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**IMPACT OF FEDERAL BUDGET CUTS ON LOCAL
NARCOTICS LAW ENFORCEMENT**

HEARING
BEFORE THE
**SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL**
HOUSE OF REPRESENTATIVES
NINETY-SEVENTH CONGRESS
FIRST SESSION

JUNE 5, 1981

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(III)

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FRIDAY, JUNE 5, 1981

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
TASK FORCE ON NARCOTICS LAW ENFORCEMENT,
Washington, D.C.

The Task Force on Narcotics Law Enforcement of the Select Committee on Narcotics Abuse and Control met, pursuant to call, at 9:30 a.m., in room 1100, Longworth House Office Building, Hon. Charles B. Rangel (cochairman of the task force) presiding.

Present: Representatives Charles B. Rangel, E. Clay Shaw, Jr., Lawrence Coughlin, and Walter E. Fauntroy.

Staff present: Patrick L. Carpentier, chief counsel; Roscoe L. Starek III, minority counsel; George R. Gilbert, associate staff counsel; Jennifer Salisbury, assistant minority counsel; Ricardo Laremont, professional staff member; John W. Peploe, investigator/chief of security; John Thorne, investigator; Irving H. Soloway, professional staff member; Edward Jurith, staff counsel; Catherine Chase, secretary.

Mr. RANGEL. The Task Force on Narcotics Law Enforcement will come to order.

We have Mr. Clay Shaw from Florida joining with me as we embark on our first hearing as a Task Force of the Select Committee on Narcotics. As all of us know, the President of the United States has indicated that not only enforcement of the narcotic laws, but the elimination of narcotic addiction is a top priority of this administration.

Some of us in the Congress are very concerned that the budgetary cuts will not only have a serious adverse impact on the enforcement of the Federal law, but the withdrawal of Federal assistance to local and State governments, we believe, might have a more serious impact on the enforcement of local laws.

I personally believe that the influx of drugs into communities throughout these United States could be the greatest deterrent to the security of the United States. As we see this problem swell in our inner cities throughout the country and see what is happening in the State of Florida and see cutbacks in the resources that are available to combat this epidemic, we thought, that is, Congressman Shaw and I, that the best way to develop a national policy, a national strategy, is to go to those people that are on the firing line and ask, what can your government do to be more effective in trying to contain this disease and this ever-growing criminal activity.

[The statement of Hon. Charles B. Rangel follows:]

OPENING STATEMENT OF HON. CHARLES B. RANGEL (D-N.Y.)

As cochairman of the Select Committee's Task Force on Law Enforcement, it is my unpleasant duty today to paint a grim picture of our Nation's defeat in the war against the \$70 billion narcotics industry.

While the drug dealers are riding high our Government has decided to take the low road by taking away the basic tool—money—from our already thin line of law enforcement and criminal justice officers.

The word is out on the streets. It's safe for a man to deal in narcotics because even if you get caught the Government does not have resources to put you behind bars. There are too many dealers and not enough prosecutors to try the cases.

In our current society we are besieged with figures, statistics, and we tend to not translate the statistics into human terms.

Let me point out that in the last 10 years 1,143 law enforcement officers were killed in the line of duty by a total of 1,604 offenders. Of these 1,604, 1,138 had previous narcotics arrests and 128 had previous arrests for violent assaults on police officers. Narcotics trafficking is a deadly business; too often our police officers, whose departments are already undermanned and underfinanced, die in their valiant efforts to stem the tide of heroin and other narcotics flooding into our country.

We don't need any more laws. We have a plethora of statutes that even now we can't enforce. In my State of New York the penal code has more than 400 sections, and hundreds more of subsections.

Now we have a new administration with an obsession for figures; slash and cut, paper savings regardless of the true cost in human lives.

The one glimmer of light on the horizon has been the establishment of 21 task forces around the country backed by Federal funds. These have enabled financially strapped cities to pay officers overtime, to provide gasoline for their automobiles, and even more important make available "buy money" so cases can be built against the peddlers. Now, the administration plans, in the name of economy, to cut the task forces in half. The dealers in the street know that, because of the budget cuts, they can deal with relative impunity, and the police cannot touch them.

In New York and most other jurisdictions it takes a buy of at least two ounces of heroin to make an A-1 case. The heroin sells for \$15,000 an ounce so theoretically the officer needs \$30,000 to make a buy. But since dealers never give you the full measure, you have to buy three ounces or \$45,000 worth to make your case.

In New York the officers have been limping along on about \$300,000 per quarter in "buy money." Now the administration has to cut these vital funds back to about \$140,000 per quarter. If we are lucky we will be able to make four major cases a year.

This isn't all. Already the flow of deadly pure heroin from Iran, Afghanistan, and Pakistan is reaching flood levels. From Afghanistan, where the Soviets are in control, from Iran with virtually no government, and from the northwest tribal areas of Pakistan where there is no government authority.

It's a horrible problem. But this country has faced problems before, and maybe, just maybe, today and in subsequent hearings we may come up with some solutions. But a haunting thought remains in my mind. Who are the real criminals in the illicit narcotics industry? The heartless hoodlums who peddle their poison, or is it our public officials, who in adopting a callous policy of "benign neglect" with respect to this problem, have abandoned our future: The youth of our cities and suburbs.

Mr. RANGEL. At this time it gives me great pleasure to introduce a former law enforcement officer and now lawmaker from the State of Florida that, unfortunately, is going through a very serious epidemic of drug addiction, but just as seriously in drug trafficking, Mr. Clay Shaw from Florida.

Mr. Shaw.

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

Mr. SHAW. I would like to take this opportunity to thank the chairman of the Select Committee, Mr. Zeferetti, for encouraging the bipartisan participation in all the work done by the committee. I think appointing a cochairman, one from each party, certainly

encourages the cooperation among all members of the committee, while insuring participation on both sides of the aisle.

I am also greatly encouraged by the support of the initial work done within the task force that I am honored to chair with Mr. Rangel.

The task force on law enforcement is responsible to examine the relationship between the Federal, State, and local drug enforcement for our Nation's drug laws by the DEA, the U.S. Customs Service and the Coast Guard. Our task is large, but commitment by members, I believe, is most encouraging. In addition, starting at the grassroots, as we are today, and working our way up will insure the maximum input by those immediately involved in enforcement.

Today, the first hearing of the task force will be focusing on local law enforcement. We will be given the opportunity to hear from the grass roots, those most closely associated with the problems of enforcement and control.

I would also like to take this opportunity to praise the work of local law officials who deal with this problem daily and who are forced to realize earlier than the rest of us the link between the drug problem and the growing problem with crime all across this country.

I certainly appreciate all that has been done on the local level to keep the lid on this most serious situation.

I believe in some early conversations that I have had with the present administration that we are going to see a commitment and a direction that is going to be most meaningful for this country. We are a country of laws and unless we enforce the laws uniformly across the country, I believe that the form of government that we all cherish today will be lost.

I say enforce it across the country, whether we are enforcing the law by stopping a drug deal in a slum in one part of the country or whether we are stopping the use and import of drugs on the back of a yacht in the Caribbean, these laws must be enforced.

I think that what this task force will be studying is going to be most enlightening. I am quite encouraged by the list of witnesses that we are starting out with today. I believe that we will be able to come up with some recommendations for new legislation and new procedure that I think will be most meaningful. Thank you.

[The statement of Hon. E. Clay Shaw follows:]

OPENING STATEMENT OF HON. E. CLAY SHAW, JR.

I'd like to take this opportunity to thank the chairman of the Select Committee, Mr. Zeferetti, for encouraging bipartisan participation in all the work done by the committee. Appointing co-chairmen, one from each party, certainly encourages cooperation among all members of the committee while insuring participation on both sides of the aisle.

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I support a strong Federal commitment to curbing the problems of drug abuse and trafficking in our country. I feel certain that this administration joins me in this commitment. I look forward to working with others on this task force and on the full committee in providing a forum for discussions and recommendations.

We are fortunate to have joining us today from Miami two outstanding individuals well known for their work in the field of enforcement.

Ms. Janet Reno, state's attorney for Miami, Florida, was appointed to her position in January of 1978 and has been reelected to two consecutive terms. She currently chairs the Governor's council for the prosecution of organized crime.

Chief of Police Kenneth Harms from Miami, Florida, is another individual well known for his commitment to enforcement of drug policy. Mr. Harms was appointed to his position in 1978, selected from a field of 160 applicants. He is active on the Governor's Committee on Criminal Justice Reform and chairs the Advisory Board for the Southeast Florida Institute of Criminal Justice. Mr. Harms testified before the Select Committee in 1978, and we are pleased once again to receive his input.

Mr. RANGEL. Thank you, Mr. Shaw.

Senator Biden was expected to be here this morning. He has been one of the most outspoken Members of Congress on this very serious issue. He is about to become a father and during this period of time we have agreed that he could best serve the Nation by being with his wife at this period of time; but he did want all of our witnesses to know that he stands ready to serve with us together to combat this very serious problem. We will have his full statement introduced into the record at this point.

[The prepared statement of Hon. Joseph Biden, Jr., follows:]

PREPARED STATEMENT OF JOSEPH R. BIDEN, JR.

Mr. Chairman, I am pleased to appear before your task force to discuss an issue that I consider to be second to none among our domestic concerns. The drug issue has been a major contributor to this nation's crime problem. As the ranking Democrat on the Senate Judiciary Committee, I have been trying to focus the Committee's attention on the drug issue. It is encouraging to see that the chairman of this Committee and members of this task force are equally concerned that the House of Representatives keenly focus on the problems our major cities are experiencing as a result of drugs. I look forward to working closely with Chairman Rangel and the other members of this task force in improving Federal, State, and local efforts in fighting drug abuse.

My interest in the drug issue, particularly heroin abuse, was keenly heightened 2 years ago when, as chairman of the Senate Subcommittee on Criminal Justice, I became aware of a major new heroin supply from opium fields in the unstable tribal areas of Southwest Asia. It has been estimated that if all the opium presently stored in Pakistan were to be converted into heroin, Pakistan alone could supply the U.S. market at present United States consumption rates for the next 10 years.

In a speech I made to officials of the North Atlantic Treaty Organization in 1979, I emphasized the problems that were already occurring in Western Europe because of this new supply of heroin. In that speech I called for a truly international narcotics control program by stressing that nothing threatens the internal security and social fabric of any nation as directly as the prospect of massive heroin addiction and the related crime and violence it breeds.

It is now 1981, and the Southwest Asian heroin we were concerned about 2 years ago has reached the United States and is on the streets in our major East Coast Cities in vast quantities.

Heroin overdose deaths in New York City were up 25 percent last year. They are up 120 percent so far this year in Washington, D.C.

This new supply of heroin is so large that prices have actually been dropping even though purity has dramatically increased.

And the worst may be yet to come—another major heroin producing area, the so-called "Golden Triangle," in Southeast Asia, is reportedly now bringing in a new bumper crop, which will only serve to increase heroin availability in the United States still further.

HEROIN ADDICTION AND CRIME

As I mentioned above, we all know that heroin addiction breeds crime. It is no coincidence that dramatic increases in burglary and robbery rates occurred last year at the same time cheaper and purer heroin was hitting the streets of the Northeastern cities. Police chiefs and prosecutors have been saying for years that there is a direct link between crime and the availability of heroin. How else does an addict support a \$100 a day heroin habit?

We now have available research which shows the staggering amount of crime committed by heroin addicts. A study done by Professor James Inciardi of the University of Delaware showed that 356 active heroin users in Miami were responsible for 118,134 crimes in 1 year and that—over 95 percent of them reported committing illegal activity in the year period—90 percent of them relied on criminal activity as a means of income—and only 1 of every 413 crimes they committed resulted in an arrest.

Additional research completed this past year at the Temple University School of Medicine by Dr. John C. Ball, Dr. Lawrence Rosen, Dr. John A. Flueck, and Dr. David Nurco showed that 243 Baltimore heroin addicts committed almost 500,000 street crimes in 11 years. Their research also showed that when these addicts were not dependent on heroin, there was an 84 percent decrease in criminality.

These two studies clearly demonstrate that if we could ever control heroin addiction or even reduce it, we would see an appreciable reduction in criminality.

I have had these studies printed in the Congressional Record and they are available at my office, for those interested.

FEDERAL ROLE IN ADDRESSING THE DRUG PROBLEM

I am the first to agree that street crime is the primary responsibility of State and local government. However, the drug problem is one area where the Federal Government can help State and local government have an impact on crime. This can be done by working on both the supply side, through efforts of the State Department in the source countries which are growing opium or processing morphine base into heroin, and on the demand side here in the United States, through the enforcement efforts in the Justice and Treasury Departments and the Coast Guard.

The Federal Government should focus on drying up illegal drugs at the source. This should be done through crop destruction and crop substitution programs in those countries. It makes better sense, and it has proved to be effective in Mexico several years ago, to halt the flow of drugs at their source or enroute toward our shores.

It was for this reason that I pressed Secretary Haig at his confirmation hearing for a commitment to focus on the drug issue as it relates to our foreign policy. I intend to continue to remind him of that commitment during his tenure.

With respect to Federal enforcement, emphasis should be on attacking the major trafficking organizations that are involved in the estimated \$64 billion a year illicit drug market. Mr. Chairman, to put this figure in some perspective, according to a Fortune magazine report of 1979 corporate earnings, only Exxon and AT&T exceed that figure.

Mr. Chairman, as you may be aware, I have emphasized in past hearings my concern about the effectiveness of the Department of Justice and DEA in disrupting organized crime's involvement in narcotic trafficking. I am disappointed not only by some recent reverses in Federal prosecutions in this area, but also by the reluctance of DEA to use more of its resources on complicated narcotics conspiracy cases and its dismal record in using the asset forfeiture provisions of the organized crime control statutes passed over a decade ago. Until we do a better job taking the profit out of organized crime trafficking, convicted traffickers can continue to run their enterprises from jail. Indeed, to my knowledge not a single organization trafficking in Southwest Asian heroin has had an appreciable proportion of assets forfeited.

For this reason, following a General Accounting Office Report released in April, which confirmed criticism aired in hearings I held last July on the Federal record in asset of forfeiture cases, I introduced S. 1126. This legislation will change existing law in a variety of ways, including adding authority to forfeit without a need to show that the property under consideration has been acquired directly with narcotics profits.

With these changes in place, the Justice Department will not be able to continue to use the excuse that the law is too difficult. If assets still aren't being taken, it will not be because of the law, but because the Justice Department isn't doing its job—and they will be held accountable for that.

STATE AND LOCAL EFFORTS

The two areas mentioned above are beyond the jurisdiction of State and local governments and should be the responsibility of the Federal Government. However, stopping heroin and cocaine at the distribution point is an area where State and local government must fight the battle. I believe the Federal Government can help through the coordinated enforcement efforts of State-Federal Task Forces funded by the Department of Justice. It was for this reason last Congress that I cosponsored with Senator Heinz, and amendment to the Justice Appropriations bill to restore \$1.7 million so that five task forces could continue.

In many of the major narcotic cases brought to my attention in hearings I've chaired, the original source of information came as a result of cooperative, local, State, and Federal officers working together in a task force. The latest example was Operation Grouper, in which 21 Federal, State and local agencies arrested 56 Class I and II violators and seized 1.2 million pounds of marijuana and 831 pounds of cocaine in South Florida.

I support the Narcotic Task Force Approach and do not think it is an area of narcotic enforcement that should be interrupted. Duplication of efforts and the potential danger of injury to law enforcement officers are examples of what results when different governmental law enforcement agencies within a jurisdiction attempt to carry out their own undercover narcotic investigations. The Task Force Approach brings these various agencies together and provides a mechanism for a coordinated narcotic enforcement strategy. Accordingly, at the Senate mark-up of the Department of Justice Authorization this year, I introduced an amendment to restore \$5.9 million for the State and local task force program. Surprisingly, this amendment met Republican opposition, although it finally won approval.

ADMINISTRATION RESPONSE

I am dismayed with the President's response to date in the drug area. I find it ironic that the President has been critical of the last administration for dragging its feet in developing a Federal drug strategy, but has yet to do anything constructive. I personally, am getting tired of rhetoric about the war on violent crime and the war on drugs. I have been through several "wars on whatever" before, under both Democratic and Republican administrations, and can attest that declaring "wars" and establishing Study Groups has not provided the type of action the American people are asking for.

To date, President Reagan's response to this nation's drug problem has been to propose a national education program using former drug addicts to talk with our youth in schools about the evils of drugs. Meanwhile, in the budget process the administration has proposed: (1) Cuts of \$5.4 million for a special Southwest Asian Heroin Program that is helping law enforcement agencies in the Northeast Cities deal with the influx of Southwest Asian heroin; (2) A \$5.9 million cut for State and local task force programs which would result in the elimination of six task forces; (3) elimination of the State and local drug coordination and information exchange program and cuts to Customs and Border Patrol.

In the treatment area there are proposed cuts to the National Institute on Drug Abuse, cuts which prompted Mr. Julio Martinez of the New York State Division of Substance Abuse Services to say:

"... The cuts in antidrug funding will grind New York's fight against drugs to a near halt and possibly force thousands of addicts and users onto the streets ..."

These types of budget cuts certainly would seem to contradict a serious effort to develop a Federal drug strategy. One proposal being considered by the administration does, in my judgment, have merit—the elimination of the Drug Enforcement Administration and the merger of its functions into the Federal Bureau of Investigation and Customs. Although I would like to see more concrete information on this proposal, I do feel the FBI is geared more to working long-term and complex organized crime cases and certainly could do no worse than DEA in developing evidence and pursuing forfeiture of asset cases. I also have been informed that State and local agencies have been upset with some of the investigative practices and headline-grabbing tactics in some DEA offices.

However, while I am sympathetic to this proposal, I believe it must be considered in the context of an overall national drug strategy, which the administration has yet to develop.

THE NEED FOR NATIONAL STRATEGY

As a member of the Senate Foreign Relations, Intelligence and Budget Committees, in addition to the Judiciary Committee, I have had the opportunity to try to expand the focus on the drug issue. During confirmation hearings of Secretary of

State Haig, Attorney General Smith and Central Intelligence Agency Director Casey, I received commitments that after they had settled into their positions they would seek to establish the drug issue as a high priority.

But my patience for action in the drug area by this administration is beginning to waiver. Just as I criticized the Carter administration for a lack of innovative ideas in this area I will criticize this administration if promises and rhetoric are not soon replaced by results. Any Federal drug strategy must include the following:

FOREIGN EFFORTS

A comprehensive international program for decreasing opium production and transshipment of drugs should be developed. For example, the United States should establish a diplomatic strategy with Western European nations to assist source countries such as Pakistan in decreasing opium production.

A serious effort should be undertaken to develop a better international data base on the exact dimensions of narcotics abuse in all countries in the world, especially in the industrialized West. A determined effort should be made to get all NATO allies to join the United States in its initiative to the Organization for Economic Cooperation and Development to create an internationally respected base of data on the magnitude of the drug problem facing each country.

The American foreign policy establishment should make a more serious effort to pursue our government's proposal to the Development Assistance Committee of the Organization for Economic Cooperation and Development to include narcotics control as a factor in bilateral and multilateral assistance programs. The United States has proposed that such assistance programs should deliberately exclude opium production from irrigation projects and other agricultural programs they sponsor.

The United States should be more aggressive in asking other Western countries to increase contributions to the United Nations Drug Abuse Control Fund, and encouraging the World Bank and other multilateral development banks to support narcotics control-related development assistance.

DOMESTIC

Congress should consider establishing a legislative charter for an interagency narcotics coordinating body with a director appointed by the President subject to advice and consent of the Senate. The director should have authority to review the budget of, set the priorities for, and resolve conflicts between the agencies involved in narcotics prevention and control. The director should have the authority after consulting with the director of the Central Intelligence Agency, to levy collection requirements on the intelligence community. The director should be required to issue an annual strategy statement that provides specific direction to the relevant agencies.

The Department of Justice should utilize asset forfeiture statutes more, and Federal enforcement should concentrate on organized traffic.

Administration cuts to State and local Task Force programs should be restored.

The lessons learned from successful LEAA programs, such as the Treatment Alternative to Street Crime and Career Criminal programs, should be used to provide technical assistance for State and local police and prosecutors to set up similar programs in their jurisdictions. A small Federal program should encourage cities and States to set up these programs and target their limited resources on heroin addicts and other career criminals who commit a disproportionate amount of street crime.

We must not let the flood of illegal drugs sweep unimpeded through our communities while we concentrate on throwing lifelines to the relatively few young people who may benefit from the kind of educational program the President has described. Obviously, we need to educate our youth about the dangers of drug abuse. Such a program, by itself, hardly constitutes an effective response to a problem of this magnitude.

Mr. RANGEL. At this time a friend and Member of Congress, William Hughes from New Jersey, has changed his schedule around to be with us. His time is very short, but let me assure you, Congressman Hughes, that your fellow Members are aware of the great battle that you have put up against this problem on the floor and in the committee. We are appreciative that you would adjust your schedule to be with us. As you know, we want your testimony,

either in writing or however you want to present your remarks this morning, you do it at your convenience.

**TESTIMONY OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HUGHES. Thank you, Mr. Chairman.

Let me first just congratulate you and your colleagues on the task force for the outstanding work you are doing for this very prestigious Select Committee on Narcotics. I look forward to working with you in the months ahead in developing a hard-hitting, comprehensive drug combating role for the Federal Government.

Mr. Chairman, I appreciate your inviting me to testify this morning on the effect of the administration's proposed budget cuts on our Nation's law enforcement effort. The Select Committee on Narcotics Abuse and Control is primarily concerned with the traffic in dangerous drugs, narcotics, marihuana and cocaine, as you know. However, you should be aware that the administration's cuts affect every aspect, and I repeat, every aspect of law enforcement. Every law enforcement agency is suffering from these cuts. The Federal role in law enforcement is limited and that role is subject to change with each administration and each decision about priorities. I want to describe for you briefly what appears to be the administration's priorities.

The Subcommittee on Crime of the House Committee on the Judiciary, which I chair, has been holding hearings on the general subject of the Federal role in crime control. We have heard testimony from the chief administrators of the principal Federal law enforcement agencies and the Department of Justice.

What we have heard is troubling, because it appears that the decision has been made by the Office of Management and Budget to cut law enforcement budgets pending the conclusion of the study of the task force on violent crime, which as you know, is due to report back later this year. These cuts are being made across the board without a coherent law enforcement strategy and without an understanding of the relationship between the components of the law enforcement process.

Let us look at the Department of Justice first. Former President Carter prepared a budget for the Department of Justice of \$1,565 million for fiscal year 1982. The administration cut almost \$200 million out of that budget. These cuts included \$4½ million from the FBI, \$7,773,000 roughly from the Drug Enforcement Administration, \$15.9 million from the U.S. attorneys and marshals and \$138 million from LEAA.

These cuts mean that fewer agents will be investigating crimes, fewer offenders will be arrested, fewer prosecutors will be available to take cases to court.

Focusing on the Drug Enforcement Administration, one important program cut at DEA is the Office of Compliance and Regulatory Affairs. Originally, OMB proposed cutting this program in half. Only after an appeal by Peter Bensinger and Attorney General William French Smith was the size of the cut reduced. From an enforcement perspective, and from a health perspective, this program is extremely significant. Compliance and Regulatory Affairs has the job of overseeing the distribution of legitimate

drugs, an annual distribution of some 20 billion dosage units. Some 600,000 registrants who are manufacturers, wholesalers, pharmacists, doctors, and hospitals are involved in the distribution of these variable controlled substances to patients; but the great size of the problem of abuse and overdose from some of these drugs is not widely understood. A drug such as Valium which has important legitimate uses is frequently diverted and misused. It had the highest number of mentions in hospital emergency rooms of any drug, other than alcohol, in the fourth quarter of 1980 DAWN report, one-third more mentions than heroin.

If we are serious about the adverse health consequences that result from drug trafficking, this program should not be cut.

Fortunately, my colleagues on the Judiciary Committee shared this analysis and adopted an amendment offered by myself and Hal Sawyer, my ranking minority member, to the Department of Justice authorization to provide an additional \$249,000 for this program.

Another key program that the administration wanted to cut is training of State and local police officers. This program was proposed to be cut by 9 of 49 existing positions, approximately 20 percent of the staff.

Drug law enforcement is very sophisticated. Police need to be extensively trained. One small technical mistake, as you know, can destroy the effectiveness of a major investigation. The effect of the cut would have been to cut the number of days in training in half, from 53,000 days in fiscal year 1981, to 25,000 days in fiscal year 1982.

This Judiciary Committee approved an amendment, once again offered by my colleague, Hal Sawyer, and myself to restore some \$487,000 to keep this program at the 1981 level.

Probably the biggest cut to DEA that I am concerned about is the cut in the State and local task forces. This program, like training, has a multiplier effect. A limited expenditure brings greater resources ultimately to bear on the problem. The leverage is just astounding.

The task forces generally concentrate on different kinds of cases than DEA's regular units or central tactical units. Task force cases are frequently lower level cases than the big traffickers we all want to eliminate; but an important point to remember is that we must implement a comprehensive strategy. To reduce the amount of heroin addiction, for example, we recognize that the price must be kept high.

Professor Mark Moore has developed a concept which he calls the "effective price." This price includes not only the dollar price, but all things that make heroin difficult and risky to obtain. It includes the amount of time an addict has to spend just to find heroin to buy and it includes the probability of arrest. These factors affect the dealers. Street dealers cannot be allowed to operate with impunity, because we must concentrate on the supply from Asia or the planes flying into Florida.

Our comprehensive plan must include a focus on the street level dealers to keep the "effective price" of heroin high. It is the State and local task force operation that goes after the street-level dealers. The Judiciary Committee approved my amendment to add

some \$2.519 million to the DEA authorization for this particular purpose. Senator Biden succeeded in having a very similar amount added to the Senate bill.

Mr. Chairman, aside from the dollar amounts of the 1982 cuts, another perspective to consider is that DEA has been getting less money each year since 1978, when inflation is taken into consideration. None of the increases that DEA has received over these last several years has approached the rate of inflation.

I asked the Congressional Budget Office to consider what the DEA budget has been in fixed 1978 dollars to illustrate that particular point. In 1978, DEA was appropriated about \$188 million. In 1979, they were given a 2.7 percent increase to \$193 million; but after factoring for inflation the effective DEA appropriation was only \$178 million for 1979. We lost significant ground.

In 1980, the effective appropriation was down to \$165 million. In 1981, the effective appropriation was even less, \$156 million, and for fiscal year 1982, the administration's request, using the administration's inflation forecast, amounts to only \$151 million in 1978 dollars, not the \$228,524,000 we think we are getting.

We are only too aware that in this period, the income of the underworld from drug trafficking has kept pace with inflation.

We should consider the implication that this analysis has for other components of the criminal justice system. Members of the Judiciary have sued for higher wages. Police officers and prosecutors, often with great, irreplaceable experience, are forced to leave public service because of inadequate salaries.

The administration proposes cutting \$15 million from the budget of the U.S. attorneys and the U.S. marshals. Every account of the workload of the U.S. attorneys indicates that they are forced now to decline prosecution of important cases simply because they do not have adequate staff and resources. This cut can only aggravate an already terrible situation.

Is it any wonder that our success in fighting drug traffickers has been so limited?

Let us consider for a moment the effect of heroin addiction on other aspects of our national crime problem. A recent study by John Ball and his colleagues at the Temple University Medical School, reprinted at Senator Biden's request in the Congressional Record, reported on 243 heroin addicts in Baltimore. His study demonstrated that addicts, when they are in the grip of their addiction, and using heroin, commit a very high number of crimes, generally property crimes. An important point of the study was that when they are not using the drug, their commission of crimes drops dramatically. In fact, that study indicated that some of the addicts committed crimes as much as roughly 250 to 260 days of the year.

One conclusion we can draw is that not only is law enforcement important, but prevention and treatment for heroin addiction are extremely important in reducing crime, because they have been demonstrated to be effective in curbing heroin addiction.

Tragically, the administration has cut extensively in this area as well. The National Institute on Drug Abuse has provided formula grants to the States for drug abuse prevention and treatment. It

was authorized for \$30 million in fiscal year 1981. The President's recession budget proposes to eliminate this program altogether.

In fiscal year 1982, the direct NIDA treatment programs will be eliminated. Three-quarters of the current level of funding will be grouped into a health services block grant program for the States. That block grant has 15 categories, which include maternal and child health, genetic diseases, black lung, sudden infant death syndrome, family planning, emergency medical services, mental health and other programs. The States can use the funds for any of these 15 categories. This is insufficient attention to treatment for drug abuse and heroin addiction.

In the area of disease prevention, a block grant is being created, but drug abuse prevention is not a category at all.

In sum, Mr. Chairman, I fear that the administration's budget priorities will handicap our already limited efforts to fight drug trafficking. The increased crime as a consequence of heroin addiction will be further magnified by the administration's benign neglect.

I have just sponsored H.R. 3359, the Justice Assistance Act of 1981, and we have been taking testimony on that particular measure. That is to provide assistance to the States for law enforcement without the red tape of the LEAA. Among the specific categories for which grants can be funded are programs which identify and meet the needs of drug-dependent offenders. Other categorical programs would include career criminal identification and prosecution; sting operations to combat burglary, fencing, and theft; citizen-police community crime control; victim, witness, and juror assistance programs and other programs that have been judged and eminently successful over the years.

Mr. Chairman, the Chief Justice of this country, Warren Burger, has been focusing national attention on problem areas in criminal justice. He is right when he points out that defending our personal safety in the streets and in our homes from criminal offenders is just as important as the Pentagon budget which defends us from foreign enemies. In fact, Mr. Chairman, we have lost nobody on the streets of Newark, Miami, New York City, or any other place, to the Russians; but we are losing them to the criminal element every day. The administration has not as yet accepted that particular premise.

The Chief Justice observed that deterrence is the core of any effective response to the crime in our cities. This deterrence must be adequately funded. To the extent that heroin addicts are committing crimes, prevention and treatment of drug addiction constitutes a primary type of deterrence. The proposed cuts by the new administration in law enforcement, in drug abuse prevention and in treatment are tragically shortsighted.

There may be activities that the Federal Government has undertaken in recent years that in the opinion of the new administration are a departure from the fundamental activities of Government, but law enforcement is not one of them. The reason that society creates a government in the first place is for, among other things, protection. History has recorded that after military defense, law enforcement is the oldest and primary responsibility of government. This administration has yet to demonstrate an appreciation

of history and the priority that law enforcement must have in the ranking of government activity.

I ask the members of this committee to give their support to H.R. 3359 when the bill comes to the floor, in addition to some amendments that we tacked on yesterday to the military appropriation committee and my subcommittee dealing with posse comitatus. All law enforcement activities ultimately have to share the same pie. The Justice Assistance Act of 1981 will have a positive effect on drug law enforcement because it will aid prosecutors, courts, and police activities in general. The provision of funds for training criminal justice personnel will be shared by law enforcement officers no matter what kind of patrol they are assigned to. The training and assistance made available to prosecutors, whether they carry a specialized or general caseload, will benefit all law enforcement efforts.

Thank you, Mr. Chairman, for this opportunity, and I would be very happy to respond to any questions.

[The prepared statement of Hon. William J. Hughes follows:]

PREPARED STATEMENT OF REPRESENTATIVE WILLIAM J. HUGHES, CHAIRMAN,
SUBCOMMITTEE ON CRIME, COMMITTEE ON THE JUDICIARY

Mr. Chairman, thank you very much for inviting me to testify this morning on the effect of the administration's proposed budget cuts on our nation's law enforcement effort. The Select Committee on Narcotics Abuse and Control is primarily concerned with the traffic in dangerous drugs, narcotics, marijuana and cocaine. However, you should be aware that the administration's cuts affect every aspect of law enforcement. Every law enforcement agency is suffering. The Federal role in law enforcement is limited, and that role is subject to change with each administration and each decision about priorities. I want to describe what appears to be the administration's priorities.

The Subcommittee on Crime of the House Committee on the Judiciary, which I chair, has been holding hearings on the general subject of the Federal role in crime control. We have heard testimony from the chief administrators of the principal Federal law enforcement agencies and the Department of Justice.

What we have heard is troubling because it appears that the decision has been made by the Office of Management and Budget to cut law enforcement budgets pending the conclusion of the study of the Task Force on Violent Crime. These cuts are being made across the board without a coherent law enforcement strategy and without an understanding of the relationship between the components of the law enforcement process.

Let's look at the Department of Justice first. Former President Carter prepared a budget for the Department of Justice of \$1 billion, 565 million for fiscal year 1982. The new administration cut almost 200 million dollars out of that budget. These cuts included \$4½ million from the FBI, \$7,773,000 from DEA, \$15.9 million from the United States Attorneys and Marshals and \$138 million from LEAA.

These cuts mean that fewer agents will be investigating crimes, fewer offenders will be arrested, fewer prosecutors will be available to take cases to court.

Focusing on the Drug Enforcement Administration, one important program cut at DEA is the Office of Compliance and Regulatory Affairs. Originally, OMB proposed cutting this program in half. Only after an appeal by Peter Bensinger and Attorney General William French Smith was the size of the cut reduced. From an enforcement perspective, and from a health perspective, this program is very significant. Compliance and Regulatory Affairs has the job of overseeing the distribution of legitimate drugs, an annual distribution of 20 billion dosage units, 600,000 registrants who are manufacturers, wholesalers, pharmacists, doctors, and hospitals are involved in the distribution of these valuable controlled substances to patients.

But the great size of the problem of abuse and overdose from some of these drugs is not widely understood. A drug such as Valium which has important legitimate uses is frequently diverted and misused. It had the highest number of mentions in hospital emergency rooms of any drug, other than alcohol, in the 4th quarter 1980 DAWN report, one-third more mentions than heroin.

If we are serious about the adverse health consequences that result from drug trafficking, this program should not be cut.

Fortunately, my colleagues on the Judiciary Committee shared this analysis and adopted my amendment to the Department of Justice Authorization to provide an additional \$249,000 for this program.

Another key program that the administration wanted to cut is training state and local police officers. This program was proposed to be cut by 9 of 49 existing positions, approximately 20 percent of staff.

Drug law enforcement is very sophisticated. Police need to be extensively trained. One small technical mistake can destroy the effectiveness of a major investigation. The effect of the cut would have been to cut the number of days of training in half, from 53,000 days in fiscal year 1981 to 25,000 days in fiscal year 1982. The Judiciary Committee approved my amendment to restore \$487,000 to keep this program at the 1981 level.

Probably the biggest cut to DEA that I am concerned about is the cut in the state and local task forces. This program, like training, has a multiplier effect. A limited expenditure brings greater resources ultimately to bear on the problem.

The task forces generally concentrate on different kinds of cases than DEA's regular units or central tactical units. Task Force cases are frequently lower level cases than the big traffickers we all want to eliminate. But an important point to remember is that we must implement a comprehensive strategy. To reduce the amount of heroin addiction, for example, we recognize that the price must be kept high.

Professor Mark Moore has developed a concept called the "effective price." This price includes not only the dollar price, but all things that make heroin difficult and risky to obtain. It includes the amount of time an addict has to spend just to find heroin to buy and it includes the probability of arrest. These factors effect the dealers. Street dealers cannot be allowed to operate with impunity because we must concentrate on the supply from Asia or the planes flying into Florida.

Our comprehensive plan must include a focus on the street level dealers to keep the "effective price" of heroin high. It is the state and local task force program that goes after the street-level dealers. The Judiciary Committee approved my amendment to add \$2,519,000 to the DEA authorization for this purpose. Senator Biden succeeded in having a similar amendment added to the Senate bill.

Mr. Chairman, aside from the dollar amounts of the 1982 cuts, another perspective to consider is that DEA has been getting less money each year since 1978, when inflation is taken into consideration. None of the increases that DEA has received over the years, has approached the rate of inflation.

I asked the Congressional Budget Office to consider what the DEA budget has been in fixed 1978 dollars to illustrate this point. In 1978, DEA was appropriated about \$188 million. In 1979, they were given a 2.7-percent increase to \$193 million. But after factoring for inflation the effective DEA appropriation was only \$178 million for 1979.

In 1980, the effective appropriation was down to \$165 million. In 1981, the effective appropriation was even less, \$156 million, and for fiscal year 1982, the administration's request, using the administration's inflation forecast, amounts to only \$151 million dollars in 1978 dollars, not the \$228,524,000 we think we are getting.

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We should consider the implication that this analysis has for other components of the criminal justice system. Members of the Judiciary have sued for higher wages. Police officers and prosecutors, often with great, irreplaceable experience, are forced to leave public service because of inadequate salaries.

The administration proposes cutting \$15 million from the budget of the United States Attorneys and the United States Marshals. Every account of the workload of the United States Attorneys indicates that they are forced to decline prosecution of important cases because they have inadequate staff and resources. This cut can only aggravate an already terrible situation.

Is it any wonder that our success in fighting drug traffickers has been so limited?

Let's consider for a moment the effect of heroin addiction on other aspects of our national crime problem. A recent study by John Ball and his colleagues at the Temple University Medical School, reprinted at Senator Biden's request in the Congressional Record, reported on 243 heroin addicts in Baltimore. His study demonstrated that addicts, when they are in the grip of their addiction, and using heroin, commit a very high number of crimes, generally property crimes. An important point of the study was that when they are not using the drug, their commission of crimes drops dramatically. One conclusion we can draw is that not only is law enforcement important, but prevention and treatment for heroin addiction are very important in reducing crime, because they have been demonstrated to be effective in curbing heroin addiction.

Tragically, the administration has cut extensively in this area as well. The National Institute on Drug Abuse has provided formula grants to the States for drug abuse prevention and treatment. It was authorized for \$30 million in fiscal year 1981. The President's recession budget proposes to eliminate this program.

In fiscal year 1982, the direct NIDA treatment programs will be eliminated. Three-quarters of the current level of funding will be grouped into a health services block grant for the states. That block grant has 15 categories which include maternal and child health, genetic diseases, black lung, sudden infant death syndrome, family planning, emergency medical services, mental health and other programs. The states can use the funds for any of 15 categories; community drug abuse treatment is only one of them. This is insufficient attention to treatment for drug abuse and heroin addiction.

In the area of disease prevention, a block grant is being created but drug abuse prevention is not a category at all.

In sum, Mr. Chairman, I fear that the administration's budget priorities will handicap our already limited efforts to fight drug trafficking. The increased crime as a consequence of heroin addiction will be further magnified by the administration's benign neglect.

I have sponsored H.R. 3359, the Justice Assistance Act of 1981, to provide assistance to the states for law enforcement without the red tape of the LEAA. Among the specific categories for which grants can be funded are programs which identify and meet the needs of drug-dependent offenders. Other categorical programs would provide for career criminal identification and prosecution; sting programs to combat burglary, fencing and theft; citizen-police community crime control; victim, witness and juror assistance programs; training for criminal justice personnel; and prosecution management systems. It has received several national endorsements.

Mr. Chairman the Chief Justice of the United States, Warren Burger, has been focusing national attention on problem areas in criminal justice. He is right when he points out that defending our personal safety in the streets and in our homes from criminal offenders is just as important as the Pentagon budget which defends us from foreign enemies. The administration has not yet accepted this premise.

The Chief Justice observed that deterrence is the core of any effective response to the crime in our cities. This deterrence must be adequately funded. To the extent that heroin addicts are committing crimes, prevention, and treatment of drug addiction constitute a primary type of deterrence. The proposed cuts by the new administration in law enforcement, in drug abuse prevention and in treatment are tragically short-sighted.

There may be activities that the Federal government has undertaken in recent years that in the opinion of the new administration, are a departure from the fundamental activities of government, but law enforcement is not one of those. The reason that society creates a government in the first place is for protection. History has recorded that after military defense, law enforcement is the oldest of government activities. This administration has yet to demonstrate an appreciation of history, and the priority that law enforcement must have in the ranking of government activity.

I ask the members of this Committee to give their support to H.R. 3359 when the bill comes to the floor. All law enforcement activities ultimately have to share the same pie. The Justice Assistance Act of 1981 will have a positive effect on drug law enforcement because it will aid prosecutors, courts, and police activities in general. The provision of funds for training criminal justice personnel will be shared by law enforcement officers no matter what kind of patrol they are assigned to. The training and assistance made available to prosecutors, whether they carry a specialized or general caseload, will benefit all law enforcement efforts.

Mr. RANGEL. Thank you, Congressman Hughes. Certainly it makes us feel better knowing that we have you in order to formulate a national policy where we have had a void for the last decade. Tell me, what time do you have to leave us this morning?

Mr. HUGHES. I have to leave no later than 10 after 10.

Mr. RANGEL. All right. I yield to Mr. Shaw.

Mr. SHAW. I would suggest perhaps in the interest of time that any questions that we would want to ask, we submit to you in writing. I know how it is to sit in a chair waiting, thinking about that plane and what you have to do.

Mr. HUGHES. Well, I hesitate to cramp the committee, but I do have some time, if you have some questions. I would be very happy to respond in writing, either way.

Mr. RANGEL. Well, the major problem I think that we have in this country is that we have allowed drug crime to be considered as a local and State problem. This administration is concerned with supply side economics. I think that we on the Narcotics Committee can take a look at the supply side of narcotics and recognize that we do not manufacture or grow 90 percent of the drugs that are being abused in this country.

I would like for the record for you to state as a Member of Congress, how do you see this problem having national import affecting your district?

Mr. HUGHES. There is no question but that crime is a national problem. Drug crimes are one of the most serious of our national problems. Local and State law enforcement agencies do not have the capability to deal with the problem.

We just have not been realistic in assessing the priorities. If we are really serious about combating crime, we have got to reassess our priorities. It cannot be done by the local and State authorities. It needs at times a comprehensive task force type of approach, as we devised for the DEA, as we devised for the BATF, the Bureau of Alcohol, Tobacco and Firearms; and yet I see us turning away from those areas. The new budget would dismantle our arson task forces. They have been immensely successful in trying to bring all the resources of law enforcement together to bear upon both the drugs and arson problems. These problems cut across State lines. They are beyond the capability of any single local agency to control.

Most of what we see in heroin coming into the country we know is difficult to control at the source. That is the primary way we should be controlling it. Obviously, the State and local governments cannot do that. State and local government cannot alone control those drugs that are coming across their borders.

I serve on the Committee on Merchant Marine and Fisheries. As a member of the Subcommittee on the Coast Guard. We just have not, as Mr. Shaw knows, made the commitments that are necessary to beef up Coast Guard activities. My colleague was one of the few minority members that voted against the efforts to cut certain aspects of the Coast Guard budget that would make it even more difficult for the Coast Guard to carry out its responsibilities. Drug interdiction is one of its primary responsibilities. We are only interdicting between 15 and 17 percent of the drugs coming into this country.

We know where much of it is coming in. We know their routes generally. We just do not have the resources to do a halfway decent job of trying to intercept it.

So we have to make some commitments. They are national commitments.

What troubles me most of all is that there are things that we can be doing right now. We do not have to wait for the task force on violent crime to report back to us later this year to know some of the things we should be doing now. We cannot afford to lose one funding cycle, as we are going to, and the loss of programs that have proven successful.

We know that the career criminal program is tremendously successful. We do not have to have a task force to tell us that.

We know that you cannot combat drug crimes by cutting back on the DEA's budget. That translates into fewer personnel, fewer police officers enforcing the law. We need more, not fewer.

We know that you cannot combat arson offenses by dismantling the arson task forces. We know you cannot address the explosive problems in this country by annihilating research conducted by the BATF in explosives when the program is almost 90 percent complete.

You do not have to serve on a task force to know that there are some basic things that we should be doing now to combat violent crime. We are not doing it. That is what has many of us so frustrated.

I must say that Hal Sawyer, my ranking minority member, shares many of these views. He has been very, very supportive and very helpful to our subcommittee. We are hopeful that we can get the administration to begin testifying on some of the measures that we think would be important now. Obviously, there are some priorities that would have to be determined in cooperation with the new administration, I understand that. That is the prerogative of any new administration; but there are certain basic things that we cannot wait for until October 4. We need to be doing them now.

Mr. RANGEL. Well, Mr. Hughes, we certainly agree with you. As you go back home, you can tell your law enforcement people that this committee does not intend to be partisan, that you have honestly criticized this administration, as well as the last administration, and the relationship that members of this committee have, Republicans and Democrats, are more concerned with resolving the problem than placing the blame; but this task force is very anxious to make certain that the people that are out there on the firing line will know that we in Washington are here to try to bring our resources together.

I would have to agree that some of the things that have been suggested are just absolutely ridiculous and maybe through our combined effort with the cooperation of the local and State people we can dramatically show how we can save money by trying to get a handle on this serious problem early on.

Thank you very much.

Mr. SHAW. Let me inquire into a particular area that you did refer to, that is the area of the DEA. I understand that Peter Bensinger in his testimony stated that the cuts were in the area of compliance and regulation, that they were largely unfilled positions. Is that a correct statement?

Mr. HUGHES. No, that is not accurate.

Mr. SHAW. Where were the cuts in DEA?

Mr. HUGHES. The cuts, if you have a few minutes, I will go down that list.

The cuts of unfilled positions were in minor decreases. In the area of intelligence, 21 positions out of 387.

In the executive direction and control, 14 positions out of 277.

In State and local training, which we did restore because it would have meant too much of a cut, I have already alluded to that.

Research and development, seven positions unfilled.

Administrative services, seven positions.

State and local laboratory services, a total of five positions.

Mr. SHAW. Are those presently filled positions?

Mr. HUGHES. Many of those were not filled positions; however, in the area of compliance, we just do not have the resources now to do the job.

The diversion of licit drugs into the illicit market is a major problem. I mean, that is the stuff going into our schools.

We do not have sufficient resources now to be able to do a halfway decent job. We are eliminating the drug investigative units, some 24 positions. They were units that were training local personnel. That is being phased out. That is improvident also, in my judgment. We did make an effort to restore that.

You know, I just think that was foolhardy and I think ultimately we will see the wisdom of restoring those cuts; but none of the 47 slots in compliance and regulatory affairs were unfilled positions. If anything, we need additional persons.

Mr. SHAW. I think what we are seeing now is the new administration that will be coming up with a lot of reorganization that, hopefully, will take up some of that slack.

I might say that I share your concern with regard to cuts in those particular areas. I guess where I would differ with you is that I have faith that efficiency will actually be increased in the long run, but we will both watch with a great deal of interest.

Mr. HUGHES. I look forward to working with you. Thank you, Mr. Chairman. I look forward to working with your very active committee.

Mr. RANGEL. Thank you for the contribution that we expected. We look forward to continuing the struggle.

Our next witnesses come from the city of New York; Sterling Johnson, a person that was raised in an area that now is besieged by drugs, a former New York City policeman, a prosecutor and a person that has full appreciation of the problem on a local, national, and international level.

He will have with him Chief Daniel Courtenay, who is from the Organized Crime Control Bureau.

I spoke with Police Chief McGuire, who informs me that no one has a better understanding of the relationship of the battle that the city police have against this international problem; so we are fortunate to have both of you here. We do hope that you are able to take back to your departments that these hearings, although formal this morning, we are very anxious to have continue in a more informal way the relationship so that we can better coordinate our combined effort to combat narcotics abuse.

Sterling, it is good to see you again. We appreciate your contribution you have made over the years.

Both of you know that your full statements will be entered into our record and you can proceed as you find more convenient to yourselves.

TESTIMONY OF STERLING JOHNSON, JR., SPECIAL NARCOTICS
PROSECUTOR, NEW YORK CITY

Mr. JOHNSON. Thank you very much, Mr. Chairman, and Co-chairman Shaw. It is a privilege to be here to assist you in assisting us at a local level in attempting to combat this dreadful scourge that is infecting not only New York, but other great cities across the Nation.

My statement is rather brief. I would like to read it into the record, if it is all right. Then I would like to make some observations.

Mr. RANGEL. We are joined now by Congressman Coughlin.

Mr. JOHNSON. Congressman Coughlin, good morning.

Now, it is a fact, Mr. Chairman, that a problem exists. I think almost everyone who lives in this country and who does not live in this country will acknowledge that problem. The drugs are coming in from Southeast Asia, Southwest Asia and Mexico. This is heroin. I am not even talking about the cocaine and the marihuana and pills. The fact is that there has been a cutback by the administration in the Drug Enforcement Administration budget. It is my understanding they are going to cut back 50 percent of the local and State task force. They are going to eliminate the diversionary investigation unit and it is my understanding they are going to cut back 10 percent of the compliance section of the Drug Enforcement Administration.

Let us look at what the local and task forces do in New York. The New York City Police Department must address drug traffickers at all levels, middle level, and high level; but they must address a lot of low level drug traffickers. The Drug Enforcement Administration says they must address the high level and it is the task force that targets the middle level drug traffickers.

In the cocaine area last year, the task force for New York City made these accomplishments just in the cocaine area. From 1979 to April of 1981, there were 395 arrests for cocaine by the task force, 300 of which were illegal aliens.

Two hundred ninety-one pounds of cocaine were seized. This is not including during this period of time an additional 286 pounds that were seized in Florida.

There were 127 guns, 74 cars, and \$2 million in cash. Forty percent of the addicts in this country are in New York City itself.

As far as the compliance goes, it is my understanding compliance checks the people who import legal opiates for medicinal purposes. The administration is getting ready to authorize an additional five companies who import legal opiates for medicine to go along with the three that are already authorized, and at the same time they are cutting back the people who are going to check on these companies.

As far as the diversionary investigation unit is concerned, there will be no one to regulate the pharmacies, the doctors, and the people who traffic legally and illegally in soft drugs.

It is a fact, Mr. Chairman, that I have heard statements from the administration stating that they want to address the problem of street crime. I think this is very, very inconsistent to address the problem of street crime by cutting back the resources from drug enforcement, both on the Federal level and at the same time not

giving local authorities additional resources to do what the Federal authorities are not doing.

It is like asking someone to put out the fire and then telling the firemen that "We are going to cut back on your water to save resources."

Mr. Chairman, I think that it is wrong for the administration to take the position that they are taking. I think there has been no serious commitment to drug enforcement or drug abuse in this country since 1972. For the past 4 years, in the prior administration, they gave us a lot of rhetoric, no substance, and although this is only the first 100 days of the current administration, apparently we are not even getting rhetoric from this administration. There is no one in place in the current administration that we on the local level can go to and say, "Help us. Let us sit down, let us work together, listen to our problems." We are really in bad shape.

The fact that they are cutting back on resources, both on the local and State level, is not doing us any good.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF STERLING JOHNSON, JR., SPECIAL NARCOTICS PROSECUTOR,
NEW YORK CITY

I welcome the opportunity to appear before you because I believe that we as a nation are in the midst of a crisis that threatens to destroy us. The crisis we face is drug abuse in general and heroin abuse in particular. Today I shall offer some facts and figures that demonstrate the dramatic rise in the availability and use of heroin in New York. This problem is not confined to New York but exists in Newark, Miami, Atlanta, Philadelphia, Baltimore, New Orleans, Dallas, and other great cities.

The cause of this problem was created by such factors as political instability in Southwest Asia, turmoil in Southeast Asia, a bumper opium crop in both these regions and our nations "benign neglect" policy toward drug abuse over the past few years.

There are those who cry that crime is a cancer eating away at society as we know it. Even those who have not been victims of crime fear that time is running out on their basic right to feel and be safe in the conduct of their daily affairs. People are afraid to use their parks, ride the subways and walk in their own neighborhoods after dark. In some communities, even the muggers are being mugged. The ill and elderly are virtual prisoners in their own homes, even during the day. Tourists and conventioners shy away from some of our cities because of fear of crime. Corporate headquarters, retail stores and other businesses leave for the suburbs. Jobs are lost and so are taxes, all for the same needless reason.

A recent study called "The criminality of heroin addicts when addicted and when off opiates" given by a psychiatrist at Temple University disclosed that 243 male addicts committed almost 500,000 crimes over an eleven (11) year period.

This startling fact demonstrates that if we as a nation are to effectively deal with crime, it is imperative that we address the drug problem.

Traditionally, law enforcement has attempted to stem the flow of drugs into our cities. Although the success rate over the years in this endeavor has been less than spectacular, some progress has been made. From 1972 until 1974, law enforcement, with the State Department and the help of the Governments of Turkey and France, substantially shut off the Turkish-French connection heroin pipeline. Since that time there has been a steady and sometimes dramatic flow of heroin into this country from Mexico, Southwest Asia (Burma, Laos, and Thailand) and Southeast Asia (Pakistan, Afghanistan, and Iran).

For instance, the amount of opium harvested last fall in Southeast Asia was twenty times the amount harvested in Turkey at the height of the heroin epidemic of the late 1960's and early 1970's. Unfortunately, a large amount of the heroin that reaches our shores and homes, finds its way to New York.

To appreciate the scope of the heroin crisis facing us I have enclosed some data collected by the New York State Division of Substance. These "heroin availability factors" reveal that the purity of "street heroin" in New York City in 1980 was almost seven percent (7 percent). More troublesome though is a study of the lower east side of Manhattan which shows that during July 1980, the average purity of

"street heroin" was over 12 percent. Today, if a buyer had \$15,000, he could get an ounce of heroin in Harlem that would be at least 80 percent pure.

Some other disturbing indicators are:

Heroin arrests in New York City are up 38 percent for 1980 and up 85 percent from the 1978 figures.

In 1977 there were over 1,920 heroin-related emergency room episodes (Nonfatal overdoses). In 1980 there were over 3,620 or an increase of almost 100 percent.

In 1978 there were approximately 245 drug dependent deaths in New York. In 1979 the figures rose to 472 and in 1980 the figure was an even greater 534.

Serum hepatitis B+ cases increased from 487 in 1979 to 577 in 1980 (18 percent increase).

The conclusion from these figures is inescapable. A problem exists and it is getting out of hand.

To solve this, local Governments will need help from the Federal Government. More, not less resources must be allocated.

Americans spent approximately \$64 billion dollars for illicit drugs in 1980. It is estimated that this figure will rise to \$100 billion by 1982. To reduce our commitment to such a serious problem is tantamount to national suicide.

Speaking not only as a prosecutor from an urban area, but also as a parent and a concerned citizen, I say that you cannot permit those who profit from trafficking in drugs to continue this disgraceful conduct knowing that the United States will fight drug abuse with one fiscal hand tied behind its back.

DIVISION OF SUBSTANCE ABUSE SERVICES

May 1981

HEROIN INFLUX UPDATE

Heroin activity in New York State continues to increase. Indirect indicator data and field studies continue to signal a growing problem. The following evidence drawn from regularly monitored data sources highlights the impact felt by New York City and, now, by upstate counties as well.

New York City

Heroin/Morphine Emergency Room Episodes (N.Y.SMSA)*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Episodes	NA**	NA	267	287	290	466	539	629	681	793	1016	1132

*Source: Drug Abuse Warning Network (DAWN) consistent reporters

**Not Available

These heroin-related emergency room episodes represent experience from a larger sample of hospitals (46 hospitals) than the former sample (39 hospitals) reporting to DAWN. The number of heroin episodes continue to rise. Figures for 1980 show an increase of 88 percent over 1979. From the second half of 1978 to the comparable period in 1980, heroin episodes rose 288 percent.

Drug Dependent Mortality*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Deaths	67	63	65	51	122	108	112	130	138	154	138	104

*Source: N.Y.C. Department of Health

Drug-dependent mortality (i.e., mainly deaths due to chronic/acute intravenous narcotism) is reported in the above table. In New York City, deaths attributed to narcotic drugs increased from 246 in 1978 to 534 in 1980 -- an increase of 117 percent.

The number of emergency room episodes and deaths would be vastly greater if it were not for the fast-acting narcotic antagonist Narcan. The Emergency Medical Service of New York City Health and Hospitals Corporation, for example, treats an estimated 100 heroin overdose victims monthly in the street with Narcan. Many of these patients never appear in hospital emergency rooms.

Reported Cases of Serum Hepatitis B+*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Cases	112	135	96	151	143	131	106	107	176	115	138	148

*Source: N.Y.C. Department of Health

Reported cases of serum hepatitis B+ increased from 487 cases in 1979 to 577 cases in 1980, an increase of 18 percent.

Opiate Felony and Misdemeanor Arrests*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Opiate Felony Arrests	1990		2133		2348		2154		2189		2609	
Opiate Misdemeanor Arrests	1163		1143		1118		1180		1172		1413	

*Source: N.Y.C. Police Department

Although opiate-involved arrests have remained relatively stable in recent years, they have increased sharply in the second half of 1980. All opiate arrests increased 21 percent between the last six months of 1979 and the comparable period in 1980. Opiate-involved arrests would probably be higher, but because of public pressure, the Narcotics Division of the New York Police Department reports that a significant proportion of its time is consumed by marijuana arrests.

Reported Robberies and Burglaries*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Robbery Reports	34086		39943		37421		45151		45578		54972	
Burglary Reports	77890		86557		83335		95445		99522		113226	

*Source: N.Y.C. Police Department

Reported robberies and burglaries have risen along with other indicators of increased heroin activity. Between 1978 and 1979, reports of robberies increased 12 percent from 74,029 to 82,572; reports of burglaries increased nine percent from 164,447 to 178,780. Between 1979 and 1980, robbery reports increased 22 percent from 82,572 to 100,550; burglary reports increased 19 percent from 178,780 to 212,748.

Studies indicate that heroin addicts commit many more crimes and more serious crimes during periods of heavy heroin use than during periods of little or no use. For instance, Ball et.al found that heroin addicts commit six times more crimes during times of daily heroin use than during times of light use. ...

Percent Purity of "Street" Heroin (N.Y.C.)												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
New York City*	1 - 3				3 - 5				6 - 7			
Harlem**	NA				3.0				3.3			
Lower East Side**	NA				8.5				12.6			

*Source: N.Y.C. Police Department Laboratory
**Drug Enforcement Administration Monitor Study

The New York City Police Department Laboratory analyzes the purity of "street" samples of heroin. A year ago the average purity was between three and five percent. From August through October of 1980 the purity of heroin analyzed ranged from six to seven percent.

Studies conducted by the DEA in Harlem and on the Lower East Side in the summer of 1979 and the summer of 1980 found the average purity of "street" heroin remaining almost constant at three percent in Harlem but rising sharply from 8.5 percent to 12.6 percent on the Lower East Side. The average street price declined in both neighborhoods, from \$1.25 to \$1.05 per mg. of pure heroin in Harlem and from \$1.99 to \$1.81 on the Lower East Side.

Field workers from the Division of Substance Abuse Services have observed that for the first time since the 1960s heroin has sold for the low price of \$4.00 per bag. On the Lower East Side, six or seven dealers were selling heroin at this price.

Admissions to Prison Detoxification*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Admissions	2003	1815	1720	1696	1671	1781	1856	1931	2042	2102	2736	2824

*Source: N.Y.C. Department of Correction

Admissions of inmates to the detoxification program on Rikers Island remained relatively constant between 1978 and 1979; however, admissions rose 34 percent between 1979 and 1980 (from 7,239 to 9,704).

Treatment Admissions with Heroin as Primary Drug of Abuse*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Admissions	4459	4791	4579	4815	5299	5714	5976	6475	6613	5682	4273	4539

*Source: N.Y.S. Division of Substance Abuse Services,
Bureau of Management Information Systems

The chart above shows the number of heroin treatment admissions in New York City from 1978 to 1980. Between 1978 and 1979 heroin admissions increased 26 percent (from 18,644 to 23,464). Through the first quarter of 1980 heroin admissions continued to climb until the capacity to accept additional clients was reached. In the second quarter of 1980 as a result, total admissions declined as waiting lists were established. At the end of the third and fourth quarters, waiting lists existed in methadone maintenance, residential drug-free and ambulatory detoxification programs. Currently the lists number more than 1000 persons.

The Rest of the State

Arrests Involving Controlled Substances (N.Y.S.)*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Arrests	977				1225				1850**			

*Source: N.Y.S. Division of Criminal Justice Services (DCJS) Annual Reports
**Preliminary

Between 1978 and 1979, arrests involving controlled substances including opium, cocaine and derivatives increased 25 percent (from 977 to 1,225 arrests) in New York State counties outside New York City. Between 1979 and 1980, these arrests rose 51 percent (from 1,225 to 1,850).

Reported Cases of Serum Hepatitis B**												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Cases	455				463				454**			

*Source: N.Y.S. Department of Health
**Through Mid-December

The number of reported cases of serum hepatitis has remained relatively stable in the past three years. Some areas in the state, however, including Rochester, Albany, and Long Island, have shown appreciable increases in recent years.

Treatment Admissions with Heroin as Primary Drug of Abuse*												
Year	1978				1979				1980			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4
Admissions	588	485	531	639	607	691	744	813	873	1,007	1,186	1,089

*Source: N.Y.S. Division of Substance Abuse Services,
Bureau of Management Information Systems

The preceding table presents admissions to treatment programs in New York State, excluding those in New York City, with heroin as the primary drug of abuse. These admissions increased 27 percent between 1978 and 1979 (from 2,243 to 2,855), and 46 percent between 1979 and 1980 (from 2,855 to 4,155).

Suburban New York City Counties

- An increase in heroin activity in Nassau County is particularly evident in 1980. Nassau reports 54 arrests for possession/sales of heroin in the first eight months of 1980; 23 such arrests were reported for all of 1979. Heroin-related emergency room episodes increased sharply in the last two years: 109 in 1978; 257 in 1979; and 374 estimated for 1980.
- By the end of April, 1981, the methadone treatment programs in Nassau and Suffolk, with a client census of 1,009, were operating at 109 percent capacity.
- Westchester's methadone programs, with a census of 1,417, were operating at 111 percent of capacity and had a waiting list of 16 at the end of April 1981. Urinalyses for Westchester's methadone clients reveal an increasing percentage of samples showing heroin/morphine positives: 16 percent for the first nine months of 1980 compared to 12 percent for the same period in 1979.

Upstate Counties

Heroin has become more available in upstate counties in the past year. For instance,

- Emergency rooms in the Buffalo SMSA (Erie and Niagara Counties) report an increase in heroin admissions. In the last half of 1980, there were 43 heroin admissions to emergency rooms which is more than twice the number for the comparable period in 1979 (18), and the highest in several years for any six month period.

- Treatment personnel report increased availability and quality of heroin in the cities of Albany and Utica.
- Local police report increased heroin availability in Syracuse. A recent case involved a dealer who was charged with attempting to distribute \$1,000,000 worth of heroin in Onondaga County.
- A Dutchess County treatment administrator reports an increase in the number of local dealers. In the past, it seems that small quantities of heroin were imported from New York City. Now, dealers are basing their operations in the county itself.
- A year ago, the Ulster County methadone program had 45 patients; currently it has 90. Patients claim that there are at least 30 dealers in the Kingston area.
- In general, methadone programs in the Hudson Valley are operating above capacity. As of the end of April, 1981:
Dutchess County with 99 clients was at 116% utilization;
St. Luke's Newburgh with 99 clients was at 116% utilization; and
Ulster County with 90 clients was at 120% utilization
- Talwin and pyribenzamine -- "Ts and Bs" or "Ts and Blues" -- have grown in popularity in upstate New York during the period heroin availability had declined. Even though heroin has become more available, many drug abusers seem to prefer "Ts and Blues" because of their lower price, ease in access through physicians, and quality control. Drug abusers report effects very similar to those of heroin.

Mr. RANGEL. Chief Courtenay.

TESTIMONY OF DANIEL J. COURTENAY, CHIEF OF ORGANIZED CRIME CONTROL, NEW YORK CITY POLICE DEPARTMENT

Chief COURTENAY. Good morning.

I am Daniel J. Courtenay, and I am the chief of organized crime control for the New York City Police Department. The police commissioner has asked me to come down and represent him before this body and to offer whatever we can in the deliberations.

Sterling has stolen some of my thunder in the area of the task force, and so on. I do also have a brief statement that I think will give the committee some insight as to what the present situation with drugs within the city of New York is and what we have been doing about it in the last year or so.

[The prepared statement of Chief Courtenay follows:]

PREPARED STATEMENT OF DANIEL J. COURTENAY, CHIEF OF ORGANIZED CRIME CONTROL, NEW YORK CITY POLICE DEPARTMENT

I am Daniel J. Courtenay, Chief of Organized Crime Control for the New York City Police Department. The Police Commissioner, Robert J. McGuire has asked that I represent him at this hearing to provide an assessment of the current drug problems within the City and the Department's responses.

Within New York City we see an escalation of drug use in all forms in all areas involving all socio-economic levels. Drug use that historically has been centered within particular groups has now spread to all rungs of the social ladder.

Briefly let me indicate the present drug trends affecting New York City.

Heroin has increased in availability throughout the City. Formerly small pockets or particular areas of the City were identified as major supply locations. We now see addict pushers buying larger quantities from these core areas for resale to suburban customers. Retail prices for street bags have remained fairly constant. Purity remains in the 3.5 percent range city-wide, with some fluctuation in the lower East Side. On the wholesale or ounce level, we see purities ranging from 80 percent with prices ranging from \$12,000-15,000 per ounce.

With Cocaine, we see a greater social acceptability among all sectors of society thus increasing its use. While the wholesale importation and distribution of Cocaine has been dominated by South American nationals we now see a greater involvement by so-called legitimate corporate or business types taking advantage of the increased demand and expanded market place.

Retail quantities for personal consumption from the \$10 3-grain tin to the \$100 gram are available in all areas. Prices have remained stable during the past year. Street purity is in the 12 percent range.

We see many violators formerly dealing in a single drug now sell both heroin and cocaine from the same locations.

There is a greater public use and social acceptance of Marijuana despite the latest research reports of its harmful effects. The Marijuana Reform Act of 1977 has created the perception in the minds of our citizens that the use of marijuana is no longer harmful or illegal. This has generated a tremendous increase in visible street sales in parks, playgrounds, building plazas, and local streets. It is not uncommon to see mid-level executives along with the youthful smoker using marijuana on the street during the lunch hours. "Smoke shops" selling paraphernalia for marijuana use have proliferated in many neighborhoods creating a serious enforcement problem. During 1980 at least 48 percent of all the arrests effected by the Narcotics Division were for sale or possession of marijuana. The supply is abundant, the price is stable and the potency has increased.

P.C.P.-phencyclidine.—Angel dust remains a popular drug of choice among adolescents. It is found in ghetto and middle class communities. P.C.P. traffic within the city's parks and in the vicinity of schools has been suppressed by our arrest activity. P.C.P. is of limited availability in the city with Harlem and central Queens the primary locations where it is sold. These locations have a visible abuser population.

Pills.—The traffic in illicit pills remains a problem especially with adolescents and young adults. Barbiturates and methaqualone have increased in popularity during the past year. Trafficking in pills is heaviest in several major park areas and commercial centers that cater to office workers and young adults. The vicinity of

junior and senior high schools are also a favorite location for pill transactions with prices ranging from \$3 to \$5 per pill.

Young people prefer to purchase these drugs on the street since it affords them anonymity with little risk of arrest.

The Police Department has assigned 452 investigators and supervisors to the Narcotics Division to respond to the above-mentioned drug problems. The Division is capable of responding to high-level, mid-level and street dealers effecting over 7,000 narcotics arrests in 1980, seizing 23 pounds of heroin, 34 pounds of cocaine and 2,700 pounds of marijuana. \$860,000 in cash was seized during arrest operations.

In addition to the Narcotics Division, a Joint Task Force comprised of 71 New York City Police investigators, 23 New York State investigators and 31 Drug Enforcement investigators direct their investigative expertise to the Class I and II violators operating within New York City. During 1980, 387 arrests were effected, 9 pounds of heroin and 45 pounds of cocaine were seized.

The uniform force of the New York City Police Department also accounted for 11,000 summary arrests for narcotics violations during 1980.

In spite of more than 18,000 arrests within New York City for drug violations, the problem persists. We see that law enforcement alone is not the answer to our pressing problem. The solution appears to lie in the suppression of drugs at their source to deal with the supply and deal with the customer by a major educational effort in the local schools.

Mr. RANGEL. Does that complete your statement?

Chief COURTENAY. That completes my statement.

Mr. RANGEL. I am going to take some liberties with you two witnesses that I won't be taking with others because you are from my hometown. But it appears from what I suspect and from what you have testified that the drug situation in the city of New York is out of hand.

I am hearing from the prosecutors that they don't have the resources to develop cases, that they don't feel the Federal input, the type of support that is necessary from the Federal system to contain this ever-increasing problem, that the police department does not have the moneys to buy narcotics in order to develop cases, that our criminal justice system is really a sleeping tiger. And it has been my experience that any one entering the drug trafficking business in the city of New York on a high level takes very little risk of apprehension and even less risk of conviction.

Am I wrong?

Mr. JOHNSON. I say that you are right, Congressman. The criminal justice system is not only a sleeping tiger, it is a sleeping, toothless tiger.

There is no national strategy. There is no national policy.

Heroin goes nowadays for \$15,000 an ounce, and if you wanted to get a "Mister Big" in New York, which would be classified as an A-1 felony, you would have to buy at least 2 ounces, which means \$30,000. But you don't go in and ask for 2 ounces; you have to ask for more than 2 ounces in case you get, as they call, shorted on the weight.

When you are talking about \$45,000 per buy and at least two buys on a suspected drug dealer you are talking about \$90,000 for one case. And then you must move up the ladder.

I don't know the budget of the New York City Police Department, but I suspect that they do not have the type of money that they can lay out on each and every case to move up the ladder and get "Mister Big."

We recently put away a person in New York called Nickey Barnes. He was on the front page of the New York Times magazine. And I was recently told by a drug dealer, who had been

arrested, he said, "Mr. Johnson, you people put Nickey Barnes away, but that's all you did. His operation is still going, drugs are still flourishing," and it really had no impact at all.

So, Congressman, your assessment of the situation is absolutely correct.

Mr. RANGEL. Chief Courtenay.

Chief COURTENAY. Yes; I would also like to respond to that.

In that area of arrests, Sterling did indicate that the price of heroin is extremely high.

I had been the commanding officer of the Narcotics Division in 1974, and at that time a kilo of good heroin ran between \$60,000 and \$70,000. At the present time heroin ranging between the 60 percent and 80 percent purity range, a kilo would probably cost you a quarter of a million dollars.

We have within the New York City budget, or at least within our police department budget, for buys approximately \$1 million of buy money. Now, what the increase in heroin prices have done to us is, it made us change our tactics. At the present time, as Sterling indicates, you have to get over 2 ounces to get an A-1 felony. What we try to do is order up as much as we can. Once we go in and buy an ounce, for example, for \$10,000 or \$12,000, then we will go back and try to order up more, hopefully ordering up multikilos if the purity is good. That money is never spent.

In other words, we will come up with a suitcase of \$300,000, to show our good faith, to suck the guy out and to us. But that money is not spent. In other words, we spread that million dollars around several times during the course of an investigation so that the money does not flow out that rapidly.

We have managed in our dealings to target individuals, let's not say the financiers—we haven't been able to touch those people—but we have been attacking midlevel dealers, some midhigh level dealers, and so on.

A problem in the New York City Police, obviously, is that we as a local law enforcement agency, must deal with the condition that exists on the street. We must respond to the local communities.

The local community, as you well know, Congressman, is more concerned about the low-level dealer who is in the street dealing in front of the school, the playground, and a good bit of our effort is expended in these areas.

As I indicated in my brief testimony, some 48 percent of the activity of the narcotics division in 1980 was directed toward marijuana.

Mr. RANGEL. But you also are saying that you do believe that as it relates to the high level conspiracies, there should be more of a Federal presence because it is not only into State but it is into national.

Chief COURTENAY. I agree. But I think that the key to the situation—really, the only time that we really had any—there was any positive effect in the narcotics situation, was back in 1973, when the Federal Government and the Turkish Government got into some kind of an agreement where the Turkish farmers would no longer grow the poppies. We saw a reduction in the availability of heroin, we saw a reduction in the number of addicts, we saw good things begin to happen.

Mr. RANGEL. You saw that impact in Mexico, as well. But while we can try to push international agreements, still the major part of our hearings today is that the responsibility falls on local and State government. And what we want to know is how we can be more helpful.

It would seem to me that you two should belong to some type of national groups that have the same responsibilities in other parts of the country. Is that so? Would you belong, Chief, to a national narcotic law enforcement group?

Chief COURTENAY. Yes; I belong to two. One is that at least once a year the IACP, that is, the International Association of Chiefs of Police, and the Drug Enforcement Administration run a 3-day conference.

Mr. RANGEL. Where will that be held this year?

Chief COURTENAY. Well, this was held in Nashville, Tenn., approximately 1 month ago. At that conference are the major chiefs and narcotics enforcement officers from 35 or 40 of the major departments throughout the country. And that 3-day session is a comprehensive session to determine—

Mr. RANGEL. What came out of this session?

Chief COURTENAY. Well, a few things. I think that we recognized that we as local enforcement can't do the work by ourselves because we are pretty much restricted to a smaller area of concern.

Mr. RANGEL. Were your conclusions reduced to a report or writing that you could share with this committee?

Chief COURTENAY. I, unfortunately, do not have it with me.

Mr. RANGEL. But you do have one?

Chief COURTENAY. Yes; there were some suggestions for legislative changes in the area of, I think, to support the posse comitatus bill that is presently up in Congress, greater involvement, greater use of the Federal statutes on forfeiture and assessment removals, and a few others.

Mr. RANGEL. Well, the record will remain open for you to get that to us.

Chief COURTENAY. All right, sir.

Mr. RANGEL. Mr. Johnson, is there a national prosecutors group? You are a special prosecutor, concerning yourself primarily with narcotic cases.

Mr. JOHNSON. Narcotics cases and anything that relates to narcotics.

Mr. RANGEL. Is there a group of a special type of narcotic prosecutors in the country?

Mr. JOHNSON. There is not. Only last week I spoke to a prosecutor from Lexington, Ky. They are in the process of forming such a group, and I was asked would I serve on a committee.

Mr. RANGEL. Well, let's do this, because we are now getting into our second decade of not getting a handle on this problem. We don't know how many lives have been lost, how many billions of dollars have just gone down the drain because we have articulated the problem and yet the Congress has failed to come up with a solution.

Can I ask, for the record, Chief Courtenay, whether or not you could reach out and identify those people that have a similar position as you, from communities that have been hit the hardest,

so that we are dealing with those that not only have the problem but the experience, and to forward those names to the committee, for the purpose of us not waiting for hearings or conferences, but so that we can find out what we can ask the Federal Government to do as a partnership nationally?

And, Mr. Johnson, if there is no group, when we start looking at Newark and Baltimore and Washington and New York and Miami, it just seems to me that if you could put together the names of people who have the same type of responsibility that you do whether they are chief prosecutors or just a two-man office, I think that if we come together, that we will be able to dramatically show the President of the United States and this administration that we are not just being critical but we have analyzed the problem and this is where, professionally, we need the help.

Could we get that type of commitment?

Mr. JOHNSON. I will do that, Congressman Rangel. I will take care of it.

Mr. RANGEL. Chief?

Chief COURTENAY. I'll take care of it, for my part, sir.

Mr. RANGEL. Thank you.

Mr. Shaw?

Mr. SHAW. One of the things that I have found, in getting involved in this particular subject, is that when you start reducing the problems to statistics, it becomes increasingly alarming.

We had a statistic that was shared with us yesterday by the police chief from Nashville, and that was that 80 percent of the crimes committed in this country today are drug related, which I thought to be a rather astounding statistic.

And when you look at the various polls as to what the people all across this country are thinking and what they are most concerned about, crime is always on the top of any such list, which I think would certainly lead us to feel that we need a national priority, particularly in light of the statistics that one of you gentlemen gave to us in your testimony that 40 percent of the heroin addicts in this country are in New York City.

Also the statement with regard to the use of the drugs on the street itself.

It appears that the situation right now is really totally out of control and that local law enforcement really cannot, certainly by itself get a handle on the situation.

Other than greater Federal funding, what do—and I would like to pose this question to both of you gentlemen—other than Federal funding, what do you see could be the greatest Federal contribution to law enforcement in the area of drugs?

Would it be going after the supply? Would it be getting involved in the actual day-to-day law enforcement, or what?

Mr. JOHNSON. Congressman Shaw, I think what we could do is to have a Federal commitment. I am talking about a commitment from the President on down.

I would like to see drug abuse and drug enforcement take a top priority, a priority such as the national defense budget and the national defense question.

I think it would be silly for us to have ourselves prepared for an enemy from foreign shores and us being defeated by an enemy from within our own shores that is eating us up.

If we would have a commitment such as this, a commitment where we would have a national policy, a national strategy, we would address the drug abuse problem from the social causes, we would have a medical, not solution, but medical inquiries as to how we could stop the opiates from addicting the people, we would have education, we would have prevention, we would have all these things going at one time, much like the moving parts of an automobile.

They said there is something like 10,000 to 20,000 moving parts in an automobile and they all move with but one purpose; that is, to propel that automobile forward.

This is what I would like to see.

We have not had that type of commitment from the administration since 1972, when President Nixon was running for office, and he put the full weight of the National Government in this particular area, made it a top priority. He had the State Department involved with the Governments of Turkey and France. Moneys were given to the Government of Turkey. France was persuaded to look at its own house, to knock out some of these illicit labs. Money was poured into enforcement.

Mr. Nixon came out front and said he was against drug abuse. And within a short period of time we closed off that Turkish-French connection source and we patted ourselves on the back and the President said we had turned the corner on the war on drugs. And we did. We did do a damn good job.

However, while we were patting ourselves on the back we were falling asleep at the switch, and the Government of Mexico, or Mexican people were growing opium poppies in the hills, and they came into that vacuum. At one time Mexico used to have 10 percent of the national heroin market, and that 10 percent was consumed along the Texas-Mexican border and in southern California.

But while we were patting ourselves on the back and falling asleep at the switch, they came into this vacuum, and at one time they represented 80 percent of the heroin market in this country.

We addressed ourselves to the Mexicans, and I don't think too forcefully at that particular time. Drugs were coming in from the Golden Triangle, and they were being smuggled in in so many different ways that we couldn't keep track of it. So now you have three particular areas, at least two particular additional areas. You have the Golden Triangle, you have Mexico and, while we were doing nothing about that since 1972, and now you have the Golden Crescent. And drugs are pouring in.

I would like to see a commitment from the President on down, and this commitment translated into action, just like he is doing with his defense program and his tax program.

Chief COURTENAY. I agree with Sterling's observations. We in law enforcement feel that we interdict somewhere between 5 and 10 percent of all the narcotics that comes into this country. I think it was Congressman Hughes who indicated that it was close to 15 percent. In any event, with all of the effort that we have mounted

against the narcotic scourge, if we are only interdicting 5 to 15 percent, there would have to be such a massive infusion of new resources to eliminate that, unless we stop it at the source country. Now, if we can stop this at the source country, with agreements, either through our own Government or through the United Nations, I think we could go a lot further in eliminating the problem.

Most of this stuff comes across our borders.

Sterling alluded to the fact that we were very successful in Europe, in stopping it from Turkey and on through France. Then the Mexicans popped with theirs. We see at the same time that the coca plants are growing in Peru and Ecuador, being processed in Colombia. We see the marihuana coming up from Colombia.

So all of this stuff, or 90 percent of this stuff, is coming across our national borders.

But it seems to me that we would have a greater level of success if we could deal with it as close to that source of supply as possible. And that is certainly not at the port of embarkation in New York or at one of the airports, or local airports. It has got to be done where that stuff is grown or processed.

I also would strongly urge that a posse comitatus bill be enacted into law. We saw some serious problems when we had an influx of Cubans, the Cuban refugees coming through, and the Coast Guard had to respond to that problem down off the Florida coast. At the same time the Coast Guard was responding to that problem, they could not intercept or interdict those ships loaded with marihuana and the pills coming up from Colombia.

So we see that there are Federal forces in place, through no additional cost, perhaps, that could deal with the problem, and they are not presently dealing with it. And I would deal with the supply.

I think, so far as the demand is concerned—you know, we mandate in some areas sex education because a lot of our young people get themselves into serious problems. And yet I would guarantee to you that there are more young people with problems as far as narcotics are concerned, than will ever have sex problems. I feel very strongly that a national effort should be put in place to deal with education, going down to the first grade and starting from there, and let our people understand what the problems with narcotics are, what the effects of continued use or abuse are, and indicate how severe they actually are impacting on themselves.

But I feel that that would be the area that I would primarily concentrate in.

Mr. SHAW. Very good.

Let me ask one more question with regard to the testimony and the prosecution procedure used in the State of New York.

The tremendous quantities that are required in order to make a substantial felony case, is that a product of your State statutes?

Mr. JOHNSON. Yes, it is.

Mr. SHAW. Is there any way of getting that turned around?

Mr. JOHNSON. I sometimes wish there was.

Let me explain to you.

We have, probably, the toughest drug laws in the Nation. They are categorized into three different types of crimes, all felonies. One they call an A-1 felony. If you possess 4 ounces or more of

heroin or cocaine and are convicted, or you sell 2 ounces or more of cocaine or heroin and are convicted, then you must serve life imprisonment. The mandatory minimum you must serve before you are eligible for parole is anywhere between 15 and 25 years. This is not weekend time. This is not good behavior. You must do each and every drop of that time if you are convicted.

That law was changed recently. It used to be if you sold 1 ounce and possessed 2 ounces. And when they changed that law they did not give us the resources to buy the additional drugs.

I am happy to say that in this last legislature, legislative period of time, they did give me additional funds to purchase additional drugs.

The second part of the statute is what they call an A-2 felony. If you sell more than half an ounce or if you possess 2 ounces or more, then if convicted you must go to jail for life. The mandatory minimum time you must serve before you are eligible for parole is anywhere between 3 to 8½ years. If you have a prior felony conviction, and you are convicted of this crime, then the penalty is upgraded from life imprisonment to a mandatory minimum of from 6 years to 12½ years.

The third category, if you sell any amount and you possess any amount with the intent to sell, then you are convicted of what they call a B felony, and that is 0 to 25 years to life. If you are what they call a predicate, a prior felony conviction within the past 10 years, then it is a mandatory minimum of 4½ years to 9 years.

Now, we have tough statutes on our books, and we don't have the narcotics enforcement officers to implement these laws. And this is because of the fiscal crises.

In 1974 and 1975, I think the narcotics division for New York City was something like 750 officers, give or take a few. It is now 320, or thereabouts, and I understand there are plans by the Police Commissioner to put an additional maybe 100 people into the Narcotics Division.

So we are at, strengthwise, for the enforcement people, half of what we were in 1974 and 1975, and the problem is twice as bad as it was during that period of time.

There is another thing I would like to do—I had forgotten earlier—and that is to demonstrate that there is a direct correlation between drug abuse and crime.

Just yesterday, Mr. Morgenthau, Robert Morgenthau, district attorney of New York County, had a press conference in which he announced the arrest of 10 individuals ranging in ages from 15 to 19 or 20. These people were responsible for 12 murders, and they were contract murders, people killing people for sums of money, as I said, from 15 to 20 years old, and they were indicted and they face charges. I have a copy of this press release for the record.

Mr. SHAW. Thank you. It will be so entered.

[The document above referred to is as follows:]

DISTRICT ATTORNEY—NEW YORK COUNTY

OUTLINE OF INDICTMENT: JUNE 4, 1981

Manhattan District Attorney Robert M. Morgenthau and Deputy Chief Richard Nicastro, Commanding Officer, Manhattan Detective Area, announced today the arrest and indictment of twelve defendants in connection with a series of six murders and four attempted murders which occurred in Harlem beginning in

March 1980. The arrests and indictments result from a joint investigation conducted by the Manhattan District Attorney's Office and the New York City Police Department.

Walter Tyrone Smith will be arraigned today on an indictment charging him and three associates with murder and conspiracy. He was arrested yesterday at his home which is located at 450 Commonwealth Avenue, Bronx, New York, on the indictment which charges him and his associates with the contract murder of twenty year old Lawrence Thompson.

At the time of his arrest Smith was carrying \$2,000 in cash. Approximately two pounds of heroin, an additional \$8,000 in cash, a sawed-off shotgun, a 9 mm. pistol, a police scanning radio, and drug paraphernalia were seized.

According to the indictment Smith, and his associates, hired two other men, Thomas Porter and Ronald Moorman (also known as Moreman, and Morman), to kill 20 year old Lawrence Thompson. It is alleged that the defendants met together several times between March 5 and the day of the murder, agreeing on March 9, 1980 to pay Porter \$6,000 to carry out the murder contract. Guns were transported from the Bronx to Manhattan on March 10, 1980 and the victim was identified to the killers on the same day. Later, at about 3:15 p.m., Lawrence Thompson was shot and killed by Thomas Porter and Ronald Moorman as he stood on Seventh Avenue between 143rd and 144th Streets. Porter and Moorman, who were also indicted for this murder, are in custody.

In addition to the defendants indicted with Smith for this murder and conspiracy, three of his other close associates have been indicted for separate murders:

Andre Torrecilla, 16, of 250 West 131st Street, New York, New York is charged with the double homicide of 47 year old Darryl Gross and 21 year old Anthony Wright which occurred on October 22, 1980 in the St. Nicholas Housing Projects.

According to this indictment, Mr. Gross, of 151 West 142nd Street, New York, New York, and Mr. Wright, of 2680 Eighth Avenue, New York, New York were intentionally murdered by Torrecilla. Torrecilla was aided by others not yet apprehended. The defendant was arrested on May 14, 1981 at his home and is being held without bail. Seized from the defendant's bedroom at the time of his arrest were a .44 caliber automatic pistol, 2 ammunition clips, ammunition and narcotics paraphernalia.

Andre Torrecilla sold narcotics for Walter Tyrone Smith.

Ronald Moorman, 24, of 2811 Exterior Street, Bronx, New York and Derrick Henderson, 15, who also sold narcotics for Smith, are both charged in connection with the murder of Ronald Blake which occurred on January 19, 1981 at 151st Street and St. Nicholas Place. At approximately 7:30 p.m., on January 19th, the defendants and others not yet apprehended converged in two cars on the intersection of 151st Street and St. Nicholas Place. According to the indictment, their purpose was to kill James Brunson, of 428 West 163rd Street, New York, New York. Approximately 20 shots were fired at Brunson who was standing in a crowd. The shots killed 16 year old Ronald Blake, and wounded 16 year old Wayne Kirby, both of whom were innocent bystanders. Brunson was also wounded. The defendants have been in custody since their arrests earlier this month.

Moorman has also been indicted along with Thomas Porter and James Lewis, 19, of 240 West 129 St., NYC, for the murder of John Williams which occurred on February 14, 1980 on the roof of 230 West 129th Street. Mr. Williams was twenty four years old and lived at 31 Leonard Street, Brooklyn, New York at the time of his death.

Other defendants indicted and arrested as a result of this investigation are:

Rory Anderson, 24, of 215 West 145th Street, New York, New York and Arthur Prioleau, 24, of 389 Knickerbocker Road, Englewood, New Jersey, are charged with the murder of Nelson Mendez and the attempted murder of Miguel Brayan which occurred on December 21, 1980 inside an apartment at 200 Bradhurst Avenue, New York, New York. Mr. Mendez was 23 years old and lived at 504 West 135th Street at the time of his death. Anderson is being held without bail. In addition to the murder charge he is charged in two separate indictments with weapons offenses.

Larry Maloney, 22, of 2430 Seventh Avenue, New York, New York and another man who is being sought, are charged in an indictment with the attempted murder and robbery of Darryl Reese who is 17 years old. The indictment charges Maloney with shooting Mr. Reese on December 31, 1980 at about 4 a.m. inside an abandoned building located at 235 West 145th Street. Maloney is being held without bail.

Task Force members investigating these crimes included Assistant District Attorneys Jessica de Grazia, Elizabeth Hellman, and Myles Malman who presented the cases to the Grand Jury and Detectives Thomas Mansfield, and James Coffey of the Manhattan Detective Area, Detective John Miller of the 32nd Precinct and Detec-

tive Gene Campbell of the 30th precinct. The detectives are all under the supervision of Deputy Inspector Steven Kelly.

The Task Force, which is composed of three Assistant District Attorneys and five detectives, was formed in February 1981 after intelligence was received by the Police and the District Attorney's Office which suggested that the series of killings and assaults were related.

In describing the investigation, Mr. Morgenthau said, "experience has shown that when prosecutors and police join together and work together on every stage of a case—the investigation, the arrest and the trial—we are more effective in apprehending, convicting, and obtaining long prison sentences for violent criminals. This group of cases is a classic example of the results which we can achieve by combining police and prosecutorial resources at every step along the way."

Murder in the Second Degree is a class A felony punishable by fifteen to 25 years to life in prison. Attempted Murder in the Second Degree is a class B felony which carries a penalty of up to twenty-five years.

In announcing the indictment, Mr. Morgenthau and Chief Nicastro acknowledged the assistance of detectives Frank Fernandez and Michael Lagiovane of the New York City Housing Authority Police.

Defendants (apprehended) ¹	Occurrence	Charges
Walter Tyrone Smith, 23, 450 Commonwealth Avenue, Bronx, N.Y.	March 10, 1980, murder of Lawrence Thompson.	Conspiracy 2d degree (1 count), murder, 2d degree (1 count).
Ronald Moorman (Moreman, Morman), 24, 2811 Exterior Street, Bronx, N.Y.	March 10, 1980, murder of Lawrence Thompson.	Conspiracy, 2d degree (1 count), Murder, 2d degree (1 count), Murder, 2d degree (1 count), attempted murder, 2d degree (2 counts).
	January 19, 1981, murder of Ronald Blake, attempted murders of James Brunson and Wayne Kirby.	
	February 14, 1980, murder of John Williams.	Murder, 2d degree (1 count).
Thomas Porter	February 14, 1980, murder of John Williams.	Murder, 2d degree (1 count).
	March 10, 1980, murder of Lawrence Thompson.	Murder, 2d degree (has been convicted).
Andre Torrecilla, 16, 250 West 131st Street, New York, N.Y.	October 22, 1980, murder of Darryl Gross and Anthony Wright.	Murder, 2d degree (2 counts).
Derrick Henderson, 15	January 19, 1981, murder of Ronald Blake, attempted murders of James Brunson and Wayne Kirby.	Murder, 2d degree (1 count), attempted murder, 2d degree (2 counts).
James Lewis, 19, 240 West 129th Street, New York, N.Y.	February 14, 1980, murder of John Williams.	Murder, 2d degree (1 count).
Rory Anderson, 24, 215 West 145th Street, New York, N.Y.	December 21, 1980, murder of Nelson Mendez, attempted murder of Miguel Brayan.	Murder, 2d degree, attempted murder, 2d degree (2 counts), CPW 3d degree (2 counts), robbery 1st degree (1 count).
Arthur Prioleau, 24, 389 Knickerbocker Road, Englewood, N.J.	December 21, 1980, murder of Nelson Mendez, attempted murder of Miguel Brayan.	Murder 2d degree, attempted murder 2d degree (2 counts), robbery 1st degree (1 count).
Larry Maloney, 22, 2430 Seventh Avenue, New York, N.Y.	December 31, 1980, attempted murder of Darryl Reese.	Attempted murder, 2d degree (1 count), robbery 1st degree (1 count).

¹ A total of 3 others are being sought—1 in connection with the Darryl Reese murder, 2 in connection with the murder of Lawrence Thompson.

Mr. SHAW. Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

Let me very quickly point out there is a supply side and demand side dynamic in the the drug question, and certainly from the standpoint of source suppression, that involves a major Federal commitment, because the interception of drugs and the discouragement of other countries from growing these crops is obviously a Federal responsibility that is inescapable. And I suppose you would agree that the major allocation of Federal resources should be toward that problem if you are going to try to figure out how you would allocate scarce resources.

Would you agree with that?

Chief COURTENAY. I would, Congressman. I feel very strongly about that, and I think that the best place to stop it is at the mouth of the funnel.

Mr. JOHNSON. I would say yes, but I don't think it is simple, Congressman Coughlin.

Drug abuse is a very, very complex problem, and it cannot be solved with simple solutions.

Yes; we must allocate resources toward the stopping the growing of the opium poppies at its source, but we must do that in addition to the other things, addressing the social problems, education, prevention, the medical problems.

Mr. COUGHLIN. I was trying to determine where you felt that the priority for Federal resources should go. And I would guess it would have to be to the area which is the sole Federal responsibility. You need Federal resources in other areas, but the State and local resources come into play more in the other areas than Federal resources; is that correct?

Mr. JOHNSON. What I am trying to say is that I do not think the resources should go there, to the exclusion of resources elsewhere.

I wouldn't like to see the administration say, "We are going to pour more money to stop it at the source" as an excuse to pour resources into local enforcement and to other areas.

Mr. COUGHLIN. Now, you are both in the prosecution end, which is, to an extent, a demand side question and, to an extent, a supply side question.

We recently had informally with us some jurists and prosecutors from Colombia, the country of Colombia in South America, which is a major, major drug supplier.

In discussing the question with them and the vast amounts of drugs that are produced in that country and the effort being made by us to have them discourage this production of drugs, they indicated the difficulty of this in their country. The question was asked: "Do you have a major drug problem in your country, since you have these huge supplies of drugs there?" And they said, "Of course, we don't have a significant problem." And they were asked why, and they said, "Because we don't permit it."

And I guess being in the area of prosecutors, I would ask how you feel about the rates of convictions you obtain, how you feel about the sentences you obtain. You cited very tough laws. Are enough people sent away to provide an adequate deterrent under the laws of New York? And how do your prosecutions go?

Mr. JOHNSON. I would have to answer the question by saying yes and no, in the sense that those who are convicted are assured that they are going to go to jail for the required period of time because it is mandatory that they do go to jail.

Unfortunately, because of the lack of resources, the people are arrested, and it is to their benefit to delay and stall for as long as they possibly can, and it will take a year to 2 years to prosecute these people.

Mr. COUGHLIN. Because of the lack of resources?

Mr. JOHNSON. Because of the lack of resources.

Now, while these people are out on bail, one of the first things that they do is to go back into the drug trafficking business. And from a practical standpoint of view, it is a waste of enforcement

and prosecution efforts to attempt to make another case on these individuals because you already have a case and they are going to go to jail for 15 to 25 years.

In essence, what they do, once they have been arrested and are awaiting trial, they have a license to go out and traffic in narcotics again.

We have got situations now where, if you spend \$90,000 on a defendant and he is facing 15 years to life and he somehow makes bail and he is out on bail, he will engage a lawyer who is very, very busy, and every time the case comes up, "My lawyer is on trial, he is busy, I want an adjournment," and an adjournment, and the case flounders around in the system for a year, a year and a half, and he is selling drugs again.

I don't think that the New York City Police Department or even the task force have the luxury of going out and spending another \$90,000 on this individual to make another case. They can take these additional funds and make a case on someone else.

We do have about 75, 80 percent conviction rate, but it is not enough.

I think as a deterrent there should be a swift and certain punishment upon conviction. Unfortunately, we don't have that.

Of all of the cases that I get, I can only indict approximately one-third of those that the police department and the task force bring to me. And try, I don't know how many I can try, 150 a year.

Mr. COUGHLIN. Do you think there should be some bail reform if, in fact, some people are out on bail selling drugs again?

Mr. JOHNSON. I really don't think it is a question of bail. What happens, if they are out on the street selling drugs again and if they do happen to be arrested, most of the times the judges will increase the bail.

The problem is that I don't think Chief Courtenay has the luxury of sending his people out, trying to make a case, when a person is out on bail, selling drugs again, just to put him in. He can use these resources to get someone brand new, to get this defense supplier.

I have had questions, differences with judges, with respect to bail in different cases; but I really don't think that in and of itself is the answer.

Mr. COUGHLIN. I know we are running out of time. Let me ask you two other very brief questions on that subject. Current drug intelligence indicates that a 16-metric-ton heroin crop is coming out of Southeast Asia in addition to supplies coming out of Southwest Asia.

Has New York City seen any evidence of a new influx of Southeast Asian heroin?

Chief COURTENAY. Congressman, I have not seen it at this time. The bulk of the heroin in New York City at the present time has been analyzed as coming out of Southwest Asia. We have not seen any marked increase of Southeast Asian.

Mr. COUGHLIN. On an unrelated subject, in Philadelphia the Angelo Bruno killing in March of 1978 was reputed, at least, to be a reemergence of organized crime in drug trafficking. Is there any evidence of increased organized crime activity in New York City?

Chief COURTENAY. I think organized crime has always been in the drug traffic. Anybody who says that is not true does not appreciate what the facts are. Organized crime is in any area where they can earn a fast dollar.

The narcotics trade, obviously, is one of those places where they can earn a tremendous return on a very, very small investment. We talk about organized crime, we also should indicate that the arrests that were made by the task force in cocaine in Queens, we found that that was a Colombian organized crime effort. It was not the traditional organized crime groups that we normally deal with.

We find that on the Lower East Side, the heroin network, we find that it is organized Hispanic, organized crime. We find, for example, in the area of gambling that we have organized Cubans similar in stature and strength and tradition almost as the traditional organized crime family. So, organized crime is present.

Mr. JOHNSON. I agree. Organized crime in the traditional sense, yes, they have always been in the drug trafficking business. Congressman Rangel and I were prosecutors together many years ago, and the people that we put away, who had 10 years in jail, have come out and gone back in the business again.

In addition, the problem is compounded by the fact that when we had a lot of heroin come out of Mexico, you had Hispanics move into the breach, and they became the entrepreneurs of drug trafficking and drug importation at a much higher level than they had ever been.

In addition, we had black Americans who had been over in Southeast Asia, the Vietnam area, that made contacts over there, and they were smuggling drugs into this country, so you have three major groups; black Americans, Hispanics, and organized crime.

You have at different times and occasions, you have competition between these groups, and you also have cooperation, so we are faced with this right now. So, yes, organized crime on these three-faceted levels does exist.

Mr. COUGHLIN. I thank you very, very much for your testimony. It has been most helpful to this member, and certainly to the whole committee.

Mr. RANGEL. Mr. Scheuer.

Mr. SCHEUER. Thank you, Mr. Chairman. Along with Congressman Rangel, I have been involved in narcotics matters for about a decade. I have met many times with our distinguished witness, Sterling Johnson. It is a little bit depressing to us who have been at this same old stand for a long time and have written reports every year citing what the needs are. We do not seem to see a light at the end of the tunnel.

It is particularly depressing that in the present environment of real parameters on resources that we can devote, and at least that means that we have to shoot those resources out through a high-powered rifle with an eight power scope rather than through a shotgun.

I would like to ask both of you, where in the spectrum of delivery of that drug into the arm of a 14-year-old boy in our cities—and it is not only in Harlem and South Bronx and Bed-Stuy, it is also in Patuxent and Belle Harbor and the middle-class communities I represent in Queens, it is all over the place; where in this whole

spectrum from the poppy fields of Asia or Turkey through transit across our borders into our streets, where is the most cost-effective place to spend the law enforcement dollar?

Or, is it not a very cost-effective way to spend additional funds, and should additional funds, let us say, which are incrementally added to this system, should they be invested in drug education?

We are utterly frustrated, and with very limited resources where do we spend that last dollar? At what point do we try and invade the system and stop the flow, or is there very little in the way of payoff there, or should we look on the demand side rather than the supply side?

I apologize for this question. You have had it for 10 years, every panel, day in and day out, month in and month out. It is depressing to have to ask it, but I do not think we know the answer.

Mr. JOHNSON. I think that is the answer. We do not know the answer. I am sure I can answer this in the negative. One way to do it or not to do it is to cut resources at a time when the problem is increasing. We all acknowledge that it is increasing.

We all acknowledge the fact that it is directly related to crime, but to come around and have the administration say, "I am going to cut the resources across the board," is not to use the instrument of a surgeon, but it is to use the instrument of a butcher. We just cannot do that right now. It is being very, very insensitive. If we do not pay the pennies now, today, we are going to pay the dollars tomorrow.

How can we do this? What is the most cost-effective way? Congressman Scheuer, I really do not know, but I do think the administration should get some talent wherever they can get the talent, and address this particular problem. If it meant taking a little funds from defense and putting them into narcotics enforcement, I say do it, because this is a defense item also, an internal defense as opposed to an external defense.

We should look at the source country. We should look at education, prevention. We should look at everything. As I said, we should have the commitment that President Nixon had in 1972 when he made a great impact upon this problem.

We should also have the commitment that President Kennedy had when he said that we are going to put a man on the moon and bring him back; and of President Reagan when he said we are going to build up our defense for the next 4 years, and that is what he is doing.

Mr. SCHEUER. This is different than the commitment to put a man on the moon. Putting a man on the moon did not require the consent or the involvement of a half-million people. There was a very small group of highly trained technicians who got everything they wanted, and you could lock them up in a little community in the Southwest and say, "Do your thing."

With drug enforcement, it involves millions and millions of decisions taken by comparatively uneducated, untrained individuals in their homes and streets and subways and parks. It is a very much more complicated issue.

Mr. JOHNSON. I am talking about the commitment, Congressman Scheuer, where the President said, "We have a problem. I want to solve the problem." He put the resources and the best minds and

best talents that this Nation had to offer, and we did what we had to do.

Mr. SCHEUER. Let me ask you, Sterling Johnson, you are among the elite of the drug enforcement community of this country. You are way at the pinnacle in terms of talent, experience, and the quality of professionalism which you bring to this venture.

If you were in the Oval Room of the White House right now, and the President said, "Where can we break into this system? Where do we make our impact? At what point along that wall do we find the crack to stick the knife in? With limited funds we cannot do everything along every inch of that spectrum. Where should we direct our impact?"

If the President asked you that question, what would your answer be?

Mr. JOHNSON. First of all, if I was in the Oval Office I would want to know what the hell I was doing there.

Mr. SCHEUER. You would have to reevaluate your position.

Mr. JOHNSON. Second of all, I would say, "Mr. President, my discipline and expertise has been in enforcement, and I do have some knowledge about that. I always say that there are no experts in this business, just varying degrees of ignorance."

"I would not want to give you my opinion with respect to education unless you ask for it, and the other disciplines. I think you have to get together and you have to get people who have expertise in their discipline," and maybe we can get together and advise him.

I am no drugs lawyer. I do not have the answers. I know he does not have the answers. I do not have. I would say that I think we have to acknowledge that we do have the problem and we should sit down with the various people who do know, people in the State Department, people in NIDA, whoever you have, and then we together, jointly, would say that this is the plan of action that we have to pursue.

Mr. SCHEUER. Well now, Chief Courtenay, I suppose, is not an expert in drug education. He is an expert in law enforcement, but he emphasized the importance of drug education to reduce the demand side.

Mr. JOHNSON. I agree with him.

Mr. SCHEUER. Do you think a major emphasis for us ought to be to reduce demand rather than interdict the supply? You were quoted in the New York Times, Mr. Johnson, as saying that it was virtually hopeless, as I recall—I do not want to put words in your mouth, but I remember in the major article in the New York Times you were saying that law enforcement as our system is presently constituted is simply not able to cope with the current flow of drugs into this country, all the way to the streets of our cities, towns, and villages, where the kids stick it into their arms. Is that true?

Mr. JOHNSON. That is basically correct.

Mr. SCHEUER. Tell us, and I would be happy to have an answer from you, Chief Courtenay. This testimony was extremely impressive. Nobody can say we should wipe out enforcement, but from the point of view of incremental additional dollars, would you say that the payoff that we are going to get from improved enforcement, either nationally or internationally, is problematical, and not a

very great target of opportunity, and any major additional dollars we can put into the system ought to go into reducing the demand rather than interdicting supply?

I do not mean to put words into your mouth, because I do not know either.

Mr. JOHNSON. I think I get an idea of what you are driving at, Congressman Scheuer.

Mr. SCHEUER. We are terribly frustrated. I am sure you get a sense of our frustration. Many of us have worked in this field for years. The newest member of our committee from Florida has a very distinguished record in law enforcement, and he is extremely concerned and highly knowledgeable, but we are terribly frustrated.

We feel as if we are trying to punch our way out of a bag of wet Kleenex. We do not seem to see any light at the end of that tunnel. Where do we go from here?

Mr. JOHNSON. When you use the word "demand," I do not know what that means, and how do you stop a demand? The opiate is such that it creates a physical and physiological dependence upon the drug, and we know today of no way that we can break that physiological dependence, that demand, so how do you stop demand?

Mr. SCHEUER. Well, through drug education. You could alert young people to the danger of getting involved in the first place. After all, a clear majority of our young kids do not get involved in heavy drugs. They may smoke a joint once in a while, for a short period of time and while they are in school, but the overwhelming proportion of them do not go on to hard drugs.

So, there is something about their environment and their lives at home, school, the working place, that sends up some very serious signals to them that, "Experiment if you like with a little grass, but stay away from the hard stuff," and almost all of our young kids do it.

We are, after all, a nation of 230 million, and at the most we have 500,000 or 600,000 or 700,000—less than one-half of 1 percent of our population—that gets involved in hard drugs. They failed to receive some kind of a signal that the overwhelming percentage of our population did receive.

Mr. JOHNSON. I know 8- and 10-year-old addicts. I know 10- and 12-year-old pushers and sellers, and if I went to these communities to try to give them an education in drugs they would laugh me out of Harlem. They know more or as much about drugs as I possibly can.

That is not to say that education does not have its place. Some of these kids, for instance, this summer are going to be looking for jobs and there are not going to be any jobs around because of the cuts, and you are going to have some enterprising young pusher—when I say young, maybe 17 or 18 years old—he is going to say, "You can't get a job downtown making a hundred dollars a week. I will give you a job uptown just holding drugs for me or steering customers, and I will give you \$500 a week."

This same pusher will say to this child's mother, "I want you to work from 12 o'clock at night until 8 o'clock in the morning put-

ting this white powder into these plastic envelopes, and I will give you \$1,000—no income tax."

So, it is just a complex problem. I am as frustrated as everyone else is. People ask me what I do, and I often respond kiddingly—maybe it is not a joke—I dig holes in the ocean. No matter what you do, you are digging that hole in the ocean.

You ask, "Why do you continue?"

Mr. SCHEUER. I did not ask that question. If I asked it of you, I would have to ask it of all of us, and I do not want to ask that question because I am not sure what the answer will be. We do it because we feel the job has to be accomplished.

Mr. JOHNSON. It has to be done.

Mr. SCHEUER. It is a very thankless job and a tough job, and you have served in the trenches for a long time.

Mr. RANGEL. Let me thank you, and also to reinforce what we have agreed on, we look forward to supporting you in organizing, and people who are similarly situated. I am confident that if we do not overcome this problem, at least we would individually and collectively be satisfied that we did the best we could. That is all we are trying to do.

Let me thank you for your testimony today, and we will be in touch with you.

Mr. JOHNSON. Thank you for the invitation.

Mr. RANGEL. I would like to ask the members of the committee whether or not they would want to proceed during the lunch break. Most of you have in front of you a tentative schedule of witnesses which has us going to 2:30.

It seems to me that with the quality of testimony that we are getting, we can make a decision whether we want to break sometime this afternoon, but if all the witnesses are here, what would be the decision of the committee.

Mr. SHAW. I would just as soon keep going.

Mr. COUGHLIN. I would just as soon keep going.

Mr. SCHEUER. I must leave at 12:15.

Mr. RANGEL. Let us see where we are. Is the Miami panel here?

Mr. SHAW. We have a cancellation from Janet Reno, but Chief Harms will be here.

Mr. RANGEL. What we will do, with the committee's permission, is to proceed. If, however, by the time we reach the Washington panel or the Miami panel, if by the time we reach these panels the witnesses are not here, we will recess until they do come.

If they are not here, we can call them and we could take a break now. In any event, we will proceed with the Newark panel.

From Newark, we have Essex County Prosecutor George L. Schneider, and Chief of Police Hubert Williams.

TESTIMONY OF GEORGE L. SCHNEIDER, ESSEX COUNTY PROSECUTOR, NEWARK, N.J.

Mr. RANGEL. I can say that when things get bad in Harlem I can always go visit Newark.

Mr. SCHNEIDER. That is not funny, sir.

Mr. RANGEL. But, I hope that you heard the previous witnesses testify that they will be getting in touch with you.

This hearing is just beginning what we hope will be a more organized effort for us to get more Federal cooperation and more Federal resources.

So, if you have statements, your statements will appear in the record, and if you want to talk outside of the statements, permission is granted.

You may proceed, Mr. Schneider.

Mr. SCHNEIDER. Thank you, Congressman.

A moment ago I said, "That is not funny." I said that, with all due respect to you, your Honor. Of course, you and I, and Director Williams, anyone that is in a rough, rough, drug abuse area, oftentimes need that comic relief to keep us going, and I hope you appreciate the comment in its context. It certainly is not a joke, by any means.

I am sure no one in this room ever considers anything we do in this area to be funny to the extent that it causes the heartaches and the pain and suffering, personal, professional, social, that it causes to Newark, N.J., and Essex County, N.J., as it does to New York, Florida, Washington, Pennsylvania, everywhere else.

We all recognize the fact that we cannot kill the drug problem in this country, but I think we should make the supreme effort to at least stunt its growth. Otherwise, it will be a problem that will in fact overwhelm us.

It will overwhelm us as we sit here in the gracious Halls of Congress or in the pits of Harlem or Newark, Detroit, or anywhere else.

Essex County has a population of almost 900,000 persons. We have an extremely serious crime problem in the county. We have an extremely serious crime problem in the heart of the county, which is Newark, N.J. Everyone suffers from it. I can say that as the prosecutor of this county; we have an office of 80 assistant prosecutors and approximately 125 full-time detectives, and a staff personnel of another 125, so it gives you an idea of the type of staff necessary to reduce the crime in a county with a population of approximately 900,000.

We have several areas which we consider to be of significant concern in combating the narcotics problem.

Each one and every one is prefaced by the undeniable fact that too often people say, "How many drug arrests do you have? How many drug convictions do you have? What is the percent of arrests that are in the county that are for drug abuse?"

I think that is not quite the question to ask, nor is the answer to that question the one which gives you the total scope of it. I personally was born and raised in Newark, Essex County. I have seen the problem progress—if you would excuse the word "progress"—to the point where it is today, from when I was a young boy growing up in town to—as Sterling Johnson indicated he had seen—8- to 10-year-old drug pushers and addicts. When I was that age we did not have it. Today we have it.

What does this tell us? It tells us that today the problem is increasing, increasing drastically, and it is going to affect everyone. But, what we should keep in mind is not the number of narcotics arrests, but the fact that I would estimate that 80 percent of the crime in Essex County and Newark is drug related, whether it be a

breaking into someone's home, whether it be a break into someone's business, whether it be an armed robbery, whether it be a murder, whether it be rape or arson, any serious offense against person or property, 80 percent of this can be traced back to the drug addict situation in the county. Everyone suffers. Schools suffer, merchants suffer, persons in their homes and properties suffer from this problem.

There are several areas we have to direct ourselves to, I submit. One is manpower. This is where the Federal Government has to play a role. They have to stop the talk about it and they have to do something about it, reach into their pocketbook and convince their constituents that the people out there who complain about the crime problem and complain in turn about the drug problem, about their homes not being safe, their businesses not being safe, they cannot walk into town and shop, they have to realize that they are going to have to put aside a little bit of their recreation money and put some of that money through their taxes into drug enforcement, financing an increase in manpower.

We need more police; we need better police; we need more prosecutors; we need better prosecutors. All that costs money. We need better finances, we need better weapons to fight drug abuse, one of which is the electronic surveillance, which is an absolute necessity to find out who the top men in narcotics abuse are, and get at them and not at the street level man.

This requires time and effort on behalf of the personnel, which costs money and which requires money to buy the equipment. We also have to have better training for the men so that they can combat narcotics in the street.

The second phase is education. We should set up an educational program in the schools. Sterling Johnson mentioned fifth and sixth graders that are drug users and drug sellers. We have this same thing in Newark, N.J.

What we have to do is to cut them out when they are early. We have to educate this youth in the fourth and fifth grades of schools, a concentrated effort to educate them so that they can be turned into constructive adults rather than destructive adults.

Third, of significant importance is the fact that we have got to find them jobs; and if not jobs, something to do. We have to give these young people some form of honest, clean recreation. Again, this costs money, whether it be blacktopping some vacant lots and putting up some basketball courts, a baseball field, some swings, anything to give them some good, clean, honest fun; to give the youngsters a choice as to how to spend their spare time, rather than hanging around the corner with the older kids and men and getting their kicks in an unhealthy and illegal manner.

My point generally is that we have got to stop talking about this damn problem and get off our butts and do something about it. I think it is up to the Congress, up to the Senate, to talk to their constituents when they are out there and take a stand and say:

Listen, people, give up your tickets to the Giants, give up your tickets to the Eagles, give up your tickets to Jackson-Brown; take that money and get it in the form of taxes.

Instead of worrying about how you are going to entertain yourselves—in one breath you are on your way to, in our case, Giant Stadium, paying \$25 maybe to see a game, and on the way there you are complaining about, look at this element over

here, look at these people hanging around the corner, is it safe to park the car anywhere.

You are going to have to give up that game and give up entertaining yourselves and use those funds to fight the element that gives them some sort of displeasure while they are entertaining or recreating themselves.

I say that the U.S. Congress and Senate, and through the President or whatever, has to convince the constituents, has to convince the people out there that they are going to have to give up a little something in order to make their lives and property safer.

Until that happens, and until the people realize it is not just once-in-a-lifetime situations where crime is a problem, such as when a President is shot at or a Pope is shot at, and everyone is repelled and says, "Isn't that terrible; crime is really a problem," and next week they are off to entertain themselves and forget all about it.

It has got to be an ongoing recognition of the day-to-day problem, and we have to convince the people out there—not ourselves, because everyone in this room is convinced—we have to convince the people out there that there is a problem. They are going to have to get off their butts, stick their hands in their pockets and hand it over to Congress or whatever to pay to fight this element.

In the long run, it may take a very, very long trail, but in the long run we would all be better off for it.

[The prepared statement of Mr. Schneider follows:]

PREPARED STATEMENT OF GEORGE L. SCHNEIDER, ESSEX COUNTY PROSECUTOR, NEWARK, N.J.

Mr. Zeferetti, the most common illicit drugs in Essex County in order of their prevalence are: marijuana, cocaine, the combination of Empirin Compound with Codeine and Doriden (glutethimide), heroin, amphetamine, quaaludes (methaqualone), L.S.D. (lysergic acid diethylamide), P.C.P. (phencyclidine), and hashish.

Virtually all of the marijuana in Essex County comes from the country of Colombia. Most of this marijuana is transported in what is commonly called a "mother ship" along the eastern coast of this country where it is off-loaded into smaller vessels for entry into the United States. Although this marijuana can be brought to Essex County by motor vehicle from any point of entry, it appears that the bulk of marijuana in this County is driven up from Florida. Many individuals from Essex County known to be associated with organized crime have relocated to Florida or have established connections there, and are responsible for a large percentage of marijuana in this area.

Occasionally, high quality marijuana from Jamaica, Hawaii, or the recent variety known as "Sinsemilla" from California is seized in this area. It seems that the presence of these types of marijuana is caused by individual violators who have a source outside this state, rather than an organized group within this area.

Most of the cocaine in this and all other areas comes from Colombia. A small percentage of it comes from Bolivia and Peru. Most Cocaine is flown into this country either in private aircraft or secreted on the person of drug couriers, commonly called "mules", who use a commercial flight. A smaller percentage of it is brought up on ships.

The combination of Empirin Compound with Codeine and Doriden (glutethimide) are called "hits" on the street. They became popular in the mid-1970's to fill the void caused by the drop in heroin availability. These drugs may be lawfully obtained by prescription. However, they are often diverted from lawful channels through employee thefts, hijacks, or dishonest pharmacists.

Presently, the bulk of the heroin in Essex County originates in Southwest Asia as morphine base. The morphine base is processed into heroin at clandestine laboratories in Sicily. It is then smuggled into this country by ship or by drug couriers on commercial aircraft. Most of it comes into New York City, and the remainder enters other major cities throughout the country. Virtually all of the heroin in Essex County comes from New York City. It is usually purchased in Harlem, and is

packaged in what is called on the street a "New York quarter", which is approximately 3.0 grams of 4 to 6% heroin. It is brought back to Essex County by automobile or into Pennsylvania Station in Newark by train. The heroin is then "cut" and repackaged into smaller quarters for sale on the street.

A "New York quarter" is purchased for about \$50. It can be "cut" at least once, which leaves the drug dealer with 6.0 grams of heroin. This equals sixty (60) decks, which sell for ten dollars (\$10) each on the street. An investment of fifty dollars (\$50) brings a gross return of six hundred dollars (\$600).

Informants indicate that there are only a few known bulk dealers of heroin in Essex County. These people may buy multi-ounce or pound quantities from organized crime figures in New York City and then sell it in one-half (½) or one (1) ounce quantities. However, the vast majority of heroin traffickers in the County purchase the "New York quarters", and they often make several trips per day to minimize their financial loss or sentence exposure in the event they are apprehended.

With the new availability of Southwest Asian heroin in this area, Mexican "brown" heroin and Southeast Asian heroin are rarely seen in this County. Two years ago the average purity of heroin on the street was about one percent (1%). Today, the figure is about three percent (3%).

Amphetamine ("speed") comes in two forms: powder and tablets. Amphetamine tablets usually are lawfully produced by a pharmaceutical firm and then are diverted from legitimate channels. Until approximately one year ago, amphetamine was widely prescribed for weight loss. About one year ago the federal government banned its use for this purpose because of widespread abuse. The net result is that most of the amphetamine now seized in this area is in powder form. Amphetamine powder normally is produced in a clandestine laboratory, which can be located anywhere in this county. An amphetamine producing laboratory can be operated by anyone with a chemical background. There is no indication of any such laboratory operating in Essex County.

Quaalude (methaqualone) is a very popular drug in Essex County and across the country. It is a legitimate prescription drug, which is prescribed as a sleeping pill. It does not work like barbiturate-based sleeping pills, which produce a "down" effect or a stupor. Rather, it induces a hypnotic-like effect. Most of the quaaludes on the illegitimate market are "counterfeit". The methaqualone powder is purchased in West Germany and sent to Colombia, where it is pressed into tablets. It is usually smuggled into the country by private aircraft. Informants indicate the occasional presence of a quaalude tablet press in Essex County. However, this information was insufficient to be acted upon and it is uncorroborated. In November 1978 the Bureau of Narcotics seized 25,000 tablets in Essex County. These tablets originated in Colombia and were transported through Florida to Essex County.

L.S.D. (lysergic acid diethylamide) is gaining popularity in the Essex County area after a ten year lull. L.S.D. is produced in clandestine laboratories by individuals with a chemical background, and there is no indication of any such laboratory in this area. The final product is in liquid form, and a drop of the liquid is placed on a piece of blotter paper. Each piece of blotted paper is approximately one inch square in size. The piece of blotter paper containing evaporated L.S.D. is called a "hit" or "tab". On October 1, 1980 the Essex County Bureau of Narcotics and Controlled Dangerous Substances seized four thousand (4,000) "hits" or L.S.D. in the City of Newark. Uncorroborated information indicates that these drugs came from New York City.

P.C.P. (phencyclidine) is lawfully produced as an animal tranquilizer, but the quantities seized by law enforcement were always produced in a clandestine laboratory. There is no indication of any such laboratories in this area. New York City has a severe problem with abuse of this drug, but for unknown reasons P.C.P. is scarce in the Essex County area.

Hashish is a concentrated form of marijuana and comes from the Middle East. With the present epidemic of relatively high quality Colombian marijuana, a drug user has no compelling reason to purchase hashish. Compared to marijuana, hashish is very expensive, and is, therefore, uncommon in this area.

It is impossible to accurately estimate the number of users of the drugs mentioned above. The attached statistics of the Essex County Bureau of Narcotics are not a true barometer of drug activity because the Essex County Bureau of Narcotics performs select investigations as opposed to general street patrols or investigations. However, everybody in the enforcement and rehabilitative ends of narcotic activity agree that there is an epidemic of marijuana and cocaine use, and that the level of heroin use has surpassed its peak of the late 1960's and early 1970's and is still rapidly growing.

Unlawful use of all controlled dangerous substances is a disorderly person's offense. Unlawful possession of all controlled dangerous substances, with the exception of twenty-five (25) grams or less of marijuana or five (5) grams or less of hashish, is an indictable offense. Possession of the above-mentioned quantities of marijuana or hashish is a disorderly person's offense.

The Essex County Bureau of Narcotics has a good working relationship with the Drug Enforcement Administration (D.E.A.). The most significant assistance provided by the D.E.A. is access to their computer, which contains names and classifications of drug traffickers. The computer indicates the type and quantity of drug in which the subject is trafficking. This proves to be a tremendous aid in performing an analysis of a subject's telephone toll records. The names of people to whom the subject places telephone calls are run through the computer, and the computer indicates if and to what extent the person is trafficking in drugs.

When appropriate, investigations are conducted jointly with the D.E.A. This is usually done when each agency has something to offer to the investigation, such as informants, intelligence, money, undercover agents, or a common target. The D.E.A. has allowed large sums of its money to be used for "flash" purposes (money to be shown but not passed on to the suspect). However, D.E.A. has never given money to the Essex Bureau of Narcotics to be used to purchase drugs. When asked the reason for this, D.E.A. representatives have stated either that the amount requested is too large, or that the D.E.A. was not presently purchasing the specific drug in question because of changing priorities. At present, D.E.A. representatives state that they will not spend any money for marijuana or cocaine, but that they will spend money for heroin and any investigation involving a clandestine laboratory producing L.S.D., amphetamines, or P.C.P.

"Epic", the weekly intelligence brief of the Drug Enforcement Administration, is sent to the Prosecutor's Office and then forwarded to the Bureau of Narcotics.

The Bureau of Narcotics has had only occasional dealings with the United States Attorney's Office. These dealings primarily consist of deciding which office will prosecute the results of joint investigations (it has always been a State prosecution), or apprising each other when a letter on behalf of an informant is being sent to our respective judges.

The Bureau of Narcotics has a good relationship with the Internal Revenue Service (I.R.S.). The I.R.S. has offered its services to perform a tax investigation on major drug traffickers who have avoided prosecution.

The Treasury Department has offered use of helicopters and fixed wing aircraft for surveillance in major investigations.

The most significant way in which the Drug Enforcement Administration can help law enforcement at the county level is to make more money available for drug purchases. Drug traffickers have long ago picked up the law enforcement technique of purchasing a small amount of drugs and then ordering a substantially larger amount. The dealer is then arrested when the second delivery is scheduled. If a dealer is selling ounce or one-half ounce quantities of heroin, an outlay of several thousand dollars is necessary.

Any reduction in the money or manpower allocated to the Drug Enforcement Administration will have an adverse effect in that law enforcement at the State, County, and local level will have to fill the void. There are presently twenty-seven (27) special D.E.A. agents assigned to the Newark Office. Four (4) of these Special Agents are assigned to the Task Force, which also has four (4) Newark Police Officers assigned to it. (Up until two (2) years ago, the Bureau of Narcotics assigned two (2) detectives to the Task Force, but manpower reductions have required their recall). Newark is a port city with an international airport, and a substantial amount of drug activity naturally results from this fact. In the opinion of the Essex County Prosecutor's Office, there should be no reduction in the resources of drug law enforcement at any level, or a bad situation will become worse.

ESSEX COUNTY BUREAU OF NARCOTICS

	Total charges filed on drug arrests	Amount and street value of seized heroin (grams)	Amount and street value of seized cocaine (grams)	Amount and street value of seized marijuana (grams)	Amount and street value of seized LSD (hits)	Amount and street value of seized PCP (grams)
1975.....	390	5,633	766	19,866	4,136	.3
		\$4,359,110	\$118,780	\$212,856	\$12,408	\$15
1976.....	441	882	206	1,944	.....	278
		\$990,000	\$25,000	\$44,660	.....	\$37,100
1977.....	217	178	788	5,739	9	90

ESSEX COUNTY BUREAU OF NARCOTICS—Continued

	Total charges filed on drug arrests	Amount and street value of seized heroin (grams)	Amount and street value of seized cocaine (grams)	Amount and street value of seized marijuana (grams)	Amount and street value of seized LSD (hits)	Amount and street value of seized PCP (grams)
1978.....	524	\$35,682	\$98,600	\$12,298	\$27	\$4,500
		132	4,996	33,596	.....	1
		\$7,280	\$5,462,400	\$71,160	.....	\$50
1979.....	391	240	960	3,018	428	.....
		\$30,115	\$76,803	\$6,468	\$1,284	.....
1980.....	580	46	674	9,508	4,583	.....
		\$4,600	\$53,940	\$13,440	\$45,830	.....

Mr. RANGEL. Your full statement will appear in the record. I do hope that you were here when the New York people volunteered to get in touch with you and others to see whether or not we can pull together in a more formal way and present our case to the Congress and to the administration, so that we share in the frustrations you have.

We thank you for your testimony
We will hear from Chief Williams.

TESTIMONY OF HUBERT WILLIAMS, DIRECTOR OF POLICE,
NEWARK, N.J.

Mr. WILLIAMS. My actual title, Congressman, is the director of police, which is the chief law enforcement officer of the Newark Police Department.

I would just like to share with you from my perspective as the director what I see as the problem, the nature of the problem, and perhaps make some recommendations at least as to a direction that I think we can go to try to do something about the problem.

First, I think it is critically important to recognize the backdrop within which these hearings are occurring. The cities across the country, like Newark, Buffalo, Philadelphia, Phoenix, St. Louis, a series of older major American cities, now depend very heavily on the Federal Government for basic services.

In the absence of that support and those funds, these cities cannot maintain their viability, and a serious question exists as to whether or not the quality of life in these cities will be sufficient to retain people.

You know, of course, that over 70 percent of our population lives on 1 percent of the land. We are a concentrated populace. The Northeastern corridor houses a large segment of the American population.

A great number of urban ills afflict these cities. Economics is perhaps one of the basic ones. In 1979, for example, since the counter cyclical funds were cut back by the Congress, the city of Newark lost \$10.8 million. As a result, we were forced to lay off 200 police officers.

The police constitute the societal line of defense against crime. It is not in and of itself our societal response to crime, and cannot acting alone deal with either crime or the problem of narcotics.

But collectively, I think, if we can begin to marshal the resources that we do have; if we can begin to see the problem with a sense of

vision; if we can act with a sense of temerity to try to strike out against it, we might find some solution to it.

I do not think the question of negotiations on the supply side or the demand side is going to dispose of the problem. It is going to take a combinational thrust of both if we are going to deal with it.

We say that since we have experienced the influx of heroin from the Golden Crescent Area—Iran, Pakistan, Afghanistan—we expected in Newark to see a substantial increase in the quality of heroin, the purity of heroin. We did see some increase. Heroin purity went from somewhere around 1 percent to 3 percent.

In 1964, 1965, when I was a narcotics detective and buying heroin on the streets, it was 25, 26, sometimes 40, 50 percent purity. The dealers have decided that their profit lies in the size of the market. They are not increasing in huge quantity the quality of that heroin. What they are doing is making heroin widely available.

When we talk about the narcotics problems in the central cities, we are talking about the problem of heroin. Granted, there are other narcotic problems, but the fundamental problem is heroin in the cities. The question that we have got to address is, how to deal with it.

We have eliminated LEAA. We are cutting back on all of the social programs. I do not know how much this Congress can continue to cut back on aid and support to the cities and expect the cities to survive.

The fundamental enforcement vehicles that we have, and enforcement I think is the crucial element of our thrust in dealing with narcotics, has been a cooperative effort between the Federal, State, and local county governments and the task force concept, which has worked very well in Newark; by money providing skill and expertise and insuring a coordinated approach in dealing with the narcotics problems. We cannot afford to lose this vehicle.

If we lose this vehicle, we are going to lose a valuable tool that we have in addressing the problem. I also think the Federal Government's efforts at stemming the growth—obviously there is some negotiation with Turkey and Pakistan at one point that led to curtailment in the growth of the poppy, and that may be impossible given the political situation, I do not know.

I am aware of the fact that the Golden Triangle Area, Burma, Laos, that area of the world is now expecting a bumper crop, so we consider that there is going to be more and more heroin available in the streets of our cities.

I have found from personal experience that when the heroin is there people are going to use the heroin, so we have to take some steps to cut back on the availability of it.

We also have to take some steps to try to deal with people that are profiting in it. We have to recognize that even though there is no clear-cut line of demarcation between the addict and the dealer, because you have addicts that are dealers, that we must begin to try to deal out strong, harsh penalties against people that are making profit in the drug market.

Second, let me say this: I see on the streets of Newark a bolder narcotic population that is not afraid of the law or the people that enforce the law. All you have to do is read the newspapers. We do

not even need a study, and you can see across this country that the prison system is being overwhelmed by numbers.

We simply do not have in New Jersey, where we have something like 7,000 minimum and maximum security cells, and we arrest 20,000 or 30,000 people in the course of a year—400,000 crimes of all categories are committed in New Jersey—we do not have the space to put people that are committing these crimes.

We have got to be selective about how we enforce our laws, and we have got to try to deal with the people that are causing the problems differently than the way we do the people affected by the problems.

What I am suggesting is this: That we need to retain the methods that have proven effective in enforcing our laws against drug dealers here in the continental United States, and also those diplomatic efforts that have proven successful in trying to curtail the supply of narcotics coming into the country. That is one thing we need to do.

The second thing, to be quite frank about it, is that we need to recognize the scope of the problem of crime that is committed by people using drugs. You see, everybody knows, and Sterling Johnson eloquently testified to this, that these people are going to survive. They may not be able to hold down a job legally, but they will survive illegally.

There are billions and billions of dollars that are being ripped off from the American taxpayer, not to mention the fear and the kind of personal loss that people encounter in just trying to survive in the cities today.

So, we need to think very seriously about how we deal with our addict population.

I can remember, in some of my activities associated with the U.S. Conference of Mayors, on their public safety committee under president, now Mayor Hatcher, recommended a system of heroin legacies as a method of dealing with the problem. Quite frankly, I have never supported that idea, even though the benefits allegedly to be derived from it would be a significant cutback of crime.

I do think that we must separate those people that are using drugs, that are hooked on drugs; they must be separated from the population. If we continue to allow our addict population to be treated by living in the cities committing all that crime in the cities and making life unlivable in the cities for everybody else, then I think we are going to reach a point where the quality of lives in our cities are going to drop to the level where Americans are going to demand stronger and more repressive measures which could place in jeopardy the system of values that we hold most dear; that is I am talking now about our constitutional principles, because as I understand it, a lot of Americans for safety in the streets would be willing to relinquish constitutional rights.

Before we reach the point where we all run off in a mad rush out of just simple desperation in trying to deal with this problem, I think we need to think about it in basic terms. Those people that have become addicted to drugs need to be separated. They need to be taken out of society. They need to be put in some sort of camp where they can get treatment, long-term treatment. They need some ancillary and support services. They need to be counseled.

Some efforts need to be made to upgrade their capability to function within society.

We have lost almost a generation of Americans now that are not able to compete in our society. They are classified as functionally unemployable. Nobody wants to hire them. They are the backwash of society, the dregs. We all suffer now because of crime and because of the fact that the value system that is the product of our majority population is looked down on and is not the way of life in the cities.

So I would see this Congress attempting to do a number of things. Hopefully, you will first attempt to influence our administration that we cannot cut back on funds that go to such vital areas as enforcement of our laws in the cities, where we are going to eliminate the very basis that we have of survival and at the same time expect that the cities and the people that live in those cities will be able to continue on.

We have to attempt to establish and retain Federal vehicles, Federal funds for law enforcement services, specifically addressing the problems that I have enumerated on the Federal side of the equation, which deals with supply, and at the same time I think just as Franklin Delano Roosevelt attempted with the CCC camps to pull America out of a great depression. We have got to go back to some basic concepts to try to pull America out of the depths of this crime crisis which is caused by narcotics and the people that are addicted to narcotics in the society.

I could go on and on, but I do not believe that you need to hear continued testimony about the tragic impact on human life and human sacrifice caused by narcotics in the society. What I have recommended I do not consider to be a radical departure from things that we have tried in the past when the country faced great challenges like it does today with crime; but this problem will not go away. If we do nothing, it will become more pronounced. If we fail to act now, then the sacrifice that we make in the future will be greater and it will go to the question of our values and our system of government.

We have recognized the evils. We have recognized apparently the need to bolster our national defenses in an unprecedented effort being made by this administration. I am appalled at the fact that no one seemed to have made an effort to deal with the problems of crime in the cities; yet Americans cry out on the domestic side that crime is, if not the No. 1, clearly one of the major national issues confronting people. We cannot do that without leadership from this Congress.

I was very pleased, Congressman Rangel, that you provided me as a director of the police department in Newark an opportunity to come here to share with you the plight that you know so well of our citizens in the cities, the problem that they face, but to share with you from my vantage point what I consider to be some of the things that must be done if we are going to make it through the next decade in the cities in this country.

Thank you very much.

[The prepared statement of Mr. Williams follows:]

PREPARED STATEMENT OF HUBERT WILLIAMS, POLICE DIRECTOR, NEWARK POLICE DEPARTMENT

NARCOTICS ABUSE AND CONTROL—THE FEDERAL ROLE

Over the last several decades, in this country, we have seen an alarming escalation in the use and abuse of both licit and illicit drugs. Equally alarming has been our apparent inability to develop an effective response in either controlling the flow of narcotics into and within the country, or in treating those people who are afflicted with this disease. In recent years, our approach has see-sawed from emphasis upon enforcement to emphasis upon treatment, generally depending upon which faction was able to exert the greatest influence. When one faction gained the upper hand, it was usually at the expense of the other. Our experiences over the last several years have taught us emphasis on either enforcement or treatment at the expense of the other will not work!

Essentially, the problem of narcotics abuse within our country can be viewed from two perspectives; (1) the supply side, and (2) the demand side.

Each side of the equation affects the other. If we crack down heavily on the enforcement or supply side of the equation, the result has generally been an increased demand for limited supplies resulting only in higher market prices. On the other hand, emphasis upon treatment appears to create easy availability (supply) with disproportionate increases in addiction (demand) for every person "cured."

I have qualified my remarks thus far because of the dismal lack of hard data regarding the narcotics problem as a whole. It is important to recognize that on the supply side of our equation we have no concrete data as to the size of the drug market with which we are dealing. We can only guess as to how much drugs enter our country or are diverted from licit markets. Some authorities estimate that we uncover only 10 percent to 20 percent of the drugs imported into the United States. It is equally important to note that on the "Demand Side" of our equation, we have no clear data which documents the actual number of addicts.

In urban centers such as Newark, both the arrest statistics and the quantity of illicit drugs seized are indicators as to the scope and extent of drug traffic. This is particularly true with respect to the \$10 bag of heroin which constitutes the basic unit for users within the market place. For the first six months of 1979, the Newark Police Department seized 3,602 bags of heroin compared with 7,328 for the same period of 1980, an increase of 103.4 percent. During the first five (5) months of 1981, our Department seized 9,408 bags of heroin.

In order to establish validity, the 5-month figure of 9,408 bags of heroin seized in 1981 was pro-rated thereby establishing the 6-month figure at 11,289 bags of heroin. The following increases have occurred for the amounts of heroin seized.

1980	7,328
1981	11,289
Percent change.....	+54.1
1979	3,602
1981	11,289
Percent change.....	+213.4

Arrests have also gone up despite a reduction in departmental manpower:

DRUG RELATED ARRESTS MADE BY THE NEWARK POLICE DEPARTMENT, FIRST 6 MONTHS

1979—946; 1980—1,359; change 1979—80, +43.7 percent.

1981—1,419; change 1980—81, +4.4 percent.

Eight to ten years ago, we had five or six high-volume narcotic areas. Today, there are 25 to 30 such areas. In short, narcotic activity has changed during the past decade. It has become more pervasive and more visible.

The increase in drug availability is in part a reflection of a shift in societal attitudes toward the use of drugs. It appears that more and more segments of our society accept and even advocate the use of drugs. We see athletes, entertainers and other notable and highly visible people, who often serve as role models to the young of our country, involved in narcotics usage. This softening of attitudes is, I believe, contributing to a more widespread use of narcotics and making control by law enforcement more difficult.

Negatively compounding local law enforcement's ability to significantly impact upon the problem, is the increasing fiscal constraints under which local governments find themselves forced to operate. Out of desperation and necessity, cities like Newark have become more dependent upon the Federal Government for aid and

assistance. Thus, we are at a juncture in which the Federal role in narcotics abuse and control is absolutely vital to our country's national health and vitality.

The Federal Enforcement Role can be defined as critical in four (4) basic areas:

- (1) Limiting production through international agreements and mutual cooperation with producing countries.
- (2) Limiting importation through enforcement.
- (3) Enforcement control at the upper and medium levels of the distribution market.
- (4) Assisting local and state agencies in coordinating and controlling narcotic activity which is generally beyond the scope or ability of those agencies to adequately handle.

While each of these stated areas of responsibility is vital to any overall program, it is the last role with which we in local governments are most concerned. In Newark, we depend heavily upon Federal cooperation to enhance our enforcement efforts. The assistance that we regularly receive from the Federal Strike Force under the D.E.A. in terms of intelligence information, manpower assistance, the loan and use of equipment and the access to "buy monies" which are far beyond the financial ability of our agency, are absolutely vital. While I recognize that there has been some controversy relative to the effectiveness of the coordinated Strike Force concept, it is our experience that this is the most effective and potentially productive approach to the Federal and local narcotic control problem. Consolidated Federal Strike Forces can successfully eliminate wasteful duplication of intra-agency effort, promote the exchange of intelligence information, coordinate joint agency efforts, and bring to bear on a problem a host of widely varied skills and expertise. In recent years there has been a tendency to de-emphasize this approach. The Federal Strike Force in Newark has been significantly reduced in the last several years. It is our belief and strong recommendation that this program should, instead, be expanded to become a major part of any future Federal enforcement program.

As I stated previously, the problem of narcotic abuse and control is essentially bifurcated between enforcement (controlling supply) and treatment (controlling demand). Each area is critical to any overall effort in stemming the tide of rampant narcotic abuse and it is equally critical that a proper balance be struck between enforcement and treatment efforts.

Many authorities today recognize that narcotic addiction is essentially a medical problem which is not cognizable within the Criminal Justice System. Sanctions should therefore be imposed upon those that traffic in the drug trade for personal gain, while those that are victimized should be treated medically. Our problems in this area are twofold: First, addicts often sell narcotics to support their habits and thus no clear line of demarcation between dealer and user exists. Secondly, no cure has been found to alleviate the psychological dependence upon narcotics which continues long after the physical dependence upon the drug has dissipated.

Many treatment programs have tended to evaluate their success on the basis of numbers of addicts entering and completing their particular program. This empirically unsound method of evaluation has promoted stiff competition among various treatment programs for limited Federal Assistance dollars on the basis of the numbers of persons they bring into their particular programs and treat, rather than the number of persons who are actually "cured." The legitimacy of long-term cure data is also clouded with doubt. Once an individual leaves a program, long-term tracking and monitoring becomes difficult, if not impossible.

There are three (3) basic treatment alternatives for consideration:

- (1) Drug free programs—which take the addict completely off drugs.
- (2) Methadone Maintenance—which supplies an alternative drug to heroin.
- (3) Legalization of Heroin Maintenance—which supplies the addict with his, or her, heroin supply thereby removing the need for criminal activity by the addict to feed his, or her, habit.

Our society has opted to adapt methadone maintenance as a basic treatment strategy for addicts. Under this program, methadone is substituted for heroin and the user is supplied daily with the amount of drugs needed to sustain his habit. There should be no need for him to commit crime to obtain narcotics since it is being freely supplied to him. Additionally, he should be able to hold down a job and function relatively normally. Methadone for the addict then, would be much like insulin for the diabetic. These expectations have not been realized. Addicts on methadone maintenance often enter into illegal markets to obtain heroin, the drug of their preference. To obtain it, they sell methadone to others; they trade it under a barter system and commit criminal acts. With the increase of heroin availability, the addict population has increased along with the overdose rate. Absent an effective method of treatment, some have argued for the implementation of heroin

maintenance programs. This, it is believed, would eliminate the illegal traffic and substantially impact upon the nation's crime problem.

England has had considerable experience with this type of program. It is seriously doubtful, given the results, that such a program could prove effective here in view of the size of our addict population. In addition to the obvious practical problems involved, there are serious moral questions which would mitigate against this approach in our country.

Although none of us has a ready answer to this problem, it has become clear to me that we must separate the addict from society in order to salvage our cities. Moreover, he must be separated from drugs if the individual is to be saved. No nation can long sustain the tragic loss of human potential which we are experiencing, as a result of the debilitating impact of narcotics upon society. We are left with but one choice—adoption of drug free treatment as the preferred method of choice. Drug free treatment however must be radically altered from previous forms in order that we can assure the efficacy of our efforts and actual achievement of our goals. Our goals, in terms of impacting upon the demand side of our equation, can be listed as follows: (1) The identification of those addicted to narcotics within our society; and (2) The complete and long-term "curing" of those addicted to narcotics along with their successful re-entry into the mainstream of society.

The first goal requires a clear definition of the term "addict" and agreement as to the "targets" of any concerted treatment effort. Once agreement is made in this area, the process of identification can be made through a variety of means: (1) Law enforcement referrals; (2) Other governmental and social agency referrals; and (3) Voluntary commitment.

Achievement of the second goal is much more difficult and requires a radical departure from past practices. Once an addict has been identified, he must be removed from society into an environment which ensures isolation and treatment on a long-term basis. Such treatment must provide wide-ranging ancillary services which attend to the deep-rooted psychological causes of addiction and may require the expenditure of a considerable amount of time, effort, and money before the addict is capable of re-entering society.

In 1932, this country under President Franklin D. Roosevelt, made a commitment to lift us from the depths of the depression by providing jobs to the unemployed. It was at that time, a radical departure from laissez-faire government. The Civilian Conservation Corps (CCC), the National Youth Administration and the Work Progress Administration (WPA) are models of not only a government commitment to decisively act on a problem but also the benefits that our society derives from assuming the role which only it is capable of addressing.

I submit to you that only the Federal Government is in the position to adequately address the problem of narcotics abuse and treatment within our country. It is my firm belief and strong recommendation that the Federal Government make the commitment by establishing a widespread system of treatment camps throughout the United States which serve to mandatorily remove addicts from our streets for long-term and wide-ranging treatments. Such a program would have the ancillary benefit of dramatically reducing crime on our streets. Crime in which most addicts, by their own admission, are deeply enmeshed to support their addiction.

I am well aware that such an ambitious undertaking will result in considerable cost, but I am also aware of the far greater cost in terms of wasted human lives, crime and fear which is fast crippling our society.

Gentlemen, I would sincerely hope that the Federal Government would assume its rightful role and responsibility to provide the leadership and direction this country needs in countering the plague of addiction. This country has always embraced a spirit of optimism and a "can do" attitude. When our country was embarrassed by losing the race to put the first man into outer space, we made a national commitment to be first in placing a man on the moon and won that race over seemingly incredible odds. There is absolutely no doubt in my mind that, given the will and commitment, our country can win this war against addiction and create a healthy, dynamic, and considerably less-troubled society for all.

Mr. RANGEL. Mr. Shaw.

Mr. SHAW. I am very impressed with the testimony of both of you gentlemen.

Mr. Williams, I know who you are and I know your reputation. I have had the privilege of serving, up until I came to Congress the first of January, on the executive committee with your mayor; of the U.S. Conference of Mayors in Gibson. I know well the good work he has done and the respect that he has as a former presi-

dent of that organization in bringing about some of the legislation which you are very concerned about at this time in regard to aid to the cities.

I was somewhat taken when you made the remark in your testimony that one of the big problems we have, and perhaps it is the root of the problem that we have across this country today, is that people are not afraid of the law. I think this is one of the areas that perhaps as simplistic as it is, is the basis of all the problems that we are having, that goes to the swiftness and surety of punishment.

Would you like to expand on that as to what elements are necessary with regard to increasing awareness or actual fear of the law, which is absolutely necessary if there is going to be respect for the law.

Mr. WILLIAMS. Congressman Shaw, what I was referring to and I think you accurately observed it, is the fact that the system that we have of criminal justice is supposed to act as a deterrent to crime. The police constitute one component of that system. The police responsibility is to visible policing, to put out in the streets a symbol of law and a symbol of authority. Where there are crimes committed, the police response should be swift. Apprehension should be swift and punishment certain.

One of the problems that we have today is that there is no certainty of punishment in our system. Legislators across the United States, in States like New Jersey, have attempted to react and deal with this problem by requiring mandatory sentencing, particularly in specified areas, like with a deadly handgun, crimes committed with the possession of a gun, crimes of violence. In New Jersey now they get 3 years and that is mandatory; but what we do on one end of the system impacts throughout the system. We are now experiencing and will continue to experience an overload on our system of criminal justice that is so severe, not only does it not deter crime, but it is about to fall apart. What we see is overwhelming numbers being put into the system, causing prosecutors that act as regulators in the sense of a court calendar to have to use alternative methods; so what we see is downgrading, plea bargaining, those kind of things, which are almost essential in order to retain the system that we have in place. In the absence of that, we get Michigan, and in the county of Essex, we just had a jail burned, a riot in the jail by the prisoners because of overcrowded population; so the system clearly is not carrying out its historic role.

Citizens have told us that they have been taxed enough. The propositions put on the ballots in California to provide more policing have failed. So part of our frustration grows out of the fact that we do not have the capability to raise the moneys necessary to make the system responsive to the problem, and second, even if we did have the money necessary, the system of criminal justice is only one aspect of the problem.

Our country has undergone historic changes. The family, for example, that once constituted the core of our society has changed dramatically. Divorces are now 50 percent. Almost two-thirds of wives now work, both spouses work.

We do not have the same kind of society that we once had. Values have changed.

The people that are committing crimes, that have shown total disrespect for authority, have grown up in a different era, where they have not had the kind of values transcended down through generations that existed, let us say, two decades ago.

To redress these problems, I can only take a broad view, because I do not think anyone at this point can say definitively exactly what has to be done; but clearly, we must reestablish that system of criminal justice and make it viable. People have to know that if they commit a crime, they are going to receive societal sanctions.

We cannot have a system that allows somebody to make \$2,000 or \$3,000 a week and the police apprehend them, and we do not have the capability to impose sanctions against them. That encourages and fosters the underground that we have in narcotics today.

In 1962 to 1965, I worked undercover in narcotics in the Newark Police Department. One of the things that I did was to go out in the street to penetrate narcotics networks and to purchase heroin from the dealers. Well, today you do not have to go out in the street and penetrate any networks. All you have to do is go on the corners, because it is so blatant, the volumes are so large, that the system cannot handle it.

We have to develop policies that are going to insure that we will not be overwhelmed in the system.

We have a rule in New Jersey, it is called Rule 3:3. That rule limits the police discretion to make arrests. It requires, even with major crimes, that summonses be issued.

I am saying to you that we have got to get back to the historic predicates upon which our system of criminal justice was established if the system is going to act as a system. That is one of the things that Congress can do.

We must insure that the vehicles of enforcement that have been effective are retained and we must try to make a way for people that are committing crimes and have no respect for law, these people must be reintroduced to society in a manner in which they feel that they are a part of society, because if they continue to feel that they have no place in this society, that they cannot make it, nobody wants to hire them, then they are going to make it illegally and we are going to all suffer by it.

I would think some of these things I am talking about may be quite complex. Other things are quite simple. I mean, I think we know generally what needs to be done about it.

What I have seen, quite frankly, is a lack of commitment in dealing with the problem. I just do not see the commitment. I have watched the presidential primaries and the presidential election and crime was not an issue. Narcotics, nobody talked about these problems; so I do not see—this committee is the first reflection that I have seen of a serious commitment to begin to deal with this thing.

I am very hopeful that you will be able to provide some influence within the administration so that we can retain some enforcement capabilities in the cities.

To be succinct, I know I have gone beyond the question, but certainty of punishment is important, swiftness of apprehension is important. We need the vehicles to insure that we can make those things happen.

Thank you.

Mr. RANGEL. Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

I guess I join Director Williams in feeling that one of the large problems is one of attitude, one of public attitude toward law enforcement. To some extent, at least, that results from the inability of law enforcement to prosecute the large numbers, to carry out the law enforcement process.

I guess the question in my mind is, Prosecutor Schneider, indicated the need for more money for drug purchases; but if you are making more purchases and making more arrests and not getting the prosecutions and the convictions and putting people away, why do you need more money for drug purchases?

The thing becomes a little bit circular on the attitudinal end.

Mr. SCHNEIDER. If I may, Congressman, that is very true. The basis of the problem, I think, was cited by Director Williams, and that is the lack of respect for the law. That certainly is prevalent in our entire country, not only in Newark, whether it be the wealthy suburbs, or whether it be the rough sections of our major cities.

My contention is that the lack of money to do the job on the street by way of purchases of large amounts of narcotics to get the big people, as opposed to chasing a man down the street and grabbing him for four or five decks of heroin or a pocket full of marihuana, the money needed for that goes hand in hand in that they know that the big man probably will not be punished as severely as they ought to be. Therefore, not only the big man, but the middle man, has little respect for the law. The reason is because law enforcement resources are such that we are short on everything. As I said, we are short on police. We are short on prosecutors. We are short on judges. We are short on jails.

The man out there pushing narcotics, pushing them to the fifth and sixth graders, up to the 50-year-old man that we arrest, first of all, they believe that they will not be caught. Why is that? Because they know there are not enough police out there. There is not a policeman in sight because of shortages in money, because of shortages in equipment.

Second, if they are caught, they realize that they will be out on low bail in no time, because there is no place to put them, because we do not have any money to build jails. We do not have any money to pay for salaries and benefits for correction officers; so they know that if they do get caught, they will be out in no time.

Again, if they do get caught, their trial may not come up for months and maybe over a year, because we do not have enough prosecutors and we do not have enough judges to prosecute them, so they sit out in the street or they run out in the street and continue to push this garbage all over to our youngsters and to our adults.

Third, if they are convicted, what happens to them? They get a sermon from the judge, especially if it is only the first time. Too often you hear judges say, "Well, since this is your first offense." They say that as though everyone is entitled to one crime, which is absolutely ridiculous.

Why do they say that? The judges mean well. Sure, the judges love to put them away and get them out of society. There is no place to put them.

Again, we come to the point of dollars and cents. We do not have any room in the jails to put them. Where do they go? They go back out again.

We have Director Williams and his men chasing them and calling me and saying, "Well, we got another 15 today. What are we going to do with them?"

We look at each other in utter frustration and anger, and the system goes on.

What we need, we need some bucks, we need some dollars to help us fight this thing. They have more money than we do. We make an arrest of someone with a bunch of heroin or cocaine that he is ready to deliver some place and he has got \$50,000 cash in his car. Probably no one in this room has ever had \$50,000 cash in his car or in his bank in his lifetime.

This is the edge that they have that we should have. Law enforcement deserves the edge, not the criminal element, and they have it. Why do they have it? Because I do not think that the public and the people who run the Government, including myself, really think about it every day like we should.

Drug abuse is the major cause of crime in Essex County. Before I was in law enforcement, which I have been in for about 7 years, I was a public defender in Essex County for 3 years. I know firsthand from representing hundreds of indigent criminal defendants that were it not for the drug problem, those hundreds would probably be tens or twenties.

I would say 80 percent of every criminal defendant arrested in Essex County, his problem is based on drug abuse. If we do not get at that, we are not going to get at any crime.

It affects everybody.

Mr. COUGHLIN. Are you suggesting that there should be Federal funds to provide more jails for local communities?

Mr. SCHNEIDER. Yes; I think there should be Federal funds to help us in all phases of law enforcement, especially in the cities and the counties where the people that live and work in the cities and counties just cannot afford it. They cannot afford to carry the burden themselves and the only answer is that we need help from the Federal Government because this criminal element existing in Essex County and in New Jersey affects the entire country.

Mr. COUGHLIN. I am referring specifically to jails.

Mr. SCHNEIDER. To jails; yes.

Mr. COUGHLIN. Thank you, Mr. Chairman.

Mr. RANGEL. Thank you. I think it is abundantly clear that there is an absence of the Federal presence in certainly what is a national problem.

I do hope I can rely on both you gentlemen to have input as we attempt to build up support or to dramatize the need for the Federal Government to get involved. I can sense in all of the witnesses so far the sense of frustration. Fortunately, it has not reached a point that you are calling for heroin maintenance. I know, Director, that you specifically rejected that.

I am not going to debate the fact that we are involved now in selective prosecution. It is happening all over. I think it is wrong, but it may be the only thing that is left to do.

I am not going to get involved in the removal of people from the community who are addicts or addict criminals, because I think at a different forum we would have to discuss what we are giving up if we are forced to go that route. I would have to believe that I would have to support that type of direction, because I would then have to know who is making the selection as to who is going to be detained and I assume this would not be with due process.

In any event, I am glad that you did testify as you have, because I know, or I hope that you do not feel that comfortable in making those types of recommendations, but it appears that your back is against the wall and these are things that you feel will have to be done.

I assure you that the committee will be in touch with you and other people will and this is not just one shot. We will try to develop the best approach to make certain that people throughout the country recognize how serious the problem is and that your Government responds to it.

Mr. SCHNEIDER. Thank you.

Mr. WILLIAMS. Thank you for the honor.

Mr. RANGEL. The Philadelphia panel is before us. We have the district attorney, Edward G. Rendell; the prosecutor in charge of narcotics, David Abrahamsen; and from the narcotics unit of the police department, we have Inspector Robert Mitchell.

We will have all your individual testimony placed in the record, without objection, knowing that some, if not all of you, have a time problem. You can proceed as you see fit.

TESTIMONY OF EDWARD G. RENDELL, DISTRICT ATTORNEY OF PHILADELPHIA, PA.

Mr. RENDELL. Thank you. I am District Attorney Edward Rendell of Philadelphia.

I heard the prior two speakers. I am not going to go over the ground that they so ably covered.

Our drug problem in Philadelphia is acute. We have a particular problem with the locally produced methamphetamines, which as I rate in my prepared text, I rate it currently as more serious even than our heroin problem, though given the predictions and forecasts of increasing importation, heroin in my judgment will soon be our No. 1 problem again; but they are both significant problems.

We currently in Philadelphia have two components of our effort to battle against high level narcotics trafficking. No. 1 is the DEA Federal Task Force, which receives specific Federal funding out of the Justice Department budget.

In the spring of 1980, we were notified that that funding would be cut off as of October 1980. Even though that force is solely within the jurisdiction of the Federal courts, it does not come into direct contact with us, although we do complement our efforts, I felt so strongly about the need for the continuation of that force that myself, the police commissioner, the managing director and the U.S. attorney visited the Attorney General and the head of DEA and implored them to keep the narcotics task force in exist-

ence. For whatever reason, perhaps because it was an election year and Philadelphia was considered to be a pivotal city, we got a commitment to keep the Federal DEA task force, which is staffed by Philadelphia police officers and is a very cooperative venture, we got a commitment to keep that task force in effect until October of this year. We have been told informally that that is it; that all of the task forces throughout the country are going to be phased out in an effort by the Justice Department to continue to pare its budget. That is obviously a serious problem, which I will address briefly.

Our second major component in the battle against narcotics trafficking is the cooperative district attorney police department local task force. What makes task forces important is not just the name, not just the dramatic effort, but what makes them important is buy money and informant money.

In Philadelphia, the DEA task force gets \$125,000 a year for buy money. When I took office as district attorney in January of 1978, I found that in the city of Philadelphia our police department narcotics division had a yearly budget allocation of less than \$11,000 for narcotics buy money. You cannot make one single significant buy to where you reach a high level heroin dealer for \$11,000 in the city of Philadelphia today.

I began lobbying immediately for the creation of a local task force with adequate funding. Fortunately, in January this year the city administration agreed with me and gave us \$250,000 for the next 12 months for buy money and informant money. That effort, combined with the Federal DEA task force, and we cooperate on a daily basis, as I said, there are Philadelphia police officers who participate in the DEA Federal task force; those two efforts complement each other and in my judgment will be moderately effective if they are allowed to stand.

Mr. Abrahamsen on the way down to the train estimated that to really do the job, to go after the 50 big level dealers, those 50 conspiracies that fan out throughout the city of Philadelphia, it would take approximately \$2 million totally to buy up that chain, to make buys and pay informants. With the DEA task force, which the Federal Government wants to take away from us, we have \$375,000 available to do that job.

The DEA task force is important even beyond Philadelphia because it covers an 11 county area and allows the narcotics force to go out intercounty and sometimes even interstate in narcotics trafficking.

So that is the state of law enforcement efforts against narcotics trafficking in Philadelphia, the fourth largest city in the country today. It is not enough as it is. We have made great strides due to the creation of our local task force. Therefore, because of that problem, I want to recommend to this committee seven basic things that I think you can do. I heard the questions asked by the Congressman to the two prior witnesses, including Congressman Coughlin, whose district represents a portion of Philadelphia. We as prosecutors share your belief that the law has to mean something; but basically you are talking about sentencing, and sentencing is basically done on the State level, and that battle has to be fought in the State legislature, and in Pennsylvania we have a

mandatory sentencing package for violent crimes, for crimes committed with firearms, that is currently before the legislature and that our Governor has endorsed just recently. I think that battle will be a reality; but your time is limited here and I think rather than have theoretical discussions, I would like to give you seven specific proposals of how you can take action.

No. 1, I think Congress does have the power to stop the budget reduction of the DEA task force. This is found beginning on page 7 of my testimony. That is essential. If Congress stands idly by and allows this DEA Federal task force to go out of existence on October 1, 1981, it is not protecting the people of Philadelphia and the people of the Delaware Valley.

Let me tell you, it is not just the Philadelphia DEA task force that is ticketed for extinction. Many other task forces throughout this country, maybe some in your own jurisdictions, are also ticketed for annihilation.

No. 2, appropriate necessary money—must be allocated by Congress to aid local governments in our major cities in their fight against drug abuse.

Now, I would expand that to say that the Federal Government and the Congress has to do something, not only to help us in our fight against narcotics, but to help us in our fight against violent crime that is terrifying the citizens of all our cities.

Right now, as you are aware, there is a bill being offered by Congressman Hughes of New Jersey, House bill 3359. That bill calls for the appropriation of moneys to be allocated through local governments to fight crime. It does not have a specific narcotics section.

I would urge this committee to consider possibly amending the Hughes bill, providing specific funds for local government to battle narcotics in the 20 major cities, the 20 major counties in the United States of America. I think the Hughes bill is a desperately needed vehicle across the board. It does not, at least in my analysis of it, have a separate narcotics component. It may be well for this committee to consider tacking on a specific appropriation for narcotics prosecution only.

As part of this, you may be aware that Senator Dole has sponsored a bill in the Senate to allocate money for the construction of prisons. That was a question that Congressman Coughlin asked of the prosecutor from Essex County.

Obviously, we need that. Obviously, the older States, the States where the crime problem is at its worst—Pennsylvania, New Jersey, New York, Michigan, Ohio, Massachusetts—those States are financially strapped and prisons cost an awful lot of money. We desperately need Federal aid to build the prisons necessary to house the major drug dealers, to house the people that commit crimes of violence with guns and knives; so that is part of my second recommendation to this committee.

Our third recommendation is one that I think is easily doable, and I think the Inspector would join in this, Mr. Abrahamsen, and I. We would like to see the Federal Witness Protection Act, the coverage in that act, extended to cover State and local prosecutions. Obviously, there has to be a mechanism built in, because what we are asking for is the funding and capability, the nation-

wide capability of taking a key witness against a major heroin dealer in the city of Philadelphia and being able to build a new life for him in Seattle, Wash. Obviously, that is something that the district attorney's office and the police department in the city of Philadelphia cannot do. We can move someone from south Philadelphia to a city-financed housing area in the northeast part of our city, but that is not sufficient when you are dealing with these types of drug dealers. I think it would be very easy—the cost factor would be limited—to extend this coverage to State and local prosecutors. I think you could make the checkoff so that it is not abused, so the U.S. attorney for that district would have to give his approval.

The request would come from the county prosecutor to the U.S. attorney; he would have to review it and give his approval to place that person into the Federal Witness Protection Act, with all the funding and all the capabilities that exist.

Fourth, and I heard the police director of Newark comment on this, obviously diplomatic efforts must be made, either by cutting off aid to countries that are big exporters of drugs, or if they do not have any aid at this present time, maybe to offer aid incentives to them to police the areas where heroin and opiate derivatives are grown. I think that is absolutely essential. The reason that the heroin problem abated somewhat in the United States in the 1970's was because of the diplomatic efforts of the State Department. I think Congress can use foreign aid as a weapon, maybe not with all those countries, but with some of them.

Also along this line, one thing that Congress can do in the sentencing area—most of the sentencing areas are ours, the States—one thing you can do is impose strong, severe, and swift mandatory prison sentences for smuggling, for bringing narcotics into the United States. Smugglers should know that they are facing a severe mandatory prison sentence, one, because it may cut down on these smugglers; two, if we catch a smuggler and he knows he is facing 10 years guaranteed in prison, maybe the Federal authorities could turn that smuggler into a witness and find out exactly who the big operators are in the jurisdiction that he is bringing the narcotics into. That is an area that you can do something about. The State governments do not control that. You control the penalties for smuggling into the United States of America.

Five. This is a problem that exists in Philadelphia with barbiturates, amphetamines, and other pills. It is not quite as serious a problem, but it is a problem. We would urge the Congress to look at potential legislation to tighten requirements for the distribution of drugs by pharmaceutical manufacturers and by physicians themselves. Right now a serious problem in the city of Philadelphia is that there are hundreds of thousands of amphetamines and barbiturates that are diverted from these supposedly legal pharmaceutical manufacturers or from supposedly licensed physicians that are sold to pushers or hijacked from pharmaceutical houses.

They are produced by the ton. We have narcotics available in the form of barbiturates, amphetamines, that are produced by reputable companies in amounts that are staggering. In World War II, with all our problems, this country did not need one-fifth of the pills that are being produced now. Many of these pills get diverted,

either by hijackings, by poor inventory controls, by pharmaceutical houses or by doctors who are greedy and who are violating the law. I think the Federal Government can do something to tighten controls, maybe through the FDA or other agencies in that basic area of concern.

Lastly, I would tell you that what you have heard today from all the other prosecutors, and all the other police officials, breaks down into a news article that I read in our Philadelphia newspapers, I guess a month ago, where the U.S. Government, the Federal Government that tells us in the States, that tells our citizens that we do not have enough money to do anything about crime, and myself and seven other district attorneys from the largest jurisdictions in this country, from Detroit, from Los Angeles, from Brooklyn, from Miami, from Chicago, we met with the deputy attorney general, a very nice gentleman by the name of Schmaltz 2½ months ago. We told him not just narcotics. We told him that we desperately needed, not a resurrection of LEAA, not another bureaucracy, but we desperately needed Federal funds to help in the crime problem. We told him what the problems were in each of our cities. We went around the table and it was depressing. I got depressed just listening to my fellow prosecutors. We were met with the basically rote answer, which was:

Gentlemen, the administration sympathizes with your problem, but our first priority is cutting the Federal budget. We believe that if the economy of this country is brought into line, that that will help the crime problem and the crime problem will be reduced.

Well, that is insanity. Even if they are right, and I think all Americans hope that they are right and that what the Reagan administration is doing can solve our economic problem, but even if they are right, that is 8 to 10 years down the road before it has any effect on the crime problems in the major cities in this country. We cannot wait. Five hundred Philadelphians die each year, 15,000 Philadelphians are robbed a year, 1,500 Philadelphians are brutally raped and savagely attacked each year. We cannot wait, gentlemen. We need direct Federal aid, both in narcotics and in other areas, immediately.

I do not believe it is credible for anybody in Washington to tell us that the money is not there. When I read in the Philadelphia newspapers less than a month ago that the U.S. Government offered the country of Pakistan \$400 million in aid, which was turned down—\$400 million allocated to the 20 biggest cities in this country would give us all the resources necessary to really make a dent in the narcotics trafficking problem in America.

So I suggest to you that the Federal Government and Congress, of course, is at least one of, if not the most important branch of that Government, has got to restructure its priorities.

I have got to tell you that the people in North Philadelphia, the people in Kensington, the people in South Philadelphia, they do not care, and I do not mean to sound isolationist, they do not care about the problems of the government and the people of Pakistan right now. They do not care about battling insurgents in El Salvador. They do not feel threatened by the insurgents in El Salvador. They do not think they are going to lose their lives because the insurgents are in El Salvador. They are not prisoners in their

homes because of the insurgents in El Salvador or because of the problems in Pakistan.

I believe we have got to change our priorities. We have got to address ourselves to the problems of our cities, to the problems of our people. Crime is no longer an urban problem. It is a suburban problem, even a rural problem as well.

The message that myself and the other prosecutors from the major cities in this country brought down to Washington 3 months ago did fall on deaf ears. Obviously, this committee cares, or you would not be having these hearings; but let me tell you, as all of my colleagues have done, the problem is severe. We cannot wait 8 years. We cannot wait 8 months.

The Hughes bill is a good vehicle. The Dole bill is a good vehicle. Gentlemen, take it and run with it, because the safety, not only the safety of American cities, but without being overly dramatic, but in my judgment the very existence of American cities depends on what we do in the area of crime.

[The prepared statement of Mr. Rendell follows:]

PREPARED STATEMENT OF EDWARD G. RENDELL, DISTRICT ATTORNEY OF PHILADELPHIA, PA.

Anyone familiar with law enforcement in urban centers in America today will bear witness to the fact that a substantial percentage of all street crime is directly or indirectly caused by drug abuse. Any idea that we can attack violent crime without addressing the drug problem is naive and mistaken. Although it is true that there are many factors that have caused the rapid increase in violent crime in our cities today, drug abuse must be numbered as one of the most significant.

In my testimony today, I will identify the major areas of drug abuse in Philadelphia, describe their source and origin, analyze the extent of the problem created in each area, detail the current efforts being made by federal and local law enforcement to combat these problems and suggest steps that Congress can take to strengthen our efforts in this regard.

I. THE DRUG PROBLEM IN PHILADELPHIA

In Philadelphia, our major problems in the area of narcotic abuse center around three basic controlled substances: (1) Methamphetamine; (2) Heroin; and (3) Cocaine. Phencyclidine (PCP, commonly known as "Angel Dust") was, over the past several years, a somewhat significant area of concern in Philadelphia, but in terms of its usage and its overall effect, it is not nearly as serious as the three above-named controlled substances.

a. *Methamphetamine (Meth)*

Meth, which is known by many nicknames such as "speed" and "monster", is in our judgment the most significant area of concern in the drug abuse problem in Philadelphia today. Although not nearly as addictive as heroin, its use has a tendency to produce more bizarre and freakish behavior and equally anti-social attitudes. Currently in Philadelphia, it is more readily available than heroin and perhaps has an even greater number of users among our population. It should be understood that if the dire forecast by the Drug Enforcement Administration concerning the upsurge in heroin importation is accurate, then heroin may soon again become our number one problem. However, meth is currently the area of our greatest concern.

Unlike heroin and cocaine, meth does not have its source or origin in foreign countries, but is domestically produced. What makes it even more dangerous is that its production can be undertaken by someone with a rudimentary knowledge of chemistry and that it is not necessary to produce it in large chemical laboratories. Rather, it has been our experience that some of the major meth labs in our area have been found in private homes, in basements of stores, or in garages. Obviously, this makes tracking the source of meth production a more difficult task for law enforcement. Currently, meth sells for between \$500 to \$1,000 per ounce depending in what area of the city the purchase is made, and basically \$50.00 per gram. It is our belief that meth is readily available in all sections of Philadelphia, and this availability will remain stable in the next several years.

b. Heroin

Heroin, which in the 60's and early 70's was by far the most serious area of concern in Philadelphia, experienced a sharp drop in availability and usage during the middle and late 70's. This drop had many causes, but the chief among them was diplomatic efforts made by the federal government to eliminate the importation of opium derivatives from the foreign countries where they are grown. Unfortunately, we are experiencing a slow but steady increase in heroin availability and usage and, according to DEA forecasts, this increase will become increasingly rapid. Again, there are many factors causing this increase but chief among them is the break down in our diplomatic efforts to halt the importation of opium derivatives. The most telling indicia of the steady increase in heroin availability and usage is that in the past two years in Philadelphia, we have seen the purity of street heroin double, while at the same time its price has been reduced by almost 50 percent. Currently, heroin is available by the ounce at 30 percent to 40 percent purity for between \$8,000 and \$10,000. This breaks down to street heroin available at 3 percent purity at \$40 per gram. (The common street sale is a bundle of heroin which consists of approximately a gram). The heroin that reaches the streets of Philadelphia comes almost exclusively from southwest Asia. Mexican heroin was previously available here, but it has fallen out of favor and is no longer sought after. As indicated above, our best information corroborates DEA's forecast that heroin will be increasingly available at a higher percentage of purity, the net result being a significant increase in heroin usage and its disastrous side effects.

c. Cocaine

Cocaine, although a serious problem, does not reach the level of significance of heroin and meth. It is a drug that is a particular favorite of people in middle and higher income brackets. The cocaine available in Philadelphia comes exclusively from South America, particularly Peru and Colombia. Cocaine prices are up, currently running \$2,000 for an 80-percent pure ounce to \$1,000 for a 30-percent pure ounce, with street availability of \$100 to \$125 per gram. We do not anticipate any increase in the availability of cocaine, but it is so readily available right now that no increase is needed for it to be a serious problem.

II. CURRENT LAW ENFORCEMENT EFFORTS

In Philadelphia today, law enforcement is commencing a two-pronged attack against drug trafficking: (1) the DEA Task Force, and (2) the Philadelphia District Attorney's Office Task Force.

a. The DEA Task Force

The DEA Task Force has been, in my judgment, the only effective law enforcement effort in the battle against the spread of drug abuse that has been undertaken in the last several years. Personnel in our office who have worked with the DEA Task Force over the last three years rate its effectiveness as superior. In fact, we think so highly of the job that it is doing that I joined with United States Attorney for the Eastern District of Pennsylvania, Peter Vaira, our City Managing Director and our Police Commissioner in going to Washington in September of last year in an effort to persuade the Justice Department not to cut off funding for the Force. We were partially successful in that we received a commitment that the Task Force would be allowed to remain in operation until October of 1981. We were told that given the reduction in the Justice Department budget, it was highly unlikely that it would continue its existence after that time. In my judgment, the termination of the DEA Task Force would be a disaster to Philadelphia and its surrounding area. Whereas our newly created District Attorney's Task Force investigates major trafficking in Philadelphia and is restricted by jurisdictional limits to the City of Philadelphia only, the DEA Task Force investigates an eleven county area and has even tracked the distribution chain to Wilmington, Delaware and South Jersey. Our Office's newly created task force is an important supplement to the DEA Task Force, but because of our jurisdictional limitations, it can never replace it. Anyone familiar with narcotics trafficking full well realizes that it is a fluid, transient operation which very often cuts across county lines. The current DEA Task Force has available to it on a yearly basis approximately \$125,000, in buy money.

b. The Philadelphia District Attorney's Office Narcotics Strike Force

Upon the commencement of my term in office as District Attorney, in January 1978, I began to lobby the city administration and City Council for necessary funds to create a narcotics strike force in our office to operate in conjunction with the Police Department. I did so because it was my belief from over a decade of experience in law enforcement that local law enforcement's attempts to combat narcotics

trafficking were virtually useless. The concentration by local law enforcement was on quantity of arrests of users or street pushers which, in my belief, did not aid the fight against drug abuse one iota. For example, in 1977, over 90 percent of the 4,000 narcotics arrests made by the Philadelphia Police were merely for possession of controlled substances and not for sale or distribution. The Philadelphia Police efforts were hampered by the fact that their narcotics unit never had available at one time more than \$300 in buy money and never had any money available to purchase information from informants. In fact their total yearly budget for buy money was less than \$11,000. That yearly buy money is barely enough to cover the cost of one significant buy in a cocaine or meth investigation if that buy is to be made from an upper level distributor (such a buy for cocaine falls between the \$5,000 to \$10,000 range and for meth, between \$10,000 and \$15,000 range). That total sum would be too little to make a significant buy in a heroin case, the price tag of which falls in the \$15,000 to \$20,000 range. For all these reasons, I felt that a local task force under the leadership of our office, was essential. Finally, in January of this year, I was able to persuade the City Administration and City Council to appropriate the necessary funds to create one. City Council appropriated over \$150,000 in buy money for the remaining six months of city fiscal year 1981, and also gave us \$150,000 to purchase necessary equipment for surveillance and for drug analyses. Our fiscal 1982 budget has just been released and it contains \$250,000 for buy money and informant money for the entire year. Because a single investigation of this type of task force, if done properly, takes at least six to nine months to work its way up the chain to bring it in contact with significant dealers, we do not have any immediate results from the work of our District Attorney's Task Force. However, from my knowledge of the ongoing progress of these investigations, I can state that there is a great degree of likelihood that the task force's work will be successful and will provide a perfect complement to the DEA Force. Obviously, however, the work of our task force will be greatly enhanced if we could receive federal aid to increase the level of money available for buys and the purchase of informant information.

III. HOW CONGRESS CAN HELP

From the above outline of the scope of our narcotics problem in Philadelphia and our current efforts to combat it, it is clear to me that this Committee and the Congress of the United States can be of significant aid in our battle against drug abuse here in Philadelphia by taking action in the following areas:

1. Stop the budget reduction of the DEA Task Force

Congress should act immediately to insure that there is adequate funding to continue the existence of the DEA Task Forces throughout the country, but particularly in the Philadelphia area. With the extent of the crime problem in the major cities of this country, it is unconscionable for the administration to reduce our crime fighting weapons. In fact, with the increase in violent crime throughout the major urban centers of the country, the administration should be moving to increase its crime fighting effort rather than decreasing them. An administration so conscious of the need to increase the available weaponry for the defense of our country against potential foreign attack cannot ignore the need to give law enforcement the necessary tools to fight the domestic attack on our citizens perpetrated by violent crime.

2. Appropriate necessary money to aid local governments in our major cities in their fight against drug abuse

For the very same reason stated above, Congress should take the lead and appropriate necessary monies for local law enforcement to aid in its fight against both narcotics trafficking and violent crime. This could be done, in my judgment, by supplementing the current bill being offered by Congressman Hughes of New Jersey (H.B. 3359) with specific appropriations which would make funds available for our major cities' battle against narcotics trafficking. Obviously, another alternative is a separate bill designed to provide money solely for narcotics investigation and prosecution.

3. Extend coverage of the Federal Witness Protection Act to State and local law enforcement

As everyone is aware, the investigation and prosecution of narcotics cases often relies on testimony from witnesses who at one time were part of the organization dispensing those narcotics. It is therefore essential that this Committee recommend and that Congress pass an amendment to the Witness Protection Act which would allow it to include certain witnesses involved in state and local prosecutions.

4. Diplomatic efforts must be made to stop the flow of Foreign drugs into the United States

Congress should call upon the State Department to increase diplomatic pressure against those countries that are the origin of the heroin and cocaine that finds its way onto the streets of American cities such as Philadelphia. If this diplomatic pressure is unsuccessful, Congress should consider banning all foreign aid to those countries or, conversely, offering some sort of aid incentives to those countries who do take action to stop exportation.

5. Legislation must be passed to tighten requirements for the distribution of drugs by pharmaceutical manufacturers and physicians

An additional problem facing us, not referred to above, is the great number of legally produced drugs that find their way onto the streets and are subsequently abused by certain people. The diversion of these legally produced drugs occurs somewhere after their mass production by our pharmaceutical manufacturers and also as a result of our physicians blithely giving prescriptions for the use of such drugs to people who have no real need for them. The pharmaceutical manufacturers of this country produce tons of drugs, the need for which, in that quantity, is doubtful. I refer in particular to various tranquilizers, sleeping potions and amphetamines. The manufacturers have serious problems with inventory control and thefts occur at such a great rate that diversion to the illicit market occurs frequently and law enforcement is presented with the impossible task of controlling it. Legislation must be formulated to drastically reduce production and to impose stringent controls upon distribution. This legislation should also encompass the creation of stricter controls and regulations for physicians dispensing such drugs.

CONCLUSION

I thank this Committee for allowing me to testify today and for its interest in this drastic and serious problem. All of us in law enforcement are aware of the need to curb inflation and to bring the federal budget into line. We empathize with Congress' and the Administration's efforts to do so. However, these efforts must not be allowed to overshadow this nation's crime problem and to cripple law enforcement's efforts to control it. Congress can and must take the necessary steps to help us fight narcotics trafficking and all violent crime so that our citizens can have the right to live as free from fear of crime as possible. Congress must do so whatever the cost because there is no price tag that can be put on the value of human life.

TESTIMONY OF DAVID ABRAHAMSEN, NARCOTICS PROSECUTOR, PHILADELPHIA, PA.

Mr. ABRAHAMSEN. Just one brief statement, Congressmen. I have been off and on a prosecutor for 20 years, since 1961. In that time I have seen the drug abuse problem grow geometrically. The enforcement effort has increased, if at all, arithmetically. I assure you gentlemen that it is no coincidence that the spread of drug abuse in the United States has been just about on the same level with the increase in dangerous, violent crime in the big cities.

It is no coincidence at all. I do not engage in rhetorical hyperbole when I say to you that it is my judgment, having been 3½ years now in Philadelphia as chief of narcotics prosecution, that the continued spread of the drug abuse epidemic in the United States presents a greater threat to our continued viability as a free society than any military threat from the Soviet Union. The police officers in Philadelphia and the big cities are capable and competent of doing the enforcement job. They do not have the tools. The cities do not have the resources to give them to them. You do. The money is there. It is simply a matter of reordering priorities and doing that which absolutely must be done, and as the district attorney has told you, we cannot wait 8 or 10 years. We will lose 500 people a year in homicides and most of them are drug related. Most of the break-ins of houses and businesses are drug related. Most of the muggings are drug related.

Unfortunately, the old pensioner who cannot come out of his house does not have a lobbyist. The woman who works two jobs to send her son to college and sees him come out of college a junkie because Typhoid Mary spread drug addiction to him, does not have a lobbyist. Somebody has got to help these people before it is too late and the hour does grow late, gentlemen.

Mr. RANGEL. Thank you.

TESTIMONY OF ROBERT MITCHELL, NARCOTICS UNIT INSPECTOR, PHILADELPHIA, PA.

Mr. MITCHELL. Congressman, we talk about it from a police point. Many of the points that the district attorney and the assistant district attorney have dwelt on, I concur with. When you look at the arrest record, when you effect an arrest of somebody for be it homicide, be it robbery, generally violent crimes, you will find that somewhere on that arrest record is a narcotics arrest one or two times.

Additionally, it is not uncommon when effecting the arrest and the person is brought in and required to empty their pockets, you will find drug paraphernalia on them.

One of the things that we are finding out that seems to be a little bit unique to Philadelphia, as opposed to say Newark, which I just happened to have heard, is the methamphetamine traffic. We deal in an awful lot of methamphetamine in Philadelphia. The manufacturing of it is done right outside the city in the rural areas. There is a very big market for it in the cities, so big that our outlaw motorcycle gangs have gravitated to the manufacturing of it and the distribution of it, because of the profit to be realized.

It is a drug that is taken generally—it is generally a white person's drug; it is generally used by the people in their late teens, early twenties, early thirties. We even had a heroin addict not too long ago who took it, and it gave him all kinds of bad reactions. He went literally out of his mind, and he had to take more heroin to stabilize himself.

When we talk about the crime problem in drugs, we can see that there is a very strong correlation between, as Mr. Abrahamson said, the increase in crime nationally that has been going on unchecked for about 10 years and the emergence of drugs.

It is a very highly competitive market, highly profitable; hence the involvement of organized crime into it and the emergence of the small time criminal into it, to try to rise up the crime ladder.

We would hope that the Congress could continue to fund the DEA, because the DEA in Philadelphia, the DEA task force, has worked very well. They are a very cooperative unit. If we need any help—right now we are a little bit strapped for buy money, we don't have the kind of resources that the Federal Government has when a big buy comes up. But they will work with us, they will provide us intelligence if we need some information to develop something. We have a very harmonious relationship.

Another point that Mr. Rendell talked about, this witness protection program, we certainly would support it because any number of times during the course of narcotics investigations people will tell you, you know, "I am just afraid, I just don't want to get involved."

You just can't protect me, you can't be with me 24 hours a day. I have to live here. You are going to leave."

I feel that a program like that would be a big help. We certainly need more money to make better buys. We are having—we can't get the kind of information that we would like to have in order to better make a dent in this problem because, again, it is simply dollars and cents and we don't have it. As I say, we do turn to the DEA and they have been most generous, they have been most helpful and cooperative. They really work with us. We have a really good relationship with them in our city.

I would be open for any questions.

Mr. RANGEL. This committee hopes to give cooperation in a more formal way as we have a constant dialog and exchange of information in order to put our best program forward.

Staff informs me that you have a rather severe time frame.

Mr. MITCHELL. Mr. Abrahamsen and I have to make a 1 o'clock train, but we are OK now.

Mr. RANGEL. Let me ask the committee members, those who feel they have to ask a question, we will be able to forward questions to them, but since we are going to be relying on them in the very, very near future, I will ask if any of the members feel compelled to ask questions.

Mr. SHAW. I would like to yield to the gentleman from Pennsylvania, who I am sure does have some questions.

Mr. RENDELL. Mr. Chairman, we have a few minutes. We can make our train if we leave here as late as 20 of.

Mr. RANGEL. The gentleman from Philadelphia, Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

I just want to thank the very distinguished district attorney of Philadelphia for being here, and Inspector Mitchell and Mr. Abrahamsen for being here.

We have worked very closely together in the past, as the chairman knows. We did hold field hearings in Philadelphia last fall on the question of clandestine laboratories, and I wanted to ask, have you had more success in detecting and dispersing clandestine laboratories in the intervening period?

Mr. ABRAHAMSEN. I would, offhand, estimate that since you gentlemen were in Philadelphia that about a dozen clandestine laboratory operations, either by the Philadelphia police or the Drug Enforcement Administration, have been interdicted, arrested.

With an educated guess, I would suspect that twice that many have started up. We are taking them off on a regular basis. But the money to be made is so great and the risk of prison so small, lots of people are being attracted to it.

The Drug Enforcement Administration has made one of the principal precursor chemicals for methamphetamine itself a controlled substance, which makes it more difficult for them to manufacture it. About all it has done at the moment is increase the price of methamphetamine on the street, because the amateurs are getting out of the business.

Mr. RENDELL. Congressman, just for the record, I want to note that when we did come down to make our efforts to keep the Philadelphia task force alive, at least for that year, that your staff was extremely helpful in that effort, as well.

Mr. COUGHLIN. I concur with you in the need for keeping alive not only that task force but the drug enforcement task force as it exists across the country, I think that they are a good investment of Federal dollars.

What would be the operational impact if you disband that task force in Philadelphia?

Mr. RENDELL. If we expanded it?

Mr. COUGHLIN. Disbanded it.

Mr. RENDELL. If we disbanded it, it would put an enormous burden on our newly created local task force. The local task force, as I said, does have now \$250,000 available over the next 12 months for buy money and informant information. That is good. But, as I said, we do not have, as of yet, the experience that DEA has, plus, even if we become very effective—and I hope that we can—if we have got a problem that cuts across into Montgomery County or a problem that cuts to Wilmington, Del., or a problem that goes over to south Jersey, we are just simply out of luck, we are beyond our jurisdictional limits.

You need both. You need the local task force to concentrate on local problems, the meth labs, the local big time heroin dealers, you need that DEA task force which has that 14, 15 county, three-State capability.

It would be disastrous.

We don't get one dime, the DA's office, out of that DEA task force. We are not here asking for money for ourselves. We are asking for money for a brother law enforcement agency which serves the people well.

Mr. COUGHLIN. One other question. You indicated the question of diversion of light drugs was a major problem and a growing problem in the Philadelphia area, in addition to the clandestine laboratories producing "speed." And these are supplied by doctors, sometimes using medicare, medicaid funds; am I correct in that?

Mr. RENDELL. Yes.

Mr. COUGHLIN. Do you have any suggestions as to what should be done about that kind of diversion?

Mr. RENDELL. I think that there are two things. One, there is an enforcement problem. But, frankly, that is one area where we cannot complain. The Federal Government through the, I guess it was, old HEW, passed an act giving the States money for special medicaid fraud investigative units. We have one in Philadelphia, and it has been moderately successful so far.

But I think you can tighten regulations. You can tighten regulations on how those drugs get away from the big pharmaceutical houses, to begin with, and I think we can specifically build into some Federal legislation and some State legislation a more clear-cut need before prescriptions can be written, because the doctors cover themselves by writing prescriptions. But the prescriptions are ludicrous.

In one of our investigations, there were two women, female agents, who went in to a doctor, one as a cash customer, one with a medicaid card. They both complained of the same things. They were having marital problems at home, they were very nervous and having trouble eating and sleeping.

The individual who was a cash customer was prescribed a small amount of Valium, paid \$12 and left.

The individual who was a medicaid card customer was subjected to an incredible battery of physical examinations, most of which had nothing to do with her symptoms, electrocardiogram, brain scan, all of these things, and was given a huge amount of Valium doled out over a couple of month period.

So obviously that is a serious problem.

I think, as Congressman Rangel said, we would be willing to give whatever expertise we have—and we don't have all of the answers, but we think we have some of them—to the congressional staff that is going to go about, after these hearings, and begin to formulate, hopefully, some specific legislative efforts.

Mr. COUGHLIN. Let me yield to other members, with the thanks for the very specific suggestions you have made, because that is very helpful to this committee.

Mr. SHAW. I would like to recognize at this time Congressman Fauntroy from Washington, D.C., who is an ex officio member of this committee, who is seated here with us this afternoon.

Do you have any questions?

Mr. FAUNTROY. I do not, Mr. Chairman, but I want to thank you for the privilege of joining the committee as an ex officio member and hearing this very excellent testimony which I am sure will be taken very seriously by this panel.

I would like to submit a prepared statement for the record.
[The prepared statement of Mr. Fauntroy follows:]

PREPARED STATEMENT OF CONGRESSMAN WALTER E. FAUNTROY (D., D.C.), AND
CHAIRMAN, CONGRESSIONAL BLACK CAUCUS

As the Congressman from the District of Columbia, our Nation's Capital, and as Chairman of the Congressional Black Caucus, I want to express my support for this first in a series of hearings which the Task Forces of the Select Committee on Narcotics Abuse and Control will hold during this 1st Session of the 97th Congress.

I share with my colleagues, my constituents, and a wide spectrum of response that is nation-wide, an increasing concern for the enormous problems of narcotics abuse in this country—and, indeed, internationally.

Later this afternoon, Inspector Wilfred K. Coligan and Captain James Nestor, of the Metropolitan Police Department in the District of Columbia will give you testimony on the scope and nature of our particular drug problems. I wish to compliment our Metropolitan Police Department and our Mayor for an aggressive, creative approach to these problems. And we do have success in the areas of enforcement, prosecution, deterrence, and prevention . . . but the rapid escalation of the narcotics abuse problem is so enormous, the nature of the traffic, and the increasing numbers of users from all segments of our society in the Nation's Capital so great, that present efforts are not curbing or diminishing a stubbornly growing scourge.

During the past six months, I have met with growing numbers of my constituents—both as Congressman from the Nation's Capital, and as Chairman of the Congressional Black Caucus—and the first and foremost question that is the most commonly asked in these sessions is: "What can be done to stop the flow of drugs at the source?" The next question is deep concern for the constantly more youthful age of the user and the demand for Education and successful prevention through organized citizens' coalitions.

Therefore, I urge a Federal commitment to coordinate with the local jurisdictions—a Federal or national policy on drugs that begins at the top of our government structure with a Presidential commitment to this dilemma that is reflected by concrete action in all Executive branches of our present administration. We need a policy with foreign countries that deals effectively in preventing the export of hard drugs. We need adequate funding for health services that will be used to treat the victims of drug addition. I would urge support for the Justice Department to develop more tools in prosecuting the big money dealers in this inhumane traffic, not just

the little street pusher who is the tip of the iceberg of this social crisis. I would urge a consolidation of leadership in educating the "recreational users" of drugs who are the major supporters of the institutionalizing of the drug traffic—to their moral responsibility as contributors of the dilemma . . . and the warning that they too will be prosecuted.

So, today, is the beginning of an all-out war on a problem so insidious and destructive that every segment of our society will suffer more and more from its effects.

I ask that we all pledge ourselves and our resources to fight this good fight!

Mr. SHAW. I would like to thank you all for being here. You are going to make your plane. You have certainly lived up to the reputation of a Philadelphia lawyer. I would include the Inspector in that category. I mean that in a complimentary fashion. You are very well spoken, and I think you have driven home the message.

Mr. RENDELL. Thank you.

Again, I renew that offer, if there is any help we can give staff. And I would also suggest—I don't know if you have made an effort to contact the U.S. attorneys in the various jurisdictions, but they would want to have significant input in any of these efforts. I would hope that staff would contact the U.S. attorneys as well.

Mr. SHAW. We will be looking forward to working with you.

We are changing from the schedule slightly, for geographical reasons, and our next witness will be Chief Kenneth Harms from Miami, Fla.

If I may, Chief Harms is not in my district. He is presently the chief of police of my native city, the city of Miami. He has held this position since 1978, having been chosen from a field of approximately 160 applicants. The chief has been very active on the Governor's committee on criminal justice reform, and he chairs the advisory board of the Southeast Florida Institute of Criminal Justice.

Mr. Harms testified before the Select Committee in 1978.

Chief, it is my privilege to welcome you back. We are glad to have you.

TESTIMONY OF KENNETH I. HARMS, CHIEF OF POLICE, MIAMI
POLICE DEPARTMENT, MIAMI, FLA.

Chief HARMS. Thank you very much.

Following up on the act of the Philadelphia lawyers is certainly going to be tough, but I am going to do my best to represent south Florida.

As you indicated, I did in fact appear before this committee several years in the past—3 years ago, almost to the day—and what we talked about at that time was the same problem that we are going to again deal with today.

At that time I spoke to some of the possible solutions which might be implemented to help offset the severity of the problem that was developing and has continued to develop in south Florida.

Since that time, the problem has intensified and our collective best efforts have really not brought about the kind of change that we had hoped to see within south Florida.

I sent to you a prepared statement that I am not going to read. There are certain areas that I will parallel in my comments to you, and I would ask that that be produced into the record itself.

Mr. SHAW. It will be, Chief.

Chief HARMS. Good.

I really think that at this point the entire criminal justice system in all of its various aspects are becoming completely inundated with the problem of narcotics, and the psychological attitude of those who become involved in the use of narcotics, the psychological attitude of many people within our country who seem to accept without too much concern a nation of addicts. I think we really need to take a look at the psychological attitude of many of the people within our country, to try to decide how we find ourselves in this position today.

We take pills to wake up in the morning, we take pills to go to bed at night. Many people within our society have to have something to see them through the day. Our addiction as a nation to a narcotic, which by definition is a substance which creates a physiological or psychological dependence—and certainly should include alcohol, caffeine, and nicotine—our dependence as a nation to those narcotics is certainly well known, and to the more traditional kind of drugs we are becoming more addicted on a daily basis to those, as well.

I would like to read a very brief quote from my earlier statement, because I think again it is right on point.

Aldous Huxley, in his book "The Brave New World Revisited," said, and I quote:

A hundred doses of happiness are not enough. Send to the drug store for another bottle, and when that is finished, for another. There can be no doubt that if tranquilizers could be bought as easily and as cheaply as aspirin, they would be consumed not by the billions, but by the scores and hundreds of billions, and a good, cheap stimulant would be almost as popular.

That commentary was made almost 46 years ago. And I submit to you that, in retrospect, we can certainly say that Mr. Huxley was a man of great foresight. His prophecy has in fact come true.

If we can define accurately the scope of the problem—and I think we can—then what we should take a look at are some realistic solutions, some doable deeds, if you will, that this group can certainly be instrumental in recommending and, hopefully, bringing into focus for the legislators and for the law enforcement community and the other elements which have an ability to impact upon the problem itself.

The first point I want to make in that regard deals with international policy, and I really see that as fundamental to the interest of this Nation, that international policy be developed as an integral part of combating drug usage. The combined effort of our law enforcement agencies alone has not in the past and, I submit, will not in the future, solve the problem that we are facing today. Our dealings with governments riddled with corruption and suspicion, our failure to impose economic or diplomatic sanctions, our general ambivalence, I submit, make us part of the problem as well as part of the solution. We really need to clarify the relationship we have with other countries. We need to get into, in a very real way, the crop destruction through poisoning. We need to get into in a real way the application of sanctions against those countries which continue to serve as the base of operations for narcotics coming into this country, either by the fact that the narcotics are produced or processed and then sent into our country.

The three primary drug problems we have in Dade County, in south Florida, if you will, are marihuana, cocaine, and methaqua-

lone. For the most part, those products or substances are shipped in. It has been estimated by the DEA—and I believe this is an accurate figure—that somewhere between 80 and 90 percent of all of the mariuhana coming into this country comes in through south Florida. We really serve as a funnel to this country as a point of entry, as a point of preferential entry, for those who want to bring drugs into this country.

When we talk about reduction in supply, I think there are some other alternatives that we can seek other than just crop destruction and sanctions. Previous efforts at purchasing of crops have seemed to hold some promise for the future. It is not a new precedent. We could in fact buy crops and try to put the competition out of business. We have done some of that in Turkey. We in fact sent money to provide for alternative crop productions, and those sort of things, and I think we should explore that, and I believe we could experience some degree of success in that regard.

We need increased resources at all levels. You have been made aware, certainly by other individuals who have testified before this committee, that there is a strong possibility of a reduction in Federal assistance at the local levels to deal effectively or to deal with narcotics problems at all. And I would reiterate the comments of the gentlemen just before me who indicated that the maintenance of resources at the local level is critical if we are to attack the problem.

Geographically, as an example, the city of Miami is quite small, 34 square miles in a county that consists of about 2,000 square miles.

Mr. Shaw, you are certainly familiar with our problem of multiple jurisdictions. You recognize that an effective task force is a complicated thing to put together, not only because of the funding that is necessary, but because of the various jurisdictions that it serves and the various executive officers of those departments trying to come to some point in time where they can agree on what the target should in fact be.

So we certainly need more money to be funneled into the local area so that we can deal more effectively on a broader base than just at the municipal level.

Our ability to deal with narcotics investigations is predicated, to a large degree, on our budget, and our budget is a function of our city government, our commission, if you would.

We are very limited in terms of those resources, and during the period of time from 1975 to 1979 those resources or personnel were reduced about 11 percent in the sworn area and 21 percent in the civilian area.

A narcotics investigation involving a court-authorized intercept order costs us anywhere from \$50,000 to \$100,000 by the time we finish with it. If we deplete our budget through those types of investigations without the hope of reimbursement of any type, then it severely hampers our ability to provide much-needed services in other areas.

So that is another area that we need to take a look at. So if we talk about increased resources, we are talking about increased resources all the way down to the local level, not just at the Federal, but at the State, and the county, and the municipal levels.

One of the things that would help us or could conceivably help us in that regard is to make available through legislation the awarding of a finder's fee.

Let me give you an example of how that might work. A couple of years ago we had a case involving the confiscation of about \$940,000 in cash and approximately 56 pounds of cocaine. Within a matter of a couple of days, IRS stopped by and picked up somewhere around \$515,000 of the total, and the balance was returned to his attorney within a matter of a week or two after that.

The city of Miami Police Department's total expenditure for that case was approximately \$85,000 which we got no reimbursement for.

So legislation that would support some form of reimbursement or finder's fee, if you would, would certainly help local law enforcement, county law enforcement, to continue the kind of investigations that would yield those results. And we are talking about arresting a major drug trafficker in that instance and a number of his associates.

I would also recommend that we should increase the bonds for those individuals who have been arrested or are awaiting trial for narcotics transactions.

Unfortunately, it has been our experience and the experience of the Federal agents that, for the most part, the bonds are paid as easily as an individual would pay a parking ticket. In that regard, it is considered as part of the cost of doing business, and there is no reluctance on the part of those individuals to skip out on that bond.

I believe these figures are fairly accurate. Somewhere in the vicinity of 2,500 Federal fugitives involve narcotics offenses, narcotics violations.

So if we could come up with a more realistic bond schedule that would speak to the kind of problems we have in getting individuals into court, then that would be, I think, a very helpful step in the right direction.

Increased sanctions is another area of particular importance.

We did a study not too long back, became aware of a study, that, excluding or discounting, eliminating convictions for marihuana, the average sentence served in the State of Florida of an individual convicted of a narcotics violation was 1.3 years.

The profits to be made are so immense, are so enormous, that that represents a very small and insignificant sanction, particularly when we talk about only those being convicted, and there is a much greater number that were not convicted.

Increased cooperation at all levels—Federal, State, county, and municipal—is also essential.

Perhaps that can be addressed at the Federal level in a policy that transcends the relationship between the local law enforcement official and the local head of, as an example, the Drug Enforcement Administration.

Cooperation at those levels is most frequently predicated on the relationship between those individuals, and we need to overcome that; because in some communities it is good, it is strong, and in some it isn't because of the particular nature of the organizations,

the responsibilities, and the individual personalities involved, as well.

So Federal policy or interest should be expressed in terms of creating a mechanism that will insure cooperation at those levels.

Information and intelligence exchange is another critical area that I think we should deal with. We need to either, by legislative action or some other method, make sure that those agencies who are involved in the enforcement of narcotics laws be legally permitted and entitled to share as much information as possible as it relates to those narcotics transactions within those areas within their areas of responsibility.

MILITARY ASSISTANCE

We have gotten into that several times. Certainly I did 3 years ago. And we need to take a look at that entire issue with regard to the military being able to pass on information to local law enforcement officials about planes and vessels that come through a radar screen or radar net, which have a high degree or high likelihood of being involved in illicit narcotics trafficking.

That pretty well covers the general comments I wanted to make. What I would prefer to do—based on the written statement I had sent before, and these general comments—is just to present myself to the committee to respond to questions that you might have.

Mr. SHAW. Chief, thank you for a well-stated presentation. And also I have had an opportunity to scan over the written statement that you have submitted, which will indeed become a part of the record, without objection.

[The prepared statement of Chief Harms follows:]

PREPARED STATEMENT OF KENNETH I. HARMS, CHIEF OF POLICE, MIAMI POLICE DEPARTMENT, MIAMI, FLA.

The Greater Miami area is experiencing an era that parallels the Prohibition days of the "Roaring 20s." As a result of the widespread violence that has been generated from the enormous amount of narcotic trafficking in the Miami area, the past decade has earned the infamous title of the "Roaring 70s" by the law enforcement community. The violence has continued and now we find ourselves in the era of the "Roaring 80s."

Florida Department of Law Enforcement Commissioner, Jim York, estimated recently that 50 percent of the murders in Dade County are drug related.

The nature of narcotic related homicides do not lend themselves to easy solution. Witnesses will seldom come forward to testify even though the well-being of innocent bystanders is affected by these violent crimes.

The great wealth and power gained by narcotic traffickers is well known by many potential witnesses. In many cases, the fear of the criminal element far outweighs the desire of witnesses to help law enforcement further an investigation.

In order to illustrate the viciousness and reckless abandon exhibited by the killers involved in these narcotic related cases, permit me to describe a few of our more recent investigations.

Emilio and Aristides Diaz were shot to death in their car while paused at a stop sign, near their Rickenbacker Causeway. Another sedan pulled alongside the Diaz vehicle and opened fire with a submachine gun. One bullet hit a car three blocks away and another hit a house nearly a mile away.

Daniel Quintana was shot to death in the men's room of the Sportsman's Bar. Cooperation from the patrons was practically non-existent.

Ruben Rivera was shot to death at the Sportsman's Bar. Passersby in the area heard several shots coming from the bar. They also saw 18-20 people run from the bar, get into their vehicles and drive away. When the responding police units arrived on the scene, the officers found the bar empty except for the victim who was lying on the floor dead from two gunshot wounds to the chest and one to the head.

Rafael Nunez was shot to death by two men inside the Quinto Patio Bar. Most of the witnesses fled before the police arrived.

Juan Delgado and his girlfriend were fired upon while riding in their private vehicle. The suspect blocked the victims' way at S.W. 11 Avenue and 5 Street with three cars. The suspects fired 50-60 shots with rifles, shotguns and handguns at the victims before speeding away. Delgado was hit in the face with a shotgun blast and lost an eye. Herrera was uninjured. Twenty-eight .45 caliber shell casings were recovered in the street. Two bullet holes pocked the walls of an apartment building at 1070 S.W. 5 Street. The first floor window of a building across the street was shattered. "It sounded like a war. I was shaking," said an 18 year old woman who lived in the area. "It was just like the Wild West. We thought it was the 'Cocaine Cowboys,'" said the mother of four children.

Angel Luis Colon was shot to death in Oscar's Lounge. When investigators arrived, the only person in the bar was the victim, dead on the floor. Even the bartender was gone.

Osvaldo Morejon was killed in the same bar, Oscar's Lounge. Again witnesses offered little in the way of assisting the investigators although there were approximately 18 people in the bar at the time of the shooting.

Fernando Fuentes and Esther Penton were killed when they were sprayed with machinegun fire from another car as they waited in their car at a traffic light at N.W. 17 Avenue and 7 Street. Both Fuentes and Penton were riddled with bullets.

Two Mariel refugees in the El Centro Matancero pool hall and bar at 2655 N.W. 20 Street, were killed by two gunmen. Although the bar was crowded with patrons, no witnesses came forth.

All of the above cases are representative of most of the narcotic related shootings that this Department has had to investigate. Many of them are motivated by an attempt to control the huge narcotic traffic flourishing in the Miami area and the enormous profits that go with it.

In 1978, the Special Investigations Section of the Miami Police Department conducted two court authorized wire taps during the course of a narcotic investigation. As a result of those taps, 70 pounds of cocaine and 6,000 pounds of marijuana were seized. Fifty-six of those 70 pounds of cocaine and \$913,000 in cash were seized at the residence of Rudolfo Rodriguez-Gallo. The Internal Revenue Service received \$513,948 of the sum by filing a lien against the money. The balance was returned to Gallo by court order. Upon receiving the balance of the money, Gallo remarked that only in America can a person make money like this.

One of the co-defendants in this case, Carlos Quesada, was granted immunity in return for testimony against his former associates. Assistant U.S. Attorney Jerome Sanford hailed this development as a major breakthrough to penetrate the upper echelon of the narcotics trade in South Florida. Quesada made the decision to cooperate soon after he and his girlfriend were injured when an unknown machine-gunner riddled his car with at least 24 bullets on 17 October 1979.

Because of the shortage of personnel and the heavy workload in the U.S. Attorney's Office, we have not been able to proceed against twelve co-defendants in this case who should be tried for a perjury charge and the possession of 14 pounds of cocaine and 906 pounds of marijuana.

Any budgeting reduction in the federal law enforcement effort against narcotics trafficking would have a devastating effect on the South Florida area. The local agencies who are strapped for funds themselves could not make up for any such void. We have heard that a possible ten percent cut is being considered for the Patrol Division of the Customs Service and that Air Patrols are being hampered by budget cuts. Such action is incomprehensible in view of the fact that the majority of the cocaine and marijuana smuggled into the United States enters through the state of Florida.

Some of our smaller airports such as Opa Locka and Tamiami are popular landing sites for traffickers, and yet there are insufficient Customs officers to cover them on a 24-hour basis. The hiring freeze on federal law enforcement is inconsistent with the magnitude of the problems faced by the South Florida area.

The dealing of guns in payment for narcotics is also a major problem. Federal law requires that a report be made to the Bureau of Alcohol, Tobacco and Firearms whenever an individual purchases two or more handguns within a five day period. In Florida, during 1980, there were 8,000 multiple purchases of guns by individuals totalling over 25,000 handguns.

More than 51,000 guns were sold in Dade County in 1980, about 10,000 more than in 1979. The number of gun shops in Dade has almost doubled in the last 16 months, from 74 to 147. We need the assistance of the federal government to prevent these firearms from getting into the hands of the narcotic traffickers.

The problems of South Florida narcotic enforcement have been increasing. More federal resources are desperately needed to combat this menace and the violence that it has generated.

Specifically the federal government should:

1. Do what is necessary to provide an effective and proper eradication program in all existing and potential sources for marijuana, cocaine, and heroin.

2. Adequately fund investigative and prosecutorial efforts in Florida to enable federal agencies to make effective inroads against drug trafficking, illegal aliens, and gun smuggling.

3. Provide a means whereby a finder's fee or reward can be given to local and state law enforcement agencies when their cases lead the federal government, particularly the I.R.S., to seize and collect funds or assets from narcotic traffickers.

4. Unleash the full power of the Internal Revenue Service to go full throttle against the assets of narcotic traffickers. The agency and strategy that has been the least used in this fight and in the fight against other forms of organized crime in recent years is the Internal Revenue Service. It is our strong recommendation that the Internal Revenue Service again be permitted to participate in the fight against organized crime as it did during the Prohibition era and in the early 1970s, against narcotic traffickers. Further, that the Internal Revenue Service be permitted to share intelligence information of a criminal nature with other law enforcement agencies who have a need for that information.

5. Utilize all its resources including the military to identify planes and vessels leaving clandestine ports in South America, to track these craft, and to secure their interdiction through cooperation with local authorities.

6. Provide that higher or no bonds be imposed on large scale traffickers who are arrested. Too many criminals have forfeited their bonds in order to avoid prison sentences.

Finally, all of the cocaine, heroin and ninety-nine percent of the marijuana used by our citizens originate from outside of the United States. Clearly, the federal government must fully accept its responsibility in further reducing that supply within our nation.

Mr. SHAW. I would like to point out the tremendous job that you have and which you are certainly performing extremely well; in fact, I might say, remarkably well, in light of the difficult circumstances that you are facing in south Florida. You are being assaulted in every way possible, with the influx of refugees from Haiti, from Cuba; you are being assaulted every night, the shores of south Florida, by air, by sea, by every way possible with a tremendous influx of drugs into this country.

I think that one thing is quite apparent, and I think it is coming out of this hearing: It is like trying to bail the ocean without stopping the flow. If you cannot go outside the country and stop the flow of drugs, it becomes completely frustrating and almost impossible to stop it from within. The drug dealers have every mechanism of war that they are using. They have sophisticated planes, electronic equipment that they are using, which is more sophisticated than that which we are using. They are using army vehicles, they are using bombs; they have got all kinds of guns and weapons. This is a form of war, and I think the expense of losing this war is just as great as losing a war in the conventional sense. It is the loss of our young people, and without the young people our country really has no future.

The witness before you testified as to the parallel of violent crime with drug trafficking.

I would like for you to expand on that as to the Miami experience in this regard.

Chief HARMS. Our experience parallels theirs. But I suspect that it is even more dramatic. We estimate that somewhere in the vicinity of 50 percent of the homicides that are committed in the Dade County area are drug related, and many of them fit the

classic who-done-it theme, where you find a body in a bar with a half a dozen or perhaps even more bullet wounds, with nobody around.

Many of them are refugees, recent refugees, and some of them are Colombian refugees. The entire drug culture itself seems to utilize the use of violence to settle differences.

And in addition to that, we think there are other crimes of violence that are created in order to come up with sufficient money to pay for narcotics purchases.

We think there is a very, very close relationship between narcotics and the incidence of violent crime. We have seen all arrests, since 1965 to the current time, to the present time, increase by over 20-fold. We have seen violent crime increase rather dramatically during that same period of time.

You are right about a war. It is a war. But the difference between this one and most of them that we have fought in the past is that this one we are having to fight on our own territory, in our own country. And it becomes much more critical to the future of this country that we beat it, that we come to grips with the problems. It is eroding on an ongoing basis the very moral fiber that this country was founded on, and that is an issue that we certainly have to address.

I appreciate your comments about the barrage of problems, crises, that we have had to face in south Florida. They have been very dramatic. They have been very large in scope for a municipal agency to try to deal effectively with, and we quite frankly need some Federal assistance to deal not only with the narcotics problem but the refugee problem as well.

Thank you.

Mr. SHAW. Thank you.

Mr. RANGEL. Chief, I want to thank you for taking time out to share your views with this committee. We are fully aware of the problems that you are facing. As a matter of fact, we attempted, really, to bring the committee to Dade County, but we did not want to just dramatize the hearings with publicity. We really wanted to find out how we could be helpful.

Tell me, do you have the occasion to talk with police chiefs from other cities that have high incidences of crime and violence and narcotics, to get a consensus as to how you people can come together and present your views to the Congress and the administration?

Chief HARMS. Yes, sir, I do. As a matter of fact, early next week I will be meeting with a group of major city chiefs from all over the country, the Police Executive Research Forum, of which I am a member, and we will deal with that and other issues at that time. I think it is very appropriate that you ask the question to me, and I would hope that that particular group would be able to come up with some suggestions and recommendations based on our collective experience.

In my conversations with many of them in the past, they, too, feel that there is a direct correlation between the incidence of violent crime and narcotics use within their communities.

Mr. RANGEL. When and where will that conference or meeting take place?

Chief HARMS. We start on Sunday afternoon—that's the day after tomorrow, if I got my calendar straight—in Washington; and we are going through Tuesday evening. I haven't looked at my itinerary beyond that, but it will be here locally.

Mr. RANGEL. We hope that you might explore the idea as to whether or not you might want some staff from this committee with you so that we can make certain that there is an ongoing exchange and communication.

Earlier witnesses have agreed to reach out for a chief of police and/or the chief of the narcotics division of the police department, as well as the prosecutors, and since you already have this thing going, I think it would be of tremendous assistance to our committee to get a feel as to what type of organization you have, to see what we can do, not just at hearings, but to have a better feel for the problems that you are having and how we can help. It could very well be that we could be more effective in dealing with the administration, as it relates to policy, by having a better understanding as to the problems that you are facing.

Chief HARMS. Yes, sir, I agree. I think that is an excellent suggestion on your part. I will bring it to their attention when we first convene the first business session. I will be back in touch. I am sure that they would not object to staff members being present for that discussion.

Mr. RANGEL. Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

You cite both in your statement and in your written testimony the case of Rudolfo Rodriguez-Gallo, at whose residence 70 pounds of cocaine and \$913,000 in cash were seized and the IRS got its cut of \$513,000 and the rest was by court order returned to him, and he said, "Only in America could that happen."

Will you tell me under what thesis was all of that money returned to him, under what circumstances?

Chief HARMS. Yes, sir. His attorney approached the court and got a court order to have it returned to him, that portion of it which was not picked up by the Internal Revenue Service. That particular investigation culminated after several months and two or three court authorized intercept orders. As I recall, at the time of his request, that cash was in his residence, as was the cocaine. They were both picked up. Again, as I recall—I am going from a very general sort of thought about it—the judge was not satisfied that that cash could be tied in directly to that particular narcotics transaction and as a result ruled that it should be returned to the defendant.

Mr. COUGHLIN. One other question. You indicated your belief that the Internal Revenue Service should participate more to combat both organized crime and narcotics. In what particular way do you think the Internal Revenue Service could be beneficial?

Chief HARMS. Information sharing and intelligence sharing.

Mr. COUGHLIN. Thank you very much.

Thank you, Mr. Chairman.

Mr. SHAW. Thank you, Chief. We appreciate your coming up and we appreciate your comments.

Chief HARMS. It is a real pleasure for me to appear, and again I thank you for the opportunity.

Mr. SHAW. We are back on schedule now.
We will hear from the Baltimore State Attorney's Office, William A. Swisher, and from the narcotics unit, Lt. Joseph Newman.

TESTIMONY OF WILLIAM A. SWISHER, STATE'S ATTORNEY,
BALTIMORE STATE ATTORNEY'S OFFICE

Mr. RANGEL. We have statements from you, and those statements will be entered into the record in their totality. You can proceed however you wish.

Mr. SWISHER. Lieutenant Newman did not submit a previous statement. We would appreciate it if you would put his remarks in the record.

Mr. RANGEL. Yes.

Mr. SWISHER. Mr. Chairman, it is very difficult appearing here as one of the later speakers, because it seems like everyone prior to me stole my lines.

I would like at the outset to say that this is my first experience here, and I really appreciate the privilege. I hope that some of our experiences in Baltimore can help you in this great problem. You have my statement.

Of course, it is rather silly at this point to read anything further. I was very impressed with the knowledge, not only of this committee, for your questions, but also some of the previous speakers here. It appears we probably all have the very same problem.

Of course, the bottom line really is one of money. That seems to be the root of all evil, both in crime and also in fighting crime.

Baltimore, of course, is in sort of a slightly different situation than some of our other cities, such as New York or Miami. In our community, we are basically, as my written testimony indicates, a user city. It sounds shocking, but it appears that we may have as many as 10,000 to 15,000 addicts. It seems like a very large sum, even though percentagewise it may only be about 2 percent of our total population.

However, the Baltimore City Police Department and some other agencies with Federal money has studied this narcotics problem over a very long period of time. In fact, we have a study which we will present this committee, and would like to leave a copy of it with you, or copies.

The study indicated that 237 male addicts in Baltimore City were studied and interviewed over a period of 11 years. Mind you 237 people does not appear to be a large figure, but we proved conclusively that these 237 people in an 11-year period—they were all males, evenly spread between black and white—committed 500,000 crimes. It is not \$500,000 worth, but 500,000 separate crimes in an 11-year period.

In Baltimore, the average cost of a daily heroin habit, and that seems to be our primary problem, is about \$100 a day. Sometimes it will be \$125, sometimes \$150. As you well know, this is a daily, weekly problem. That means \$125 a day, 7 days per week.

Now, if you are familiar with the use of heroin, you know that anyone addicted to it is pretty well worthless to society as far as being productive in any type of job or occupation. The average heroin addict when on the drug itself is rather quiet and sedated,

and really cannot offer anything to society in the way of being a productive worker.

So, the only way a heroin addict can supply his habit is through illegal work. That means stealing, murder, robbery, fencing, thievery, forgery. You name it, the heroin addicts do it in Baltimore City, and I am sure they do it in all the large cities and small cities.

It has been estimated in Baltimore that the average heroin addict will steal about \$3,000 to \$5,000 worth of money and/or merchandise per week. He will peddle this off for about 25 percent or 30 percent, which just about gives him his \$1,000 weekly need. You can imagine, just think of this if you would, 1,000 in your community stealing \$3,000 per week every week, of the havoc that has caused.

In fact, it is our estimate in Baltimore that the drug problem is probably causing about 85 percent of all crimes. Of course, this is extremely serious.

Now, through studies I am sure you have heard all of these things before. The big problem is, how do you stop it? We have had task forces in the past. We have spent a lot of money. We have put a lot of the people in jail. In the early to the mid-1970's in Baltimore we probably put half a dozen of the largest dealers in a county in jail. They are now serving 10 years up to 50 years, 80, 20 years, and so forth, but that has not stopped the problem.

Baltimore, by the Drug Enforcement Administration standards, calls us a midlevel dealer-type of community. However, we call it a major dealer community. Last week we convicted a 52-year-old lady who, incidentally, we had to retry because of our court of appeals—we first convicted her in 1975. This lady was buying pounds of heroin from New York. She would just go up on the Amtrak, make her purchase, and come back.

The cost at that time was \$25,000 per pound. She would buy 4 pounds a month, and by the time it finally reached the various middlemen and got to the street peddlers, to the users, the cost amounted to about \$1.3 million. She was doing this practically every month, and she was only one of many dealers. That is an example, of course, of the high profitability and impossibility of stopping it.

I have attended a few lectures on this subject in the past few months, and I am rather shocked, and frankly the public, I think, will be shocked when they really study the problem and realize that the effort that the Federal Government is doing is rather weak—well-intentioned, but weak.

We have the Drug Enforcement Administration which it appears the Federal Government wants to water down, if not eliminate altogether. They are discussing giving the drug enforcement authority to the Customs people, and also to the Coast Guard.

Well, frankly, Customs cannot do it. They are not equipped; they are not trained; they do not have the equipment to do it.

It is my understanding in the Baltimore area—of course, Miami is a different problem—but from South Miami northward we have 2,000 miles of coastline, and there are only about two to three Customs airplanes.

The Coast Guard itself may only have about three airplanes to patrol our coast from about Miami to Massachusetts. The Coast Guard itself has fallen apart as far as ships are concerned, and the majority of the Coast Guard people, particularly in the Northeast, are only trained in fishing problems, fishing rights problems, and rescue problems.

They are not really trained in the narcotics smuggling business, which the previous speaker indicated is extremely sophisticated, and the average Coast Guard man just is not equipped to do it.

This really brings us to probably the only thing I think Government can do besides money, of course, which we all need. Somehow, we must change our Posse Comitatus Act, which as you all know, was passed in 1878.

I may state it in rather simple terms, but it appears to me from studying that act that if a Navy destroyer was cruising around the Bahamas, where most of this stuff comes in from South and Central America, and saw a ship with a sign on it that said, "Heroin for sale," they do not have authority to stop it.

Besides using the military, the Air Force, the Army—primarily the Air Force and Navy—perhaps we can constitutionally and intelligently change that law to use these agencies to help the Customs or the Coast Guard or DEA with this problem, but if that becomes a constitutional problem I would think that we could at least get something passed where by the drug enforcement agencies could use military equipment, if not the personnel.

I am sure we have thousands of planes at various National Guard bases, Air Force bases, Army bases; Navy docks, plenty of boats around just requiring our sailors to do nothing but paint and cleanup boats and ships. That I think is a very vital tool that we now have, and will probably not cost a very large expenditure of additional money. We would be using equipment the taxpayers already have paid for, men that we have already trained.

The estimate is that we are only confiscating about 5 percent of the illegal drugs. That means that 95 percent of it is getting through. I just recently took a small trip to the Bahamas, and it is just shocking, the drug traffic. Stuff is floating all over the oceans in bales, and the transporters from South America come up and sit and wait a week or two, bide their time to come into our coast, which is so broad that it is practically impossible to police. That is our problem.

We cannot police it with Customs nor the Coast Guard. We must do something else in that regard, and I frankly think that we must seriously consider having one agency totally responsible for the protection of our shores and the narcotics problems of this country.

It could be DEA or some other type of organization, but it must have sole authority for customs, smuggling, which would include smuggling, of course; the prosecution and investigation of all narcotics cases. We do not need the FBI for that. They already have 190 some statutes to police now. They do not need Customs. Well, we could use Customs, but primarily a new organization totally responsible. Their only function under the law would be narcotics and drug use, nothing else—not the FBI, not Internal Revenue.

This new group could have their own financial investigators, their own tax people, and of course we could still utilize other

agencies in the Government, but perhaps it would be more efficient to have one organization to be totally responsible without depending on IRS or the FBI or the Customs Service. That to me would probably be the big step in controlling the source, which is really the big problem.

All the police chiefs here, all the prosecutors, are talking about demand reduction. We can do that by putting people in jail. We can do it by educating people and arresting people, but the real solution seems to be to stop it from coming into this country.

It seems that no one has really made that major effort. It takes the Congress, it takes the President, the Secretary of State, to make a public statement and say, "This is war. We have got to stop it."

This is just as bad as our problems in the Mideast or anywhere else; worse, in fact. It is getting us from within.

We have hundreds and hundreds of people being robbed, murdered, burglarized, you name it. It is happening in all of our cities. It is just an impossible task, and the only way to do it is a major expenditure. If it took \$1 billion a day to do it we would probably save \$10 billion down the road, but it would take that type of commitment, and we must convince the President to do it. We must convince the Secretary of State to use all the diplomatic powers.

Of course, in many instances we are dealing with our enemies, the Southeast and Southwest countries where most of the poppies and coca plants are grown. They are not interested in helping us, and many of them are enemies such as the Russians and Afghani-stans and in Iran. They are not going to worry about our addict problem here, so it may not be as simple as the diplomacy effort would envision, but these are things that we must think about, and we must work along those lines.

I think if the average American would feel that we cannot use a Navy destroyer or a National Guard plane or helicopter or Army plane or Air Force plane, that they are powerless to stop the smuggler, it is rather silly. They are our people; they are our servicemen. It is our money, and it is our equipment. I think that would be the most important step we could probably make.

If you have any questions, I would be pleased to attempt to answer them.

[The prepared statement of Mr. Swisher follows:]

PREPARED STATEMENT OF WILLIAM A. SWISHER, STATE'S ATTORNEY FOR BALTIMORE, MD.

Mr. Chairman and Members of the Select Committee on Narcotics Abuse and Control, I wish to take this opportunity to thank you for extending an invitation to me, the elected State's Attorney of Baltimore City, Maryland, to express my views and concerns on a problem which touches us all. The most serious challenge facing our country today is a problem of drug abuse. Most people cannot fathom how far the tentacles of the octopus of drug abuse reach into every facet of their lives—the tentacles which squeeze the soul and sometimes the lives out of our young people; the tentacles which put fear into the hearts of every citizen—fear for the safety of their homes, property, and persons.

My city of Baltimore, a city of 783,320 residents according to the 1980 census, a city comprised of ethnic neighborhoods rather than a homogenous population, is a representative example of any other large urban area which has widespread availability of illicit drugs. Although not faced with the volume of drug trafficking which infests many of the other cities, I think you will agree that the presence of any illicit drugs has the potential to cause serious problems.

In 1980, the Baltimore City Police Department made 6,294 arrests for drug law violations. From these arrests, we have determined that the drug used most prevalently in Baltimore is marijuana, which was seized from 72.2 percent of those arrested. The next largest category is opium and its derivatives such as heroin, and cocaine, which account for 17.5 percent of drug related arrests. The last category is divided between other dangerous nonnarcotic drugs, such as barbiturates, hallucinogenic substances, amphetamines, etc., with 8.5 percent and synthetic narcotics, such as Demerol, Methadone, and Dilaudid, with 1.8 percent of those arrested. Phencyclidine (PCP), which poses the greatest risk to the user than any other drug, is in the 8.5 percent of all drug arrests.

Although our arrest statistics show that marijuana is the most widely used drug in Baltimore City, I feel that heroin abuse is a much greater problem because it is a catalyst for an inordinate amount of crime, much of it violent.

The volume in the heroin market in Baltimore City can best be illustrated by the fact that there are an estimated 10,000 to 15,000 heroin addicts with an average daily habit of \$100 or more. Over the period of a calendar year, this adds up to an enterprise grossing an estimated half a million dollars per year. Just last week, we convicted a ring that was selling 1.4 million dollars in heroin per month. In order to support a \$100 per day habit, the addict who supports his habit through property crimes must steal, in one year, property valued at over \$100,000; based on the premise that an addict receives \$1.00 for every \$3.00 of value on the stolen property. This graphically demonstrates the fact that a city such as Baltimore, with less than 2 percent of its population addicted to the use of heroin, can have an illegal billion dollar enterprise.

In a study entitled, "The Criminality of Heroin Addicts When Addicted and When Off Opiates," by Drs. John C. Ball, Laurence Rosen, John A. Flueck, and David N. Nurco, published on October 9, 1980, in which 237 addicts in Baltimore were studied over a period of eleven (11) years, it was concluded that these 237 individuals were responsible for committing more than 500,000 crimes during the period of time studied.

In addition to the staggering monetary impact created by this trafficking, the more serious consequence and one that cannot be measured in dollars is the resulting and ever increasing display of violence. In 1980, twenty-six (26) homicides could be related to the use and distribution of drugs. In the first quarter of 1981, nineteen (19) or 21.5 percent of the homicides have been determined to be drug related. If this trend continues, 1981 will be a banner year for drug related homicides in Baltimore. In addition, to the homicides, there is no question that a large number of our robberies (10,020 reported in 1980) are narcotic related. Other traditionally narcotic related offenses are burglary, theft, forgery, and false pretenses.

Now, let's look at the most widely used drug in Baltimore—marijuana. The insidious impact of this drug is summarized aptly by the statement: Not everyone who uses marijuana turns to heroin, but I have never known a heroin user who didn't start with marijuana.

Although it is difficult to estimate the volume of marijuana being brought into Baltimore, it is evident from our arrest statistics and research that the distribution of marijuana is a flourishing business, and that marijuana is readily available. Marijuana abuse permeates every level of our society without regard to age, race, sex, or social status. There is an increasing perception among our youth and some members of adult society that the use of marijuana is fun, harmless, and even beneficial—thus, many young people remind adults that it is no worse for them than either alcohol or tobacco. According to a survey taken by our Narcotics Squad in Baltimore City elementary schools, 35 percent of all 4th, 5th, and 6th graders questioned had used marijuana at least once. A 1978 Maryland Drug Abuse Administration survey in Baltimore City concluded that 37.1 percent of 8th graders, 63.3 percent of 10th graders and 69 percent of 12th graders have used marijuana.

An added problem associated with marijuana is that it has been described as a harmless drug even by some so-called experts, and certain jurisdictions treat it as such when these cases are presented in Court. Because the profit potential is high and the risks relatively small, more and more individuals, not normally associated with illegal activity, have entered the marijuana trade.

Unfortunately, the same can be said for the cocaine traffickers. With the demand increasing steadily, and the chance of apprehension or incarceration low, more people are entering into this endeavor. The opportunity to make huge amounts of money in a short period of time has encouraged many legitimate businessmen to enter the sordid world of drug financing.

Cocaine has, in many instances, replaced marijuana as the drug of choice of many of our citizens. It is perceived as a status symbol by some, and its use is glamorized by certain of our entertainers. Never do we hear discussed the personal agony that

accompanies the continued use of the potent substance. This is another prime example of how the drug dealer is able to take advantage of human weakness, and deal in human misery.

Currently, the cost of cocaine is \$100 per gram in Baltimore. Although this cost may sound prohibitive, we have found that 3.7 percent of 8th graders, 7.4 percent of 10th graders, and 12.5 percent of our 12th graders in Baltimore City schools have used it.

Although not in the top three as to volume of use, Phencyclidine (PCP), also known as "Angel Dust," "Killer Weed," "Embalming Fluid," or "Rocket Fuel," causes me grave concern because of its toxicity. PCP is extremely dangerous due to its ability to produce psychoses closely akin to schizophrenia, a reaction which can occur after only one dose, and which can last and recur long after the drug is out of the system. I have been shocked to learn that, in Baltimore, use of PCP has been discovered in the eighth through twelfth grades. In 1978, of 915 twelfth graders surveyed, 8.1 percent had used PCP, and out of 933 eighth graders surveyed, 3.4 percent had some contact with PCP.

Although a few of the clandestine laboratories which illegally manufacture PCP for consumption in Baltimore City have been located in the Baltimore metropolitan area, most such laboratories are in Pennsylvania. Only through a united interjurisdictional attack can such trafficking be controlled.

Baltimore City is viewed by the Drug Enforcement Administration more as a "user" community having some mid-level dealers. This determination is made according to criteria established by the Drug Enforcement Administration which places an unrealistic emphasis on the number of "major" drug dealers in a jurisdiction and substantially neglects the total volume of illegal drugs distributed by all dealers, major, mid-level, and street peddlers. The variables in a particular area must be considered in determining what kind of individual is to be considered a major violator in that area. We view someone as a major violator locally if he is a wholesaler dealing in large quantities, ounces or pounds. Our next category is large peddler, an individual who is buying directly from the major violator and dealing ounces or spoons to the small or street peddler. The small or street peddler deals in small quantities at the street level. Then, we have the bottom rung of the ladder—the abuser, which included the addict. Of the 6,294 persons arrested for narcotic drug violations in 1980, 65 were major violators, 312 were large peddlers, 671 were small peddlers and 5,246 were abusers.

Even though we are a port city, we are not a source city because of our proximity to larger source cities such as New York, from whence comes most of our heroin, Miami from whence comes most of our cocaine and a variety of pills, and Washington, D.C., which is rapidly becoming a source city of heroin. Our marijuana is trucked in from all over the country.

This is a brief overview of our present situation with regard to narcotics, a situation which needs immediate attention by a cohesive attack involving every available resource.

Because we, as prosecutors, feel that narcotics abuse is at the very root of our general crime problem, especially the increase in violence during the commission of crimes, we have established certain prosecutorial policies in Baltimore. We permit no plea bargaining in PCP cases, possession or distribution; we have mandatory consultation with police in all narcotics cases prior to any action being taken; and we push for maximum sentence exposure on second offenders. We have established a Special Investigations Unit which screens all felony narcotics arrests and determines the manner and extent of each prosecution on addition to acting as a central unit for gathering intelligence. The Special Investigations Unit prosecutors are responsible for all electronic surveillance used in narcotics investigations and for the courtroom prosecution of major narcotic figures and conspiracies. Our liaison with our police, local and State, in this area is excellent, but could use improvement as far as the Federal agencies are concerned. A Strike Force which would involve not only the various law enforcement agencies, but also the U.S. Attorney's Office and our office, would do much to facilitate the free flow of necessary information. We are, after all, on the same team.

Our results in the prosecution of felony narcotics defendants have been excellent. In 1980, we had a 94.6-percent conviction rate for all felony narcotics defendants tried, both by court and by jury. Unfortunately, the incarceration rate on these same defendants is only 32.5 percent. A further study is being made to determine the reasons for the low incarceration rate. It is interesting to note that of the 3,480 felony defendants entering our court system in 1980, 65.8 percent were charged either with narcotic violations or traditionally narcotics related offenses.

As local prosecutors, we need the various support systems of the Federal Government in order to more effectively prosecute narcotics traffickers, both large and

small. One such support system is the U.S. Marshal's Service Witness Protection Program. We have availed ourself of this service from time to time, but recently we have been advised that due to budgetary constraints, it may be unavailable in the future. Since narcotics is a violent business, often resulting in murder and mayhem, we need to have this Program available to us. The State Prosecutors, standing alone, do not have the resources outside our jurisdiction to provide a new identity and new residence for a threatened witness. Several years ago we had to place as many as nine witnesses on this Program in one investigation.

Secondly, we certainly would like to avail ourselves of the intelligence information gathered by such agencies as the DEA, the FBI, and the IRS, which impacts on Baltimore City. However, under our present system, this is not possible.

Because of the involved nature of narcotics investigations, it is imperative to facilitate the exchange of intelligence information. There must be a free flow of information between Federal, State, and local investigative agencies to insure efficient, nonduplicative investigations. Narcotics traffickers have no regard for jurisdictional boundaries, foreign or domestic. They purposely place various parts of their organizations in different jurisdictions in order to thwart the efforts of law enforcement.

One way to overcome this tactic and insure the exchange of intelligence information is through the formation of a Task Force. We have such an operation called the Baltimore Drug Enforcement Administration Task Force, which is not funded with Federal monies. The Task Force is comprised of members of the Drug Enforcement Administration, the Baltimore County Police Department, and the Baltimore City Police Department. Those officers assigned to the Task Force are physically located at the Federal Building in Baltimore, and use the facilities and equipment of the Drug Enforcement Administration. Further, all local officers assigned to the Task Force receive "Special Deputization" from the U.S. Marshal's Office, which eliminates jurisdictional problems that occur as a result of their investigations. A constant rotation of the personnel assigned to the Task Force multiplies the potential for increased communication and contributes to a feeling of camaraderie, which is not only useful in the narcotics field, but also aids in the solving of other crimes.

We, in the local prosecutor's office, also need to insure that the lines of communications are always open between ourselves and the U.S. Attorney's office in order to avoid the duplication of effort and to assist each other where practical. It is important for the prosecutors to become an integral part of the complex and sophisticated narcotics investigations, require technical, legal advice on short notice. Therefore, the concept of a Strike Force, which would involve both the prosecutors and the law enforcement personnel, rather than that of the Task Force now in operation, would be much more effective in combatting the multijurisdictional enterprises of the narcotics traffickers. The Strike Force concept is predicated upon the reality that the most effective approach to combatting the malignant growth of the drug traffic lies in the formation of a multidisciplinary unit which combines prosecutors and police into a cohesive and vigorous enforcement team wherein the special expertise and particular legal authority of each is utilized.

An effective attack on this pervasive problem must be launched at two levels—local and national—because without the combination of the two, we would only be whistling in the wind.

On the local level, as a result of the thorough research done by Drs. Ball, Rosen, Flueck and Nurco, we know that heroin addicts commit an inordinate amount of crime. This study concluded that "it is drug use itself which is principal cause of high crime rates among addicts." Therefore, treatment programs must be established which deal with a specific population and which would not have their effectiveness diluted by trying to take care of everyone. Baltimore does have many drug treatment programs, but they are multifaceted and, therefore, not as effective as they could be. A new approach is needed.

Since the abuse of drugs has already reached our children, who are our only hope for the future, a drug education program in all our schools from elementary level upward is mandatory. Our police and our educational professionals have responded magnificently to this challenge. A program has been developed in the past year whereby our police educate our educators, who, in turn, educate our children as to the evils of drug abuse. This program also seeks to educate the parents and encourages them to get together, get informed, and get involved. Because of the unfortunate and unfounded negative attitude toward the police instilled in many children, we felt it was more appropriate to have the teachers do the instructing. What effect this program will have, only time will tell.

Community education on drug abuse is also important. This is a project where not only the police, but the prosecutors play an active part by donating their time to speak with any group which tenders an invitation. Our electronic and print news

media is also very helpful through their public service programs and feature articles.

These three areas which I have discussed; individual, school, and community; are all designed to combat the demand for drugs. Some other suggestions which would be helpful all relate to budgetary considerations and because they would place an additional drain on the local tax dollar, they are, therefore, resisted by local governments. Critical needs exist for such things as special prosecutor training and higher salaries to attract experienced lawyers to try the sometimes extremely long and complex drug cases against veteran defense lawyers who specialize in this area; overtime pay for local police so they can investigate and compile the appropriate data in order to successfully prosecute major and mid-level violators; drug "buy money" necessary to make these cases; and sophisticated surveillance equipment to aid in the detection of drug law violators. The equipment presently in the hands of our police is outdated, outmoded, and scarce. Money should not be a consideration when we are speaking about a subject that most people now agree is the basis of the frightening increase in our crime rate. What we should consider is the question that if we could control the narcotics problem, what would this do to our criminal justice system costs, our prison overcrowding problems, our tax rates, etc., not to mention the psychological well-being of our citizenry?

Another area for local attention is a revision in our laws which would permit either higher bails or no bail for narcotics dealers, life sentences for major dealers and perhaps something similar to the Federal RICO Statute, which would permit us to confiscate all business and property of the narcotics dealer where it can be proven that the money used to purchase this property came from the criminal enterprise.

All our efforts locally can only deal with demand reduction, but this is not the ultimate solution. Attacking and eliminating the source is the only effective way of dealing with the problem. Therefore, I would strongly urge the Federal Government to expand upon the eradication programs in all source countries. These efforts have been successful in the past in such source countries as Mexico and Turkey. Anything we presently do through the courts is a battle fought at the city gates when the real fight is in the poppy fields. The amount of marijuana produced is so large, the number of people involved is so great, and the profit margin so high that without an eradication program, which strikes at the source, the end will never be in sight. Furthermore, aid should be given to source countries to enable them to shift from the cultivation and harvesting of illegal plants to legal crops, such as coffee and rice. Since all of this activity comes under the purview of the State Department, I urge that the State Department's narcotics control and prevention efforts be strongly supported through the budgetary process.

Since the drug problem is so pervasive and the most serious internal threat we face today, we should mobilize all our available resources to assist in this endeavor. All authorities appear to be unanimous in their estimates that only 5 percent of the illegal flow of drugs into this country are diverted and confiscated by law enforcement before reaching the domestic market. An amendment to the Posse Comitatus Act would enable all branches of the Armed Services to assist with intelligence gathering without deterring from their primary missions. The transportation of narcotics from foreign sources into this country is accomplished primarily by sea and air. If this act were amended to permit the U.S. Navy and Air Force to supplement an overextended Coast Guard and Customs Service, dramatic results could be anticipated.

Finally, due to the multiplicity of jurisdiction involved in virtually all narcotics trafficking, the need for one single agency to collate intelligence, coordinate and control the targeting of law enforcement activity in this area is self evident. The local law enforcement agencies can only deal with the bits and pieces falling within their jurisdiction, but must have access to the resources and intelligence of a broader based Federal agency exclusively devoted to narcotics enforcement; for instance, an umbrella organization. Whether you call this umbrella organization DEA or something else makes no difference—it must exist and must have additional types of expertise such as financial investigators, since those of the Internal Revenue Service are not available to this agency.

The tentacles of the insidious octopus of international drug traffic are clutching at the heart of American youth. Its grasp can only be broken by the strong hand of teamwork. Teamwork by local, State, and national law enforcement agencies, with the strong legislative and budgetary backing of the Congress and the Presidency.

Mr. Chairman and distinguished Members of the Committee, we are prepared to give you our best efforts if you will give us your confidence and support.

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Mr. SHAW. Lieutenant Newman, do you want to go ahead with your statement?

TESTIMONY OF JOSEPH NEWMAN, LIEUTENANT, NARCOTICS UNIT, BALTIMORE POLICE DEPARTMENT

Mr. NEWMAN. Yes, sir. I will not repeat the problems you have already heard from the other police officials because believe me, we have the same in Baltimore also, but what I would like to talk about is maybe some unique situations that we have.

We recognize that the ways to eliminate the narcotics problem are demand reduction, naturally, and reduction in supply.

In the area of demand reduction, what we have done in Baltimore is, we have started working with the public school teachers. We have brought them into the police department headquarters. So far, we have had 150 teachers through this program. We are dealing with teachers who are dealing with kids from kindergarten through sixth grade, because we recognize that is where the problem exists and where it starts.

We have received some tremendous feedback so far. It is too early to tell the exact benefits, but the teachers are accepting the program, the administrators of both the police department and the educational system are accepting the program. We have been able to draw on people from the city health department and from the Drug Abuse Administration in Maryland to also assist us with this program. Hopefully, with more funds, we will be able to expand it to cover the 37,000 teachers we currently have in our school system.

As far as supply reduction is concerned, this is one of our more serious problems. We are about a 3-hour train ride from New York City, which is the source of all of our heroin. If we take off what we consider to be a large dealer, there are four or five others willing to step in and take over that business with a very small investment.

We have attempted to deal with the supply reduction through what we call the total officer concept. Each one of our 3,000 police officers in Baltimore City is a trained narcotics official. They have received this training both from our people within the police department and also the Drug Enforcement Administration, but we certainly feel that the only way to solve the supply problem is with the elimination of the drug at its source, and we cannot do this.

Since March 6, we have been involved in a special project, coordinated drug enforcement, where we took a portion of the city we feel to be responsible for between 70 and 80 percent of the street crime in Baltimore City.

In this particular area we put 50 motivated police officers who have in this 90 days—and by the way, the project ends today—have arrested 1,200 people, the majority for drug violations. The figures themselves may not be too significant, but what I found to be significant was, of those 1,200 people that were arrested, they had been arrested previously and charged with over 6,000 additional crimes; 29 charged with murder, 32 with rape, 311 assault and robbery, 1,147 with narcotics violations.

So, again we are dealing with the same people, those people who are in fact prone to violence. We also have recovered as a result of

this particular operation over 100 firearms, which I also think speaks for itself.

In conclusion, I would like to say that we feel the real remedy to the drug problem comes with Congress and its appropriations; an informed and effective U.S. Department of State, and the continuance of the Drug Enforcement Administration as a single mission agency in the drug field. The FBI can assist in tracking down the laundering of money. The IRS can provide a great deal of information if you could amend the statutory constraints imposed upon them.

Thank you very much.

Mr. RANGEL. I do hope that the committee can depend on this communication as being an ongoing thing. I think that all of us who have been fighting in Congress to focus attention on this problem realize that it happens in waves, and you find some murders someplace, it hits the front pages and somehow it loses its priorities, but this administration has not focused on the problem. I do not think the last one did.

I understand there is a meeting of police chiefs. Will you be in attendance on that?

Mr. NEWMAN. I did attend the conference in Nashville. I am not attending the one this week. My chief will be attending.

Mr. RANGEL. Well, we were hoping that something can be worked out where one of our staff people can get a better understanding as to what your agenda is, because we do not want to get involved in your business, as it relates to trying to establish whether it comes from us or you, which is not very important; how prosecutors and law enforcement officers can know that they have an opportunity to have their concerns heard in Washington.

We believe that this committee could take care of that function, and we can more dramatically bring it to the attention of the administration not just in legislation, but to me just as important as relates to priorities.

We will be in touch with both of you toward that end.

Mr. SHAW. I have a question with regard to drugs coming into the State of Maryland. The State of Maryland has an extraordinary amount of shoreline, as does my own State of Florida.

Do you find that to be a problem with regard to the importation of drugs? I know you said the heroin was coming in exclusively from New York. Are your shores as vulnerable as Florida is toward the importation of drugs, where they use it as a port of entry?

Mr. SWISHER. Yes, Mr. Shaw. In fact, I would think the entire coastline from the Florida area northward would be much more vulnerable because it is less patrolled. Smugglers, of course, know this.

Mr. SHAW. We had yesterday up here before us Mr. Coleman, attorney general of Virginia, and he was saying that he could see the effect of vigorous law enforcement in Florida just on the increased drug traffic coming right into the State of Virginia.

I would assume you are seeing the same thing.

Mr. SWISHER. Just recently we had a crash of a boat in the Ocean City, Md., area, and it had tons of marihuana aboard. I think all parties were killed, and the boat apparently just broke apart in a storm.

But, there have been other examples of other boats coming into the Ocean City area, and also a few light planes. So, it is growing, and the smugglers are smart enough to know that they might as well come in through Virginia, the Carolinas, Boston, Maine, and Baltimore or Maryland, because it is easier. There is no one out there looking for them.

Mr. SHAW. I guess that is going to be a continuing problem. It is like selective law enforcement, you push it down in one area and it pops up in another area.

I am somewhat optimistic that we will get a meaningful bill out of the Congress with regard to the posse comitatus and the use of the military to enforce the drug traffic.

Mr. SWISHER. That is extremely important, and as I say, you have two thoughts in mind, No. 1, using both personnel and equipment. If they object to the personnel, then perhaps the equipment.

This new umbrella organization, if we could get it, could be in charge of training people to use the equipment better than what we have now.

Mr. SHAW. Even the Coast Guard right now, I learned when I visited the Coast Guard facility the last time I was in my district in Fort Lauderdale, where there are some of these sophisticated radio equipment of the Navy on loan to the Coast Guard, the Coast Guard has been very badly underfunded and many of your representatives from Maryland have been working hard on that.

Mr. SWISHER. But you see, the Coast Guard in your area is much more sophisticated because of the increased traffic there, but it is not sophisticated north of Florida. That is the problem. The smugglers know that, and they are just shifting their boats and planes up this way.

Mr. SHAW. Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

As a prosecutor, you emphasize the necessity of reducing the supply of drugs that are available on the market, and I totally agree with you. But the thing I rack my brain on, I guess, and I have mentioned it here before, is the fact that in the major producing countries, and they are countries with plenty of misery and poverty themselves, they do not appear to have too many cases, nearly the drug problem that we do, whereas they are producing huge quantities of drugs, but they do not have the problems.

Could you explain what that is?

Mr. SWISHER. That is very simple. They shoot you. They do not allow it there. They do not have a Bill of Rights or Constitution to protect the citizens. You cannot fool with narcotics in Iran or the Arabian countries, the Islam religions. They just shoot you. They do not let you fool around.

Saudi Arabia is safer than—what is one of your most well-known neighborhoods around here; Chevy Chase? You can walk anywhere in Saudi Arabia day or night and not be bothered by anyone unless they are American tourists. They are severe on crime. They execute people within days of being convicted of a crime. They do not have the Bill of Rights or Constitution, and that is a problem. They do not let their citizens get addicted.

If you are a criminal in those countries you go to jail and you stay there. They do not even feed you. The family must feed you. It

sounds barbarous, but they often cut hands off for thievery. It is very severe in those countries.

We let our criminals in this country do any damn thing they want, and we start with the juvenile justice system, which is a fraud in this country. That is where the problem begins. We are letting so-called children, who are in most instances criminals, get away with anything they please, including murder, and we teach them that from 12 years of age up. We have to change that system also. Of course, that is not our problem here today.

But, the severity of punishment in other countries is greater. That is why they do not have heroin addiction. To give you a brief example, in 1939 when Tojo, who was the military leader of Japan, decided the opium problem was getting a little bit out of hand, he simply signed a directive—he did not have to bother with a committee or Congress or a veto or anything else—he directed that the Army go out and arrest all the pushers.

They shot 200 or 300 the first week. They arrested all the users, put them in rooms cold turkey, not even aspirin. The philosophy was, if you survive you are a better citizen. If you did not survive, you are not any good anyway, but they stopped the problem.

We of course cannot do that here, but that is an example of the severity of what other countries have done about the situation. I understand Turkey is very severe with it. They probably grow plenty of poppy seeds there, but they are severe with the users. They do not let their citizens get into this predicament.

This country is very free, very liberal, and you are free to do anything you wish, including even some silly things like riding motorcycles without helmets, which is a controversy in some States. We like our citizens to do anything, and that is the problem here.

Mr. COUGHLIN. I guess without using some of the extreme remedies that are taken in other countries, I guess I am just suggesting that the demand side also has serious problems.

Mr. SWISHER. Yes, and education. I think we could get some of our younger people in elementary schools frightened about drugs with proper instruction.

You are not going to affect the hardcore criminal or hardcore user. They think they are smarter than all of us. They will continue to use it, so you will never stop them. But a good educational program, no question, is part of the answer.

The confiscation of any drugs is part of the answer. We could get plenty of money; for instance, I could use a million dollars in Baltimore just to fight narcotics, a new concept of a task force.

We need better cooperation, by the way, between Federal agencies. It has been traditional in the Baltimore, Md., area that local prosecutors are not trusted by the U.S. attorneys, by the FBI, and by other Federal agencies. We get very little cooperation from them.

We have many instances where the U.S. attorney will set some arbitrary standard that he will not fool around with a drug case unless it is over \$5,000. Under \$5,000, no, and the worst part is that they will not report it to us. They just let it go. That is silly.

In many instances we can prosecute and convict a person much quicker than the Federal Government can. The Federal Govern-

ment, many of the overzealous, in some cases incompetent, prosecutors, U.S. attorneys, try to stretch everything under the Hobbs Act, the racketeering statute. They think everybody is a crook, and want to stretch things.

Just recently in Baltimore we had a bribery case of a Baltimore County official. The Federal Government spent an estimated half-million dollars. In fact, it was probably worse than the Abscam bribery case.

They caught this person, he even confessed he received money. They lost the case; no interstate jurisdiction. The Federal judge threw it out without even demanding that the defense defend themselves, and rightfully so.

The U.S. attorney, all he had to do was give that case, which is a simple bribery case under Maryland law, to a county prosecutor and say, "Here, indict the person on bribery."

The county prosecutor probably could have concluded that in 2 days. The U.S. Government spent 3 weeks trying it, half a million dollars investigating it, and lost the case.

That is a prime example of the lack of cooperation. You can talk to any policeman on the beat, not only in Baltimore, but many cities. You ask the policeman, what do they get from the FBI? The answer primarily is zero. They do not share information. They do not trust the prosecutors, they do not trust city, county, and State policemen.

They keep it all to themselves, and when they do have something that they feel is beneath their authority, they do not pass it on to local officials to prosecute.

So, we need better cooperation and better quality people in some of these offices.

Mr. COUGHLIN. Thank you, Mr. Chairman.

Mr. SHAW. Mr. Swisher, would you get together the information with regard to the Federal prosecutors in prosecuting and arbitrarily setting guidelines for his particular office, and supply that to this committee?

Mr. SWISHER. Yes. That may be difficult to dig up because some of these standards are their own secret standards, and they do not publicize them.

Mr. SHAW. If this is a pattern perhaps this committee or some other committee of the Congress would want to look into that particular matter.

Mr. SWISHER. Frankly, in one sense the prosecutors are supposed to be independent. However, in the Federal system they are not elected. I am an elected official of Baltimore, and theoretically I am supposed to blend in with my community and prosecute and lead the community in the prosecution of crimes.

The Federal U.S. attorneys are political appointments. There is nothing wrong with that, but they are political appointments.

Theoretically—now, this is very important—theoretically the U.S. attorneys around the country are technically answerable to Washington, but in practice the Attorney General's Office does not really supervise them very closely.

Think of that for a moment. An elected official, such as myself and all the county and State prosecutors in the country, are answerable to the voters. If we foul up, we are out of office. The U.S.

attorneys are technically answerable to Washington, but Washington does not supervise them.

So, what happens? You have one of the most powerful individuals in any community, a prosecutor who can investigate anyone and send out people wired with money to bribe anyone. He is not answerable to the voters. He is not answerable to Washington. He is a king of the most powerful sort, because he can call upon the FBI, Treasury Department, Customs, Postal Inspectors, IRS, and investigate you or anyone, and no one advises him. That is a very dangerous concept in our democratic form of government.

Every powerful official must be answerable to someone, either the voters or a supervisor who is answerable to the voters.

Mr. SHAW. Thank you very much. I appreciate you gentlemen coming.

Mr. SWISHER. Thank you. I appreciate being invited here. If it is not presumptuous, I would like to leave these packets with one of your aides.

Mr. SHAW. You had a prepared statement. You summarized?

Mr. SWISHER. You have it there.

Mr. SHAW. Would you like your statement to be made part of the record?

Mr. SWISHER. Yes.

Mr. SHAW. Without objection.

Mr. SWISHER. I appreciate it very much.

Mr. SHAW. We have the last panel of witnesses, this is from our adopted hometown; Inspector Wilfred Coligan, morals division; and Capt. James Nestor, narcotics unit, Washington, D.C.

Morals is a new word for me. I am glad that there is still one.

TESTIMONY OF INSPECTOR WILFRED COLIGAN, MORALS DIVISION, AND CAPT. JAMES NESTOR, NARCOTICS UNIT

Mr. SHAW. You may proceed.

Mr. COLIGAN. Mr. Chairman, members of the Select Committee on Narcotics Abuse and Control, I appreciate the opportunity to be here today representing Chief of Police Burtell M. Jefferson for the purpose of making a statement on the problems of drug enforcement and recommending avenues of improvement in the current system.

The local problems in drug enforcement are multifaceted. There is the very serious problem of increased availability in quantity and purity of heroin. This increase has caused the heroin overdose deaths to drastically increase and to create additional heroin addicts.

Drugs of abuse indicators in the city of Washington, D.C. increased in the second half of 1978, significantly increased in 1979 and continue to increase and show no signs of leveling off. This current increase started after Washington, D.C. had 2 consecutive years [1976-77] of downward trends in drug usage. Narcotic-related "overdose" deaths have risen from a low of 7 in 1978, 41 in 1979, 62 in 1980, to 39 in only 5 months of 1981.

Most alarming is the fact that the overdose deaths for the month of May 1981 are higher than for any month since 1971 when the District of Columbia Medical Examiners Office began to keep a

record of overdose deaths. Heroin street purity has risen from less than 2 percent in 1978 to the present level of more than 4 percent.

Diversion by licensed practitioners of legitimate pharmaceutical drugs, such as Hydromorphone [Dilaudid] and Phenmetrazine [Preludin] into the illicit drug trafficking market is also a major concern.

Dilaudid is used as a substitute for heroin by addicts and also used exclusively by other abusers. Preludin is also used by heroin addicts primarily to string out their high and to increase the effects of heroin. The profit realized by the illicit pharmaceutical drug dealers is enormous when you consider that a Preludin 75 mg tablet's legitimate wholesale cost to a pharmacist is 32 cents per dosage unit, and the illicit retail price is \$8 to \$10 per dosage unit; and a Dilaudid 4 mg tablet's legitimate wholesale cost to a pharmacist is 22 cents per dosage unit and the illicit retail price is \$35 dosage unit.

Cocaine is readily available and extensively abused primarily as a recreational drug and by abusers who can afford the expense.

Marihuana is by far the most abused drug and is available throughout the city and the drug of choice by youthful abusers. It is also the drug most commonly found in and around schools. However, its abuse is not exclusively that of the youth. Contrary to the belief held by many citizens, the possession of small amounts of marihuana is a crime.

Increased availability of more potent heroin and the increase in heroin addicts are directly responsible for a significant increase in crime index offenses such as burglaries, larcenies, and robberies.

Formation of a drug habit by an abuser progresses to a point where his normal financial resources cannot support his habit. The abuser must then depend on money from his family and his friends or resort to an assortment of various crimes to support his habit.

Enforcement measures to combat the drug problem is a joint responsibility of the commanding officers of the seven police districts and the director of the morals division.

The vice units within the seven districts apply their enforcement efforts primarily to the obvious street dealers. Marketplaces for the street dealers include thoroughfares in residential and small commercial areas.

We have found that we have been most successful in such operations when we have disrupted the marketplace where the narcotics are being dispensed through rigid enforcement of all applicable laws such as the disorderly statute and the traffic regulations.

It has been our experience that suppliers of the drug usually set up their operations in an area, employ pushers to dispense the drug and pass the word where such drugs are available. The pushers on the other hand usually work the streets and when the customer cruises by, a hand gesture is given, indicating what the pusher has for sale and the price.

The sale takes place quickly and the customer goes on his way. When sales are made or police pressure increases, the pusher simply moves to another location in the vicinity and continues to make sales. Conventional means of building cases are now being employed; however, those only have limited effect.

The customers, who, by the way, represent a cross-section of urban and suburban residents, are as much a part of the narcotics problem in this city as the seller. Yet, there is no law that applies to him other than the prohibition against possession.

To remedy this problem, we have suggested that a soliciting controlled substances statute be enacted. Such a statute has been drafted along the lines of the soliciting for purposes of prostitution statute D.C. Code 22-2701. Those who would raise an Easter case defense of narcotic addiction status could be processed through a treatment program.

The morals division investigates those persons identified as having a more significant role in drug trafficking than street dealers. The morals division implements special investigative procedures such as the use of informants, surveillance operations, narcotic intelligence, undercover operations, conspiracy investigations, diversion cases, and clandestine laboratories.

An example of a recent arrest by the morals division of a person identified as a major violator, resulted in the seizure of 18 ounces of high purity heroin, three houses, seven vehicles, \$35,000 in cash, \$100,000 in jewelry, and 12 handguns.

Also established within the morals division are two joint programs with the Drug Enforcement Administration that have proven invaluable in drug enforcement.

The first program is a Pharmaceutical Drug Diversion Investigative Unit established to primarily eliminate or significantly reduce the illegal diversion of drugs by health professionals licensed by the District of Columbia to dispense, prescribe, administer, or handle controlled drugs. This unit has arrested and convicted nine medical doctors and five pharmacists.

I must point out that the number of licensed practitioners involved in the diversion of legitimate drugs is very small when compared to the actual number of licensed practitioners. However, it only takes a small number of practitioners to flood the streets with controlled substances.

A diversion investigation that led to the arrest, prosecution, and conviction of one medical doctor shows that within a 7-month period the licensed practitioner diverted 62,788 Dilaudid tablets, having a street value of over \$2 million into the illicit market.

The second program is a Drug Enforcement Administration and Metropolitan Police Department Joint Task Force established for the purpose of cooperating in the investigation, institution, and prosecution of cases involving major drug violators and stemming the flow of drugs into the District of Columbia. Recent arrests by the joint task force at the conclusion of a 4-month investigation resulted in the seizure of 11 pounds of pure cocaine that was brought into the United States from Colombia by the arrested violators.

Also, our drug enforcement measures will be enhanced by the District of Columbia Controlled Substance Act, which was recently passed by the city council. The District of Columbia Controlled Substance Act was modeled after the Federal Controlled Substance Act with the noted exception of the marihuana provisions. The Federal Controlled Substance Act classified marihuana as a sched-

ule I drug, while the District of Columbia classifies cannabis as schedule V and hashish as schedule II.

While the majority of drug enforcement is performed by local law enforcement, it is absolutely necessary that, if we are to meet local needs through regional control, we continue to receive Federal support and/or funding to maintain the Pharmaceutical Drug Diversion Investigative Unit and the Drug Enforcement Administration/Metropolitan Police Department Joint Task Force at their present level.

These joint programs greatly enhance law enforcement efforts in the areas of sufficient confidential money, frequent rotation of undercover officers, necessary multijurisdictional arrest powers and coordinated regional approaches to drug enforcement.

Mr. NESTOR. I have no prepared statement. That was a joint statement.

Mr. RANGEL. On that scheduling, do you treat marihuana and hashish differently?

Mr. COLIGAN. Marihuana is classified in a schedule V drug in the D.C. Controlled Substances Act, where it is schedule I in the Federal Controlled Substances Act. Hashish is schedule II in the D.C. Controlled Substances Act, where it is schedule I in the Federal Controlled Substances Act.

Mr. RANGEL. What was the reason behind that? Why are they treated differently and what value does hashish—

Mr. COLIGAN. I did not hear the part—what value is hashish?

Mr. RANGEL. Does it have a medical function? Is there any testimony that hashish has a medical function, as obviously we have some evidence on marihuana?

Mr. COLIGAN. I do not know the real reason why marihuana is treated differently in the District of Columbia than it would be under the Federal Controlled Substances Act. I do know that there are some who say and it is practiced in some States that marihuana itself has some medicinal advantages in the treating of chemotherapy patients, where hashish, I do not believe has ever been established that there is any medicinal benefit to hashish. Hashish, while coming from the same plant, is a much more potent drug than marihuana.

Mr. SHAW. I have no questions. I believe that concludes our hearing for this afternoon.

Mr. RANGEL. I want to thank you for your contribution. Earlier we had received some type of commitment from the law enforcement officers and prosecutors offices that rather than just have hearings, that we would try to establish a continuing relationship between those people that have the responsibilities to enforce the law in areas of high narcotics abuse. To that end, I know we can depend on your support. We heard that there would be a meeting soon in Washington, what is it, over this weekend of Police Chiefs and narcotics enforcement officers. Are you familiar with that conference?

Mr. COLIGAN. I am not familiar with that. I have heard that that is scheduled. I do not know the specifics of it.

Mr. RANGEL. All right. If you might attend and know who is attending, you would know that we would be interested in estab-

lishing communication with those people, as well as the prosecutors.

We thank you for your contribution.

Mr. SHAW. I would like to compliment the staff and my cochair. I think we have had a very enlightening day. It certainly has been of tremendous help to this member of the committee. I would like to thank everyone for helping us put it together and, of course, particularly the witnesses.

Mr. RANGEL. The hearing is adjourned.

[Whereupon, at 1:45 p.m., the hearing was adjourned.]

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