules to be attentive to my family and to have concern for our irrepressible feelings.

In a book which I read recently, the following statement was made about the impact of Hitler's Nacht und Nebel policy on the families of its victims: "Relatives know nothing. The victim disappeared, perhaps to jail, perhaps to the gallows, perhaps to slave-labor camps. The cruelty was in the uncertainty. . . . For those left behind, there was the nightmare of unending speculation." A greater capacity to end the unending speculation would be a blessing for every family for which it could be done.

OCTOBER 12, 1977.

WESLEY L. GOULD,
Professor, Department of Political Science, Wayne State University, Detroit,
Mich.

DEAR MR. GOULD: Thank you for your letter and for your kind words of support for our efforts to improve the efficacy of the consular service.

Enclosed is a copy of our hearings on "Protection of Americans Abroad". The statement you submitted appears on page 193.

The hearings scheduled by Senator Humphrey's subcommittee are scheduled to be held this coming Friday. The focus of that hearing will be U.S. citizens imprisoned in Bolovia. The subcommittee staff has assured me, however, that they will be glad to include your statement in the record of the hearings. Overall responsibility for oversight of consular operations by the Senate Foreign Relations Committee is vested in the Subcommittee on International Operations, chaired by Senator George McGovern.

Sincerely,

DANTE B. FASCELL,
Chairman, Subcommittee on International Operations.

STATEMENT OF IDA YODER, REPRESENTING THE FAMILY OF DELILAH YODER (MISSING IN ECUADOR), TO THE SENATE FOREIGN RELATIONS COMMITTEE, SUBCOMMITTEE ON FOREIGN ASSISTANCE, OCTOBER 14, 1977

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A STATEMENT RELATIVE TO THE DISAPPEARANCE OF DELILAH ROSANNA YODER IN ECUADOR IN MAY 1976 AND EXPERIENCES WITH THE STATE DEPARTMENT IN ATTEMPTING TO LEARN OF HER WHEREABOUTS, WHICH SAID STATEMENT IS SUBMITTED ON BEHALF OF HER FAMILY

I. INTRODUCTION

Delilah Yoder, a social worker from Arlington, Virginia, and her friend, James Herschberger, a computer analyst from New York, were both 27 years of age and left the United States in early 1976 to travel in Central and South America. Both were well seasoned world travelers and able to take care of themselves.

Delilah holds a bachelors degree from Goshen College in Goshen, Indiana, and a masters degree from West Virginia University. She worked for more than 4 years as a social worker in Arlington County, Virginia, before traveling to South America. She had also traveled in Europe three times: first to Tübingen, Germany, and other European countries; then to Wales on a social work internship program; later to West Berlin on a German Government supported scholarship. She is fluent in German and also speaks some Spanish.

Since Delilah's parents, Mr. and Mrs. G. Ernest Yoder of Salisbury, Pennsylvania, were both deceased, she worked to support herself while in college. Her interest in travel and scholarship was supported by her family who have all traveled abroad and hold either college or graduate degrees. We, her three brothers and four sisters, have taken the responsibility of finding answers to her disappearance.

Jim Herschberger is an honors graduate in Physics from Goshen College. He has studied in Ethiopia and in France and has taught in Algeria. He has traveled extensively in Europe and Africa, and he is fluent in French and German. He also speaks Spanish and Italian and has some knowledge of Amharic.

In addition to Jim's and Delilah's interest in travel and their desire to see the Latin American cultures, they were also keenly interested in medical research. One of Delilah's brothers, Dr. Omar Yoder, has done extensive scientific research in Europe and is currently Professor of Pharmacology at the University of Brussels, Belgium, and heads the National Cancer Institute Collaborative Office in Europe.

Jim and Delilah had a letter from Dr. Yoder requesting that during their travels they collect medicinal herbs and plants that may be useful in cancer research. They also had a similar letter from Professor Tom Connors of the Chester Beatty Research Institute in London.

Jim and Delilah corresponded with their families on a regular basis. After traveling for more than 3 months, they flew from Panama to Quito, Ecuador, arriving in mid-April. On May 6, 1976, they both wrote from Cuenca, Ecuador, saying they had spent a week on one of Marcelo Carrion's farms and that they planned to visit another one of his ranches near Macas in the Oriente (eastern Ecuador) region.

On May 11, 1976, Delilah wrote from Riobamba saying they planned to go to Cuenca on Friday, May 14, 1976, to go with Mr. Carrion to the Macas area where they planned to look for herbs and natural medicines used by the Indians. This was the last time any one heard from either Jim or Delilah. Questioning of Mr. Carrion has resulted in many different versions as to when and where he left them or last saw them.

The United States State Department in Washington and the U.S. Embassy in Quito were first contacted about their disappearance on July 9, 1976.

II. REFUSAL TO ACT

When first contacted in early July 1976, the Consular Services of the State Department in Washington refused to speak to anyone in person. They said all business is handled by telephone.

They said they could do nothing since there was no evidence anything was wrong.

Our family was told that if we wanted to communicate with the U.S. Embassy in Quito we would need to make the contact directly. The Consular Services refused to send messages by cable.

When we attempted to furnish the Consular Services with significant documents (cancelled checks, letters of the missing, etc.), we were told it was not necessary since there was nothing the State Department could do anyway.

We requested that an Embassy person be sent to Cuenca to question Marcelo Carrion, who was the last person known to have been in contact with Jim and Delilah. The family offered to pay for expenses. The State Department said this could not be handled through Embassy personnel, since they were not an investigative agency. They said we would need to hire our own investigators.

III. LACK OF INITIATIVE

Virtually all action had to be prompted by the families and their investigators. The State Department seemed to have no ideas of their own or incentive for action.

There has not been a systematic search of the jails in Ecuador. Numerous persons who have traveled extensively in South America have indicated that this should be done and that it should be a visual search.

Recent inquiries revealed about 800 jails or detention centers in Ecuador, with the State Department replying that it would not be feasible to conduct a systematic search. This we do not believe serves as a valid answer to the problem at hand.

No apparent attempt was made to alert other United States citizens traveling in South America nor was there any systematic action taken to make the situation known to other U.S. Embassies that may have been able to help with supplying information on this case. We learned that there were inquiries by friends of the missing at the Embassy in Quito. However, they did not forward this information to us.

Letters mailed to Jim and Delilah by the families to the Carrion residence in Cuenca have been retrieved. Attempts to have these fingerprinted for possible opening by Carrion, Herschberger, or Yoder through State Department resources have been unsuccessful. Such information is obviously significant to the case.

IV. LACK OF COORDINATION

A. With other agencies

There is apparent resistance by the State Department to utilize other governmental intelligence resources. Only after the news media became interested in the case was there any indication that they were seeking assistance from these sources. Frequent requests had been made by the family to the State Department to solicit the services of the FBI, the CIA, Interpol, and all other resources that could be engaged in finding missing Americans. We were told the FBI had no jurisdiction and could not assist in this case.

B. With Ecuadorian authorities

After high-level Ecuadorian authorities were contacted about the case by United States Embassy officials, the help of the FBI was requested by Ecuador. We believe that if the U.S. Embassy had acted in a more positive and assertive manner and if the Ecuadorian authorities had been prevailed upon earlier, help from U.S. agencies would have been solicited at a much earlier date. Obviously, time has been and still is a critical factor in this case.

Information from Consular Services in February 1977 indicated that a Frenchman implicated in the case by Ecuadorian authorities was expecting to come to Washington "shortly," desiring to meet with the Yoder family hoping to clear himself of the matter. We were eager to meet with him and inquired about the expected arrival date. The Washington office stated that it had requested the information from Quito. Attempts by the family at later dates to learn from the State Department when the Frenchman could be expected were fruitless. It was later learned through our own investigations that the Embassy in Quito had, in fact, issued a visa to him for travel to the United States.

C. Between Quito and other United States stations in Ecuador

Ambassador Bloomfield stated that during the early part of the Yoder-Herschberger investigation, the Quito office had no knowledge of the Carrion connection in the Steven Bohn case because it had been handled in Guayaquil.

D. Between the U.S. Embassy in Quito and State Department in Washington

Consular Services in Washington told members of the Yoder family on October 15, 1976, that there were no other Americans missing in Ecuador. Jane Bissell was reported missing more than a week before this on October 7, 1976. The State Department in Washington, however, had apparently not yet been informed.

An American girl was stabbed in the streets of Cuenca near the El Portone Restaurant, of which Mr. Carrion is part owner, at about the same time Jim and Delilah disappeared. On July 31 an American girl was raped near Banos on the same trail as Jane Bissell is believed to have disappeared.

Nearly all information on the cases has been obtained through our own private efforts and investigations. The State Department obviously attempts to shield such information under the pretext of the privacy act.

Although Embassy officials asked that the families keep informed through the Consular Services in Washington, very little information has been forthcoming through that channel. On June 28, they stated that the only information on the case that was received in Washington since early March was a news clipping on June 14 from an Ecuadorian newspaper.

E. With other foreign Embassies in Ecuador

A German man mysteriously disappeared from the same region in Ecuador months before Jim and Delilah were last seen. The United States Embassy in Quito apparently had no knowledge of this.

V. LACK OF RESPONSIBILITY

Although the State Department is charged with insuring the protection of U.S. citizens abroad, it has taken little responsibility in this case financially or otherwise. The family was billed for the cost of cables when they were finally sent to Quito during the early part of the investigation.

Questions related to the case directed to Embassy officials were passed on to our own investigator to answer.

Ambassador Bloomfield stated to the Yoder and Herschberger families on March 10, 1977, that the Consular staff in Quito does not have time to go out looking for lost Americans. He described the long lines of people in Ecuador waiting to have visas issued.

The State Department officials have indicated that they and the Ecuadorian government have spent an excessive amount of time on the case. The lack of urgency allocated to the case is evidenced by the four month period it took to furnish the families with the Macas court proceedings of May 1977. This is further evidenced by the "prefabricated stock letters" or duplications sent to various Senators or Congressmen.

VI. LACK OF INTELLIGENCE INFORMATION

Ambassador Bloomfield assured us that intelligence information from other government agencies is shared and that the Embassy in Quito has access to such

information. We believe there is either a lack of intelligence information being developed in Ecuador or that the State Department is withholding vital information from the family in this case.

The State Department denied that there is political activity in the Orient. We believe otherwise. The State Department denied that there is substantial drug traffic in the Orient. We believe otherwise, and the Ecuadorian government concurs. Recent information obtained by the family regarding drug traffic, with an indication of specific United States intelligence capabilities, was mishandled and inappropriately exposed. Investigation by the United States Embassy of this information was in an area other than that specified. This was evidenced by a recent letter from Mr. Dobrenchuk dated September 20, 1977.

The State Department rejected the possibility that human headshrinking is still practiced in Ecuador. One of our investigators reported seeing two human shrunken heads in a jungle hut. His Indian guide said these were the heads of two Americans. He said they died a year earlier, and the name of one of them was Leonard Gross or Leonard Dreus. We have additional reliable information that shrunken human heads can still be purchased near the Peruvian border in Ecuador.

There is an apparent lack of statistics on how many people are missing in foreign countries. The State Department claims they are not statisticians and have no records of how many people disappeared in Ecuador or in the rest of the world during the last five years.

VII. DISCREPANCIES AND MISREPRESENTATIONS

On September 3, 1976, the Yoder and Herschberger families were informed by the State Department that it had just learned from the Ecuadorian National Police that James and Delilah had been killed by two Indian guides. Communications from the Embassy later that day indicated that it was not necessarily the guides but rather the Shuara Indians that had killed them after holding them for more than a month. The information was very specific and we were assured that although the report had not been confirmed it was believed to be accurate. The Embassy stated that the investigation was conducted at the highest level and that "there is no higher level." They said the nature of the investigation could not be disclosed. Weeks later reports from the Embassy indicated that the guides who had supposedly reported the murders disclaimed any knowledge of such an incident. A recent explanation by the State Department attributes the report to mere rumors. Requests to the Embassy for identification of the chain of informants involved in the Shuara story has not brought an adequate answer. This indicates an apparent lack of documentation of information as it is received at the Embassy.

An apparent attempt was made to keep the Yoder-Herschberger, Bissell, and Bohn cases isolated. The Bissell family was led to believe by State Department officials that their daughter was the only missing American in Ecuador. We were led to believe that Jim and Delilah were the only missing Americans in Ecuador.

VIII. OBSTRUCTIONS TO THE INVESTIGATION

Our early efforts to obtain information through publicity in an Ecuadorian newspaper was thwarted by the State Department. The United States Embassy advised the Quito journalist not to publish the story but did not inform us that they had stopped the publication.

A second attempt was made by our investigator through the United States Embassy to publish an award for information leading to the whereabouts of Jim and Delilah. This was "held off" from publication by the Embassy because the cost to the family would have been about \$5,600. Reliable sources report the sum to be exorbitant. We question the high cost of the news story, and we question whether this was yet another tactic to stall publication and prevent publicity on the case.

The Privacy Act was quoted by State Department officials many times when attempts were made to locate individuals important to the investigation (Hobbs, the Bohn family, and others). Although the State Department insisted the family had to conduct its own investigation, it refused to furnish information necessary to do so. Our family has spent large sums of money in long distance telephone calls attempting to locate people who could have been traced through State Department channels.

It is the inherent philosophy of State Department officials that withholding vital information from families of missing persons serves the best interest of the State Department because it raises fewer questions to be answered. This we believe is very unfortunate.

Although the United States Embassy officials in Quito know the Ecuadorian authorities were searching for the Frenchman, a visa was issued for him to come to the United States; and consequently, the Ecuadorian authorities could not question him.

The State Department has been negligent in its responsibility to a request for information under the Freedom of Information Act. The request was made on March 16, 1977. No documents were received until July 15, 1977, although a letter to Richard Yoder dated May 19, 1977, indicated the information would be supplied. The State Department on July 8, 1977, said it may not honor this request and that it had referred the matter to the Justice Department for a legal opinion. Our request was made upon authority of the general power of attorney legally and properly executed by Delilah authorizing her brother, Richard, to act for and on her behalf. To date we have received certain information but action on other information is still pending.

IX. CONCLUSION

After more than a year we believe our efforts to learn the facts of this case have been severely hindered by the ineffective and unresponsive attitude of the State Department. We believe that a more assertive posture by our government would have and yet could produce affirmative action by the Ecuadorian authorities. We believe the available resources within our own government have not been properly or fully utilized. We believe it is possible that our feelings and perhaps even human lives are being sacrificed for "diplomatic reasons" and are possibly being used as "pawns in someone's political game." We believe that the State Department may have information that is being withheld from the families of the missing persons, perhaps to protect itself or other individuals.

We again request that the case of our sister and her friend missing in Ecuador at long last be systematically and thoroughly investigated using whatever resources our government has, and especially the substantial intelligence capability, so that we may learn the facts of this case. We do believe in our government and its ability to provide services to all its citizens. We express thanks to the Committee for reviewing our statement, and we will cooperate fully with further requests by the Committee.

Any further correspondence or requests should be made to:

Richard B. Yoder, 1209-B Pineview Drive, Morgantown, W.V. 26505, (304) 599-2550 or 599-0845.

David H. Yoder, Winona Court, Morgantown, W.V. 26505, (304) 599-3125 or 599-0802.

Ida Yoder, 10605 Nash Place, Kensington, Md. 20795, (301) 933-0384.

Eleanor Yoder, 2106 Walnut Street, Philadelphia, Pa. 19100, (215) 561-1074.

OCTOBER 26, 1977.

To the members of the Foreign Relations Committee: I would like to take this opportunity to correct a few statements by the Department of State, regarding my testimony before the House Subcommittee on International Operations. I believe it will be easiest to divide the comments into sections, beginning with 1. Each section represents a statement and a response.

1. When I spoke of "representation" in my opening statement, I was referring to the duties of the Consular Officer as outlined in "Protection of American Nationals Arrested, on Trial or Imprisoned." After spending 11 months imprisoned, the district superior court in LaPaz granted my freedom on the grounds of innocence. I believe my imprisonment, and that of my co-defendants¹ could have been avoided, had Acting Consul Dave Kemp pursued the provision for Deportation. I also believe the hearings would never have occurred since we would not have been left in the hands of the Bolivian narcotics police.

¹ All 3 of my American co-defendants have recently received the prosecutor's recommendation of Absolution. Based on the facts that there is not enough evidence to convict them. They have, at this point, spent close to 17 months in prison. Still they are unable to find a way out of the judicial labyrinth.

2. Because my arrest occurred shortly after midnight, I have often stated my arrest as being the night of the 21st. Early in the morning of June 22d, the Bolivian narcotic agents told me that my consul had been notified. He did not come that day, and soon I had passed a 2d night under interrogation. Not until the following afternoon did Consul Kemp come.

3. There is a Departmental directive requiring notification of the Ambassador and State Department in all cases of mistreatment. Referring to page 96 of the "Hearings before the Subcommittee on International Operations—Protection of Americans Abroad" I would like to quote from 2 passages:

Mr. Fascell. "That particular officer in the Fryer case didn't follow that directive."

Mr. Stedman. "He made a mistake. He knows he made a mistake. I have talked to him about his mistake . . ."

On the initial access, Dave Kemp did promise me that he would come by daily. Perhaps he did so to quell my hysteria. I told my co-defendants of his promise, who can verify this account after their release. I do believe that more frequent consular visitation during the interrogation period (from June 22 to July 5) would have prevented the broken tendons that my finance received from a Bolivian agent, while being dragged around by his hair. This incident was confirmed by a member of the 1st State Department investigation team, in an article to the LA Times, and a subsequent Jack Anderson column.

4. Cecilia Walters was not formally detained; however, she was unofficially detained. House arrest, as we might call it. I would like to refer to a section of her affidavit:

" . . . I was kept guarded by 2 women and 2 men all day. The men said that they were DEA agents and were trained in Washington by the DEA. When I called Milburn and asked him to remove the U.S. agents from my room, he strongly denied that there were any in Bolivia . . . I . . . called Brian Barrett (the British Consul) . . . he told me to call back in an hour . . . When I did he said that he had talked to the chief of narcs. and that I was not to be hassled, and that the guards would leave my room by evening. He apologized for not being able to help Bruce. . ."

I would also like to refer the reader to Mrs. Roni Abrahams's testimony for additional detail.

5. In the spring, Consul Milburn and I did discuss my lawyer's recommendation that the appeal process not be pursued. Mr. Milburn also agreed with my attorney, stating the quicker route would be to finish trial. I filed my appeal with the lower court on October 2, 1976. Not until March did the Embassy intervene. Dr. Quintanilla, one of the new legal advisors, and a fine man, took it upon himself to push my appeal through, and rectify my unjust incarceration. 2 months later I was free. In short, it took over 7 months for my appeal. 5 months of sitting on the judge's desk, and 2 months of action.

6. Dr. Donald Foster's conversation with Consul Milburn can be found in his testimony before the Congressional Briefing on Bolivia, May 10, 1977 pages 2, 3, and 4. Other related statements to this incident can be found in Dr. Foster's previous letter to then President Elect Carter dated December 1, 1976.

7. The new 1977 narcotics code played no role in the prolongment of trials in 1975 or the early part of 1976, since it was not even rumored at that time. It is correct that the Bolivian Government decreed the elimination of Sucre on August 5, 1977; but, it took 2 weeks afterward to go into effect.

Few Americans have successfully eluded the grasp of hepatitis, malaria, or typhoid. Chronic bronchial problems along with amoebic dysentery are commonplace. It is very sad to realize that Americans had been languishing in the overcrowded and filthy Bolivian prisons for nearly 3 years before the Department of State investigated the situation.

After my release, 3 new judges went to work hearing cases. This addition raised the number of judges in LaPaz from 3 to 6. Still it is an insignificant number when compared to the more than 600 cases waiting to be tried in that area. None of the Americans imprisoned in the Santa Cruz or Cochabamba areas benefited from this.

It was not until March that we experienced any positive results from their visit. Hearings which were previously 2 months to 1½ years apart, suddenly became an average of 1 month or so apart. Sometimes, as much as every other week; but, with a high frequency of postponements.

8. I do not know the policy for medical and dental treatment in the other prisons; but, in ours, there were no facilities in which to work. Extremely inadequate lighting, and lack of a dental chair with a head and neck brace made it impossible. The 1st dentist was sent over by the Embassy in the spring of 1977. He used the same 2 teaspoons to examine our teeth, and told us that we had cavities while charging us a dollar. In April, after we had reported these details back to our parents, the Embassy finally secured dental salidas.

It is true that 2 prisoners were transferred to psychiatric clinics; however, the one who is still in Bolivia, had to threaten suicide (on a chosen day and hour) in order for anyone to seriously listen to his plea for help. His father upon receiving a most alarming letter, brought the matter to public attention and gained his son's admittance.

9. It is very true that the Embassy's "List of Attorneys" is for corporate law. Only 2 lawyers in the LaPaz area handle criminal cases, and neither of them speak English; while, most of the people in prison did not speak Spanish at the time of their arrests!

10. Finally, I would like to correct the often misleading "country club" build up of the women's prison in LaPaz. The eating area is generally locked between meals, and when it is open, it is not large enough to seat all of the women and children in the prison. The sewing room consists of 2 ancient machines, and an ironing table. One of the prisoners presides over them, and allows a maximum of 2 others in at a time. The television room is about 8 feet by 15 feet, and cluttered with 3 small tables. You can always count on the T.V. and at least 1 radio blasting away at any given time. Today the women's prison holds some 70 women and children.

The special permission for Americans to enter the dorms 2 hours early has come about approximately 2 weeks after my release. As one of the more recent releases told me, the Americans can go in around 5:30 or 6 p.m., while the others must wait until 7:30 or 8.

I would like to state that during my incarceration, there had been no problems with drugs inside of the prison. I believe the sister was referring to an incident which occurred in September of 75.

To close, I would like to say that the position of the State Department has come a long way. Progress has been made, though, there is still a great deal of room for improvement. Those incarcerated have already suffered too long, to wait for the entangled bureaucratic red-tape to unwind. That is why our group is in Washington, trying to rectify any problems involving the original still imprisoned. With a joint effort of Congress and State they will receive justice!

Sincerely yours,

MICHELLE L. FRYER,
Committee of Concerned Parents.

STATE DEPARTMENT COMMENTS ON JULY 12, 1977 CONGRESSIONAL TESTIMONY OF MICHELLE LYNN FRYER

Ms. Michelle Fryer has been interviewed by officers in the Office of Special Consular Services and by the Administrator of the Bureau of Security and Consular Affairs shortly before her testimony before the Subcommittee on July 12, 1977. In the interviews Ms. Fryer was careful to differentiate her own experiences and what was hearsay. Because her testimony did not make these distinctions and because her testimony gives a biased and distorted account of her case and those of other American prisoners in Bolivian, the Department provides the following comments in the interests of a more balanced view.

Statement.—"I place the responsibility of my unjust incarceration directly on the State Department. It is their function to properly instruct our American Consular Officers in the representation of American citizens abroad. My human rights have been flagrantly violated by Consul General Ed Milburn and Acting Consul Dave Kemp."

Response.—Ms. Fryer was arrested on June 22, 1976 at the Hotel Italia in La Paz by Bolivian Narcotics police when 40 grams of cocaine were found in the room in which she was present. Her arrest was the sole responsibility of the Bolivian Government. A U.S. consular officer is not a lawyer and cannot "represent" any American citizen arrested abroad. Such representation is the sole function of the individual's attorney. Both Milburn and Mr. Kemp deny vigorously that either of them violated the human rights of Ms. Fryer and that her charge is an unfounded generalization.

Statement.—"The American Embassy was immediately notified of my arrest, yet, it took three days for Acting Consul Dave Kemp to make his initial visit."

Response.—Ms. Fryer was arrested at about 1 A.M. on June 22, 1976. The Embassy was notified of the arrest during the morning of June 23. The initial consular visit (consular access) was made by Counsel Kemp and Foreign Service Officer Hyde during the afternoon of June 23, 1976. Consular access was, therefore obtained in one day and not three as stated by Ms. Fryer.

Statement.—"... I was forced to watch the beatings and other abuses of the men, while being subjected to verbal threats, myself. When the consul arrived, I told him of the beatings, and I pointed out the agents who enforced them. Dave Kemp promised to come back every day as a guarantee that no retaliation would be made for my having spoken up. He did not come back daily, nor did he officially report the beatings, nor did he ask us if we wanted to protest the abuse."

Response.—During their initial visit, Embassy officers Hyde and Kemp were told by Ms. Fryer that she had not been mistreated. She did state, however, that the three males had been physically mistreated. The three men were then interviewed by Kemp and Hyde and questioned about the mistreatment. One of the men admitted to some relatively rough handling. The other two men were very vague in their statements. Both Mr. Kemp and Mr. Hyde specifically and clearly asked the men if they wished the Embassy to protest their alleged mistreatment to the Bolivia Government. The Embassy officers were emphatically told by the three prisoners that they did not wish the Embassy to make any protest. After the June 23 visit, none of the detainees mentioned any further incidents of alleged physical mistreatment.

Mr. Kemp states that he did not promise to make daily visits as it would have been extremely difficult given the fact that he was the only consular officer in the Embassy at the time, and the requirements of his duties as the only consular officer at that time precluded it.

In addition to the initial consular visit on June 23, the consular records show that Acting Consul Kemp visited Ms. Fryer the following day (June 24) and again on June 29, July 7, July 9 and July 15. The major intent of these follow-up visits by Mr. Kemp was to assure that the Bolivian Narcotics officials would recognize the Embassy's strong interest in the case and that the Bolivians would adhere strictly to the law with regard to the detention and interrogation of the prisoners.

Statement.—"One American was arrested with his British wife. Her consul responded immediately, securing her release, once satisfied that no drugs were involved. This took exactly one hour. . . . Five months passed before his (American Consul's) first visit to Bruce."

Response.—The British Consul in La Paz has informed the American Embassy that he did not secure the release of the wife in question since the wife was not formally detained.

Bruce was arrested in La Paz on January 28, 1977. He was visited by the American consul and the newly arrived Vice-consul the same day. Bruce was subsequently transferred to the City of Cochabamba (some 150 miles from La Paz). During the month of February, Bruce was visited by the consul and the special State Department team sent to Bolivia to look into the prisoner's situation.

Statement.—"Ed Milburn personally discouraged me from pushing my appeal in March. Ed Milburn is not a lawyer. Needless to say, I disregarded his 'advice' and gained my freedom through my appeal."

Response.—Ms. Fryer is correct in her statement that Consul Milburn is not a lawyer. Consul Milburn, therefore could not and did not provide Ms. Fryer with legal advice as to how to pursue her appeal. Consul Milburn did, however, discuss with Ms. Fryer the recommendations of Ms. Fryer's attorney that the appeal process not be pursued. The fact that it was her attorney who was reluctant to pursue the appeal is supported by a telegram Ms. Fryer sent to her parents on March 1, 1977 through State Department channels in which she stated "Lawyer came by February 25. He wants to forget about my appeal. It has not been sent to the High Court yet. Don't understand why he won't try."

The appeal process in Bolivia can exceed six months. Had there been no Embassy intervention, Ms. Fryer still might be awaiting a decision regarding the appeal which eventually led to her being granted her freedom.

Statement.—"I recently discovered there to be an indeterminate delay in my fiancé's trial. Another man has entered into his case, since my release."

Response.—On June 21, 1977, Ms. Fryer contacted the Department reporting that she had learned of the arrest of a Bolivian national associated with her fiancé's case and that with this arrest the case of her fiancé would have to start from the very beginning. Ms. Fryer was informed by a Department officer on the next day (June 22) that the arrest of the Bolivian would not cause any delay in her fiancé's trial other than time spent for one additional hearing during which evidence for and against the Bolivian national would be entered into the court record. Therefore, Ms. Fryer had information that there would not be any indeterminate delay in her fiancé's case three weeks prior to her testimony on July 12, 1977.

Statement.—"Until March of 1977, it was impossible to see Consul Milburn more than once every six weeks, even when we would request the visit."

Response.—Until the end of January 1977 when a new vice-consul was assigned to the Embassy, Consul Milburn (the one consular officer) made as a minimum monthly visits to the Americans detained in La Paz. During the month of February visits were made to the women's prison in La Paz by a consular officer on February 7 and 25.

Statement.—"I once made the mistake of receiving money through the Embassy. It took two weeks from the time sent to the time the Embassy asked me to sign a proxy releasing the cash."

Response.—Ms. Fryer received money through the Embassy on more than one occasion. During the early period of her confinement, the Embassy's files reflect an authorization from Ms. Fryer dated July 7, 1976 for a consular representative to claim her money at the Banco Del Peru. Ms. Fryer signed a receipt acknowledging receipt of those funds two days later. Another bank advisory addressed to Ms. Fryer dated August 25, 1976 notified her of further funds being held at the Bank of Peru. While the Embassy's file does not indicate the exact date it learned of these particular funds, it does indicate that a portion of the funds were given to Ms. Fryer by a consular representative on August 31, the date on which she signed a receipt. This amounts to a maximum of four working days from the time Ms. Fryer received notice from the bank of the funds until she actually received them from a consular representative.

Statement.—Ms. Fryer makes reference to the "callousness" of the consul in his handling and reaction to the situation of another female prisoner who developed a reaction to certain medication she was taking.

Response.—Ms. Fryer's comments are based on hearsay rather than fact and are completely denied by Mr. Milburn.

Statement.—"Until March, 1977, there had been trials open for nearly three years and no sentences. The Embassy did not intervene."

Response.—Prior to January of this year the Bolivian narcotics law provided extremely severe sentences for both possession and trafficking. Anticipating a new and less harsh narcotics law most prisoners and their attorneys did not press in 1975-76 for prompt trials. Upon promulgation of the new law on January 25, the situation changed. Sentences for possession were reduced to a more reasonable 2-8 years and our Embassy began an intensive campaign to expedite the trial hearings for the United States prisoners. The reviews by the Superior and Supreme Courts were established in the 1973 law and not recently thrown in to the judicial process as an obstacle to resolving the narcotics cases as implied. On August 5 the Government of Bolivia eliminated by decree the review by the Supreme Court.

The State Department sent a team to Bolivia in January 1977 to study the physical and legal situation of the American citizen prisoners. The team members met with judges, lawyers and Bolivian Government officials, and interviewed each of the U.S. citizen prisoners in Bolivian jails. In addition to the team visit, Assistant Secretary of State, Terrance Todman, raised the issue of the prisoners with high level Bolivian officials, including President Banzer, during his trip to Bolivia on May 16.

Since the team visit to Bolivia, the U.S. Government has been in continual contact with the Government of Bolivia, in order to obtain more rapid judicial processing of prisoner cases and a just resolution of their situation in accordance with Bolivian law. Several developments favorable to the interests of the prisoners have occurred. The number of judges assigned to review narcotics-related cases has increased substantially, and hearings are currently being held for many of the prisoners. The U.S. Embassy has hired a Bolivian attorney and an interpreter to assist Consular Officers in following court proceedings in individual prisoner cases.

Statement.—Ms. Fryer makes various complaints about the lack of medical and dental care.

Response.—The Embassy arranges for a dentist to visit the prisons if a prisoner cannot obtain a salida (permission) to go out for treatment. Frequently, the Embassy has assisted lawyers in obtaining salidas for their American clients to go for dental treatment. Unfortunately, disputes have arisen between the dentists and some of the Americans as to responsibility for paying for the treatment and some dentists will no longer enter the prisons. Similarly a few of the Americans who have left the prison for dental appointments have returned to the prison in a state (alleged drunkenness) not acceptable to the heads of the prisons, and judges have been informed by prison officials not to grant additional salidas. The Embassy has frequently had to persuade them to change their minds.

The Embassy did not arrange for chest X-rays and blood tests for male prisoners in La Paz. They were arranged for by the Government of Bolivia. The Embassy had no funds for such purposes. One American who asked about the results was informed that neither he nor any of the other Americans had adverse results. Results of the tests are in the Governor's office at the prison.

In addition, our Embassy, in cooperation with the Bolivian authorities has obtained needed medical treatment and dental care for several prisoners. Two prisoners who suffered from problems of a psychological nature have been transferred to psychiatric clinics one of whom was subsequently released on July 18.

Statement.—"The screening of Bolivian lawyers for our Stateside relatives is another service the Embassy is supposed to perform. But some of these lawyers fail to meet our minimal standards of honesty."

Response.—The lawyers list originally compiled for use by Americans in Bolivia largely drew on people experienced in commercial matters. The list has been revised continually as more experience is gained with the lawyers practicing criminal law. The Embassy's two legal advisers also provide indirect assistance to the detained Americans here on narcotics charges. In some cases, Americans have retained lawyers who have been struck from the lawyers list.

Statement.—"The women in Ovrajes are locked outside for ten hours a day to face the scorching sun, burning winds, or snow as the case may be. Rather than securing access to enter the dormitories (as is the case in all other Bolivian prisons) Ambassador Stedman sent over 1 poncho and 1 pair of mittens."

Response.—Although the women's facility is quite crowded there is a study, television room, sewing room and eating area with tables which provide sheltered space during inclement weather. It is true that the women are not permitted to remain in their room during the day. The American women are usually allowed into their room two hours earlier than most of the other women in the prison. The sister in charge of the prison explained to a consular officer that she did not want the women in their room during the day, as when this was the case in the past, there were many more problems with drinking and drugs.

Ambassador Stedman had learned that one of the American prisoners had no outer garment and so sent over the poncho.

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