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2d Session

PROBLEMS OF LAW ENFORCEMENT AND  
ITS EFFORT TO REDUCE THE LEVEL  
OF DRUG TRAFFICKING IN  
SOUTH FLORIDA

REPORT  
OF THE  
SELECT COMMITTEE ON NARCOTICS  
ABUSE AND CONTROL  
NINETY-FIFTH CONGRESS  
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## I. INTRODUCTION

In the middle of June 1977, at the urging of the ranking minority member of the committee, Congressman J. Herbert Burke, the House Select Committee on Narcotics Abuse and Control began an inquiry into the extent and nature of drug trafficking in south Florida. In the fall of 1977 and again in the spring of 1978, the committee dispatched investigators to the scene in order to obtain up-to-date information on the situation in south Florida regarding individuals and groups principally responsible for the trafficking and Federal, State and local law enforcement responses. The committee investigators reported an overwhelming amount of drug trafficking in marihuana and cocaina from South America, principally Colombia, by every conceivable means of transportation, including trawlers, pleasure boats, cruise ships, aircraft and courier. But the information obtained by the committee's investigators did not adequately prepare the members of the committee who traveled to Florida for hearings on June 9 and 10 for the actual extent of the present drug disaster which these hearings revealed.

Marihuana from Colombia is dispatched by the tonload in all manner of vessels, some foreign flag, some American, destined for south Florida. Seizures of marihuana at the Miami airport had quadrupled over the past 6 months. Almost daily, tons of marihuana and kilos of cocaine were interdicted, yet it is clear from testimony given to the committee that these seizures represent only the tip of the iceberg. Despite dedicated and heroic efforts by Federal, State and local law enforcement personnel, the committee estimates that less than 5 percent of the total contraband coming into south Florida was seized prior to the committee's hearings. The committee found, among other things, that fortunes were being built on the drug trade; that relatively young persons with no visible means of support were paying huge sums of money, hundreds of thousands of dollars in cash on individual transactions, for pleasure boats, homes and other expensive properties; that the drug trade was so pervasive that many millions of dollars in cash were being diverted by the Federal Reserve System to the Miami district in order to meet the demands of the illicit drug trade. The committee discovered that the total gross dollar value of the drug trade in south Florida was at least \$7 billion annually, of which the majority represented sales of marihuana and at least \$500 million, sales of cocaine.

Testimony made it clear that illegal drug trafficking had, within the last 2 years, become the largest single commercial activity in the Florida area. Such a situation not only breeds disrespect for the law but also, as a recent Miami Herald editorial put it, "erodes the moral fiber of the community." If the Federal Government were to adopt a mistaken policy of overlooking the smuggling of large quantities of marihuana because of an ill-founded notion that marihuana is not "all that harmful" and is being "decriminalized" by several States,

grievous harm could be caused. The smuggling of any contraband, especially in large bulky shipments, cannot be countenanced because if traffickers are left free to smuggle, they will soon be dealing in arms, explosives and other terrorist paraphernalia, as is beginning to be the case now. In the Miami area, drug traders have begun to assume the aura of folk heroes. Ordinary citizens expressed grudging admiration for the cash fortunes which these purveyors muster. In its October 1977 investigations and hearings in Chicago, and in its February 1977 activities in New York City the committee had exposed a similar pervasive drug trade and experienced its disastrous effect on the community. As in Chicago and New York, the committee's exposure to the public of these overwhelming, continuous law violations had an immediate, positive effect. An examination of the following escalation of seizures and arrests in the south Florida area since the committee's hearing began on June 9, 1978 will illustrate the immediate and positive effects of this committee's investigations and hearings.

ENFORCEMENT EFFORTS IN THE SOUTHEAST REGION SINCE JUNE 9, 1978

Date	Place	Agencies	Seizures	Number arrested
June 9, 1978	Tampa	DEA, Customs, Florida Department of Crime, Tampa Police Department.	50,000 lb marihuana	5
Do	Jamaica/Miami	Coast Guard, DEA.	200 lb cocaine	1
Do	West Palm Beach	DEA, Martin County Sheriff's Office, St. Lucie County Sheriff's Office.	1 vehicle, 1 weapon, 1 twin-engine Piper, 643 lb marihuana	8
June 11, 1978	Miami	U.S. Customs	10.3 lb cocaine	1
June 12, 1978	San Juan	DEA	1½ lb heroin	3
June 13, 1978	Jacksonville	Customs Patrol, Florida Marine Patrol, Franklin County Sheriff's Office, Wakulla County Sheriff's Office.	10,000 lb marihuana, 3 motor boats, 3 vehicles, 1 boat.	15
Do	Bahamas	Bahamian authorities	276 lb pure cocaine	2
June 14, 1978	West Palm Beach	DEA, West Palm Beach County Sheriff's Office.	1,400 lb marihuana, 3 vehicles.	5
June 15, 1978	Orlando	DEA	5 lb PCP, 2 hand guns	3
June 17, 1978	Tampa	Coast Guard	2,350 lb marihuana	3
Do	do	do	F/V Cracker Jack, 40,000 lb marihuana.	3
June 23, 1978	Miami	DEA	2.2 lb cocaine, 1 lb marihuana, 100 pills (not identified).	4
June 25, 1978	do	DEA, Customs	1 lb cocaine	2
June 27, 1978	San Juan	Customs, DEA	5 lb cocaine	2
July 3, 1978	Miami	DEA	2.2 lb cocaine, 1½ oz hashish.	1
July 5, 1978	Tampa	Coast Guard	20,000 lb marihuana	6
July 7, 1978	Miami	Coast Guard	50,000 lb marihuana	3
Do	San Juan	Customs	2½ lb cocaine	1
July 8, 1978	Colombia	DEA, State and local authorities.	1 methamphetamine laboratory, 1 sawed-off shotgun.	
Do	Jacksonville	DEA	4.4 lb cocaine, 2 vehicles.	6
Do	do	DEA, State and local authorities.	4.4 lb cocaine, 100 lb marihuana.	9
July 12, 1978	Tampa	Coast Guard	34,000 lb marihuana	9
Do	Miami	DEA	2 lb cocaine, 1 revolver.	2
July 13, 1978	Jacksonville	DEA, Customs Patrol, Florida Marine Patrol, Customs, Franklin County Sheriff's Office.	4,000 lb marihuana	2
July 15, 1978	Miami	DEA	4 lb liquid cocaine	3
July 18, 1978	do	Customs	2 vessels, 35,000 lb marihuana.	12
July 20, 1978	do	do	1½ lb cocaine	2
Do	do	do	200 lb Quaaludes	1
July 21, 1978	do	DEA	5½ lb cocaine	2
July 22, 1978	Boca Raton	Customs	6,520 lb marihuana	1
July 24, 1978	Miami	DEA/EPIC/Customs	2 lb cocaine.	2
July 26, 1978	do	Customs	527 lb marihuana	1
Do	West Palm Beach	do	15,100 lb marihuana	5
July 27, 1978	Miami	do	5 lb cocaine	1

## ENFORCEMENT EFFORTS IN THE SOUTHEAST REGION SINCE JUNE 9, 1978

Date	Place	Agencies	Seizures	Number arrested
July 29, 1978	Savannah	Customs, State and local authorities.	41,459 lb marijuana, 2 small boats, 6 vehicles, 4 weapons, \$10,000 cash.	14.
July 30, 1978	85 mi northwest of Cuba; within 12-mile limit of St. Petersburg, Fla.	Coast Guard	1 vessel (Los Dos Amigos) 40,000.	210,
Aug. 2, 1978	Miami	Customs	3 lb cocaine	1
Do	Savannah	DEA, Customs, State and local authorities.	6,250 lb marijuana	3
Aug. 4, 1978	Miami	Customs	2.2 lb cocaine	1
Aug. 5, 1978	do.	do.	2 lb 6 oz cocaine	1

<sup>1</sup> 2 defendants killed in plane crash.

<sup>2</sup> Colombian nationals.

Law enforcement responses to this horror were even more disturbing than the actual situation. The manpower, funds and material available to Federal, State and local law enforcement agencies were found to be totally inadequate to deal with the traffic. Only round-the-clock efforts of highly devoted officials made whatever seizures and arrests that were accomplished possible. Moreover, testimony at the hearings suggested that many judges of the Federal and State courts in Florida do not regard drug smuggling as a serious offense. Florida sentences meted out to convicted smugglers are 25 percent more lenient than the national average. Thus arrest and conviction do not now act as a deterrent. Rather it is regarded by most of the smugglers as an acceptable cost of doing business similar to the loss incurred through the confiscation of high cost vehicles, ships and airplanes which are intercepted with contraband aboard.

One of the spectacular ironies of most U.S. Coast Guard seizures on the high seas is that a foreign crew on a ship holding contraband has not violated any criminal law of the United States. The Coast Guard and U.S. Customs merely interrogates and repatriates crews of such vessels. In the case of Colombian nationals, once repatriated, they are released without prosecution or other deterrent action within 72 hours. The committee engaged in examining all of the Federal statutes that bear upon this problem and will soon recommend to the Committee on the Judiciary amendments that hopefully will close this and other loopholes. In meetings with the State Department subsequent to the hearings, the committee was assured that current efforts are being made to secure prosecutions in Colombia when such crews are returned, under the DEA "JANUS" program.

Despite the committee's most urgent efforts, it is unable to determine how much marijuana, cocaine and heroin enters the United States through Florida. The State of Florida has 8,425 miles of shoreline, and as many as 200 clandestine airstrips in south Florida alone, most of them in remote places in the Everglades and 7,000 daily international travelers enter the Port of Miami through its airports alone.

The report that follows includes findings, conclusions and recommendations based upon the testimony taken by the committee in Hollywood, Fla. on June 9, 10, 1978. The committee will transmit to the appropriate committee of Congress legislative recommendations, which will enhance the current Federal enforcement arsenal to alleviate the Florida smuggling problem. Most of these are itemized in the recommendations of this report.

In addition, on June 10, 1978, the committee, comparing the south Florida drug smuggling problem to a national disaster, called for emergency action by the Federal Government to alleviate problems of limited law enforcement resources.

During the course of hearings held in Hollywood, Fla. on June 9 and 10, 1978 a telegram was sent by the committee to the White House, State Department, DEA and Customs to alert them to the disaster situation that the Select Committee had identified related to the smuggling of narcotics through south Florida. The committee asked that immediate and extensive Federal assistance be provided to south Florida law enforcement agencies to stem the flow of narcotics through this region.

[Telegram]

Dr. PETER BOURNE—White House.  
 MATHEA FALCO—Department of State.  
 Hon. ROBERT CHASEN—Customs.  
 Hon. PETER B. BENSINGER—DEA.

House Select Committee has just completed extensive investigations and hearings in south Florida. What we have seen and heard convinces us that this area is in the midst of a catastrophic and overwhelming drug disaster. Therefore as in any other natural disaster faced by this nation this situation must be countered by whatever means are necessary and whatever materiel is necessary to cope with this problem. This situation is so serious we must take immediate action to stem the tide of illegal drugs into the United States through south Florida. We therefore request an emergency meeting with you on Tuesday, June 13, for the purpose of taking immediate emergency steps to assist the dedicated overwhelmed law enforcement services here.

LESTER L. WOLFF, *Chairman,*  
 J. HERBERT BURKE,  
 DANIEL AKAKA,  
 LOUIS FREY,  
 BENJAMIN GILMAN,  
*Members of Congress.*

Upon return to Washington a meeting was held on June 13, 1978 with the appropriate Federal authorities and Members of Congress to obtain an immediate response to these issues.

The following were in attendance:

**Congressional Members:**

Chairman Wolff; Congressmen: Pepper, Frey, Fuqua, Ireland, J. Herbert Burke, Biaggi, Akaka, Zeleretti, Morgan F. Murphy, Gilman, Rangel, Skubitz, and Rogers.

**Staff members:**

Joseph L. Nellis, chief counsel, David Pickens, project officer, and Jack Peploe, investigator.

**Agency Representatives:**

Customs: Mr. Lehman, Mr. Thorne, and Mr. Hahn.

DEA: Mr. Bensinger.

White House: Mr. Dogoloff and Mr. Williams.

State Department: Ms. Falco.

Coast Guard: Admiral Venzke.

At this meeting the Members requested that an action plan be presented with the sponsorship of the President to reply to the declaration of emergency, which the Select Committee identified in south

Florida. The following proposals were set forth by the committee and immediate implementation was promised by the executive agencies:

1. A special White House review board would be established to coordinate all new Federal law enforcement efforts in the area.

2. The implementation of special enforcement task forces to launch Federal agency joint operations including prosecutorial coastline enforcement and intelligence-assistance in this area.

3. Military assistance which would not be in conflict with *posse comitatus* legislation to include materials to be supplied to law enforcement such as: aircraft, boats and sophisticated electronic surveillance equipment.

4. International assistance which would provide high-level input, particularly justice systems within Colombia, via U.S. Centac investigations, to provide for effective prosecution of Colombian nationals engaged in trafficking and living in Colombia.

5. Additional requests to the Department of Justice which would alleviate the disparity of light sentencing of drug traffickers in the Florida region to be coordinated between the Attorney General and the Governor of Florida. The additional assignment of Customs personnel in Colombia, as well as south Florida, to aid in the analysis of intelligence, this activity to be augmented by additional DEA personnel in Florida and Colombia.

6. Review of current U.S. legislation to control territorial waters and equate drug smuggling with piracy and slavery. This activity to take place in conjunction with new treaty initiatives with foreign countries to allow for expedient seizures of narcotics and smugglers on the high seas.

7. A total review of equipment and manpower currently being utilized in the antinarcotics activities currently in use in the southeast region of the United States.

8. That a full-time Federal narcotics strike force be established in south Florida.

The Federal response was received on July 18, 1978 and is reproduced on page 15 of this report.

## II. SUMMARY OF TESTIMONY TAKEN IN FLORIDA

On June 9, the regional director of the Drug Enforcement Administration, the regional director of the Customs Service and the Commandant of the regional Coast Guard station appeared before the committee. The regional director of DEA, Mr. Frederick A. Rody, Jr., stated that "South Florida has become inundated with marihuana and cocaine smuggling and trafficking." Seizures by the Coast Guard, Customs and DEA, in the past 6 months, represent "more drugs than were collectively seized by the U.S. Federal law enforcement community during the entire previous year." Mr. Rody indicated to the committee the dimensions of drug trafficking and the economics associated with the trafficking. He emphasized that the revenue loss to the United States in untaxable income is incalculable. He concluded that the smugglers are better equipped and have more financial resources than the entire drug law enforcement community. There are a



number of reasons for this phenomenal increase in drug trafficking in south Florida:

Profits are high and risks disproportionately low in drug smuggling.

There are inadequate deterrents, particularly in the area of bail and sentencing.

The judiciary branch of the Government can give only limited attention to these cases because of heavy dockets.

International agreements on jurisdiction over the high seas are inadequate.

Intelligence gathering and sharing by Federal, State and local drug law enforcement communities continues to be limited.

For reasons of geography and economics south Florida is a natural entry point for contraband from South America.

Mr. Rody testified that recent efforts in interagency intelligence sharing, between Federal and State law enforcement have greatly improved and new initiatives on this level would continue. The linkage of computer intelligence systems (EPIC) with the State enforcement networks of Florida, Georgia and South Carolina as well as combined operations between Coast Guard, Immigration and Customs yield significant results.

Mr. Robert N. Battard of the U.S. Customs Service and Rear Adm. Robert W. Durfey of the U.S. Coast Guard echoed Mr. Rody's sentiments. They reiterated that seizures during the first 4 months of 1978 make it clear that the total tonnage of marihuana and cocaine entering south Florida is steadily increasing and is overwhelming all containment efforts.

The Coast Guard is charged with 10 missions, including law enforcement, on the east coast of the United States, an area of over 1,100 miles. It possesses only 4 cutters and 13 patrol boats to perform its duties. In addition, Customs has eight outdated aircraft and two helicopters. At the time of these hearings, only one rented aircraft was airworthy.

With these limited resources the ability for effective patrol of Florida coastal waterways is virtually impossible. There are basically three routes for drug trafficking from South America, the shortest of which is the windward passage between Cuba and Haiti. The next is the Yucatan Channel between Mexico and Cuba and, finally, the Mona passage bordered by the Dominican Republic and Puerto Rico. From these routes the smugglers land on either coast of Florida or else, using "mother-ships" they unload their cargo outside the 12-mile limit. There are hundreds of thousands of boats registered in the tri-State area of South Carolina, Georgia, and Florida and over 20 countries through which contraband can be transhipped.

Both Customs and the Coast Guard have done their best to patrol the three major passages and have successfully interdicted a number of "mother-ships." The Coast Guard's ability to board foreign vessels with the approval of the country whose flag the vessel flies helps immeasurably, but smaller vessels are for the most part free to operate without interference.

In response to the jurisdictional problems regarding narcotics smuggling on the high seas the committee has made a number of legislative proposals which appear in the legislative recommendations section of this report.

Sheriff Edward J. Stack of Broward County, Sheriff Richard P. Wille of Palm Beach County, and Chief Leo Callahan of the Fort Lauderdale Police Department made up the second panel on June 9. They also emphasized the enormous advantage the traffickers have over local law enforcement, primarily because the Federal agencies in the south Florida area do not have adequate manpower, or equipment. Any one major conspiracy case will quickly absorb the meager resources of local law enforcement. While cooperation between Federal and local authorities is excellent, the Federal agencies have no means of supplying needed cash, men or material to supplement local efforts or support local law enforcement groups in court cases.

Seizures by local law enforcement officials with the help of U.S. Customs are impressive but represent only a very small proportion of the total volume of contraband imported into south Florida.

Witnesses on the third panel on June 9 reiterated the emergency nature of the situation. E. Wilson Purdy, director of the Dade County Public Safety Department, emphasized this point in his written statement. Kenneth I. Harms, chief of the Miami police and Sam Martin, chief of the Hollywood police, testified to this effect. These witnesses stressed that to a great extent the interception of thousands of tons of marihuana and the seizure of hundreds of pounds of cocaine is not totally due to the effectiveness of law enforcement, but rather indicates the tremendous volume of traffic which passes through this region. They stressed that the restraints imposed by limited funds are sometimes misconstrued as a lack of cooperation. Cooperation is excellent, but unfortunately is all too frequently directly dependent upon the availability of manpower and money for investigative expenses and equipment.

Chief Harms outlined two major frustrations which he and his colleagues encounter in combating drug trafficking. The first is the necessity of obtaining court authorized wire taps. Second, many indicted smugglers are released on insufficient bail. Of the some 800 fugitives who had left the jurisdiction after posting bond, more than half were under bail of less than \$10,000. To ease prosecution of traffickers Chief Martin called for a State witness protection plan coupled with the impaneling of an investigative grand jury.

The local police chiefs made it clear that the combined efforts of law enforcement alone will never greatly affect trafficking. The United States must deal directly with the source countries, as it did with Mexico, to reduce the vast supplies of exportable contraband. Chief Harms added that preemptive purchase should be considered a legitimate means of taking supplies off the market.

On the morning of June 10, the committee heard from the airport interdiction unit in Dade County, the chief local law enforcement office for the airport group in Broward County and the DEA group supervisor who coordinates these activities. The airport program began operations in May 1977. Divided into three areas of activities, it is aimed at:

1. Identifying airline employees who might be involved in trafficking;
2. Developing intelligence on domestic drug shipments from Miami; and,
3. Identifying couriers.

The investigation of domestic drug shipments made it plain that a package containing drugs could be shipped at the ticket counter of any airline and reach its destination without being inspected. Sergeant Skip Pearson, who is in charge of the Miami airport detail, estimated that female couriers, carrying between 2 and 6 pounds of heroin or cocaine per trip, bring over 100 pounds of heroin and a much larger quantity of cocaine into Miami monthly.

Customs examines and clears between 6,000 and 7,000 international travelers from approximately 125 aircraft daily. In addition, the Miami International Airport receives more air cargo than any other port of entry in the United States. This volume of passengers, aircraft and cargo overwhelms the available law enforcement efforts. Although seizure figures are large, law enforcers are interdicting only a small percentage of the actual contraband. The committee asked this panel if the testimony presented at this hearing would have a deterrent effect on smugglers. All three witnesses agreed that no one listening to the testimony would be deterred from attempting to smuggle drugs into Florida. On the contrary, the ease with which smugglers bring contraband into south Florida might encourage amateurs to attempt transactions.

The afternoon session of June 10 included Mr. Atlee W. Wampler III, chief of the Miami Organized Crime and Racketeering Strike Force and Mr. Michael P. Sullivan, assistant U.S. attorney in charge of narcotics prosecution in the U.S. attorney's office appeared before the committee. Mr. Wampler noted that his strike force cannot get involved in investigations that are not closely related to an identified organized crime figure or a qualified "criminal group." While the strike force has prosecuted a number of major cases involving traffickers, narcotics is but one of the priorities Washington assigns them. Mr. Wampler testified that no other area of the United States has been inundated with as many identified organized crime individuals as south Florida. He estimated that there are over 1,000 racketeers living, working, or retired in south Florida, some of whom dominate particular segments of the narcotics importation and distribution business. Their activities also include hidden interests in legitimate businesses, labor unions, banks and legalized gambling operations. In the course of questioning, Mr. Wampler made it plain that the narcotics business supplies the largest volume of cash to organized crime in that area and made several recommendations for legislative action which would assist his operation. These are referred to in the legislative recommendations section of this report.

Mr. Sullivan testified that Florida judges do not impose sufficiently stiff sentences upon convicted narcotics traffickers to deter the thousands of amateurs that are involved in the business. The cases Mr. Sullivan tries for the U.S. attorney involve complex conspiracies and large amounts of money. His office uses undercover agents, reliable informants, and, most importantly, investigative grand juries. With a grand jury, suspects can be questioned under oath, their books and records examined and their sources of income and assets discovered. Immunity to prosecution can be granted those who would not otherwise testify.

Mr. Sullivan outlined two major problems. First, his unit is overwhelmed by the number of cases reaching his office. Secondly, the "lack of specific law to allow prosecutions of crew members on vessels

carrying contraband." At the present time, it is permissible to possess drugs on foreign vessels intended for the United States and it is even permissible to possess drugs aboard an American registered vessel, outside the 3-mile zone.

Mr. Sullivan testified to the financial aspects of drug trafficking. Under Federal banking law, the Currency and Foreign Transactions Reporting Act of 1970, any deposit or transfer in excess of \$10,000 must be reported to the Internal Revenue Service. However, major traffickers circumvent this requirement by using easily obtainable sources of false identification themselves or giving false identification to a courier making deposits and withdrawals. In addition, money transferred from American banks to offshore depositories, is virtually untraceable. Traffickers utilize sophisticated international banking services in the Bahamas, Panama, and Switzerland where foreign bank secrecy laws protect their illicit profits.

The committee also heard testimony from State Senator George Firestone, former chairman of the Florida Criminal Justice Task Force. Senator Firestone advocated the use of compliance by regulatory agencies of the State to learn the identity of criminals infiltrating legitimate corporations. He proposed a uniform State law making it possible for State officials to obtain lists of officers, directors and employees of corporations for businesses that are being used as fronts and banks through which money is laundered. The use of regulatory information in identifying infiltration of legitimate businesses was stressed by Senator Firestone as a ready means of combating traffickers.

The Florida State Law Enforcement Department allocated 44 special agents to south Florida; approximately one-third of these investigators work on narcotics trafficking. This department also assigns personnel to the Interagency Narcotics Intelligence System (INIS), a five-agency task force which includes DEA and the three local agencies in Miami.

### III. FINDINGS

1. All law enforcement authorities agree that south Florida is the major entry port into the United States for marihuana and cocaine smuggling. They estimate that the gross annual dollar volume of the trafficking exceeds \$7 billion (\$6.5 billion in marihuana and \$500 million in cocaine).

2. South Florida is a prime gateway to the entire east coast of the United States. Florida has 8,425 miles of shoreline on its 1,350 miles of coastline and over 260 airstrips, public and private. Miami airport is the fourth largest in the country, receiving up to 7,000 international passengers a day. There is easy access to south Florida by plane or boat from South America. Planes do not have to refuel en route and many of the boats can make the trip in less than a day.

3. The success of the paraquat-spraying program in Mexico has contributed to the problems in south Florida. Untainted Colombian marihuana has now become the choice of the marihuana abuser, and Colombia is now the major supplier of marihuana to the United States. Most of this illegal substance enters through Florida. Efforts to decriminalize marihuana in small quantities for personal use have led to increased demand for marihuana and higher profits for smugglers. In the past few years cocaine has become popular with certain population groups in the United States, and demand for it has jumped.

Major shipping patterns have been established from Peru and Bolivia to Colombia and on to the United States through Florida.

4. Drug seizures by U.S. Customs, Coast Guard, DEA, and local law enforcement officials increase each month. Over 2.5 million pounds of marihuana have been seized through May of this fiscal year, compared to less than 950,000 pounds during the same period last year. Seizure of multiton loads is commonplace. The seizure rate is not due, to any great extent, upon law enforcement activities but rather indicates the volume of narcotics entering through Florida. It is estimated that Customs seizes less than 5 percent of the total amount of illicit drugs transshipped through south Florida.

5. Law enforcement agencies, both Federal, State, and local, are handicapped in dealing with the narcotics traffic by severe shortages of manpower and material and financial resources. The Coast Guard is charged with 10 separate missions for an area covering South Carolina, Georgia and Florida—2,100 miles of coastline. In addition, the Coast Guard is also responsible for over 2 million square miles of ocean, including the Caribbean, the Bahamas, and the Greater and Lesser Antilles. To perform its job of narcotics interdiction, search and rescue, marine science activities, port safety and security, aids to navigation, environmental protection, commercial vessel safety and boating safety, the Coast Guard only has 4 medium endurance cutters, 13 patrol boats, 4 air stations and 3,100 people.

6. Customs is also plagued by a shortage of manpower and material for interdicting narcotics. In Broward County, for example, Customs has 11 inspectors to cover 3 airports, Port Everglades and hundreds of marinas. Money that would otherwise be spent for staff and equipment is budgeted for storage of 130 vessels and 22 aircraft which have been confiscated, but not yet forfeited. Customs lacks sophisticated equipment to match that of the smugglers. The Florida region is assigned eight outdated aircraft and two helicopters, but at the time of the hearings, only one aircraft—a rented one—was airworthy. Customs has no adequate radar or electronic facilities for tracking incoming planes and boats and must depend upon the military for assistance.

7. The Drug Enforcement Administration is extremely understaffed. They have five agents in Colombia where 70 percent of the cocaine traffic originates and nine agents in Miami assigned primarily to airport surveillance.

8. State and local law enforcement officials are not prepared to cope with international narcotics trafficking or its local offshoots. The Florida State Law Enforcement Department allocated 44 special agents to south Florida, approximately one-third of these investigators work on narcotics trafficking. This department also assigns personnel to the Interagency Narcotics Intelligence System, a five-agency task force which includes DEA and the three local agencies in Miami.

9. While cooperation between Federal and local authorities is generally adequate, the Federal agencies have no means of supplying needed money, men or materiel to supplement local efforts or support local law enforcement groups in court cases.

10. Intelligence activities are not sufficiently coordinated. While jurisdictional limits on local law enforcement authorities compels them

to turn over information to higher authorities, there is no reverse exchange. There have been instances of two agencies working independently on the same case.

11. Much of the cocaine smuggled into Florida passes through Miami International Airport. An airport interdiction program which began in May 1977 is constantly overwhelmed by the volume of passengers, aircraft and cargo. While the Ft. Lauderdale airport unit is relatively new, its interdiction rate is mounting steadily.

12. Accompanying the flood of narcotics into Florida, has been an influx of organized crime figures attracted by the enormous profits and minimal risks involved in trafficking.

13. Organized crime activities also include hidden interests in legitimate business covers. Organized crime officials are heavily involved in the service industries in Florida, the labor unions, the construction industry and every conceivable type of private business, particularly those with high cash receipts and low recordkeeping such as restaurants, banks, and legalized gambling operations for the laundering of cash.

14. The Organized Crime and Racketeering Strike Force is limited in its impact on narcotics prosecutions because its jurisdiction includes only cases involving known syndicate members or repeated trafficking patterns. Narcotics is but one of the priorities Washington assigns them. The strike force is also hampered by a lack of manpower. Its members can be tied up for a year or two in pursuing a single case.

15. A major impetus to continued narcotics trafficking in south Florida is the fact that Florida courts, including the U.S. District Courts, set bail and mete out sentences that are about 25 percent more lenient than in the rest of the country. Of the some 800 fugitives who left the jurisdiction after posting bond, more than half were under bail of less than \$10,000.

16. The U.S. attorney in south Florida designated a few assistant U.S. attorneys to exclusively prosecute narcotics cases which usually involve complex conspiracies and large amounts of money.

17. There is a loophole in the law which prevents prosecution of persons possessing narcotics on the high seas unless the prosecutor can prove conspiracy to import into the territorial jurisdiction of the United States—a difficult, time-consuming case to develop.

18. It is obvious that the tremendous narcotics trade is adversely affecting the climate for legitimate business in south Florida. There is an enormous flow of cash into the Miami Federal Reserve District, probably as a result of narcotics trafficking. The excess of payments over receipts in Miami showed a 180-percent increase from 1970 to 1974. A chart comparing Miami to districts of the same size such as Cincinnati, Dallas, Houston, and St. Louis, showed that the proportion of payments to receipts in Miami is much higher than normal. Informed opinion is that cash drug transactions account for it.

19. The potential for corruption is self-evident, as traffickers launder their tremendous profits. Under Federal banking law, the Currency and Foreign Transactions Reporting Act of 1970, any deposit or transfer in excess of \$10,000 must be reported to IRS. False identification, courier use and bribery of bank officials help traffickers circumvent this law.

## IV. CONCLUSIONS

1. Use of cocaine and marihuana in the United States has soared in the past decade. Cocaine traditionally comes from Latin American narcotics sources which usually involve complex conspiracies and large amounts of money.

2. South Florida has become the gateway to the United States for South American marihuana and cocaine because of geographic proximity.

3. Federal, State, and local law enforcement authorities are not equipped to interdict the tremendous flow of narcotics because their manpower and financial resources have not grown at the same rate as the traffic. DEA, Customs, the U.S. Coast Guard and all other law enforcement authorities are hampered by a lack of equipment, money and resources.

4. Drug traffickers earn enormous profits. They are able to operate with highly sophisticated equipment—jet aircraft, high-powered boats, ingenious container devices—which are far beyond the resources available to American law enforcement authorities.

5. Law enforcement authorities are stymied by a series of loopholes in the U.S. Code and in treaties with South American governments which prevent them from arresting and prosecuting persons possessing narcotics on the high seas.

6. Low bail and light sentences meted out by Florida courts do not deter drug traffickers.

7. Money laundering has become big business in south Florida, encouraging the infiltration of organized crime into legitimate businesses and disrupting the local economy.

8. The acceptance of marihuana as a recreational drug by millions of Americans and the reduction in penalties for its personal use in 11 States makes it more difficult to secure convictions for large scale marihuana smuggling.

9. The Federal Government must react to the situation in south Florida in the manner it would if a natural disaster or other grave emergency had struck the area.

## V. RECOMMENDATIONS

The following committee proposals were offered to the executive agencies and a promise was secured that these recommendations would be immediately implemented:

1. A special White House review board should be established to coordinate all new Federal law enforcement efforts in the area.

2. The implementation of special enforcement task forces to launch Federal agency joint operations including prosecutorial coastline enforcement and intelligence assistance in this area.

3. Military assistance which would not be in conflict with *posse comitatus* legislation to include materials to be supplied to law enforcement such as: aircraft, boats and sophisticated electronic surveillance equipment.

4. International assistance which would provide high level input, particularly justice systems within Colombia, via U.S. Centac investigations, to provide for effective prosecution of Colombian nationals engaged in trafficking and living in Colombia.

5. Additional requests to the Department of Justice which would alleviate the disparity of light sentencing of drug traffickers in the Florida region to be coordinated between the Attorney General and the Governor of Florida. The additional assignment of Customs personnel in Colombia, as well as south Florida, to aid in the analysis of intelligence, this activity to be augmented by additional DEA personnel in Florida and Colombia.

6. Review of current U.S. legislation to control territorial waters and equate drug smuggling with piracy and slavery. This activity to take place in conjunction with new treaty initiatives with foreign countries to allow for expedient seizures of narcotics and smugglers on the high seas.

7. A total review of equipment and manpower currently being utilized in the antinarcotics activities currently in use in the southeast region of the United States.

8. That a full-time Florida narcotics strike force be established in south Florida.

## VI. LEGISLATIVE RECOMMENDATIONS

In addition to the proposed recommendations made to the executive agencies the following legislative recommendations have been prepared for future consideration of the standing committees of the House of Representatives:

1. The committee has recommended to the White House a revision of *posse comitatus* legislation (18 U.S.C. 1385) for the sole express purpose of enforcing the Federal law (sec. 1002 of the Controlled Substances Import and Export Act [21 U.S.C. 952]) prohibiting the unlawful import of a controlled substance. This revision would grant the President, subject to congressional review, the authority to (1) authorize the use of military equipment by Federal law enforcement authorities; (2) authorize the use of military personnel to train Federal law enforcement authorities in the use and operation of such equipment; and (3) authorize the use of military personnel to assist Federal law enforcement authorities in the use and operation of such equipment. The type of equipment which may be so utilized is limited. The committee also recommended that this draft legislation contain a provision making it a Federal offense for an American citizen to possess a controlled substance upon the high seas.

2. The committee recommends an amendment to sec. 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) subjecting the proceeds of illegal drug transactions to forfeiture.

3. The committee recommends the following amendments to the Currency and Foreign Transactions Reporting Act (31 U.S.C. 1051 *et seq.*):

(a) Increase the civil penalty set forth in sec. 207(a) [31 U.S.C. 1056(a)] for violations of the act from \$1,000 to \$5,000 in the case of a domestic financial institution; and to \$3,000 in the case of a partner, director, officer or employee of any such institution who willfully participates in the violation;

(b) Increase the criminal penalties set forth in sec. 209 (31 U.S.C. 1058) for violation of the act to \$5,000 and/or 3 years;



(c) Add a new sec. 214 (31 U.S.C. 1063) stating that the Secretary require suitable notice of all reports required under the act be displayed in each domestic financial institution and at each place where officers of Customs regularly discharge their duties under title 19, U.S. Code;

(d) Amend sec. 221 (31 U.S.C. 1081) to require that transactions involving any domestic financial institution shall be reported to the Secretary if they involve the transfer of U.S. currency or other monetary instruments in excess of \$5,000 on any one occasion. Transactions involving an amount not in excess of \$5,000 shall be reported to the Secretary under circumstances deemed appropriate by the Secretary;

(e) Amend sec. 222 (31 U.S.C. 1082) to require that reports of transactions required to be filed contain information sufficient to identify each party thereto or participant therein as the Secretary may require;

(f) Amend sec. 231(a) [31 U.S.C. 1011(a)] to provide that whoever: (1) intends to transport or cause to be transported monetary instruments outside the United States in an amount exceeding \$5,000 on any one occasion shall file a report prior to departing from the United States; (2) knowingly transports or causes to be transported monetary instruments into the United States in an amount exceeding \$5,000 on any one occasion shall file a report prior to or at the time of arrival in the United States; (3) receives monetary instruments at the termination of their transportation by common carrier in an amount exceeding \$5,000 on any one occasion shall file a report; and,

(g) Redesignate subsection (b) as subsection (c) and add a new subsection (b) to sec. 235 (31 U.S.C. 1105) to provide that an officer of Customs may, in exigent circumstances, conduct a warrantless search if he has probable cause to believe that monetary instruments for which a report required under the act has not been filed are in the process of transportation.

4. The committee recommends that H.R. 13876 (94th Congress), the International Banking Act of 1976, be reintroduced. As passed by the House this bill amended the Bank Holding Company Act, the Federal Deposit Insurance Act, and the Federal Reserve Act to regulate, through the Secretary of the Treasury and the Comptroller of the Currency, foreign banks establishing, operating or controlling branches in the United States. This act would subject foreign banking operations in the United States to the same reporting and inspection requirements imposed on member banks in the Federal Reserve System.

5. The committee recommends that sec. 433 of the Tariff Act of 1930, as amended (19 U.S.C. 1433) be amended to require that the master of any vessel of a foreign port or place, or a foreign vessel from a domestic port, or a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, immediately report the arrival of the vessel to the nearest customhouse or other place as the Secretary may designate. The Secretary may by regulation extend the time in which to report, not to exceed 24 hours.

6. The committee recommends that legislation be enacted to regulate the transfer of a controlled substance between vessels on the high seas.

7. The committee recommends the enactment of legislation enabling the Coast Guard to board a stateless vessel on the high seas if there are reasonable grounds to believe that the vessel contains a controlled substance intended for distribution in the United States. Such legislation also would subject persons on board a stateless vessel to U.S. criminal laws, as well as subject the vessel and contraband to forfeiture.

8. The committee recommends that similar legislation be adopted for foreign vessels carrying contraband where there is evidence that such contraband is intended for importation into the United States in violation of U.S. laws.

On July 18, 1976 the White House review of drug trafficking in the Southeastern United States was delivered to the Select Committee on Narcotics, delineating the Federal response to the recommendations made by the Select Committee and outlining the future actions to be taken by the executive agencies. The White House memorandum follows:

THE WHITE HOUSE,  
Washington, July 18, 1978.

#### DRUG TRAFFICKING IN THE SOUTHEASTERN UNITED STATES

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

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

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

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

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

In addition to these initiatives, the President has approved and will submit to the Congress a reorganization proposal which will create a new Border Management Agency to provide more effective inspection upon entry and to strengthen the patrolling activities along the borders. The new Border Management Agency will also be tasked to prepare a comprehensive maritime and air interdiction strategy in cooperation with other Federal agencies.

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

#### I. SOURCE AND TRANSIT COUNTRIES

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

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

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

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

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

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

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

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

## II. FLORIDA

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

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

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

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

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

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

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

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

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

## III. MARITIME AND AIR

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

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

On June 21, the Navy agreed to a Coast Guard request that Navy vessels would report sightings of known or suspected drug smuggling vessels to the Coast Guard. This activity is part of the normal Navy maritime surveillance and is not to interfere with normal Navy operations.

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

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

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

## IV. OTHER ACTIONS

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

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

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

Coordination at the Federal level between the U.S. attorneys and DEA is being increased. In addition, the staff of the U.S. attorneys has been augmented by temporary assignment of three attorneys from the Narcotic and Dangerous Drug Section of the Criminal Division of the Department of Justice, and additional assignments

are under consideration. The Executive Office of the U.S. attorneys is reviewing the possible assignment of additional Federal prosecutors to Miami and Puerto Rico.

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

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

#### V. LEGISLATIVE INITIATIVES

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

Current legislation does not allow the arrest of a person on board a U.S. vessel on the high seas or a U.S. citizen on board a foreign vessel on the high seas who is in possession of large amounts of illegal drugs. The administration is currently preparing comments on H.R. 10371, which will amend the Controlled Substances Act. A pending amendment to the Criminal Code Reform (S. 1437) also addresses this issue. The administration will support enactment of legislation to strengthen enforcement activities in this area.

Other proposals are under study.

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#### VII. POSTSCRIPT

The White House in responding to the committee's concern has planned a comprehensive attack on the Southeastern United States drug trade.

The committee has been impressed with the timely and thorough nature of the report submitted by the White House, and looks forward to the significant achievements this plan proposes on both domestic and international fronts.

The committee will continue as its mandate requires to monitor the effectiveness of the Federal enforcement effort. The committee pledges to do everything it can to relieve this problem and to discourage smugglers by tightening law enforcement efforts in Florida to the point that trafficking will no longer be as profitable as it is today.

The committee regards its activities in south Florida as an example of the results that can be obtained where the public is alerted to the problem and such exposure is coupled with prompt and effective action by the executive and legislative branches.

**END**