

INTERDICTION OF DRUG TRAFFICKING IN LOUISIANA

HEARINGS BEFORE THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL HOUSE OF REPRESENTATIVES NINETY-SIXTH CONGRESS FIRST SESSION

NOVEMBER 19 AND 20, 1979

Printed for the use of the
Select Committee on Narcotics Abuse and Control

SCNAC-96-1-14



NCJRS
JUN 27 1980
ACQUISITIONS

68738

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1980

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

LESTER L. WOLFF, New York, *Chairman*

PETER W. RODINO, Jr., New Jersey	TOM RAILSBACK, Illinois
E (KIKI) DE LA GARZA, Texas	ROBIN L. BEARD, Tennessee
MORGAN F. MURPHY, Illinois	BENJAMIN A. GILMAN, New York
CHARLES B. RANGEL, New York	TENNYSON GUYER, Ohio
FORTNEY H. (PETE) STARK, California	LAWRENCE COUGHLIN, Pennsylvania
GLENN ENGLISH, Oklahoma	ROBERT K. DORNAN, California
BILLY L. EVANS, Georgia	
LEO C. ZEFERETTI, New York	
STEPHEN L. NEAL, North Carolina	
JAMES H. SCHEUER, New York	

Ex Officio

MARIO BIAGGI, New York
CARDISS COLLINS, Illinois
DANTE B. FASCELL, Florida
LINDY BOGGS, Louisiana
BARBARA A. MIKULSKI, Maryland
EARL HUTTO, Florida
ROBERT T. MATSUI, California
GEORGE DANIELSON, California
DANIEL K. AKAKA, Hawaii
MATTHEW J. RINALDO, New Jersey
ROBERT L. (BOB) LIVINGSTON, Louisiana
CHARLES F. DOUGHERTY, Pennsylvania
HENRY HYDE, Illinois
JOHN W. JENRETTE, Jr., South Carolina

COMMITTEE STAFF

PATRICK L. CARPENTIER, *Chief Counsel*
ALMA E. BACHRACH, *Chief of Staff—Supply*
ROBERT M. HUNDLEY, *Chief of Staff—Demand*
ROSCOE B. STAREK III, *Minority Counsel*

TASK FORCE ON LOUISIANA TRAFFICKING

ROBERT L. LIVINGSTON, Louisiana, *Task Force Chairman*

LESTER L. WOLFF, New York	TOM RAILSBACK, Illinois
FORTNEY H. (PETE) STARK, California	BENJAMIN A. GILMAN, New York

TASK FORCE STAFF

PATRICK L. CARPENTIER, *Chief Counsel*
ROSCOE B. STAREK III, *Minority Counsel*
JOHN W. PEPLOE, *Chief of Security/Investigator*

CONTENTS

	Page
Monday, November 19, 1979	1
Opening statement of Congressman Tom Railsback	1
Opening statement of Congressman Fortney H. (Pete) Stark	4
Testimony of Bill Elder, anchorman for channel 4 (CBS)	5
Testimony of Col. G. W. Garrison, deputy secretary, Department of Public Safety, Louisiana State Police	9
Testimony of Capt. Donald Reed, Narcotics Division, Jefferson Parish Sheriff's Office	13
Testimony of Sgt. Joseph E. Branham, narcotics officer, New Orleans Police Department	15
Testimony of Arthur Cope, investigator, Plaquemines Parish District Attorney's Office	18
Testimony of Stevens E. Moore, project director, Desire Area Community Anti-Crime Project, accompanied by Jean D. Smith, Outreach rehabilitation counselor, Desire Outpatient Clinic, Desire Narcotic Rehabilitation Center	33
Testimony of Ronald Fonseca, Assistant U.S. Attorney, New Orleans Office..	41
Testimony of Patrick Fanning, assistant district attorney, New Orleans ...	42
Testimony of James W. Thornton, national field representative, National Treasury Employees Union, accompanied by Argent Acosta, president, Local 168, NTEU; Barry Cobb, vice president, law enforcement, Local 168, NTEU; William F. Crane, customs inspector, treasurer, NTEU; John Fuller, executive officer, Local 168, NTEU; and Niels Nielson, executive officer, air arm, Local 168, NTEU	53
Prepared statements:	
Prepared statement of Col. G. W. Garrison	65
Prepared statement of Arthur O. Cope	67
Prepared statement of Stevens E. Moore	69
Prepared statement of Ronald A. Fonseca	72
Prepared statement of Patrick J. Fanning	73
Tuesday, November 20, 1979	75
Testimony of Charles W. Fisher, Regional Commissioner, Region V, U.S. Customs Service, accompanied by Jerry E. Medford, Regional Patrol Director, Herbert T. Fink, New Orleans District Director; and William E. Meyers, Special Assistant to the Regional Commissioner (Enforcement Support)	76
Testimony of Claude H. Reese, director, office of the mayor, Bureau of Drug Affairs, New Orleans, La	97
Testimony of Rear Adm. Paul A. Yost, commander, 8th District, U.S. Coast Guard, accompanied by Capt. Clyde T. Lusk, Jr., Chief of Operations, 8th District, Comdr. Charles Morgan, Chief of Intelligence and Law Enforcement, 8th District, and Comdr. Howard B. Gehring, Commanding Officer, Cost Guard Cutter <i>Dependable</i>	102
Testimony of Michael Downs, Assistant Special Agent-in-Charge, New Orleans Office, accompanied by Ray Egan, Special Agent, New Orleans District Office, Drug Enforcement Administration	115
Testimony of Capt. Clyde T. Lusk, Jr., Chief of Operations, 8th District, U.S. Coast Guard; Michael Downs, Assistant Special Agent-in-Charge, New Orleans District Office, DEA; William E. Meyers, Special Assistant to the Regional Commissioner, Enforcement Support, U.S. Customs; and John Elliff, Assistant Regional Director of Patrol, U.S. Customs	126
Prepared statements:	
Prepared statement of Charles W. Fisher	136
Prepared statement of Ernest N. Morial, mayor of the city of New Orleans	138
Prepared statement of Rear Adm. Paul A. Yost	139
Prepared statement of Michael Downs	141

INTERDICTION OF DRUG TRAFFICKING IN LOUISIANA

MONDAY, NOVEMBER 19, 1979

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
New Orleans, La.

The Select Committee met, pursuant to notice, at 9 a.m., in room 125, Hale Boggs Federal Building, Hon. Robert L. Livingston (acting chairman of the Select Committee) presiding.

Present: Representatives Robert L. Livingston and Tom Railsback.

Staff present: Patrick L. Carpentier, chief counsel; Roscoe B. Starek III, minority counsel; and John W. Pelpoe, chief of security/investigator.

Mr. LIVINGSTON. Ladies and gentlemen, the task force of the Select Committee on Narcotics Abuse and Control will come to order.

I want to thank everybody for being here with us today and introduce the people before you at this time.

To my left I am glad to welcome Congressman Tom Railsback of Illinois.

Tom, we are glad to have you here with us.

To my right I have Mr. Patrick Carpentier, the chief counsel for the committee.

Over here on my further left I have Roscoe Starek, the minority counsel, and also on the far left, Mr. Jack Pelpoe, staff investigator, and a member of my own staff, Mr. Bob Genzman on my far right.

The Select Committee on Narcotics Abuse and Control was created in July 1976, to undertake a comprehensive review of drug abuse and its impact on American citizens. Since its inception, the committee has played an important role in stimulating congressional and executive agency activity in the drug area.

Under the leadership of Chairman Lester L. Wolff, the committee has investigated programs for drug prevention, treatment, and rehabilitation, as well as drug enforcement efforts, both domestic and international.

This committee confronts a massive problem. The illegal traffic in narcotics is draining away \$25 billion a year from the U.S. economy, a sum exceeded only by the amount spent abroad for foreign oil. The use of drugs is spreading to younger and younger children. No region of the country is immune.

All of us on the committee recognize that the elimination of illegal drugs at their source is an effective method to control drug

abuse. But we also know that this is not altogether possible, and thus enforcement, prevention, education, and rehabilitation are all necessary to help stop this ever growing menace.

In June 1978, the Select Committee held 2 days of hearings in Fort Lauderdale, Fla., to examine the efforts by Federal, State, and local law enforcement authorities to limit the massive influx of illicit drugs smuggled into the United States in the south Florida area.

The Select Committee made a number of recommendations following the hearing, many of which were adopted by the appropriate agencies. Additional Federal law enforcement personnel and more sophisticated equipment in south Florida have helped increase the number of seizures and reduce trafficking activities in that region.

I became a member of the committee in the spring of this year. As a former prosecutor, I recognized the alarming dimensions of America's drug problem, and as a father of three boys I was determined to do my part to seek solutions to this problem and help put them into use.

This past summer I informed the committee of my concern about increased drug trafficking in Louisiana. As a result of the stepped up efforts in south Florida, traffickers are searching for other points of entry into the United States. One of these alternative sights is the gulf coast, particularly the New Orleans area.

Over the past few years large-scale smuggling activities have greatly increased in the coastal area surrounding New Orleans. From January 1, 1978 through January 31, 1979—13 months—one-third of a million pounds of marihuana, having an estimated street value in excess of \$100 million, was seized in the New Orleans gulf area.

The close proximity of source countries to the central gulf coast area and its miles of open beaches and coastal islands constitute a highly attractive landing sight for contraband.

In Louisiana alone there are 337 miles of coastline and 6,563 miles of shoreline which complicate efforts to detect and seize smugglers. Moreover, as we all know, the weather conditions are very favorable to year-round boating activity.

Finally, the enormous use of small craft, particularly shrimp and other supply vessels, are particularly suitable for conveying and concealing illicit drugs. I, therefore, asked Chairman Wolff to authorize regional hearings here in New Orleans to investigate the extent of drug trafficking in this region, and determine the responses by Federal, State, and local agencies to the problem.

The conditions warrant swift action. These hearings will serve as the beginning of our efforts to help strengthen and coordinate the State and Federal enforcement effort in this area.

I would like, particularly at this time, to thank Chairman Wolff for authorizing these hearings, and I would also like to thank Congressman Stark, a vital member of this committee who, we understand, may be on his way shortly, and we have not gotten definite word if his plane has gotten in. He has been kind enough to lend his help to these hearings.

And I would also particularly like to thank my ranking minority member, Congressman Tom Railsback, who I have introduced to

you, for joining me today, and our colleagues, David Treen and Lindy Boggs, have also been a great help in formulating these hearings.

We hope that they might have an opportunity to stop by throughout the course of these hearings. But even if they do not, I want to tell you who are here with us today and the general public that they have been invaluable in our efforts to undertake these activities of this committee.

I might also like to thank the members of the staff, Patrick Carpentier, chief counsel, Ross Starek, minority counsel, and Jack Peplow who has done an outstanding job in coming down here and doing advance investigation of all of the material that is going into these hearings. All of these people have worked very hard to present what I think will be very meaningful testimony on this very important issue.

Let me also recognize and thank for being here Mazie Pope who is a staff member of the President's Office on Drug Policy.

Ms. Pope, we are very delighted to have you join us here today, and we look forward to any comments that you might wish to give us.

Our mission, though, during these hearings will be to identify the seriousness and the extent of the problem in our area.

And to seek reasonable and practical solutions to this very enormous problem we have assembled a group of distinguished witnesses who will share with us their extensive knowledge about the drug abuse problems in the New Orleans area, drug trafficking along the gulf coast, and the law enforcement community's efforts to reduce illegal smuggling and we are looking forward to hearing the various witnesses who will talk to us.

Ladies and gentlemen, once again I want to thank you for coming out and being with us today, and thank in advance those witnesses who are going to appear before us. I would expect that since Mr. Stark is not here at this time, we would like to introduce his statement for the record and give him an opportunity to comment on that, when and if he comes to the committee later on in the course of the hearings.

At this time, then, I would like to recognize my friend and colleague, Tom Railsback, from Illinois, to give us his comments about the importance of these hearings.

Mr. RAILSBACK. Thank you very much, Mr. Chairman, and I will be very, very brief.

I would like to have my statement inserted in the record.

Mr. LIVINGSTON. Absolutely.

Mr. RAILSBACK. I want to join with you in thanking the chairman of the Select Committee for authorizing what I think are most important hearings. And from all that I have read, drug trafficking in the gulf coast area is literally rampant and is increasing at an alarming rate.

Those of us who are on the Select Committee and are not from a coastal area particularly sensitive to the entry of drugs, such as the Florida coast, the Louisiana coast, or California, are very fortunate that we have some members on the committee, I think about three, who do represent these areas.

I want to say we are here today, Mr. Chairman, because of your concern, and I want to commend you for that concern.

I have had a chance to read some of the prepared statements. I think there is some most interesting, and even alarming information which will be revealed today.

What I would like to do is hear from the witnesses rather than read the rest of my statement. Thank you.

Mr. LIVINGSTON. Thank you very much. Your statement will be introduced into the record as if it were read, and Mr. Stark's statement will similarly be introduced, without objection.

[The opening statements follow.]

OPENING STATEMENT OF HON. TOM RAILSBACK

Thank you, Mr. Chairman, I wish to join with you in thanking the Chairman of the Select Committee, Lester Wolff, for authorizing these most important hearings. From all that I have read, drug trafficking in the Gulf Coast Area is rampant and is increasing at an alarming rate. Federal, State and local law enforcement are working diligently to meet this ballooning problem which is approaching a crisis situation, yet they are faced with a serious lack of manpower and equipment. Local police appear to be understaffed, and likewise, our federal officials have far too few personnel and suffer from a shortage of equipment and adequate training. The officials appear dedicated, but the lack of resources hamper their effectiveness when they are confronted by sophisticated trafficking and smuggling operations.

We have seen in South Florida that a dedicated, coordinated effort supported by sufficient financial commitment does insure that all levels of law enforcement can effectively thwart and limit illicit drug trafficking. The number of seizures by all narcotics law enforcement personnel in South Florida has increased dramatically over the last year, and the same can be done here once the commitment has been made.

It seems that coordinated efforts such as Gulf Net 1979 are the appropriate avenues to follow for effective enforcement and increased interdiction in a coastal region such as Southern Louisiana. While I have several reservations about this specific program, nonetheless, the concept of a unified, coordinated approach with effective communications could be the most efficient approach in curtailing major traffickers, DEA, Customs and the Coast Guard seem to recognize that coordination is the key to effective law enforcement.

The proximity of the Gulf Coast region to producing countries along with the unique geographic and weather conditions in this area make smuggling extremely difficult to detect and therefore very attractive. Severe penalties for trafficking, such as those prescribed by Louisiana law, are not sufficient to deter traffickers from this lucrative business when the risk of being caught is minimal. Thus, local, parish, State and federal enforcement efforts must be strong enough to increase the likelihood that more traffickers will be caught.

Mr. Chairman, a year and a half ago, we learned that the hole in the dike for drug trafficking was located in South Florida. Our evidence indicates that plugging that hole has only resulted in another hole right here in the New Orleans area, I hope that our deliberations today will help us find an effective way to halt this new trend without jeopardizing any other vulnerable areas. You have assembled a distinguished set of witnesses, and I look forward to what I believe will be enlightening and productive remarks.

OPENING REMARKS BY REPRESENTATIVE FORTNEY H. (PETE) STARK

On behalf of Chairman Lester L. Wolff and the other Members of the House Select Committee on Narcotics Abuse and Control, I want to express our appreciation for the cooperation shown by Federal, State, and local officials in appearing for our hearing in New Orleans to examine the illicit drug trafficking situation into Louisiana. It is always a pleasure to visit New Orleans and to enjoy your warm hospitality. We are most grateful for the excellent accommodations provided to conduct our hearing.

The trafficking into South Florida had by 1977 and 1978 reached alarming proportions and was the subject of an investigation by our Committee. To meet this threat there has been concentrated counteraction by Federal, State, and local authorities

working in close cooperation, with a decided reduction in the trafficking in that area.

There is now concern, however, that due to the increased law enforcement in South Florida, the traffickers are shifting away from that area to other coastal areas including Louisiana. We are here today to try to determine the extent of the increased trafficking in Louisiana and the effectiveness of the countering efforts of Federal, State, and local law enforcement agencies.

At this time, I want to turn the chair over to my colleague, Congressman Robert Livingston, an ex-officio member of our Committee whose District is in New Orleans and who—as a former prosecutor—is most familiar with the problem law enforcement faces in combatting this deadly menace to our society.

Mr. LIVINGSTON. With that, ladies and gentlemen, unless there are any additional comments from counsel, we will go ahead and start with the agenda.

At this time, I am very, very pleased to introduce to the panel a man who has been active in public life here in New Orleans for a very long time, Mr. Bill Elder, the anchorman for channel 4 news. And Bill we do welcome you. But as a matter of policy, we would like to swear you in as a witness and then we will look forward to hearing your comments.

Would you raise your right hand.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

**TESTIMONY OF BILL ELDER, ANCHORMAN FOR CHANNEL 4
(CBS)**

Mr. ELDER. I do.

Mr. LIVINGSTON. Fine. Thank you very much. That is a policy I hope you understand that we engage in on this committee.

Bill, coincidentally, as you may know, we contacted you and told you of our intent to conduct these hearings. And I understand, that you have independently done an amazing amount of work on this same issue. And I want to commend you on that work in advance and extend a very strong welcome to you.

We look forward to taking your comments, which are being recorded, back with us to the full committee on the Select Committee on Narcotics Abuse and Control, and also I understand you have some exhibits, some film work that you put together, and we would like with your permission to take those up.

Mr. ELDER. Absolutely. Thank you very much.

May I say at the outset how very pleased my station and I are at your coming here to take the time to look into this terrible trafficking problem.

We have been tracking the drug problem for some time now. Several years ago my station sent me to Mexico where we looked into the so-called Mexican connection, whereby marihuana and worse drugs like brown heroin were being channeled from that country into this country.

Three months ago we began looking into the Colombian connection after a large increase in the flow of marihuana, cocaine, and Quaalude traffic began coming into the coastline of this State.

We had originally planned to air our series of reports tonight and the timing of your hearing was coincidental, I can assure you.

We would like to call your attention to the monitors around the room, and we set them up very hastily this morning, but we hope everything runs right.

Go ahead and start it now.

[Video tapes being shown.]

Gentlemen, please excuse some of the technical stuff that we had to go through to get these tapes on the air. This thing came up rather quickly.

At the outset, we told you that this is a five-part series. And the fourth part is still being put together. It has to do with why you are down here and that is to find out what law enforcement is doing to stem the control of narcotics coming into this region.

The effort being put forth by law enforcement, both at the Federal, State, and local level, is in our opinion equivalent to a recruit infantry platoon doing battle with a division of highly seasoned Green Beret.

An example of that is the Government's own statistics as reported in a U.S. Custom's news release noting the achievements of operation Gulf Net 79, which you have a copy of.

Operation Gulf Net 79 cost the taxpayers more than one-half million dollars and went for about 2½ months. Some of the achievements it boasts of would be laughable if the consequences were not so serious

Operation Gulf Net, which included the Customs Department, the Coast Guard, and Drug Enforcement Administration, could only involve itself in 24 incidents, most of which were so minor that they involved things like seizure of 1 gram of marihuana, arrests of a stowaway, money seized but no arrests, and minor things such as that.

There were, of course, several instances of large loads being stopped, but in most cases the violators were caught by accident or blind luck.

It is not to say that the people at the bottom were not well intentioned. The policemen were well intentioned. Well, something went wrong somewhere. The legitimacy of this report is highly questionable.

For instance, this report was signed by the regional director, Mr. Fisher, and he says in it that most of our drug seizures are marihuana related and, consequently, our air and land programs support that marihuana effort.

Two other areas where improvement could be made were in the detector dog and air support programs.

He mentions in here that marihuana interception is their main weapon. Yet they have a rag-tag fleet of two patrol boats, either of which would reach the first buoy on the Gulf of Mexico and return without refueling.

You have to ask the question, why does Customs try to operate with a rag-tag fleet of confiscated hand-me-down aircraft that a private pilot would be afraid to fly? I had an opportunity to fly with them the other day and I did not get the answer.

Other questions must be asked such as why was the New Orleans DEA office downgraded from a regional office to a district office? Why was the task force, region 5, dissolved when it was working so highly successfully in other areas of the country?

Why is there no common communication system between the Federal agencies to facilitate cooperation when they are on an operation?

Why is it Customs does not use sniffer dogs at all when they prove to be so highly successful in other areas?

Why is it that the DEA mission is to deal with class 1 and class 2 violators, top echelon people, and ignore the middle people who are the distributors, people such as the Latins in Miami, the Cubans who are distributing not only narcotics but their own brand of justice.

You know, talking about class 1 and class 2 violators, I picked up this Miami Herald on one of my trips to Miami back in October, October 27, and turned to the jump page and found the name of a New Orleans racket figure, Carlos Marcello, prominently mentioned in one of their celebrated drug cases known as the "Stick."

Carlos was mentioned in a deposition by the star witness having been an intermediary between the buyers and the smugglers.

When I showed this newspaper to a number of Federal officials here in New Orleans they looked amazed. When I asked what role he might be playing in local drug trafficking, they all shrugged their shoulders and said, "Beats the hell out of me."

The right hand doesn't know what the left hand is doing. That is it.

Mr. LIVINGSTON. I congratulate you on an outstanding series. I look forward to seeing that last sequence. That is an extremely professional presentation and has taken a great deal of work. This is obvious from the quality of the film, and you have raised some very thought provoking questions that I hope we can answer in the coming hours, both today and tomorrow.

How did you happen to get involved in this particular series?

Mr. ELDER. It was a story that just needed to be told. It was out there, just so much money involved. You look at billions and billions of dollars. Really, we have just creased the top of the iceberg with this story.

I could make allegations, but I couldn't back them up right now. But I suspect the corruption goes a lot deeper than what we think at this point.

Mr. LIVINGSTON. Well, I would like to think you are wrong.

Mr. ELDER. I would like to, too.

Mr. LIVINGSTON. If it does, the only way that we are going to find out is through exposes such as your own, and I want to commend you on your bringing this to the attention of the public.

Could you give me your view of the role of the media in problems such as these?

Mr. ELDER. It is difficult to get the attention of the public with drug stories these days because they have heard it so many times. That is one of the problems in this industry, people get burned out on a particular subject just as they do on entertainment programs. After a while their appetite isn't satisfied and they are looking for new things.

I think that is one of the reasons that the media has not paid that much attention to what is happening here in recent months and particularly in the last year.

Mr. LIVINGSTON. It is easier to close your eyes and look to other problems.

Mr. ELDER. Absolutely.

Mr. LIVINGSTON. This is one of the most severe problems that the Nation faces. So if more people would do as you are doing and bring it to the forefront, perhaps we could be a little bit more successful in combating it.

Tom, do you have any questions?

Mr. RAILSBACK. Yes; I do, but not very many.

I want to congratulate you; I thought the series was excellent.

The thrust of the series seems to be with distribution rather than usage domestically. Have you seen an increase in usage in, say, the New Orleans area, or was your concern primarily the distribution network?

Mr. ELDER. It was primarily with the distribution, because if you can cut that off, you don't have a problem with usage.

Mr. RAILSBACK. Does New Orleans have a serious drug problem, would you say?

Mr. ELDER. As much as any city across the Nation, but this is an entry point for those narcotics and it just doesn't stop here. From here it goes throughout the country, and that is why Congress and the entire country should be concerned with what is going on here.

You have got a major war on your hands. I do not believe that the agencies that are assigned right now to try to stop it can do any more than what they are doing—well, they could do more. There could be a lot more coordination, as we pointed out, but it will take a serious effort, using the U.S. Navy and elements of the Air Force, the Reserves.

Mr. RAILSBACK. What about radar or the absence thereof for low-level aircraft? Did you do any research into whether low-level radar could be feasible?

Mr. ELDER. As a pilot myself, I know. I fly out to the gulf quite often and fly in and nobody challenges me so why should they challenge them?

We had a story about 5 or 6 years back which got some national attention. Thirteen Cubans who were on a trade mission and left Cuba and flew right on into New Orleans International Airport.

Mr. RAILSBACK. This worries me from the standpoint of national security.

Mr. LIVINGSTON. That was about 15 years ago.

Mr. ELDER. Quite a few years back. They didn't even fly low, came on in.

Mr. LIVINGSTON. We still have not conquered that problem, that is right.

Mr. RAILSBACK. What about the attitude of the Government people that you interviewed or dealt with? Was their attitude good? I am curious as to whether your conclusion would be that there is a serious lack of sufficient airplanes, equipment, monitoring equipment, surveillance equipment, and adequate personnel? Based on your experience, do you fault some of the personnel themselves?

Mr. ELDER. Yes, I would have to. I would have to fault the higher-ups in these departments. They have just accepted what they have been given. I don't think that they have really fought to get the necessary equipment that they need.

It is laughable to say the thrust of your attacks in the marine area and you had two outboard motorboats that were really fishing boats at best. Why not use some of these boats that are used in

Vietnam, the patrol boats that were manufactured for the canals. They are very fast and can run in 6 inches of water. Why not use 20 or 30 of them down here instead of two fishing boats?

Mr. RAILSBACK. I am inclined to agree with you. One of the reasons for this hearing is for us to determine the extent of the problem, and the scope of the problem.

Hopefully, we will be able to go back to Washington and based on some of the information that we hear make some positive recommendations. We do have drug enforcement and White House representatives here. In conclusion, I would say to you that by focusing on the problem I think that you have helped us with some meaningful recommendations.

Thank you.

Mr. ELDER. Thank you very much.

Mr. LIVINGSTON. Thank you very much, Bill.

Ladies and gentlemen, we will go on with the schedule shortly. We are going to take a brief recess while the camera people dismantle these monitors that they have been kind enough to set up for us.

Thank you. We will come back in 20 minutes.

[Brief recess.]

Mr. LIVINGSTON. The hearing will come to order.

At this time we will take the second panel comprised of Sgt. Joseph E. Branham, narcotics officer with the New Orleans Police Department; Capt. Donald Reed, Narcotics Division, Jefferson Parish Sheriff's Office; Mr. Arthur Cope, investigator, Plaquemines Parish District Attorney's Office, and Col. G. W. Garrison, deputy secretary, Department of Public Safety, Louisiana State Police.

I might state for the record we had invited a representative from the St. Bernard Parish Sheriff's Office, but I was informed a little while ago that they may not be able to appear before us today. If they decide at a later time to submit a statement, we will be happy to introduce it as a matter of record.

Would these gentlemen, if they are here, come forward here and align yourselves at the table. We will proceed.

Gentlemen, we are delighted to have you here today and I appreciate your coming and preparing your statements for our record.

You may feel free to handle it any way you wish. You may read from your prepared text or ad lib. If you prefer to ad lib, we will be happy to introduce your prepared text into the record. We do appreciate your being here.

Colonel Garrison, if you would like to lead off, we would enjoy hearing from you.

Excuse me. Because of the practice of the committee, if you all will rise, I would like to swear you in at this time.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

**TESTIMONY OF COL. G. W. GARRISON, DEPUTY SECRETARY,
DEPARTMENT OF PUBLIC SAFETY, LOUISIANA STATE POLICE**

Colonel GARRISON. I do.

Captain REED. I do.

Mr. COPE. I do.

Sergeant BRANHAM. I do.

Mr. LIVINGSTON. Thank you.

Colonel GARRISON. My name is Col. G. W. Garrison. I am the deputy secretary for the Department of Public Safety and also serve as head of the Office of the Louisiana Police.

I would like to thank you, Mr. Chairman, and members of this committee for the opportunity to appear here today and the emphasis that you are putting on the drug problem that we see and feel on a daily basis in the State of Louisiana.

Like our neighboring States, we share the position of serving as corridors for the introduction of drugs from South America to the continental United States. Uppermost in our minds is the fact that no agency alone, State, local, or Federal, can have any significant impact on the illegal importation of these drugs.

To effectively combat this menace, cooperation among all agencies is the principal factor. Singly, our resources are limited and isolated and often overlapping in investigative efforts. Cooperatively, our efforts can be very successful in making this activity very risky and less profitable for the drug smugglers with proper resources and proper manpower manipulation.

On behalf of the State police, we have full State police power within the State of Louisiana, including the narcotic laws of the State.

We have a total of 48 officers out of a total complement of about 850 that serve solely in narcotics investigation. This is good in one respect and not so good in others because a lot of the parishes in this State are strictly rural parishes, having sheriffs offices that consist of perhaps one, two or maybe even three deputies.

In discussing the narcotics problem, from the kid using marijuana on the street corner or at the ball game, which is a tremendous problem to the local people there, we have to get involved. This gets into our manpower allocation but that, to them, is a tremendous problem. And we must assist.

To us the user is not perhaps nearly so important as a smuggler or as a distributor, but to them it is a big thing. And, therefore, we get involved with many sheriffs offices on smaller cases like that which does take up time and does take up manpower.

For the 5 years prior to 1978, our narcotics section was funded wholly or in part by the Law Enforcement Assistance Administration grants. Since 1978, the State legislature has seen fit to pick up the entire bill for the narcotics section, and we have added to it slightly.

We, like many other States on the gulf coast, are experiencing a narcotics problem that we see growing almost daily. We have two major problems in narcotics, two principal problems within the State.

One is the narcotics smuggling problem, and another is the diversion of legal drugs, and addressing the two I would like to at first address the problem as we see it of large-scale smuggling.

It was in May 1976, 3½ years ago, the first local smuggling case of any significance took place. State police agents along with agents of the DEA and Mississippi authorities seized 9 tons of marijuana, arrested five persons in Mississippi and Louisiana in a joint effort.

The marihuana, as far as we know, was brought up the Pearl River which is the boundary between the States of Louisiana and Mississippi.

Next came the first of what we feel was a totally Louisiana-based operation. In February 1977, over 18 tons of marihuana was seized in Livingston and Washington Parishes with six persons being arrested. This case seemed to set a trend for future enforcement problems.

Of those six arrested, two of the principals were sentenced to only 1 year in jail and a \$10,000 fine.

Since February 1977, large-scale marihuana smuggling has taken a sharp rise as the following cases will point out.

From June 1977 until July 1979, and they are listed in my testimony for the record, a total of 262,143 pounds of marihuana was seized with cooperation of DEA, Customs, local and State agencies. These are some of the larger ones, not the 400 or 500 pound seizures we have also intercepted. These are the smuggling efforts that we have taken part in. These cases will show the upsurge of smuggling organizations using Louisiana as a base for unloading and storage and distribution of marihuana.

Not too long ago in the southwestern part of the State we picked up two of the piggyback type operations, ship by rail, under a bill of lading that was brought in by boat and placed on train in front of everyone to ship by rail throughout the course of the United States. We picked it up just prior to it being unloaded onto the train.

It appears to me that the large increase of enforcement effort in the Florida area is beginning to force a westward movement of many smuggling operations. This movement, along with thousands of available offloading sites, is the source of our problem.

Geographically, I have been told that Louisiana has the largest coastline in the country, the myriad bayous inlets, bays and rivers of any coastline in the United States.

It is noteworthy to point out that our State legislature is working with us very, very well in an effort to fight this problem. We have in the past legislative session this summer passed a law that set what we call the smuggling penalties, and may I add that this bill was passed through our legislature with only one dissenting vote.

For anything over 100 pounds or more but less than 2,000, it is a mandatory not less than 5 nor more than 10-year penalty and a \$25,000 fine.

For 2,000 pounds or more but less than 10,000 it is a mandatory 10 years but not more than 15 years and a \$50,000 monetary fine.

For 10,000 pounds or more, not less than 15 years nor more than 20 years and to pay a fine of no less than \$200,000.

Possession of cocaine, 28 grams or more, no less than 5 years or more than 30 and a \$50,000 fine.

For 200 grams or more it is 10 years and \$100,000, and 400 grams or more, not less than 15 nor more than 30 years.

And may I add that all of these penalties are set forth without benefit of probation, pardon, or parole.

You can see that our State is supporting us in our efforts to stop the smuggling problem.

Only since my prepared testimony was given to the committee Thursday, on that same day we picked up a sailboat in the south-western part of the State with 2½ tons that was abandoned on a mudflat. It was so loaded it couldn't get in to the shoreside at low tide. There were three arrests and 250 tons of marihuana.

This past Friday, a plane seized with 200,000 Quaaludes and 4 tons of marihuana. There were 12 arrests, none of these from the Louisiana area, primarily from Florida and California. So I think you can see the movement that is occurring in Louisiana today.

I feel that the positive action taken by this legislature and these penalties will assist us in the State courts.

I still think that, regardless, none of us singly were able to make any significant impact upon the smuggling problem, I think it must be a combined effort of radio communications. Communications among the various agencies is virtually nonexistent. We have borrowed frequencies of the Federal agencies to work on particular cases with them. Communication is a vital link. Their operations are much more sophisticated than ours. Their resources are unlimited.

We have got to have our resources combined to make a concerted effort against the smuggling problem.

In conclusion, I would like to briefly address, although not perhaps as directly related to smuggling, the problem of the diversion of legal drugs in the State of Louisiana. This is getting to be of monumental proportions.

The reason I bring this out is because it, too, must have the cooperation of all agencies, State, Federal, and local.

I must at this time establish priorities in the diversion of legal drugs and smuggling. I must set priorities, and we know that much of what we would like to do remains undone.

Frustratingly enough, we know that we don't have the resources to get to the bottom of the stack that we would like to, so all of us set our priorities.

In the diversion of legal drugs, in 1978 in Baton Rouge one druggist was arrested and later convicted. Within days of his arrest the price of Dilaudid in certain areas of Baton Rouge was double, only within a period of days.

It is my intention to go before the Louisiana Legislature next year and ask for an increase in total manpower, some of that manpower being directed toward the narcotics problem that I feel we face.

With statewide jurisdiction it is only proper that we should be one of the first agencies that many of the sheriffs offices should go to. It is very frustrating for them to come to me and for us not to have the manpower to assist a sheriff's office because they may be in the northern or southwestern part of the State.

It is my intention to ask for additional State Police personnel. In addition to that, I intend to ask for more people in order to create the DIU units to get to the diversion of legal drugs.

With this increase in manpower and what we hope would be the greater cooperation between Federal, State, and local agencies, and the Drug Diversion Unit, I hope that we can do much more than we have been doing in the past on the smuggling operations and the diversion of legal drugs in this State.

Thank you very much.

[Colonel Garrison's prepared statement appears on p. 65.]

Mr. LIVINGSTON. Thank you very much, Colonel Garrison.

Rather than question you on your statement at this time, if you will have a seat, we can go ahead and hear from Captain Reed of the narcotics division of the Jefferson Parish sheriff's office. We will have all of your statements and ask you to sit and answer questions after everyone has presented his statement.

**TESTIMONY OF CAPT. DONALD REED, NARCOTICS DIVISION,
JEFFERSON PARISH SHERIFF'S OFFICE**

Captain REED. Mr. Chairman, members of the committee, I would like to thank you for granting me the opportunity to appear before you this morning. My name is Don Reed, and I am a captain with the Jefferson Parish sheriff's office and commander of its narcotics division.

Jefferson Parish is located west of the city of New Orleans. The shores of Lake Pontchartrain border it on the north, as it stretches 60 miles to the Gulf of Mexico on the south, with St. Charles and Lafourche Parishes on the west, and Orleans and Plaquemines Parishes on the east.

It straddles the Mississippi River and covers a 608-square-mile area—369 square miles of this represents actual land area. Jefferson's population has spiraled over the last number of years to a figure nearing 500,000 persons.

The sheriff's office, narcotics division, which has the drug law enforcement responsibility for this area, has 21 agents assigned to it. These agents are broken down into four subdivisions: enforcement, narcotics intelligence, airport detail, and drug detector dogs.

The lifestyles in Jefferson are varied. While it is the bedroom community of New Orleans, it has many urban characteristics, from the blue collar workers of the river front and its industry to the fishing communities of the municipalities of Lafitte and Grand Isle, and, of course, its miles and miles of coastline. This makes it particularly vulnerable to all phases of drug abuse. All of this leads to certain problems which I will briefly explore by category.

First, Metropolitan New Orleans has not traditionally been known to be a source city for heroin or opiates. However, recent surveys and intelligence indicate that heroin use and availability is on the rise. This in itself is alarming.

However, more disturbing is the fact that white heroin, or more specifically, Mideast Asian heroin is starting to appear on the streets again. Talwin and Pyribenzamine, which are being used as heroin substitutes, are readily available on the illicit market, as are Dilaudid and Demerol.

The diversion of these drugs remains a serious problem in the Metropolitan New Orleans area.

Second, as would be expected in a suburban community, cocaine and PCP are presenting a serious threat and I am convinced we have become a transshipment point, if not a source city, for these drugs.

And third, marihuana, needless to say, is the main drug of abuse because of the misguided social acceptance and the reluctance of

the courts to impose stiff sentences on individuals convicted of distributing this substance.

Even more alarming than the above-described problems is the increase in the smuggling activities along our coastline. Increased enforcement efforts and seizures in the Florida area are forcing smugglers further west along the gulf coast.

Louisiana with its miles of coastline, inlets, and its fishing industries, and more particularly New Orleans with the Mississippi River corridor that houses the country's second largest port, not to mention the New Orleans International Airport and the numerous private airports and landing strips, make this area ideal for smuggling activities.

Due to the complexity of enforcement efforts against smuggling activities, it becomes increasingly apparent to all involved that the strain on the manpower of all participating agencies is taxed to its limits. Couple this with the fact that in most instances the smugglers have better equipment, better communication, and would appear to have unlimited funds.

It is appropriate at this time that I state that cooperation between local, State, and Federal law enforcement agencies is excellent. However, the ability of the Drug Enforcement Administration to assist local enforcement efforts are on many occasions hampered by the G-Dep guidelines.

In addition, Federal funding for local drug enforcement activities in this area, to my knowledge, are presently nonexistent, even though previously funded programs were lauded as being highly successful. The problems and frustrations faced by local enforcement agencies in the areas of drug enforcement are numerous, a few of which are as follows:

Due to FCC regulations, radiofrequencies for local and State police agencies are mixed with that of all other public services and public records are available to anyone who desires them. Equipment to monitor these frequencies is commercially available at minimal cost and is utilized on a regular basis by violators.

The cutback in LEAA-sponsored drug enforcement programs has seriously hampered local enforcement efforts against midlevel violators.

The reduction of manpower and funding for the Drug Enforcement Administration, New Orleans office, is severely limiting the amount of assistance that this agency can render to local and State agencies, and has resulted in the reduction of manpower allocated to their compliance section and to the airport detail.

There is a reluctance for airline, hotel, and car rental employees, et cetera, to provide law enforcement personnel with information that they have legally obtained within the scope of their normal duties because they fear civil liability.

Enforcement efforts are hampered by the lack of a State law allowing court-approved electronic surveillance.

Guidelines have been imposed by the courts upon the Internal Revenue Service which limit their ability to seize moneys obtained through illegal enterprises.

Judicial apathy which results in probated sentences, lower bonds, and abuse of plea bargaining forces officers to continuously investigate and arrest the same individuals over and over again.

I could go on and on but time doesn't permit.

In closing let me state that it is my opinion that the drug problem in Louisiana is increasing and that the cooperative effort of local, State, and Federal authorities is admirable.

However, if we are to win this war it will be necessary for all concerned to evaluate their priorities and to receive support from Federal and State Governments in the area of increased manpower and equipment.

Once again I would like to thank you for allowing me to appear here today and I would like to say to you that it is encouraging to drug enforcement officers throughout this State that the members of the committee saw fit to take their valuable time to listen to our problems.

I thank you.

[The attachment follows:]

SITUATIONS LEADING TO NEW ORLEANS BEING A TRANSSHIPMENT POINT FOR
SMUGGLING OPERATIONS

1. Unique coastal formation and large commercial fishing industry.
2. New Orleans has the second largest port in U.S., in addition to New Orleans International Airport and two private airports.
3. Literally hundreds of locations where planes can off-load.
4. Large Spanish-American community.
5. Proximity by air and water to South and Central America and Mexico.
6. Proximity by auto to such source cities as Miami, Atlanta, Houston, and to the Mexican border.
7. Increased enforcement efforts and seizures in Florida area forcing smugglers further west along the Gulf Coast.

Mr. LIVINGSTON. Thank you very much, Captain Reed, on an outstanding statement.

Let's move right on now. At this time, I would like to invite Sgt. Joseph Branham, from the New Orleans Police Department, from the narcotics division, to present his statement.

Sergeant Branham?

**TESTIMONY OF SGT. JOSEPH E. BRANHAM, NARCOTICS
OFFICER, NEW ORLEANS POLICE DEPARTMENT**

Sergeant BRANHAM. I would like to echo the remarks of the other speakers and thank you for taking interest in our problem.

My name is Joseph Branham, sergeant with the New Orleans Police Department's Narcotics Division.

The New Orleans Police Department's Narcotics Division was initiated in the late 1940's. At that time, it was combined with the vice squad, and the combination handled both vice and narcotics cases. However, at the start of the 1950's, the narcotics division was separated from vice and had a complement of personnel on the average of 14 to 15 police officers. This compares with a figure in 1968 when there were 13 police officers, including ranking officers.

The largest influx of personnel in the narcotics division that I can recall was in 1969, when the narcotics division received a transfer of 6 police officers, bringing the complement to 15 officers.

At the present time, the narcotics and drug abuse section has 16 commissioned officers on its payroll, 3 of which are supervisory officers and 13 patrolmen. Since 1968, the sum total of police officers assigned to the narcotics division has fluctuated from some-

where between 10 to 20 officers. I would like to point out that this figure of 20 consisted of officers who were assigned to the Federal task force unit that worked out of the Drug Enforcement Administration's office.

The last census for the city of New Orleans indicated a population of about 550,000 people. On a per capita basis, our present strength shows one narcotics officer for over 42,000 people. The surface area for the city of New Orleans is approximately 370 square miles.

This figure compared with other cities in the South, such as Houston, that has on its police department's narcotics division 70 men, which includes 11 ranking officers and at the present 59 patrolmen. This figure of 59 patrolmen can fluctuate to as high as 65. The population of Houston is approximately 1.8 million people. This breaks down to a figure of 1 man per every 30,000 residents.

On the other hand, Atlanta's Police Department, the narcotics division, has a complement of 28 men, which includes 4 ranking officers and 24 detectives. The city, itself, has a population of about 400,000 people. This breaks down to 1 man per every 16,000 citizens.

I would like to point out in regards to Atlanta, after speaking with personnel in their office, that they had a problem of hiring in that there have been lawsuits against the city, and their normal complement of personnel should be as high as 60 people, and when I spoke with them in 1976, that is what they consisted of at that time.

Baton Rouge has a population of 200,000 people, and the police department's narcotics division in that city has 10 men, including 3 ranking officers and 7 patrolmen. The breakdown per capita for representation is 1 man for every 25,000 residents.

I would like to point out in these figures that the three cities that I have mentioned have sheriff's offices that cover the counties in which these cities are located, and these sheriff's offices also have narcotics divisions, which lends to the enforcement effort an increase in manpower to combat the illicit trafficking of drugs. Whereas, in the city of New Orleans, the New Orleans Police Department is the one local enforcement agency for the enforcement of the State laws.

Needless to say, in reviewing these figures, the narcotics and drug abuse section of the New Orleans Police Department is sorely undermanned. To cite another figure to reinforce this finding, I would like to point out that in 1967 there were 798 arrests for drug violations in the city of New Orleans, and at that time the narcotics division had 10 working officers. This compares with 1972, when there were 4,240 drug arrests and the narcotics division at that time had a complement of 14 people. This is an increase of 500 percent in the total number of people arrested and an increase of 40 percent in personnel.

Since 1972, however, our yearly total of arrests has fluctuated between 3,000 and 3,500, and the future does not look bright at the present time for an increase in manpower. The 1978 and 1977 figures for arrests are 3,100 for each year.

We are mandated to enforce the drug laws of the State of Louisiana and of the United States of America. In accomplishing these

goals we cooperate with other law enforcement agencies, such as DEA, State Police Narcotics Division, and surrounding parishes' sheriffs' offices.

In the past, we have had at least one man from our office detailed to the Drug Enforcement Administration as liaison, and we found this very beneficial to both offices as far as communications and cooperative investigations. Our present priorities in regards to drug enforcement are to seek out the traffickers of heroin, cocaine, and multipounds of marihuana. However, we again are presented with a problem of too few people to really get into high-level traffickers, as we still have to maintain responses to the citizens of this city when they make complaints in regards to drug activity in their neighborhoods and schools.

While discussing local problems in regards to drug trafficking and abuse, we would like to point out that we have a tremendous problem at present with pharmaceutical drugs, such as Valium, Preludin, and the recent phenomena of Talwin and Pyribenzamine. We are quite aware that the larger percentage of these drugs are illegally diverted from the manufacturers, warehouses, and other locations where large quantities are stored or transported.

One of the local problems that we have a great deal of concern over is the lack of enforcement in the medical field wherein a very small percentage of physicians are indiscriminately or unethically prescribing controlled substances to patients or prescribing these substances without the necessary physical examinations. We understand that the local DEA office, due to their cutback in personnel, has eliminated their compliance office which investigated these activities.

Our methods of operation in obtaining our goals are done in three ways: First, surveillances and search warrants, both of which are extremely time-consuming; second, patrolling the areas of the city where we have intelligence of drug trafficking—from informants, citizens, other members of the department, and visual observations—and, third, by undercover operations, this method being the most successful as far as convictions are concerned.

The enforcement effort has been most successful in utilizing undercover operations. In 1974 and 1975, we conducted two prolonged undercover operations aimed solely at heroin dealers in the city. These two operations were highly—and I would like to stress highly—successful. We had an approximate 98 percent conviction rate on these cases, with the defendants receiving life imprisonment sentences, as our State law mandates life imprisonment for the distribution of heroin. These two operations were conducted in cooperation with the Drug Enforcement Administration.

After these operations were concluded and the violators arrested, there was a very obvious decline in the availability of heroin in this area, but we are not naive enough to think that we are solely responsible for this result as we understand the Federal Government had made moves to cut down the flow of heroin into this country at that time. It is our belief that the combination of these two factors resulted in the lack of availability of heroin in the New Orleans area.

As stated earlier, we had police officers assigned to DEA working with DEA agents and other officers from law enforcement agencies

in this area in a task force concept. We believe that as things stand now in this area, in regards to mid-level drug trafficking, that the task force should be reinstated as it is our understanding that DEA has been mandated to concentrate on only class I and class II violators, and due to our resources, the majority of our time is spent on low-level violators. In other words, if you are big enough, if you are small enough not to be worked on by DEA, and you are big enough not to be worked on by the local agency, a mid-level violator, you go free.

In recent months, the parishes surrounding this city, and in some instances within the parish of Orleans, "The City of New Orleans," have been import areas for international smugglers of Colombian marihuana. It is our fear that with the decrease of manpower of our office and the Drug Enforcement Administration, our enforcement efforts in this field will be greatly restrained.

In summation, we do not like to paint a bleak picture, but, gentlemen, if the trend continues as it appears it will, and if we remain at our status quo, the illicit trafficking of drugs and abuse of drugs in this area will increase, with very little that can be done to deter it.

Mr. LIVINGSTON. Thank you very much for a very clear and forthright statement, Sergeant Branham. We will ask you some questions on that in a little while.

But right now I want to welcome and ask Mr. Arthur Cope, the investigator of the Plaquemines District Attorney's Office, to make his statement.

Mr. Cope?

**TESTIMONY OF ARTHUR COPE, INVESTIGATOR, PLAQUEMINES
PARISH DISTRICT ATTORNEY'S OFFICE**

Mr. COPE. I am Arthur Cope, special investigator for the district attorney, 25th Judicial District, parish of Plaquemines, State of Louisiana.

Mr. Chairman, I would like to thank you and members of this committee on behalf of myself and District Attorney Leander H. Perez, Jr., for being invited to appear before this Committee on Narcotics Abuse and Control.

Plaquemines Parish is the southernmost parish in the State of Louisiana and has approximately 1,936 square miles of land area. The Mississippi River divides Plaquemines Parish down the middle where it flows into the Gulf of Mexico.

The parish is composed largely of marshland with its 26,000-plus population living in areas close to the banks of the Mississippi. There are hundreds of miles of canals and waterways which are accessible from the Gulf of Mexico.

Plaquemines Parish is principally an oil-producing parish with the oil fields dotting the entire parish far into the Gulf of Mexico. Plaquemines Parish also has a large sulfur production and fishing industry.

Plaquemines Parish has two divisions of criminal district court with two judges. The district attorney's office is comprised of the district attorney, two assistant district attorneys and six special investigators. The Plaquemines sheriff's office is comprised of 43 deputies who patrol and conduct investigations.

During the recent years, 95 percent of all drugs seized and purchased by Plaquemines Parish were found to be coming out of Jefferson and Orleans Parishes. This can be contributed to the fact that the only highways leading from Plaquemines Parish enter either Jefferson or Orleans Parish and that the New Orleans area is the only metropolitan area close to Plaquemines Parish.

Due to accessibility of the metropolitan area of New Orleans, Plaquemines Parish is fortunate in having only isolated reported cases of heroin addiction. The known addicts to date are basically from the middle and higher income brackets.

In all known cases of heroin addiction, these persons have eventually moved into the New Orleans area. In the past 10 years, only six persons have been arrested for heroin violations in Plaquemines Parish.

During the past 2 years cocaine abuse has become a problem. Again this drug is being abused by basically middle and higher income persons.

What is considered large seizures of cocaine for the Plaquemines area have been made only in the last 2 months. Two searches of defendants' residences produce 14 ounces of a high-grade cocaine.

During recent undercover operations, small quantities of cocaine have been purchased. This cocaine has been of a low-grade percentage. Because of recent seizures and undercover purchases, it is anticipated that the distribution and use of cocaine will continue to arise.

PCP has become a source of problems for the Plaquemines area. During the past 2 years there have been 13 cases of reported overdoses of PCP. The use of PCP, according to intelligence information, is one of two main drugs of abuse in the high schools in Plaquemines Parish, the other drug being marihuana.

In one incident, Plaquemines Parish had a double murder and an accidental death by drowning of the suspected murderer and, according to the investigative reports, the murders and drowning were contributed to all of the victims being under the influence of PCP.

The main drug abuse in Plaquemines Parish is marihuana and has been since 1967. During 12 years of marihuana arrests and seizures, the largest local seizure to date was a 20-pound seizure, with the exception of a 5-ton seizure, which was a case initiated by DEA.

However, this past Wednesday night, 1 week ago, a deputy, while on routine patrol, observed a vehicle going to an orange grove toward the Mississippi River. He thought the person was going to steal oranges, and he gets to the levy, gets involved in a hail of gunfire and ends up seizing 2,500 pounds of marihuana.

As a result of this seizure, six persons were arrested and four vehicles and four boats were seized.

The only other large arrests that we have had in a seizure in Plaquemines Parish has been a vessel which was seized in Belle Chasse, La., which resulted in finding 5 tons. This case was made by DEA working with Customs.

Because of the easy access from the Gulf of Mexico into almost all areas of Plaquemines Parish, the smuggling of marihuana is expected to increase.

Due to the small staff of the sheriff's office at the present time, it is an improbability that all accesses into Plaquemines Parish can be constantly checked for suspicious boats and activities. Also, because of the fishing and oil activity in the Gulf of Mexico, unknown numbers of boats each month enter and depart Plaquemines Parish.

All of the seizures of marihuana usually average 1 pound or less. The marihuana seized is approximately 90 percent imported with approximately 10 percent domestic marihuana.

During the past 5 years Plaquemines Parish formed the Plaquemines Parish Port Authority. Since this time foreign vessels have begun to use the facility which has resulted in the forming of launch services, and from this has resulted in foreign seamen entering the United States in the Belle Chasse area of Plaquemines Parish.

According to an official at one of the launch services, Since January 27, 1979, through November 14, 1979, 784 ships have anchored in the Mississippi River and have utilized launch and port facilities in the Belle Chasse area.

According to this official, U.S. Customs, because of being understaffed, only spends approximately one-half of 1 day during a month checking out persons entering the United States in the Belle Chasse area.

Also, because of this situation of seamen departing and boarding the ships at this point, prostitutes from the Magazine and Decatur Street area of New Orleans are traveling into Plaquemines Parish to entertain seamen aboard the ships.

According to this same company official, he has on numerous occasions suspected that certain persons, because of particular situations, were smuggling narcotics into the United States from the ships anchored in the Belle Chasse area.

The air of cooperation which exists between Plaquemines Parish, the Jefferson Parish Sheriff's Office, the New Orleans Police Department, U.S. Customs and the DEA is to be highly commended.

Because of being a rural parish, Plaquemines Parish does not have the large manpower available to them as does a metropolitan law enforcement agency. Plaquemines Parish has received great help in utilizing undercover agents, surveillance agents, and undercover vehicles from the Jefferson Parish Sheriff's Office and the New Orleans Police Department.

Also, the degree of communication between the departments has been highly successful in a mutual fight against narcotics.

Plaquemines Parish is almost solely dependent on DEA as to the availability of purchase funds and flash rolls. These are funds used to show potential defendants in order to set up a narcotics deal.

The only problem which exists is the fact that DEA can only work on higher echelon defendants and also because of reduced manpower and equipment, not enough time is spent with State and local narcotic enforcement.

Plaquemines Parish is fortunate in that the courts, the district attorney's office and the sheriff's office work in complete cooperation with each other. Only in small marihuana seizures is probation on a narcotics conviction given.

The district attorney and the sheriff of Plaquemines Parish have men trained in the field of narcotics investigations. However, these officers are also assigned other areas of criminal law enforcement.

According to an article which appeared in the Phi Delta Kappa educational periodical, Plaquemines Parish has one of the lowest crime rates for any parish or county in the United States.

Plaquemines Parish has two airplanes and one helicopter available to them. The oilfield industry cooperates very well when additional aircraft and boats are needed when this type of equipment is needed for smuggling investigations.

Thank you.

[Mr. Cope's prepared statement appears on p. 67.]

Mr. LIVINGSTON. Thank you. I would say you are indeed fortunate in view of some of the statements that have just preceded yours.

Gentlemen, I would like to ask each of you what, in your minds, can this committee best do to better prepare you, better enable you to combat drug smuggling and drug operations in this area?

Colonel Garrison, your response, please.

Colonel GARRISON. Mr. Chairman, I think that I may possibly speak for all of us in that we feel that our manpower, our resources, our funds are very, very limited.

As I stated in my statement, I intend to go to the legislature. I do not know whether these funds will be granted or not. There are many priorities that we have to establish.

In the law enforcement field, we set the priority of drug smuggling very, very high, but we also have many other areas that we have to look to and establish other priorities also.

The assistance from the Federal Government is the one thing that we can look to for enhancing our ability to counteract the drug problem, especially in the smuggling and diversion of legal drugs.

We have the responsibility for patrolling the waterways of this State. I do have boats and the necessary manpower to man these boats, but a 3-mile jurisdictional limit, so therefore I cannot get out of the 3-mile jurisdictional limit.

In drugs coming in, I think it is much better to attack these things on water rather than let them get into the inlet and from there be disbursed to all areas of the country. I feel the drugs that are being brought in, the greatest percentage, are being sent elsewhere in the United States.

We are corridor because of our convenience to the South American and Latin American countries, and we would be fooling ourselves if we said that we were stopping anything more than perhaps 5 percent of the illicit drugs brought into this country.

The cooperation among agencies, the additional manpower to be given the various Federal agencies, the additional moneys for communication equipment. Manpower and communications are our greatest problem.

We have got probably the greatest cooperation between Federal, local, and State agencies in this State that I know of than anywhere in the United States.

We work interchangeably and we interchange communication between offices and information, but we don't have what we feel

are the adequate numbers of men and the adequate numbers of dollars available to us to attack the problem.

We feel that we could do much better than we are doing. I think that maybe I am being complimentary to ourselves, but I think we are doing well with the resources that we have. The only way we can do it is the way we have been doing, through the cooperation we have felt among the other agencies. The cooperation has been very, very good.

Not long ago, not less than 2 months ago—in Baton Rouge there was a meeting of all the upper echelon officers of DEA, Customs, State police and what have you, to map strategy. This is the planning stage that we go through.

The greatest thing you can offer the agencies is the additional manpower, the additional funds and resources that we feel we need to attack it from a concentrated effort because, as I stated, singularly we wouldn't make much of a dent into it.

Together as a force with the combination of intelligence, combination of equipment and manpower, we can have a greater thrust against the illicit smuggling of drugs into the country than we have at this time.

Mr. LIVINGSTON. Thank you.

Gentlemen, would you, more or less, agree with what Colonel Garrison said? I see you are all nodding.

Colonel, you said that the cooperation was good between agencies, but I thought in your prepared statement that I heard you to say some of the communication was nonexistent. Would you clarify that for me, please?

Colonel GARRISON. I am talking about communication between agencies in radio capabilities. We operate under UHF in the State police. The Federal agencies operate on VHF frequencies. The two are incompatible.

Many times we are engaged in a particular case, and communications equipment, radio frequencies are very, very inadequate, and most of the time every frequency we have is being monitored by those smuggling the drugs in.

Mr. LIVINGSTON. So the guys that are actually bringing in the drugs know what you are doing before your own people?

Colonel GARRISON. That is correct. They are very, very sophisticated as far as electronic countermeasures being used by the smuggling operators and drug smugglers today.

Mr. LIVINGSTON. Your statement about the needs of the New Orleans Police Department was quite clear and vivid, and I am somewhat concerned about the inability of the force to beef up its narcotics squad over the last 10 years.

Evidently, if I can understand you properly, your squad is essentially the same size, if not smaller, than it was 10 years ago, and of course the narcotics traffic has grown, is that correct?

Sergeant BRANHAM. Yes, sir, basically that is correct. Due to the priorities of the police department, the patrol has priority and we cannot get any people until patrol is beefed up. As things stand now in the city of New Orleans with a small financial crisis we won't be receiving personnel for a long time to come.

Mr. LIVINGSTON. I have been reading about that financial crisis. Do you anticipate any further cutbacks in your current force?

Sergeant BRANHAM. According to what I have learned through our budget for last year, we will remain the same in 1980 as we have in 1979.

Mr. LIVINGSTON. All right.

Sergeant BRANHAM. I would like to add one thing, sir, in regards to what the committee could do as far as recommendations. It is our feeling that one of the major contributions the Federal Government can make to local narcotics agencies would be financial.

There are moneys supplied to local narcotics agencies now through LEAA funds. It is our opinion that more of this money should go directly into enforcement, if it were supplied directly through a local DEA office instead of the funds being tied up through administrators in LEAA wasting the funds there and the time getting down to local agencies.

This would come in the form of equipment, of course, and in some instances overtime, because unlike with the normal business, narcotics enforcement isn't an 8-hour job.

We have had people from our office go as far as Florida, Tennessee, California, spend 2 weeks in California, and this man is working the entire time. He is not compensated for it, not like he should be, anyway.

If these funds were made readily available through the DEA office instead of going through LEAA agencies, it would be a tremendous help.

Mr. LIVINGSTON. Gentlemen, you have each in your own way requested additional resources through the Federal Government. If this committee was successful in achieving some beefed-up allotment of resources, would you prefer to see it come to you in the form of manpower, or equipment and technical facilities, to better enable you to do your jobs or just a combination of both?

I ask any of you to respond, or all of you.

Sergeant BRANHAM. It would be both equipment to some extent and manpower. You need a seasoned, experienced narcotics officer to do the job, if you have a bunch of people. Right now we have 13 police officers. If you beef this up to 30, then we would have 17 officers and it would take 6 to 9 months to train to become really expertise at the job.

If we had a few more and they had the availability of money where they could work the hours that were necessary, we could do the job that we did years ago and with the equipment now. The other agencies may have a different opinion.

Mr. LIVINGSTON. Gentlemen?

Colonel GARRISON. Mr. Chairman, I fortunately have the advantage, I suppose, of working in a position where I can establish priorities within the division of the State police.

The present administration has been very, very good to us in that they do give us quite a bit of moneys dedicated toward the narcotics problem and narcotics enforcement.

Insofar as the State police itself is concerned, I suppose it would be in the area of manpower assigned to different areas in the State.

For instance, we have no one stationed from the Drug Enforcement Administration in the southwestern area of the State which in itself is a very lucrative area for the smuggling operations.

Anyone working in that area must be, as I understand, assigned out of the New Orleans office. The manpower and availability of resources through the Federal agencies, realizing the type of operation we do have, would probably be most beneficial to the State police.

Mr. LIVINGSTON. Captain Reed?

Captain REED. I agree with my colleagues. I think, though, it needs to be stated that in the area of confidential funds. Drug enforcement is probably one of the most expensive forms of law enforcement there is, and in order to penetrate or to work to upper echelons, it is necessary to buy into organization; that is, you are totally limited by the amount of funds that are available to you.

Consequently, I think the area of confidential funds, is an area that we really need help.

I don't believe any local police agency is able to carry the load by themselves. I am very fortunate in that our department has given us top priority.

We have a limited amount of funds available to us, and we have administered two grants in the past, two that have been selected as model grants. One was a seven-parish drug unit and the other is the metropolitan narcotics intelligence center, which we still operate.

Jefferson totally carries the ball on that one, but in both of these grants we had confidential funds. That, coupled with what the sheriff's office was able to give us, I feel we were able to reach higher echelons in drug traffickers.

We have had to cut back a bit on our confidential funds. Consequently, I believe our effectiveness could be affected in the future.

Mr. LIVINGSTON. Mr. Cope, do you believe your resources are sufficient to meet your needs right now?

Mr. COPE. In the areas of some equipment, yes, but we have basically the same problem, money to purchase narcotics with, and also money to pay informants. Also because of us being a small area, we cannot justify having a 15- or 20-man narcotics squad.

But we do need to have the funds available and also the cooperation of DEA whereas if we have, say, middle echelon drug dealers, that we bring someone in to help us and assist us in making this narcotics arrest.

Mr. LIVINGSTON. Thank you.

In general, what happens to that money that you have confiscated? I realize planes and boats are confiscated and they are auctioned off. What about the actual funds that you might confiscate in the drug transaction? Do they enable you to put those in your allotments for confidential informants?

Mr. COPE. So far we have not been able to do that. The last undercover operation that we had, we took the total amount of moneys spent for the undercover operation and throughout our court system assessed each one of the defendants that were adjudged guilty in court an appropriate share of this undercover operation, which in the ultimate end we ended up making \$10,000 off of the arrest of 106 individuals for sales of narcotics. This is the only time we have taken money and put it back into our system.

Mr. LIVINGSTON. Do you other gentlemen care to respond to that?

Captain REED. We are not that fortunate. In some instances, the defendant, when convicted, pays a smaller fine than the cost of the purchase of the drug, in some instances.

Additionally, there has been a number of instances where we have made drug confiscations and seized funds that have been returned to the defendant, and in addition to that there is a reluctance on the part of courts in our area to seize vehicles or any—well, we haven't any boats yet, but any vehicles.

Mr. LIVINGSTON. It seems to me that one of the key causes of this very severe problem is the high profit motive. If you start hitting these characters in their pocketbooks, it might to some degree become a deterrent.

Colonel GARRISON. This brings out again the cooperation between Federal, State, and local agencies. We look to the Federal laws, the Rico statute, where they can get all proceeds and investments as a result of a violation of the law.

We have no such statute in our State. You always have to look for a lien, do they own the vehicle, the conveyance means? Money itself must be turned back into the State treasury. The State departments are not legally sanctioned to seize any funds and put it back in their own budget. It must be returned to the State treasury for further disbursements.

In looking at this particular phase, we have been researching to a certain extent through State statute to allow the narcotics agencies to perhaps seize some of this illicit money to be more of a self-sustaining agency than at present to the legislative fund.

The State police have been fortunate in that every year we are given \$90,000 as flash money, informant funds, and even though inadequate at times, we are much better off than some of the other departments who cannot get nearly that much.

Mr. LIVINGSTON. Louisiana does have a wiretapping statute. Would that enable you to do a better job in the State drug enforcement?

Colonel GARRISON. I think so because there are many, many times phone calls are made and when you have this broad and varied number of people involved, not only multi-State but multi-nation, that it would be perhaps if the proper safeguards would be adhered to.

It could be a very valuable tool, and a tool to be able to trace the works of the smuggling ring as it progressed.

Mr. LIVINGSTON. Several of you mentioned the cutback in DEA under the G-Dep program, which I am not entirely familiar with.

Can you comment on that? I would like each of you to respond on how the Federal authorities, the Federal agencies through Customs and the like, could better beef up their own forces in order to assist you better.

Sergeant BRANHAM. Mr. Chairman, some years back when DEA had a full office, just about every chair was occupied, we had a tremendous enforcement effort here in the New Orleans area. They changed the New Orleans district. The district office changed the regional office to Miami and cut down on people.

At that time it was also the task force, and the task force consisted of officers from New Orleans Police Department, Jefferson Parish Sheriff's Office, Plaquemines Parish, other Federal

agencies, New Orleans Criminal Sheriff's Office, and they did a tremendous job as far as enforcement is concerned.

Since the New Orleans district has been cut back, from what I understand from the local agents, the majority of that time now is involved in the smuggling operations. If they could expand the office here in New Orleans, it would definitely help, as far as the overall drug enforcement picture is concerned not just in the smuggling.

As far as customs and Coast Guard, I am not aware of what the complement is, so I couldn't make a comment about that.

Mr. LIVINGSTON. Anybody else?

Do you want to respond to that, Mr. Cope? Is that other microphone working?

Mr. COPE. Mr. Chairman, in the area of U.S. Customs, over the past 3 years in the Plaquemines Parish we have formed the Plaquemines Parish Port Authority, which from January 27 of this year until last week we have had almost 800 ships tying up in the Belle Chasse area of the Mississippi.

According to one source I have spoken with, we have foreign seamen taking the drugs into the Belle Chasse area and traveling into New Orleans. Customs, because of a manpower shortage, has been only able to spend 1½ days out of each month in this particular area searching the cargos, some of the things coming off the ships into our country.

The person I talked with who owns this business on numerous occasions has called me when he felt like there was a possibility a particular individual was probably trying to smuggle drugs into the country.

We have prostitutes coming from New Orleans to our area now where I feel if we had enough Customs agents there on a permanent basis, that it would help eliminate a lot of problems that are being brought into our community.

We are a small community, and we are being flooded with prostitutes, seamen coming into our area, and we can't handle it by ourselves.

Mr. LIVINGSTON. Thank you, gentlemen. I will turn it over to Mr. Railsback at this time.

Mr. RAILSBACK. I thank you, Mr. Chairman, and I thank all of you for your help and cooperation.

Colonel Garrison, how large is the State police force, your total manpower?

Colonel GARRISON. Total manpower at this time is about 865 commissioned officers, which makes up not only highway patrol duty but narcotics enforcement, general detective work, intelligence gathering, everything from water patrol to livestock patrol.

Mr. RAILSBACK. So the Louisiana State Police really have a very diverse responsibility. I will just note that I think in Illinois they really don't have as diverse a responsibility as you have. But you have, as I understand, 48 men that are assigned to narcotics. Is that exclusive, or do they have other responsibilities as well?

Colonel GARRISON. No, sir, that is exclusive. In the status of priorities, if I had to list them of course, I have to go to the highway patrol. Next to that would be narcotics enforcement. We place a high priority on the narcotics problem.

Mr. RAILSBACK. From the standpoint of responsibility, is there interaction or any overlap with other law enforcement agencies? How do you interface with, say, the New Orleans Police Department or the Jefferson Parish police and so forth?

Colonel GARRISON. Normally the amount of time spent with the New Orleans Police Department and Jefferson Parish Sheriff's Office is not nearly as great as we have to spend with other smaller local agencies, simply because with the force of men they have we, more or less, have to concentrate in other areas of the State.

May I say that smugglers themselves are going to the rural areas of the State. They go into the local sheriff's office jurisdictions or local parishes, where there may not be more than two or three deputies.

I feel it is our priority and our role to assist those with the much smaller narcotics forces rather than the larger, more organized narcotics departments.

There are many, many occasions that we all work together, but in establishing these priorities I feel I should go where the expertise is not nearly so great in the more rural type sheriff's offices that really do not know what the problem of narcotics is.

Much like the larger aircraft that Mr. Elder showed in the film, a deputy stumbled upon such an aircraft thinking that a plane had crashed. He had no idea he was handling marihuana. When he did, he called and we all converged on the area.

It was found by a deputy sheriff, probably with a total force of no more than six or seven in the whole sheriff's office.

Mr. RAILSBACK. What kind of equipment do you have?

Colonel GARRISON. We have a total of seven aircraft, which include five helicopters and two fixed wing. We have one short take-off and landing aircraft which is used in narcotics tailing and things of this nature.

We are in the process of ordering a helicopter with floats on it primarily for the marine areas. Narcotics enforcement has the ability and the authority to call upon any other areas of responsibility, like it may call upon the water patrol, although we have one boat which is assigned to do nothing but narcotics patrol along the Gulf Coast. We do have the availability of others to call in.

Mr. RAILSBACK. Is it fair to say that many of your arrests result from the use of flash money or informers?

Colonel GARRISON. Yes, sir.

Mr. RAILSBACK. Now, Sergeant Branham, without going into the exact figure, am I correct that the New Orleans police has very little so-called flash money or confidential funds that are used for that purpose?

Sergeant BRANHAM. The only way we have funds is if we get it from DEA.

Mr. RAILSBACK. Do you happen to know if that is unusual as far as other big city police departments? Do they have more money than you have?

Sergeant BRANHAM. From what I have heard—I have spoken to quite a few of them in the past few weeks. At times we have to go to local agencies, surrounding parishes, for assistance, for flash

money. But we are unique. When I talked to Houston, Atlanta, Memphis, Miami, other cities, they have the money.

Mr. RAILSBACK. That is also my understanding. It seems to us to be a serious deficiency. Does New Orleans have a special squad or metropolitan enforcement group?

Sergeant BRANHAM. The task force concept that was ceased in 1975 was what I would call that version of it, but there is no major unit here in the New Orleans area now.

Mr. RAILSBACK. Do you have access to other undercover agents from law enforcement agencies, or are you limited to people working in the department?

Sergeant BRANHAM. At times Captain Reed's people have come into the city, and likewise our undercover agents have gone to Jefferson Parish to make purchases, but as far as a tradeoff in personnel, no.

Mr. RAILSBACK. You indicated you would favor the institution of a drug enforcement unit. What have you done as far as making that in the form of a formal request, Colonel Garrison?

Colonel GARRISON. We have done very, very little, Mr. Railsback. In fact, there is no unit designed specifically to look at the diversion of legal drugs.

The case we have made, the one I pointed out was one that we knew of that was so flagrant, that we devoted the time to stop this druggist from diverting the legal drugs. Diversion of legal drugs is one of the greatest problems we have with narcotics within the State, virtually an untapped resource, because no agency, including the State police with its 48 agents, can put the manpower and the resources into diverting of legal drugs because of the time-consuming operation.

It is an operation where you have to have undercover agents, to look at books, to check manifests, wholesale distributors and what have you. We have not had the priorities or manpower that we would like to have.

I would like to see at least 10 men with the State police be able to function in this regard as a sole task force, but it must be in conjunction with the Department of Justice. We do not have the resources or the manpower to do it alone.

Mr. RAILSBACK. Do you have flash funds—so-called confidential funds?

Captain REED. Yes, sir, we have a limited amount of funds. Presently I operate with \$2,000 to \$3,000 per month in confidential funds. This is approximately half of what we had at the time when we had federally funded programs.

Mr. RAILSBACK. I see.

Captain REED. So that is what I was referring to.

Mr. RAILSBACK. Do you also rely on informers for most of your arrests?

Captain REED. Very, very important.

Mr. RAILSBACK. Sergeant Branham, is that true with respect to your police department?

Sergeant BRANHAM. The majority of the information is from informants, yes, sir.

Mr. RAILSBACK. Do all of you share the observations, I think, of Mr. Cope that there is definitely a need for the Customs Service to beef up its personnel and update its equipment?

Captain REED. Yes.

Colonel GARRISON. Yes.

Mr. RAILSBACK. Have requests been formalized by any of you gentlemen?

Captain REED. No.

Colonel GARRISON. No.

Mr. COPE. No.

Mr. RAILSBACK. Except today. You are telling us, and maybe we can do something about that.

Let us see, now, Sergeant Branham, we conducted hearings in Chicago not long ago, which is in my home State, concerning pill pushing. We looked at doctors who seemed to be prescribing enormous quantities of pills.

You indicated in your statement that there is some of that going on in New Orleans.

Sergeant BRANHAM. There are doctors, a very, very small percentage of doctors, that are prescribing drugs unethically and with not the proper medical examinations.

It is funny you should mention Chicago because Chicago is one of the source cities right now for Talwin and Pyribenzamine, one of the major cities for the source of these two drugs.

Mr. RAILSBACK. Are there any ongoing investigations being conducted concerning what you consider to be illicit pill pushing in New Orleans?

Sergeant BRANHAM. Yes, sir.

Mr. RAILSBACK. What authorities conduct them? In Illinois there actually is a State agency that has some responsibility in dealing with the problems of controlling illicit drug prescriptions. How does that work in New Orleans?

Sergeant BRANHAM. Our prescription problem, mainly now the doctor writes a prescription. There is a legal script. Now, if we get complaints from people that a doctor is doing it illegally, unethically, in the past we have turned it over to the DEA compliance group, but their compliance group is nonexistent. They don't have any personnel anymore.

Mr. RAILSBACK. There was a compliance unit which DEA has removed?

Sergeant BRANHAM. That is what I understand, yes, sir. One of our major problems right now is with forged prescriptions. Our manpower is so limited to the tune we have four people per platoon. You handle a script, it will take you 4 hours—the arrest, booking, and report, it takes 4 hours.

Mr. RAILSBACK. Does New Orleans still have a so-called career criminal program which has been used effectively to secure narcotics arrests and convictions?

Sergeant BRANHAM. Yes, sir, very successfully, very successfully.

Mr. RAILSBACK. Thank you all very much.

Mr. LIVINGSTON. Gentlemen, can you comment on the degree of public acceptance of the drug culture? Has that thwarted your efforts and, if so, what are your suggestions on how to deal with

public opinion and try to encourage people to assist you in your efforts?

Captain REED. That is a very difficult question. I certainly don't have the answer to your question. However, there is no doubt but that acceptance of the use of marihuana by the general public is a problem.

There is beginning to be a social acceptance of the use of cocaine by the general public. The fact that you can go into almost any record shop or discount store and buy drug paraphernalia is a tremendous problem.

I believe something was recently done about this as setting up some guidelines, some model legislation which I feel is very seriously needed.

How you are going to combat it, overcome the street corner experts in this, I have no idea.

Mr. LIVINGSTON. All right. At this time I would like to defer to Mr. Carpentier, the chief counsel of the committee, to ask a few questions.

Mr. Carpentier?

Mr. CARPENTIER. Thank you, Mr. Chairman.

I was following up with Colonel Garrison. Did I understand you to say that you were now considering at this time the possibility of posing to the State legislature a law that would authorize the use, turning back to the local law enforcement authorities of confiscated funds?

Colonel GARRISON. We had briefly, very, very briefly discussed it. We are confiscating many boats, aircraft, vehicles, radio equipment from these dealers. If we could confiscate money through the court procedure, that the money itself would be forfeited, we would use it in narcotics enforcement.

Only last week we were briefly discussing the possibility of confiscated money such as through a system of safeguards, recordkeeping, that particular moneys be placed back into the enforcement of narcotics laws. This would be a great boon to the local agencies whose funds perhaps are much more limited than on the State level.

Vehicles being confiscated after much legal workings are to be used by law enforcement agencies in the pursuance and the enforcement of any laws, narcotics or otherwise. It has not been addressed toward the funds that may be confiscated during an arrest and seizure and following the court procedure and on down to a conviction.

Right now through DEA and the sheriff's office and the police in Hammond we have a four-engine Convair aircraft. This will probably be auctioned by the sheriff's office and used in his office for enforcement actions.

In the State police, I am unable to do that. If I were to confiscate that aircraft and if it were to be auctioned, it would be done through the division of administration, and that money put into the treasury of the State.

If the State police could put that money into a recurring fund, it would give us much more funds and equipment to combat the drug problem.

We may go to the legislature to see if we can keep some of the funds that may come from the sale of seized vehicles, aircraft, what have you.

Mr. CARPENTIER. You were talking only about a case involving at the level of State jurisdiction, am I correct?

Colonel GARRISON. Right, right. Normally the sheriff's office can do so.

Mr. CARPENTIER. Each of your jurisdictions can dispose of that confiscated property as it so determines?

Colonel GARRISON. Right, except in the case of my agency. If I dispose of it, I must turn it back into the State treasury. As such, I normally will give it to the Drug Enforcement Administration or a sheriff's office, so that they may dispose of it for funds that may be returnable to their drug enforcement effort. I cannot use the funds when so disposed of.

Mr. CARPENTIER. Where there is a combined case involving Federal and local jurisdictions together, and there are funds involved, what is the disposition, if there is say a DEA involvement where you have rather large amounts of money involved?

Colonel GARRISON. Normally it would be to the local agency that worked the case with us, or to the Federal agency that worked the case with us for their disposal and use, but not to the division of the State police.

Mr. CARPENTIER. I see. I might just add that the committee recently had a hearing on the problem of drug paraphernalia and at that time the executive branch presented a draft of a model State statute for the various States to consider which would control the industry, the drug paraphernalia industry.

As you know, there have been a number of constitutional issues raised whereby a number of local and State statutes have been enjoined and they are presently in litigation. It is hoped that the statute that was prepared by DEA, I might say, which was the principal drafter in cooperation with the Justice Department—but it is their hope that this model State statute would be given a very careful consideration by the States and we would encourage hopefully that Louisiana will itself consider the model State statute.

I am not familiar with the status of your present State laws on this issue at this time.

Colonel GARRISON. We have not addressed them, but I can assure you that we will pursue the model State statute through our legislature who has been very, very supportive of the narcotics enforcement efforts, I might add.

Mr. LIVINGSTON. Gentlemen, I think each of you was present when Mr. Elder testified earlier and showed his video presentation. He got a little specific toward the end of his testimony and held up a Miami Herald edition which indicated that there were certain local people perhaps involved in some drug-related activities.

Do you have any comment on those charges, any knowledge of that specific article?

Captain REED. No, the gentlemen that he mentioned reside within my parish, but I would have to say no, sir, I don't.

Mr. LIVINGSTON. All right.

At this time I would like to recognize Mr. Roscoe Starek, the minority counsel, to ask a few questions.

Mr. STAREK. Thank you, Mr. Chairman.

Colonel Garrison, in your statement you indicated that intelligence information by the State police indicates that cocaine is an extremely popular drug in Louisiana.

I wonder if you could elaborate on that.

Colonel GARRISON. Perhaps because of our geographic location, the relative ease, of the smuggling of cocaine is easier than in the smuggling of marihuana. Marihuana is bulky, very bulky, and it takes a large vessel to fly any of a high monetary value.

Not so with the smuggling of cocaine, and through our affluent society cocaine is getting to be the drug used by the middle- and upper-income people.

We feel that with the number of cases that are being made, that the pinch of the Florida area with the increased enforcement efforts, is driving not only the marihuana toward the west, the coastlines of Alabama, Mississippi, Louisiana, and Texas, but also doing the same thing with cocaine.

Of course, cocaine with much less volume and much less bulk is much easier to smuggle into any country.

Mr. STAREK. Sergeant Branham, I would like to ask you about a point made in your testimony.

You indicated that a large percentage of drugs—and you are referring to licit drugs—are illegally diverted in large quantities from manufacturers, warehouses, and other locations.

When you use the words "larger percentage," are you referring to the amounts that are dispensed or prescribed by physicians, or to large-scale efforts to steal licit drugs in this area?

Sergeant BRANHAM. I was referring to the illegal pharmaceutical drugs. The larger percentages of those that are on the black market are taken from the warehouses of the manufacturers, interstate transportation.

The numbers of arrests and drugs seized now, the minority of those are from bad prescriptions or medicine cabinets. The large amount of drugs on the street, we are talking about million dosage units of drugs. They are not coming out of the medicine cabinets or bad prescriptions. They have to be coming from manufacturers' warehouses.

Mr. STAREK. It is my understanding that manufacturers have fairly good control over any possible theft. That has not been the experience in this area?

Sergeant BRANHAM. I don't know. We don't have any manufacturers here.

Mr. STAREK. In your office, there are, I believe you said, 16 commissioned officers. I would like to know, do you have dual responsibilities or is everybody in the narcotics section of the New Orleans Police Department a full-time narcotic officer?

I know you work on vice, but do you have other responsibilities?

Sergeant BRANHAM. We enforce all of the laws of the city and of the United States. However, there are times during a given 12-month period where we have other duties, such as during Mardi Gras. You could say basically there isn't a narcotics division during Mardi Gras, and that is when the largest amount of arrests for drugs take place.

In an 11-day period we will have anywhere between 200 and 250 and 300 arrests for drugs. We go in uniform during the Mardi Gras season.

Mr. STAREK. Thank you very much.

Mr. LIVINGSTON. Gentlemen, we want to thank you. Are there any general comments that you want to add before we break up? Hearing none, I want to extend my sincere thanks to you, and we look forward to any comments you might give us later on. I want to commend each of you on your presentations.

At this time the task force will recess until 2 p.m.

[Whereupon, at 11:50 a.m. the task force recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. LIVINGSTON. The Select Committee will come back to order.

Because of the heat in here, I think that the Chair will certainly permit anyone who wants to take his coat off, including the chair. It's a little warm in here right now.

At this time we will hear from Mr. Stevens E. Moore, project director, Desire area community anticrime project.

Mr. Moore, will you introduce your guest? Can we have your name please, Ma'am?

Mrs. SMITH. Jean Smith.

Mr. LIVINGSTON. And do you have a title?

Mrs. SMITH. I am an outreach and rehabilitation counselor for Desire Outpatient Clinic, Desire Narcotic Rehabilitation Center.

Mr. LIVINGSTON. In order to comply with the standard procedure of the committee, would you both stand and be sworn, please.

Do you swear that the testimony you give before this committee will be the truth, the whole truth and nothing but the truth, so help you God.

Mrs. SMITH. I do.

Mr. MOORE. I do.

TESTIMONY OF STEVENS E. MOORE, PROJECT DIRECTOR, DESIRE AREA COMMUNITY ANTICRIME PROJECT, ACCOMPANIED BY JEAN D. SMITH, OUTREACH, REHABILITATION COUNSELOR, DESIRE OUTPATIENT CLINIC, DESIRE NARCOTIC REHABILITATION CENTER

Mr. LIVINGSTON. You may be seated. Mr. Moore, we are delighted to have you here. I have worked closely with you as the project director of the Desire area community anticrime project. We are delighted with your efforts toward cleaning up crime, and the subject we have been discussing this morning, drug abuse.

I would like to thank you for coming to give your statement. You can give us your statement directly or give it to us without reading. If you choose to do the latter, we will introduce your statement as if it were read.

Mr. MOORE. Let me personally thank you for inviting me to testify before these hearings.

Mr. Chairman, members of the House Select Committee on Narcotics Abuse and Control, I extend to you on behalf of the Desire Area Community Council, Inc., and the residents of the Desire-

Florida community our deep gratitude for inviting us to speak to you today.

I am the project director of the Desire Area Community Council's Desire-Florida community anticrime program. Our program, which has been funded by the Law Enforcement Assistance Administration, U.S. Department of Justice since September 1978, facilitates the involvement of residents, organizations, and agencies in activities leading to, one, a reduction in the number of crimes and fear of crime and two, the elimination of those social and economic conditions which cause crime. Some of our activities include the neighborhood watch, community patrol, drug abuse and prevention education, juvenile counseling, economic development, and media involvement.

For the months of May 1979 through October 1979 I served on the mayor of New Orleans Citizens Committee Against Crime. I am a member of the Subcommittee on Police, Courts, and Corrections, charged with the task of reviewing the operations of each and making recommendations to the mayor and city council for improvements leading to a reduction in crime.

As program coordinator and project director for the Desire Area Community Council's Desire-Florida community anticrime program since December of 1977, it has been my responsibility to develop and implement projects aimed at reducing the crime rate in the Desire-Florida area. In order to have any chance for success in achieving such an ambitious task, we decided to first investigate the causes of criminal behavior.

Our search led us through numerous writings and many meetings discussing the relationship between socioeconomic conditions and criminal behavior. One of the underlying causes for the majority of property crimes and crimes to the person involves narcotics. In recent interviews with members of the New Orleans Police Department, we, the mayor's Citizens Committee Against Crime, were told that almost all property crimes and many of our violent crimes are drug related.

Partly because of the overlap between economic classes, the opportunity for profit and the desire to escape reality, many poorer persons come to use or abuse narcotics. Their misuse, however, is less discreet than their wealthier co-users. Their misuse is often to a debilitating extreme. Because they don't have an income to support their habits, they must either sell narcotics to other users or exchange merchandise for cash in order to generate capital. The latter alternative leads users to steal from parents, neighbors, merchants, and anyone vulnerable. These incidents, although they represent only a small part of a much greater problem, receive much of the public's attention. The former alternative involving the actual pushing of narcotics is the method by which new users or addicts are cultivated. As you are well aware, pushers do not hesitate when the opportunity to sell drugs to children exists.

Narcotics abuse is unlicensed therapy, a rapidly growing business, a cause of property and violent crimes, and a major contributor to the deterioration of the minds and bodies of many of our youth.

From the view of our community we see narcotics, particularly those that must be produced from generic forms, coming from the

larger society into our community. We have very little control over the larger society and consequently even less control over the traffic of narcotics into our neighborhoods.

We in the neighborhoods, therefore, cannot solve our problem unless we receive the cooperation of the larger society and the criminal justice agencies. One former Federal Bureau of Investigation agent, when asked about the problem of stopping narcotic traffic, responded that as long as there exist people who will pay for narcotics, there will be people who will provide those narcotics. This philosophy supports the widespread use of narcotics, both legal and illegal.

Pain relievers, sleeping pills, cold medicines, and antacids are pushed in various television commercials, radio spots, and throughout magazines, newspapers, and any other available medium. In the doctors' office, controlled narcotics such as Talwin, Valium, and Librium are prescribed for persons at unbelievable rates daily. We can rest assured that no matter what our ailment, physical or psychological, there is a narcotic to relieve us of that discomfort.

Street drugs are also plentiful and available. During the height of the T's and Blues use in the city of New Orleans, drug pushers congregated on the corner of Desire and Law Streets and openly peddled the street practitioners' substitute for heroin. Sets, as they were called, were being offered for \$10. The quality was superior to the heroin on the street and to compound the issue neither of the drugs, Talwin or Pyribenzamine, were controlled substances. Moreover, it has been theorized that much of the Talwin available originates from local sources. Marijuana, cocaine, PCP, heroin, and Talwin are as available as a loaf of bread. Pushers are known by users and non-users. No matter what you choose to get high off, you can do so if you have the cash.

In closing, the Desire-Florida community, like many areas inhabited by a majority of low-income people, is confronted with a very serious problem, that is, narcotics abuse. Manifested by addicts hanging out on street corners, a growing crime rate, an increase in the quantity and kinds of drugs available, an increase in the number of youth exposed to such an environment and the number of youth abusing drugs, narcotics abuse is one of the major reasons that our community cannot solve some of our other problems, such as education, employment, adequate housing and so forth.

Community programs cannot reduce narcotic abuse and trafficking alone. We must have the cooperation of the larger society. Drug dependency as an accepted norm must be de-emphasized throughout the country. The criminal justice system must work more closely with neighborhood organizations to seek swift, uniform, current and certain law enforcement.

[Mr. Moore's prepared statement appears on p. 69.]

Mr. LIVINGSTON. Thank you very much, Mr. Moore.

Mrs. Smith, do you have any comments to add to what Mr. Moore has just told us?

Mrs. SMITH. Yes. Having been involved in the drug treatment program for the last 10 years, I have watched the older addict, and I am beginning to see the new ones, and there is a vast difference between the two.

The new drugs that folks are becoming addicted to are far superior to heroin for the simple reason it becomes something that we cannot control. We have no methods to deal with them.

The clients are coming to the agency expecting us to be able to offer them something that will alleviate what they are already into, and we don't have it. There is not a modality, there is not an answer to the T's and Blues and Preludins, all of these amphetamines coming out. My concern is what do we do about it.

I am a mother of 10 children myself and I am aware the addicts are younger. I have seen 12-year-old kids who are smoking excessive amounts of marihuana and who are hooked on T's and Blues.

The control cannot come from the drug treatment programs. The control will have to come from higher controlling factors. There needs to be a ceiling put on where drugs can be filtered out into the area where folks can just get drugs at will. Anybody can walk into a drugstore and get a prescription filled for a Talwin or Pyribenzamine or Valium or whatever, and you don't really have to have a lot of ID or give a lot of information. Doctors are writing prescriptions for 100-pound people for Preludin. A 100-pound person does not need to lose weight. They need to gain some.

I am very confused. I am very sad because our youth are becoming our dead before they have even lived. And I would like to know from the committee what are your feelings about our drug trafficking problems. What do you see we can do and what do we need to do?

Mr. LIVINGSTON. Well, I appreciate your concern, because that is exactly why we are here. We see what you see in your neighborhood prevailing around the country.

I wish that I could tell you that we have come down here with some quick and simple solutions for curing the problems that you live with daily. Unfortunately that is not the case. Unfortunately we are more of a fact-finding committee and only can take the recommendations of the Greater New Orleans community back to the committee in Washington and hope to come up with some legislation. But you have touched on some very serious points, I think, in two phases. The first is marihuana, and then the more traditional drugs, the opiates, the ones that are not prescribed over the counter.

Can you tell me from your neighborhood, are these types of drugs readily available? And do you see any possibility in the near future of cutting back on their availability in your community?

Mrs. SMITH. They are very available, as he said, on the street corner. Kids are selling drugs now. So it is not a matter of it being less available. How do we cease the availability. This is I think where you are coming from.

Mr. LIVINGSTON. What about the barbiturates and the drugs you mention that are prescribed? Did you say anybody can go into a drugstore and get some of these prescriptions for Valium and Preludin and some of the others? Is that as frequent as you say?

Mrs. SMITH. Yes, it is.

Mr. LIVINGSTON. Mr. Moore.

Mr. MOORE. Let me comment on that. From a source that I won't identify, because the information was given to me in confidential conversation, it was stated that during the T's and Blues epidemic,

that the Talwin was not being imported into the city, that the Talwin was coming to the streets via prescriptions to persons going to doctors and also possibly from doctors or local distributors making those drugs available to maybe persons who are involved in the illegal drug traffic from a higher level.

Mr. LIVINGSTON. What is the main source of drug abuse in, say, the Desire community? Is it marihuana? Is it pills? Or is it heroin and some of the other opiates?

Mrs. SMITH. Pills. Marihuana is used, but I wouldn't say it is overly abused. But these other substances are. Heroin is at a low at this time. That is one of the reasons why the older addicts are really using a lot of the other drugs, because there is a lack of good heroin on the street.

Mr. LIVINGSTON. OK. Mr. Moore, how effective do you feel your program is? Could you describe for us your efforts to cut down on crime, particularly with respect to narcotics, and your hopes for the future?

Mr. MOORE. The main thrust of our program is to involve residents in crime prevention, again with the national philosophy that crime prevention is not solely the responsibility of the criminal justice agencies but is also a responsibility of the residents who reside within the various neighborhoods and communities throughout the United States.

We have been able, in the last year, I guess, to reach the residents of our area and to an extent reestablish a confidence in the law enforcement officials.

You are probably aware that in a lot of your poor neighborhoods, particularly in some of your black neighborhoods, residents for some time have been very reluctant to cooperate with the police departments. As such, your criminals and particularly your pushers go unidentified in these areas.

What we have been able to do, again, over the last year, is bring residents to the realization that their problems, particularly their crime problems, the burglaries and robberies that they are suffering, are a result of the fact that they are not coming forth and giving the kinds of information to the criminal justice agencies that can be used to rid their communities of the criminals who actually represent a small, maybe less than 3 percent, proportion of the overall population.

Mr. LIVINGSTON. Do you find that is changing? Are they starting to come forward more now?

Mr. MOORE. They are not only starting to come forward with information on criminals but information, for instance, on what houses and apartments pushers are working out of in our community.

We have, I guess, in the past month begun to receive more telephone calls and more personal visits to our office from individuals giving us this kind of information, and as a result of that we have established meetings with the New Orleans Police Department Narcotics Division, so that we could put ourselves into a position where we can channel the information that we receive in a form that can be easily usable by the New Orleans Police Department Narcotics Division.

Mr. LIVINGSTON. So you are making information available to the narcotics officers, so that action can be taken. Is that correct?

Mr. MOORE. That is correct.

Mr. LIVINGSTON. How does your funding stand? You just recently received a new grant, is that correct?

Mr. MOORE. We have been refunded to cover a period from October 31, 1979 through October 30, 1980. Unfortunately, our funding was reduced some 23 percent. We anticipated that when we drew up our initial request, so it has not really cost us anything in manpower.

We have had to give up one of our patrol vans which we also used to transport the elderly and some of the handicapped people to some of the needed services.

Mr. LIVINGSTON. Do you anticipate that funding will continue after 1980 or have you been able to look that far into the future?

Mr. MOORE. I was able to convince the Law Enforcement Assistance Administration to allow us to build in a department or component in our project called research, planning, and development, to allow us to continue our program beyond the life of these community anticrime programs, so we will be involving ourselves in other types of crime prevention programs, such as the programs being sponsored by the Office of Juvenile Justice and Prevention programs.

I also read in, I think it was, the Congressional Record that the House Members like yourself, have voted for an increase in the appropriations for the community anticrime programs to the tune of some, I believe, \$25 million.

I understand that now the Senate has to move on that same bill.

We are hoping that the Senate is a little more responsive than it has been in the past years for these programs. We feel that these programs have given the communities throughout the country a chance really to get involved in crime prevention, to get involved in tackling some of the problems that have been ignored in our communities, and some of the root causes of problems that really continue some of the conditions that our people must live in.

Through these crime prevention programs, we will be able, in the very near future, to remove some of the negative influences from our community. In a lot of our low-income communities, the models that you have are your pushers, your pimps and your racketeers. If we can get those kinds of people out of our communities, then some of the persons who are working in programs such as our Desire narcotics rehabilitation program and some of the other programs in our communities, we can get the youth to begin looking at these individuals as positive role models, and hopefully have the youth pattern their lives after us who are trying to do something positive for our youth, instead of the negative individuals.

Mr. LIVINGSTON. Can you tell us how you evaluate your effectiveness and how much impact you actually are having in the community?

Mr. MOORE. We evaluate our effectiveness in several ways. One, by the number of people who participate in our program, and by that I mean as we set up meetings in our community and attend meetings on other issues, such as education, youth activities, we

explain to the residents what we are all about. Initially a lot of people again were very negative to us as to what we were doing. They saw us as informants, an arm of the police department, and looked at us in a very negative way.

We were initially, however, able to recruit an advisory board that consisted of about 30 to 35 people, and we were very proud to have had that many people working with us in an advisory capacity. And we were also able to generate a corps of youth of about 20 or 25 teenagers who volunteered with us without pay until we were able to get them on one of the CETA youth employment payrolls. And it must have taken us about 6 months before we were able to get some dollars in their pockets for some of the things and some of the time that they had put into the program. And this group of youths were riding in our patrol vans looking for criminal activities.

They even at times performed what we call a foot patrol, while walking throughout the community, with cameras, and taking pictures of any criminal activity that they observed, of any apartments that were maybe vulnerable, for instance, to a burglary.

We also provide these youths with some things, with what we felt would aid them, training them in the use of 35 millimeter cameras, and our audiovisual cameras. And also training them in organization, so we could prepare them to be leaders of the community in the future.

We also got a rather pleasant response from the media. We got a significant amount of media coverage. There are three LEAA funded crime prevention programs in the city of New Orleans, and from what I have seen our program has received the greatest amount of media coverage. So from those three aspects, the adult involvement, the youth involvement, and the coverage by the local media, we feel that we have made some significant inroads in curbing crime in our area.

Mr. LIVINGSTON. So there are beneficial side effects from this program, and you can see an increasing awareness in the community as a result of your efforts.

Mrs. Smith, can you see benefits flowing from the program as it is developing?

Mrs. SMITH. Yes. I would say that there are benefits. Persons who come through the program have graduated and go on to do very productive things. It gives you the motivation to hang in there and not give up when things are not going right.

Programs, from what I have observed over the years, seem to be the stepping stone for everybody else, you know, in reference to what is happening to the street addict. But programs can do just so much.

There is never enough money, never enough resources, so we need more of both and more involvement from persons who are aware or not aware of the conditions that make folks become addicts.

The fact that a female becomes an addict because she is married to a man who is on drugs, it doesn't necessarily mean that she is a bad woman, but the availability of the drug being there, the loneliness, because men who deal in drugs, they are away from home more than they are at home, and depression brings on addiction.

We find that a lot of our clients are not hardcore addicts. They started smoking marihuana, drinking alcohol, taking Valiums, and then they find themselves hooked up on all three or four or what-have-you. And then they get to us, and if they are put on methadone, then they have got another habit. And you cannot detox from all of these different habits and detoxification with another drug is not the answer.

We have to find some other solution to get people to feel drug free, because drugging is the means of feeling good. And we, as human beings, don't want to feel bad. We don't want a headache, a sore throat, or anything to bother us. So we are looking for some escape from whatever may be discomforting to us. And that is a normal feeling.

Everybody is addicted to something. If it's not coffee, cigarettes, alcohol, it's sex, it's love and it's what have you. So my feelings are that we need to look at what we are calling addiction and who is addicted to what and what can be done to alleviate the heavier addiction problem.

I would recommend that a control, as I said before, be placed on how many of these new drugs can be put out into the community.

Mr. LIVINGSTON. So very definitely you think more controls on the availability of these drugs ought to be enforced.

OK. Well, I want to thank you both for your testimony.

Mr. Railsback, do you have any questions at this point?

Mr. RAILSBACK. Mr. Chairman, I really do not. I apologize for being late, but I had to make an important call. I have read Mr. Moore's statement. I must say that if there were more efforts like this in other parts of our country, I think we would be doing a much better job. I just want to commend you for all of your activities and wish you the very best.

Mr. LIVINGSTON. You are surely fighting an uphill battle.

Mr. Carpentier.

Mr. CARPENTIER. No questions.

Mr. LIVINGSTON. Mr. Starek.

Mr. STAREK. I have no questions, Mr. Chairman.

Mr. LIVINGSTON. Mr. Moore and Mrs. Smith, we want to thank you again for coming here before us. The record is being completed and we will be taking it back with us to Washington and we will very seriously consider your testimony in making future recommendations for legislation and possibly appropriations for additional resources.

Thank you very much. You have been a great help to us.

Mr. MOORE. Thank you.

Mr. LIVINGSTON. Next we have a combined panel of Mr. Ronald Fonseca, assistant U.S. attorney, New Orleans office, and Mr. Patrick Fanning, assistant district attorney. I understand he is assuming a new role tomorrow. Mr. Fanning, I want to apologize to you. I understand that somehow you did not get our letter and get a complete outline of the function of this committee. So we want to extend a welcome to both of you.

I have worked personally with both of these gentlemen, and I know them to be capable and able and superior prosecutors.

I have to swear you as witnesses, if you will forgive me. Please raise your right hand. Do you swear that the testimony that you

will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God.

Mr. FONSECA. I do.

Mr. FANNING. I do.

**TESTIMONY OF RONALD FONSECA, ASSISTANT U.S. ATTORNEY,
NEW ORLEANS OFFICE**

Mr. LIVINGSTON. Have a seat, gentlemen. Mr. Fonseca, with whom I have enjoyed working, would you lead off, please, on behalf of the U.S. attorney's office and Mr. Fanning, on behalf of the district attorneys office.

Mr. FONSECA. Thank you, Mr. Chairman. We appreciate those kind words and want to extend our appreciation to you and the other members of the committee for coming down here to explore this problem. It's a very serious problem in this area.

I would like, with your permission, to have my statement placed into the record rather than read it at this time.

Mr. LIVINGSTON. Without objection, your statement will appear in the record as if you had read it. We appreciate any off-the-cuff comments that you might have.

[Mr. Fonseca's prepared statement appears on p. 72.]

Mr. LIVINGSTON. Mr. Fanning, we understand that through no fault of your own you have no statement. We would appreciate whatever comments you have.

Mr. FANNING. I have provided a statement.

Mr. LIVINGSTON. You were very quick. I thought 5 minutes ago you didn't have one. Your statement will be made part of the record.

[Mr. Fanning's prepared statement appears on p. 73.]

Mr. LIVINGSTON. We are glad to have you, and eager to listen to any comments that you might have on how we might more ably combat this severe narcotics problem of ours.

Mr. FONSECA. I will make a few comments and summarize on the matters that are contained in my statement.

As far as the role of the prosecutor in this area, I am speaking mostly of Federal prosecutors, the approach to the problem as we see it and as we have tried to deal with it is a little different approach.

Mr. Livingston, I know you are aware, having been an able prosecutor yourself, of the typical prosecution in connection with violation of Federal crimes.

Normally it is an isolated event. You gather the facts, the information on a particular subject, and present the evidence to the grand jury. You prosecute the case, and you close the case.

Sometimes individuals who are capable of an opportunity to commit Federal crimes are limited by their position, and I say that in this regard: A person who operates a bookstore or operates a magazine stand, a shoeshine stand, would not have the opportunity perhaps to commit the crime of bank embezzlement since they are not employed as a bank employee.

We have a different situation in the narcotic element where there is more of a market, I should say for want of a better word, for people to come in to be drug dealers. You find a cross section of America dealing in drugs today and dealing in this area.

Since the market for potential and active drug users, dealers and transactors is so widespread, this in itself creates a problem. You have more of them out there than you have of us, Federal law enforcement agents capable of dealing with it.

Consequently, to deal with this problem, prosecution takes a different approach. We work more closely with the agents who investigate the case usually from the very beginning. There is more of a team concept because we are not looking to gather facts against someone who we know has violated the law, sold heroin, cocaine, marihuana to an agent, an informer, but we are looking constantly to move from that person to his source. It is an ongoing effort frustrating in the sense that you never finish. You never complete it.

When you get the evidence against one individual, you are constantly seeking to go to the next individual and hopefully get to the top. We are not, unfortunately, always successful, and this is due to the availability of the evidence necessary to get to people really at the top, or the individuals who are involved in the narcotics organizations themselves.

Their willingness to talk dictates whether or not we will be successful in going higher. Usually, that is our limitation. A prosecutor must work more closely than he would work in other areas of prosecution.

We are very lucky to have dedicated and qualified law enforcement agents, both State and Federal, in this area. There is no 8-hour day. They are working 24 hours a day 7 days a week, and they are doing their utmost to eliminate the drug problem, and we are happy to be part of that effort and to contribute whatever we can.

Mr. LIVINGSTON. Thank you very much, Mr. Fonseca.

Mr. Fanning, you are appearing on behalf of the District Attorney's Office today, and I understand you are going to the U.S. Attorney's Office tomorrow. What do you have to say from the local perspective?

TESTIMONY OF PATRICK FANNING, ASSISTANT DISTRICT ATTORNEY, NEW ORLEANS

Mr. FANNING. As you know, this is my last official act as an Assistant DA after 5 years in the office with Mr. Connick dating back to when you and I were together as assistant district attorneys.

I want to thank the committee for having me here today to present the State perspectives of the problems we have here in the city, and I would also ask that my statement be entered into the record without my having read it.

Mr. LIVINGSTON. Without objection it will be done.

Mr. FANNING. I would like to make a few additional comments as to the aspect of Federal and State cooperation in the control of the narcotics problem which we have here in the city.

On a day-to-day basis as a State prosecutor, the types of cases that I have seen are not, I am sure, the types of cases that I will be handling in the future as an Assistant U.S. Attorney.

Most of the cases, in fact I would say 90 percent plus of the cases involve very miniscule amounts of drugs from the standpoint of trafficking.

We handle all of the marihuana cases, bag of weed, pill cases primarily. The reason for this is because of the lack of resources by the New Orleans Police Department and the lack of funding that they have available to them. With the number of people that they have working in narcotics and the amount of money that they have to spend to conduct investigations and run undercover operations, I think they do quite a commendable job, but they just don't have the people or the funds available to handle the major trafficking type investigations which get so involved and call for so much time to be devoted by the individuals.

If I may go back to approximately 1974 and 1975, we had several major undercover operations which were a joint effort by DEA and the local police department.

In 1975 when we had a significant heroin problem here, we had an Operation Top Cat which resulted in indictments of over 50 defendants and over 70 life sentences being given out to different defendants for distribution of heroin. Again this was a joint DEA and New Orleans Police Department effort.

In the year 1975 we had over 200 indictments for possession with intent to distribute or distribution of heroin, those offenses both calling for a mandatory life sentence.

In 1978 we had 66 indictments for the same offenses, so we have seen a significant decrease in the heroin trafficking problem in the New Orleans area. While I know there are many factors responsible, I think that the State and Federal cooperation was significant in bringing that problem under control.

At the same time, DEA had a compliance group that was quite active in handling pharmaceuticals, both through the wholesale houses and the drugstores and the doctors who were involved in being responsible for having some pharmaceuticals reach the street, and again the problem of forged prescriptions and diversion of licit drugs into the illicit market was brought somewhat under control by that effort by the Federal Government and the State agencies.

Since then there has been a decrease in the amount of activity aimed at doctors, and we see now that we have a significant problem with pharmaceuticals, T's and Blues and the other drugs that Mr. Moore and the other people were just talking about.

I understand the DEA is beginning a new program aimed at controlling these pharmaceutical drugs, and I look forward to prosecuting whoever is responsible for getting these on the market, and I look forward to working with my ex-coworkers in the State agency. Again, I think that a Federal and State joint effort is what it is going to take to bring this problem under control.

And the last thing I would like to address would be the trafficking problem, talking about smuggling type operations, tons of marihuana, pounds of cocaine, whatever it might be.

The Louisiana Legislature has just enacted a statute aimed at those specific offenses, and it calls for some very serious mandatory sentences. For instance, a pound of cocaine would call for a mini-

mum of 15 years of hard labor in the penitentiary, and a minimum \$250 fine.

A pound of cocaine in Federal court might be an average type case. In the State court it is something that we should really devote ourselves to and achieve some significant results.

I think that we have seen a prime example with the decline in the heroin problem that we had in New Orleans as a result of the State and Federal cooperation, and we could bring the smuggling type problem and pharmaceutical problem into control, or at least decrease the effect that it has on our community, if we could have that same kind of joint effort and cooperation. I would most welcome that type of attack being made on these problems, and if we could not achieve the same success as with the heroin problem, we should at least make a serious dent on it.

Mr. LIVINGSTON. Thank you, gentlemen, for both of your very fine statements.

What is the chief obstacle in bringing marihuana, other illicit drugs besides heroin, and diverted pharmaceutical drugs under the same controls that has been achieved with heroin?

Mr. FONSECA. As far as the control of heroin in this particular district of the State of Louisiana, from the information that I have from the law enforcement agency, the agents, I think it is common consensus that it is the very stiff penalty for dealing in heroin, which is life imprisonment.

I have observed this myself about the time that this law started to be enforced, came on the books, you noticed a change in patterns in heroin operations. You would have people from other areas, such as Los Angeles, Chicago, Miami, bringing, flying or driving, in the heroin to Louisiana. And once convictions started to be had in the State court, then the pattern changed, where if you wanted the heroin, if you lived in Louisiana, you had to fly out to get it to come back in.

Then it almost, it didn't disappear but it came very close to disappearing and the quality of the heroin, of course, diminished to almost 2, 3, 1 percent on the streets, which is very, very low.

Again, I think, it is my own opinion also, that the reason for the control was a very stiff no-alternate type sentence that is available for this type of crime. They know they were going to have a long time in Angola, and there is nothing that the judges can do to lessen the sentence, and it has been very effective.

Mr. LIVINGSTON. Does that mean that stiffer State and Federal penalties for other drugs would lessen the impact on those as well?

Mr. FONSECA. It could, but I would rather not make a definite statement. I am really not in a position to make a definite statement. You have some complex issues attached to such a question. You have different types of drugs, and I don't think you could make a life penalty for all types of drugs and all types of dealings in the drugs. That would be very difficult.

It might reach a point where for all drugs, say, lifetime imprisonment, people might ignore it, and perhaps enforcement might not, there might not be as much enforcement effort.

In other words, if it is so much the other way, you know, it would be ridiculous, and people would not accept it.

Mr. LIVINGSTON. What tools do you think this committee could give you that would better enable you to fight these other drug problems?

Mr. FONSECA. Well, of course, the laws that are on the books now are very adequate to our approach to prosecuting, interdicting these organizations and going to the top.

I really do not know anything in the way of laws, additional type laws that could be passed. We have in the narcotic area several laws that would apply for just one or two transactions involving individual organizations, a conspiracy law, distribution, possession, and you have use of communication facilities.

You have your continuing criminal enterprise, if that would fit, and the RICO statute which would fit, so we have available a number of laws.

Mr. LIVINGSTON. I did not mean necessarily exclusive legislative tools but any tools, resources, manpower, money.

Mr. FONSECA. You know, I would think in all areas of the Government or business, either more money or bodies would be welcome. However, I have no specific recommendations to make. I believe the Office of Legislative Affairs does prepare those recommendations to Congress and specific recommendations to them.

Mr. LIVINGSTON. Mr. Fanning, do you want to comment on those questions?

Mr. FANNING. Please.

With regard to a joint effort by State and Federal agencies to control the problems that we are seeing now, I like to recall a few years ago when we had this major heroin trafficking problem here, that virtually all of the people that I know now that are DEA agents or assistant U.S. attorneys, are people that I met 3 or 4 years ago. The lines of communication between the Federal and State agencies, from where I sit, have diminished greatly. We don't know what the Feds are doing, and they don't know what we are doing.

In terms of legislation, I do not think that we could realistically expect the State laws to be any more severe than they are with regard to penalties. I think that we have the tools available from the standpoint of prosecutors, penalties, and laws that would enable us to get to the smuggler. What we don't have is, I know in that Operation Top Cat that was so highly successful, the undercover man was purchasing with Federal funds. There was a Federal agent, DEA agent, John Driscoll who was on the surveillance team and an undercover officer. Now we don't have that kind of teamwork or cooperation that we had before.

Whatever it would take to get the State and the Federal agencies working back together and pinpointing the target people who are the source of the problem for us now, that is what we would need to get back into the ballgame.

Mr. LIVINGSTON. You mentioned the working of informants in Operation Top Cat which took place in 1975. To what extent would the lack of money which was mentioned by some of the offices this morning to be used for flash money, affect your ability to prosecute?

Mr. FANNING. The most recent undercover operations that we had from the State level, we were seeing cases coming in which we

received a lot of criticism from the press of poor jury response, and a poor response and outright criticism by some of the local State district judges as to the types of cases that we were bringing them. We had people coming in bringing cases where they bought two or three Valiums for \$5 or a line of cocaine for \$150.

The judges and the juries were not responsive at all to those types of cases being brought before them in a jury trial asking for a serious penalty.

The explanation that I was given by the local officer was that there was a limited amount of funds. You had x amount of dollars, and if you went out on one guy and made a buy for 20 bucks, and he wanted to sell you more later, you couldn't because you didn't have enough money to keep buying dope from him. Once two or three cases were made for \$5 to \$100 total, it was time to move on to somebody else, because you had such a limited amount of funds.

As I recall, there was at one time specific grants being drawn for these programs, whether it was LEAA or CJCC, Criminal Justice Coordinating Council here was active in getting this grant money.

The amount of money that was spent on heroin within Operation Top Cat, even at those deflated prices, was much greater than what the New Orleans Police Department spends today in undercover operations.

Where you might get into a guy with a line, a gram of cocaine, and he might be able to provide you with pounds or ounces, we can't make that kind of case because we don't even have the money for a flash roll really. We call the Federal agents, and it goes to Federal court, and we never see it again.

Mr. LIVINGSTON. What about your own prosecution agency resources? Are you able to keep up with your caseloads, both of you?

Mr. FONSECA. Yes, sir.

Mr. LIVINGSTON. And statewide?

Mr. FANNING. As you are well aware from your experience in our office, we have quite a turnover of prosecutors in our office, and we have quite a larger docket than the Federal U.S. attorney's office would have.

We have recently received funding from the State for a training officer to try and give this background for some of our people, the tools necessary to go in and be effective prosecutors.

We have difficulty in keeping people in our office, and I think from the standpoint of having trained experienced prosecutors to take on the responsibilities of handling major narcotics trafficking cases I would say at this time no. Quite frankly, the New Orleans parish district attorney's office does not have the people necessary. With the new training, and with the salaries getting a little better as they have over the past few years, perhaps the DA's office will be in a position to more ably handle these types of cases, but I do not see that right now as being the situation.

Mr. LIVINGSTON. Are either one of you satisfied with the current law enforcement effort to combat the drug-related offenses from beginning to finish, say, from investigation, arrest, and prosecution, to incarceration?

Mr. FONSECA. As an individual, I am never satisfied. There is always room for improvement for everybody in any type of work that they are in.

I will say that the effort is being made to do the best they can as far as investigating cases from the very beginning to its final conclusion.

Mr. LIVINGSTON. Where are the weaknesses?

Mr. FONSECA. If you are going to call for weaknesses, I would say probably in manpower. You could always use more people.

The people that are working with us, Federal law enforcement agencies, they have extensive training programs. The agents are very dedicated. They spend hours, you know, overtime, preparing cases, working with cases.

I get calls in the middle of the night as a result of arrests that are made constantly.

They have the same attitude, to go up the ladder, and that is the focus, the name of their purpose.

Again, when I say that there is always room for improvement, I did not mean to say that there is anything that is holding us back.

Mr. LIVINGSTON. Can you pinpoint any weaknesses?

Mr. FONSECA. Other than what I have mentioned, manpower, no. They are doing a very credible job.

Mr. LIVINGSTON. Mr. Fanning.

Mr. FANNING. Well, if I were to characterize the State and local enforcement effort, as far as narcotics enforcement, I would have to say we are fighting strictly a holding pattern.

The police department and narcotics division has all they can do to just handle phone calls and get out on complaints on narcotics traffic on the street corners.

I get phone calls in the D.A. office, can you get the police to send somebody out? I forward the information on and call the police department narcotics division myself and they are very responsive to the extent that they can be, but there are times when I call and they say, we got two people in the office and that is it.

From midnight until 9 o'clock, there is only one or two people there. It is no fault of the people that are working there. When they are there, they are doing all they can to make all the progress that they can in this area. We don't have the people and the manpower, and we are truly fighting just a holding pattern.

The number of cases I handled myself in the D.A. office in the last year, almost 2,000 cases, going over them and forwarding reports to other assistants to handle; it is tremendous, the number, the volume.

There is just no time, no people available to go out now and initiate investigations. From where I sit, I don't see that happening.

Mr. LIVINGSTON. Having been in this area myself, I can say that the definition of organized crime is rather loose and rather nebulous, but to what extent do either of you believe that organized crime, whatever it is, is involved in the steady drug traffic in this area?

Mr. FONSECA. When you mention organized crime, the thoughts come to mind as to the Mafia, the current definition.

My experience in the cases that we have, the organizations we deal with do not necessarily tie into say some Mafia-type connections which are very highly organized. They are all organized in their own right.

You have your financiers at the top who never come in contact with the narcotics themselves.

You have your people just below them who make the arrangements, and you have another set sometimes below them who hire the people to go out and get the marihuana or cocaine in South America or heroin in Asia or Mexico, and then bring it to the United States at a certain locale, and then they have distribution points and lieutenants who take it up from there, so it is a very sophisticated, very highly organized structure; and there is no doubt in my mind that it is organized, and we have from time to time in cases which from the very beginning, appear to be unrelated to each other, as far as personnel. As you get closer to the top, you usually have people who you have come across in other cases, so there is some connection, and there is some tie-in with the same individuals between, depending on the particular case you are talking about. It is very highly organized.

Mr. LIVINGSTON. Mr. Fanning.

Mr. FANNING. Well, with respect to the question of being able to comment on organized crime involved in drug trafficking in this area, from the cases that I see, the street level uses the people that get their hands on a prescription pad from charity hospitals and sign in a doctor's name and go to the drug store looking for some Talwin, or what-have-you.

I don't feel I am in a position to make a statement. There are occasionally times when we handle cases and try to do a followup, and bring someone to a grand jury, and we see that they have a connection out of State and it appears to be an organized type thing.

I really don't feel qualified, with my background, to make any kind of comment on that situation.

Mr. LIVINGSTON. Thank you, gentlemen.

Mr. Railsback.

Mr. RAILSBACK. Thank you, Mr. Chairman.

I want to join with the chairman in thanking you. I would like to ask who establishes the priorities for budgeting, for, say, flash funds for the city police or the drug unit?

Mr. FANNING. Congressman, I think that the different division unit commanders submit budgets to the superintendent's office and bring it to the Finance Department, which takes it to the city council, and they have a vote on it, so it is a cumbersome-type process. It is my understanding, and I am sure the P.D. people could answer this better than me, is they try to keep up with last year's budget, and not lose any funds because of the status of the city's finances.

Mr. RAILSBACK. And yet it really seems that it is a serious problem that there are no so-called confidential money or flash funds.

One of the earlier witnesses pointed out that in New Orleans it is extremely unlikely that a middle distributor is going to get prosecuted. In other words, you are saddled with a lot of little complaints which is the only kind that you can prosecute given your line of resources. We know that there is a national policy of DEA to the high-level traffickers, people involved in big transactions. Thus, it appears to me, that there may be many, many

people, who are not really the big fish, but who are really acting without fear of prosecution.

Would you agree with that?

Mr. FANNING. Well, I think what the police department does in this area, if they find somebody on the street holding a small amount of drugs, and take that person and find out who is your source, and that is the middle-type deal.

We have quite a strict policy in our office about extending consideration to informants, because we have found in the past there has been some abuse of that. People that were not producing were getting consideration so we have tightened up on that somewhat. Without funds to pay informers who are not over a barrel because of a criminal prosecution, these people do operate pretty much without fear of immunity.

They are not going to be prosecuted by our office.

What we have tried to do in the past in the D.A. office was to go through our past records of cases that resulted in convictions or even cases that resulted in not guilty, acquittals, motions to suppress, and we tried to do a little schedule of the people that we would be interested in and get them into the grand jury and give them a grant of immunity from prosecution for the cases that we had either already successfully or unsuccessfully prosecuted them on.

We ran up against the same roadblock of identifying people and, like I say, we handled 2,000 cases. How do you pick each case, and who do you turn it over to when you develop something?

There is any number of middle level dealers in the city now that we just can't go after because we don't have the resources.

Mr. RAILSBACK. I heard about your career criminal program 2 or 3 years ago. Is that still operating, and how does that impact on drug pushers, sellers or distributors?

Mr. FANNING. The career criminal program started in May of 1975. I was in the original group that staffed the program and spent 2 years in that organization.

The program is still in effect, and from what I understand, at one time there was a significant Federal grant to the project. However, it was experimental funding, and the funds could not be continued. The State has since then picked up some of the funding.

It is somewhat of a scaled-down operation.

In September of 1975 our grand jury returned over 50 indictments for heroin cases and the whole program was turned over to the Career Criminal Bureau which I was a part of at that time, and we handled it.

There were eight attorneys plus a supervisor. Now, you just don't do that because they don't have the manpower or funding or the people there. We do have it, the program is still in operation, and they still are as effective as they can be with the resources that they have, but it is not anything near what it was 4 years ago, let us say.

Mr. RAILSBACK. How are the T's and Blues scheduled? Do you have a controlled substances act in Louisiana? At what levels are they scheduled?

Mr. FANNING. For the 1978 legislative session I wrote a bill but it was defeated in the committee.

On February 9 it was controlled federally as a schedule II narcotic. We controlled it as a schedule IV narcotic, the benefit that we saw of Talwin being controlled as schedule II was really a paper-type thing because of the paperwork for the pharmacist.

We felt we would have less opposition to getting the bill passed if we went with schedule IV, because the pharmacists wouldn't fight us and the penalty was the same.

It is a schedule IV drug, and the penalty is the same as if it were a schedule II drug.

Mr. RAILSBACK. How stiff are the penalties for cocaine or angel dust, PCP, and how about some of the other drugs of abuse?

Mr. FANNING. Heroin, as you know, is a mandatory life sentence for distribution or intent to distribute. It is a 4-to-10-year sentence in the State penitentiary for possession of heroin.

Mr. RAILSBACK. What does life mean under the Louisiana law? When are they eligible for parole?

Mr. FANNING. My last trip I made to the penitentiary, I checked in on some of the people that I had seen 4 or 5 years ago and they were all still there, I am happy to say.

What we have seen in the past typically was a life sentence would be computed to 20 years by the pardon board, at which time the defendant would have to do 10 years and 6 months, 55 percent of the time in order to satisfy the good time requirements.

We now have tightened that up somewhat.

DEA association was successful in having legislation passed which would limit good time to being one-fourth of the sentence, and we have instituted a post-conviction tracking unit which goes to the pardon board every time they met. If they want to commute a life sentence to 20 years, they know the public is going to know about it the next day, so we have seen less sentences commuted.

If they are commuted to 20, they will have to do 15 years now. We are looking at a pretty good whack, as a matter of fact.

Mr. RAILSBACK. May I change the subject to pill pushing and ask either one of you if you have reason to believe that there has been extensive illicit pill pushing in New Orleans?

Mr. FONSECA. Yes, sir, there is of both kinds, both illicit and the licit type.

Our office, the past 4 or 5 years, has prosecuted a number of doctors who have been one of the major sources for the so-called licit type of drug distribution, but in effect it turns out to be illicit.

We made a number of cases, just offhand I would say 5 or 6, and we have led the country per capita in the prosecution of doctors.

It is a very serious problem because of the so-called licit facade that is there; that a person feels that a doctor has a right to write anything he wants since he is a doctor, which is not the case.

It is a prevalent thought among people, but you run into some types of doctors, they are either old, not competent and have not kept up with their practice and this, speaking from experience of the doctors that we have prosecuted, and that this is the only way they have available to make money, and they run large clinics where large numbers of people come in, and the word spreads very quickly as to what doctor you can go to, what you have to say to him to get the pills, and to the extent that some doctors were requiring a driver's license, some type of identification for the new

patients that they would take in order to try to avoid the possibility that you would have an undercover agent come in to obtain evidence.

The big problem in investigating these types of cases, you need to conduct an ongoing investigation, and gather evidence by undercover agents, usually over a period of time because you are dealing with a person who is a professional in the community and you can't go on one or two buys.

Mr. RAILSBACK. May I ask under what law are you prosecuting them? What kind of a law is it?

Mr. FONSECA. Under the general distribution statute under title 21, distributing a controlled substance, and the way in which we make the cases to, again, over a period of time send in agents who not only recall what the doctors say, but also try to tell the doctor or, in their undercover work, to make like they are not going for a medical reason, make it obvious to the doctor that they are not there for a medical reason, use street language, "I want uppers, or downers. Doctor, I am getting a good price for this on the street," and over a period of time with this type of evidence it is obvious. Although they have a right, if they distribute it or write prescriptions for a legal, for a medical reason, there is no problem.

However, if the evidence is obvious that it is not for a medical reason, this makes it a crime under the general distribution statute.

Mr. RAILSBACK. Is the Medical Society active in self policing at all?

Mr. FONSECA. Yes, they are. Usually at the appropriate time when our investigation is completed, under a request for information, they can obtain information from us to conduct their own proceedings, and they usually follow up; and they usually suspend or take away the license of the doctors that are involved.

Mr. RAILSBACK. Would both of you favor the development of a so-called DIU, drug investigation unit? Are you familiar with that kind of task force approach?

Mr. FANNING. I am not familiar with that from the concept of a task force on a Federal level, but I know that there have been some task forces before, urban squads of the New Orleans Police Department who work in a housing project area, and I know that these task force units, as they were called here, have been highly effective.

If it is the cooperation between State and Federal agencies that I was talking about before, I think that is good.

Mr. RAILSBACK. I have been corrected by counsel; it is a diversion investigative unit.

I think I said drug investigative unit, but it is a diversion unit.

Mr. FANNING. We have a diversionary program in the district attorney's office to steer them away from prosecution.

Mr. RAILSBACK. These units concentrate on halting the diversion of licit drugs for other purposes.

I want to thank you very much and wish you, Mr. Fanning, good luck with your new job.

Mr. FANNING. Thank you.

Mr. LIVINGSTON. Would you recommend that the State of Louisiana pass a wiretapping statute?

Mr. FANNING. I think it would be very effective and very useful. It has been used in some other parishes without a wiretap statute, but I think certainly that would be a useful tool for us.

We would have to have some training and funding available to utilize it, but certainly we have a need for that.

Mr. LIVINGSTON. Do you think it would be an effective tool for the investigation and prosecution of narcotics cases?

Mr. FANNING. Absolutely.

Mr. LIVINGSTON. I want to say for the record that I have been referring to my chief counsel as Mr. Carpentier. Since he is in New Orleans, that is the French pronunciation. He goes by Carpentier. Mr. Carpentier, do you have any questions?

Mr. CARPENTIER. No; thank you, Mr. Chairman.

Mr. LIVINGSTON. Mr. Starek?

Mr. STAREK. Yes; Mr. Chairman, I have one question for both of the witnesses.

I am interested in the use of plea bargaining on both the Federal, and State, and local level here.

Specifically, how widespread is the use of plea bargaining by your respective U.S. attorney and district attorney offices? Mr. Fanning, is the mandatory life sentence for heroin trafficking or intent to traffic oftentimes plea bargained out?

Mr. FANNING. Since Mr. Commick, my boss, has been in since April 1974, there has been quite a crackdown on plea bargaining.

That is one of the areas that we found quite a bit of abuse in.

If you could take a plea and avoid going to trial, you could do that and dispose of the case more quickly.

We do not engage in plea bargaining in narcotics cases, hardly at all, I would say.

The only person that can approve a plea negotiation in a narcotics case in New Orleans Parish is the district attorney. Myself or no other assistant DA could involve ourselves in that, and I know Congressman Livingston knows Mr. Commick well and it is not often you go to him with a file and ask for a reduction.

You are charged with an offense, and you are indicted for an offense, and you either go to trial and plead guilty or not guilty as charged, and good luck to you.

We have more of a problem with police officers coming to us and saying, "Why don't you take a plea? We don't think the case is that strong." Or for whatever reason the guy might cooperate afterwards.

We would recommend a plea, and we tell them, sorry, we can't do that. We go to trial. You made the case, you indicted it, and you go to trial. We have very, very little plea bargaining.

Mr. FONSECA. We have a different experience in the Federal system, at least in this office. We do engage in extensive plea bargaining but because of the goal that we are seeking to obtain, not so much to give a person a break or avoid a trial, but to obtain information to move higher up the ladder, and it is almost necessary because of the nature of the beast, that they are looking for something, and we do get something, so we do engage in plea bargaining.

Mr. LIVINGSTON. We are going to take a break. We thank you for coming. You are doing an outstanding job in the community, and you are doing an outstanding job in the State.

[Brief recess taken.]

Mr. LIVINGSTON. Will the next panel please come forward? We are very pleased to have you with us, Mr. Argent Acosta, president, Local 168, National Treasury Employees Union; Mr. Barry W. Cobb, vice president, Law Enforcement, Local 168, Mr. John Fuller, executive officer, Local 168, Mr. Niels Nielson, executive officer, Air Arm, Local 168, and Mr. Jim Thornton, national field representative, National Treasury Employees Union.

Did I miss one? I see six people there.

Mr. THORNTON. Mr. Nielson, Customs pilot and Mr. Bill Crane, Customs inspector.

Mr. LIVINGSTON. All right, gentlemen, we welcome you. We appreciate your coming. Our intent is to get your input concerning our relative success in interdicting smugglers from the law enforcement standpoint.

Which one of you would like to lead off?

TESTIMONY OF JAMES W. THORNTON, NATIONAL FIELD REPRESENTATIVE, NATIONAL TREASURY EMPLOYEES UNION, ACCOMPANIED BY ARGENT ACOSTA, PRESIDENT, LOCAL 168, NTEU; BARRY W. COBB, VICE PRESIDENT, LAW ENFORCEMENT, LOCAL 168, NTEU; WILLIAM F. CRANE, CUSTOMS INSPECTOR, TREASURER, NTEU; JOHN FULLER, EXECUTIVE OFFICER, LOCAL 168, NTEU; AND NIELS NIELSON, EXECUTIVE OFFICER, AIR ARM, LOCAL 168, NTEU

Mr. THORNTON. Mr. Chairman, Vincent L. Connery, the national president of NTEU asked me to send his regrets for not being able to appear before you today, because of a scheduled function made before the dates of this hearing were confirmed, and he asked me to represent NTEU on his behalf.

I am James W. Thornton, national field representative for the National Treasury Employees Union. My area of assignment for NTEU for over 4 years has been to assist and represent Customs employees in Customs regions V and VI. Region VI, Houston, covers the geographical areas of New Mexico, Colorado, Texas, Oklahoma, and a small portion of Louisiana.

Region V, New Orleans, is composed of Louisiana, Mississippi, Alabama, the major portion of the Florida Panhandle, Tennessee, and Arkansas.

Prior to my present occupation, I was for several years a customs inspector in the San Diego District of Customs Region VII. For almost a decade I have been intensely involved either in the law enforcement role as a Customs employee or as a representative of Customs employees, and as such I have been in a position to view firsthand the futile efforts of the Customs Service to fulfill a major obligation of their stated mission—the interdiction of contraband entering the United States.

Mr. LIVINGSTON. Could I interrupt you just a second. I apologize for interrupting you. I neglected to get you all sworn in, and so I ask you at this time. It is our standard procedure to swear in our witnesses.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. THORNTON. I do.

Mr. ACOSTA. I do.

Mr. COBB. I do.

Mr. FULLER. I do.

Mr. NIELSON. I do.

Mr. CRANE. I do.

Mr. LIVINGSTON. I apologize, and would you continue?

Mr. THORNTON. This Nation at present is engaged in a skirmish—it should be all out war—to stop the flow of narcotics and other contraband entering its borders. The record should show that the Customs Service, along with other agencies, has failed dismally in this regard. We are reminded of the analogy of a military commander arming his troops with wooden rifles to exhibit a show of force before the enemy, all show and no substance.

As a result of reorganization plan No. 2 implemented in 1973, the primary responsibility for drug enforcement in this country was shifted from the U.S. Customs Service to the DEA. An agreement reached between the agencies at that time was to the effect that the Customs Service would no longer investigate drug cases but would in fact confine its efforts to interdiction at the source of entry. It was apparent to anyone involved in this transition of responsibility, that the drastic reduction in the role of the Customs Service left a broad gap in the first line of defense against the smuggling of contraband into this country, especially on its southern borders and coastlines.

The then Commissioner of Customs, Mr. Vernon D. Acree, acted accordingly and revived the Customs Patrol to fill the vacuum created by the demise of the Customs Agency Service. The reestablishment of the Customs Patrol covered not only the Atlantic and Pacific Coasts, but was heavily concentrated along the U.S.-Mexico border and all of the Gulf Coast. This was out of necessity because of the long established knowledge of the vast influx of drugs, marihuana, and other contraband being smuggled from Mexico and South America, Colombia in particular.

With the establishment of the patrol it was apparent to the local managers and employees that with the limited resources available, there was only one way that the patrol could be effective in the accomplishment of its mission and that was through proper utilization of the intelligence process. This, by its very nature, would dictate the extensive use of informants and investigatory work to uncover other reliable sources of information. We see that this workable premise of conducting the necessary investigation and surveillance to garner information toward the interdiction of contraband was one of validity. Until the current administration and appointment of Mr. Robert E. Chasen as Commissioner of the Customs Service, this was the primary method used by the Customs Patrol.

In February of this year at a meeting in Washington with Mr. Chasen, NTEU was told in my presence that he had determined that the past practices being utilized by patrol personnel were in fact a violation of the agreement between Customs and DEA. This was in response to an NTEU query concerning why he had taken

certain actions to curtail the undercover work of Customs Patrol officers and increase their visibility.

Mr. Chasen had issued orders that all Customs Patrol personnel and Customs Air Branch personnel would immediately commence wearing uniforms in their normal duties. The fact that many of these personnel, especially in Air Support, had never even worn a uniform created much consternation throughout their ranks. Mr. Chasen further ordered a dramatic increase in the number of marked vehicles and aircraft. These orders, plus others aimed at reducing the contact between Customs and other law enforcement agencies, had a devastating effect upon the morale of all involved Customs employees.

It would appear that the Commissioner acted because of some complaint from the DEA. At least this was intimated to NTEU. However, we do not know that this was in fact the case. In view though of the epidemic proportions of the influx of drugs and other contraband into the United States, we seriously doubt that anyone in DEA has complained to anyone in any other agency concerning alleged violations of their jurisdiction.

A reasonable person could only conclude that under present circumstances, DEA would welcome any help from any source whatsoever, in the overall fight to stop the drug flow. NTEU would consider any attitude or complaint to the contrary irresponsible. There is simply no room for bickering between agencies who should be united in their efforts to defeat the common enemy.

We view the Commissioner's actions of increasing the visibility of the patrol as being out of touch with the reality of the situation. Instead of enhancing an undercover situation where the real information is gathered, we are confronted with relegating the patrol to a function of gang plank watching. This might deter a seaman from bringing in an illegal bottle of liquor, but it offers absolutely no deterrent against the professional smuggling element. As a matter of fact, it makes life much, much easier for them. Make no mistake about the smuggling community, they know the capabilities of the Customs Service and the present situation must give them great comfort. Never mind the drug flow, we just don't want the DEA to be unhappy with any technical violations of investigative jurisdiction.

To focus on how these policies have affected enforcement in the central gulf area, we need to examine just what has happened, or better yet, what has not happened in primarily Customs region V. It was a very wise man who observed that if God had planned an area for smuggling, Louisiana was it.

Recent seizures of marihuana multiton loads from small watercraft and intelligence received on smuggling activities indicate that marihuana smugglers have concentrated more of their activities into the southeastern Louisiana coastal area. This information, viewed in conjunction with the increased enforcement efforts in the Florida area, confirm that smuggling activities are definitely on the increase in southeastern Louisiana along the borders of the Gulf of Mexico.

The close proximity of source countries to the Louisiana coastal area with its many miles of open beaches, coastal islands, and unattended offshore oil rigs is highly attractive for providing poten-

tial landing sites for vessels to offload contraband. This threat is further amplified when considering the numerous coastal lakes and rivers interconnected with a maze of bayous, drainage canals, cuts and channels. Louisiana, while only having 337 miles of actual coastline, has an additional 6,000 miles of shoreline accessible to the smuggler.

Indications are that conventional methods of interdiction have had little effect upon smuggling enterprises. It has been estimated that Customs interdicts only 8 percent of the total contraband smuggled. I think Colonel Garrison, in his earlier testimony, gave an estimate of 5 percent. His figure may be more accurate than ours. This can in large part be contributed to the lack of adequate intelligence and the lack of proper manpower and equipment. The result has been an inability to respond in sufficient strength or time to be effective. In many cases responses could have been directed into areas that were accessible by boat, had boats been available.

Currently the Customs patrol in New Orleans operates only two watercraft, a 32-foot fiberglass vessel and a 20-foot sport-type boat. Woefully inadequate for even providing a visible deterrent.

One of these boats, a 31-foot Uniflite, is operationally unsuitable for local waters. This boat, plainly marked in compliance with current Customs policy, is also totally unsuitable for undercover and surveillance operations, the heart of smuggling interdiction. This particular boat is equipped with low powered 4 cylinder engines that will produce 15.4 knots at top speed. A smuggler looking for a boat for his own use would laugh at any dealer who would even suggest such an underpowered craft.

But this is not the real problem, which is, put simply, the craft is too large to use effectively in inland waterways and too small to use offshore. This is not to imply that the Uniflite is in any way a bad craft; quite the contrary, it is just a case of this particular model being absolutely inadequate for what is needed to patrol the area assigned. Because of the inherent power and size restrictions, the craft in effect becomes a sitting duck. Any smuggler using marine band radio can determine the craft's location at any time much the same way that a highway traveler uses citizen band radio for "Smokey" reports.

Another factor is the Uniflite's fuel capacity of two 75-gallon tanks; this restricts the range to 150 miles roundtrip. From its present location at the Gulf Outlet Marina, it can go straight to the buoy off Breton Island and then must return for fuel. It was intended originally that this vessel was to be used to board ships in the Mississippi River but during its initial, and we might add only boarding attempt, the sport designed steering wheel broke due to the strong river current. Therefore, at present no ships are boarded in the Mississippi River from Customs vessels.

The other boat, a 20-foot Robalo, was acquired as a chase boat. Its size is suitable for that purpose, but it is handicapped by engines that fail to utilize the boat to maximum effect; it will only achieve 35 miles per hour as a top. Additionally, it is restricted to 60-gallon fuel tanks which severely limit its range to even less than that of the Uniflite.

Both of these boats are constructed of fiberglass materials and offer very minimal protection to the crew in the event they receive hostile gunfire. This has not happened yet in the New Orleans area, but intelligence reports indicate that smugglers are beginning to arm themselves heavily and with the advent of new and stronger drug laws, we feel that it is only a matter of time before gunfire will be received.

The New Orleans district management officials have in the past 2 years made great strides in trying to bring the district out of the dark ages. One effort that has suffered, however, is proper attention to the marine program. At present there are no marine branch standard operating procedures for region V. It is evident that the Regional Director of Patrol has done little to consolidate or coordinate any type of effective marine program. The foregoing description of the available equipment is a manifestation of the lack of effort in this regard.

Also Customs patrol officers operate out of grade and position in conjunction with the marine program. If there is such a thing as a job or position description for a boat handler in region V, it must have some security classification that prevents management from allowing the employees to see or receive a copy of same. We don't believe they have such a description.

I might add at this point, a very strange thing occurred today concerning the marine program. About an hour ago, I received information from my office in Austin that for the first time in 4 years, we received an express letter from Customs management here in the New Orleans region that stated—I don't have the note I made right in front of me—but it stated in effect that they are starting a marine program, so I would like to interject at this point our congratulations to this committee. They have already caused some momentum in the Customs Service heretofore unseen.

Notwithstanding the present inadequate equipment and with limited manpower, the patrol unit in New Orleans has had some limited success. During fiscal year 1978 and the first half of fiscal year 1979, the New Orleans patrol seized 21 vessels. Since it has been estimated that Customs seizes only 8 percent of the total contraband smuggled, we are talking about approximately another 275 vessels that got away. Now, this is a statistical point made to demonstrate the scope of smuggling activity. During the same period, Customs in New Orleans seized 532,000 pounds of marijuana. If the 8 percent figure is a correct estimate, 6½ million pounds got through undetected. That represents a value of \$392 million entered through New Orleans during the last 1½ years.

Would it not be logical to assume that given the proper equipment and manpower, a significant portion of this traffic could be interdicted? This would also have a derivative effect of making the areas less desirable for narcotic smuggling. The situation has become so flagrant that while on an off duty fishing trip for mackerel, a customs inspector actually landed a 100-pound bale of marijuana. That was Mr. Acosta, on my right. He is the fisherman.

In addition to a lack of proper marine equipment, there exists a lack of sufficient personnel to man the area properly. At present there are 32 CPO's staffing New Orleans, 8 staffing Morgan City, and 5 staffing Lafayette. There are no CPO's assigned to Baton

Rouge or Gramercy. It is a fact that of the nearly 17,000 vessels that arrived in New Orleans last year, 2,400 of these continued up river to Gramercy and this is over and above the figure that landed in New Orleans. Additionally, some 1,700 vessels continued on to Baton Rouge during the same period. Yet the entire river area from New Orleans to Baton Rouge remains virtually without any patrol activity. Are we to believe that no narcotics trafficking exists in these areas?

Some additional problems that have handicapped the New Orleans Patrol Unit are—these are some examples: (1) The removal of customs officers from the DEA/CPO task force. (2) A need for more unmarked vehicles to properly insure covert surveillance operations. (3) A need for proper equipment. For example, the lack of sirens on the present unmarked vehicles. It is noteworthy that for the past 2 years CPO's have operated these vehicles without sirens. It has only been within the last month that headquarters authorized sirens for the vehicles in New Orleans but only for the marked patrol units. They still don't have sirens for the unmarked units.

The narcotics interdiction issue is further complicated by certain problems unique to the customs air branch in New Orleans. As a matter of fact, if it had not been for the assistance from some of the members of this committee, there probably wouldn't even be an air branch in New Orleans or anywhere else in the South Central or Southwestern areas of this country. I refer to the ill-advised decision made approximately 2 years ago when customs headquarters made the decision to close several of the air units. Fortunately, sanity prevailed and the order by the Commissioner of Customs was retracted.

The air branch in New Orleans suffers from lack of equipment and lack of personnel much in the same manner as the marine program. At present there are seven aircraft in the unit. Only one has the capability for radar intercept—a Navy surplus S-2D. As a matter of fact, the S-2D, a high performance twin engine aircraft, is down or grounded at the present time for an engine change. We have been advised that Navy, Jacksonville, the supplier of parts of the S-2, only has four more engines in stock and when they are gone there are no more.

Of the remaining six aircraft, all are light twins with the exception of one single engine Cessna 206. None are equipped with radar with the exception that one twin has a weather radar unit, unsuitable for intercept work, but a boon to the pilot for bad weather flying. All should be equipped with weather radar as a minimum.

It is our understanding that the unit's previously owned Howard 350 was radar equipped but the air branch gave up this aircraft over a year ago. It has never been replaced with an aircraft with the same capabilities. It is also our understanding that the unit has been offered by the customs headquarters on two separate occasions a Sabreliner jet, but that local management advised the headquarters they did not want or need that type of high speed aircraft. Never mind the fact that this type of aircraft is in plentiful supply to the smuggling community.

At one time the New Orleans unit had a UH-1 Bell helicopter. This aircraft was an outstanding piece of equipment ideally suited to the coastal terrain of the south Louisiana area. It was used

successfully on at least two occasions in major drug busts and has been sorely missed by the pilots in the unit since its departure. The helicopter was loaned to the Miami air unit well over a year ago, whose personnel were involved in an accident destroying the aircraft. It is our understanding that local management, again as in the case of the Sabreliner, do not want another helicopter nor have they taken any action to obtain one.

The lack of personnel has always handicapped the unit. They have been authorized eight pilots, but have never filled over seven positions at any one time in the last 2 or 3 years. The latest episode in this regard was a donation, in which they transferred the function of one pilot position to the Houston region—this was pure charity. At a time when the region should have been screaming for additional pilots and aircraft, they gave away a pilot position.

Another problem has been the headquarters requirement to mark the customs aircraft. Now, this is totally unsuitable for any purpose other than making photographs of the aircraft for public consumption. You may rest assured that anyone who might otherwise be a valuable informant, in Knoxville, for example, is not going to rush out to a marked customs aircraft to meet with the personnel and provide information. The mere sight of the customs aircraft in any one of hundreds of small airports in the region V area simply places the smuggling community on its guard, thus further complicating the chances for any successful making of a case. I will guarantee you that you will not find any marked vehicles used by the DEA.

The New Orleans unit is also guilty of not providing meaningful training for its personnel. It is difficult to believe that the personnel in this unit, who participate continually in overwater flights, have never been allowed to participate in sea survival training. Yet this training was offered free for the taking by the U.S. Air Force, and personnel in all of the other air units in customs participated, even in Arizona. Despite repeated efforts to attend by pilots in the New Orleans unit, such training was denied.

The air program in New Orleans like the marine program or lack thereof, in our opinion has suffered from a lack of dynamic and purposeful leadership at the regional level. Regardless of how well intentioned good officers are in their effort to do a good job, they are frustrated and thwarted in their efforts if the region does not appear to care concerning their operation. That is unfortunately the opinion that has been formed by many of the personnel at the working level.

It is as if management in region V has decided that DEA is totally responsible for the narcotics problem. For example, there are no, and I repeat no dog teams in New Orleans. When the presence of a dog and handler are required, they must be acquired on a TDY basis or borrowed from State and local authorities; this despite the fact that Grand Colombiana ships call on the Port of New Orleans on a regular basis. Nationally they are a proven source of smuggled narcotics.

Another area for your consideration is the fact that customs inspectors have been hampered in enforcement activities by the restraints placed upon them by the recent manual supplement on

overtime which mandated general, rather than direct, supervision of discharging vessels.

An interesting point concerning this is that the Customs reason for having patrol officers in uniform was that they represented a visible deterrent. However, they argued in support of the previously mentioned supplement, that it was not necessary to have inspectors present at each discharging vessel as the presence of the uniformed officer was believed to be of little value.

We wish to thank you, Mr. Chairman, and members of this Select Committee for holding these hearings. We are very hopeful that you will do all in your power to insure that the Customs Service rectify their shortcomings in the central gulf coast area and step up their enforcement program. They simply must improve their interdiction percentages and assist the DEA in its endeavor to the maximum extent possible. The American public demands no less.

Thank you, Mr. Chairman. We will be happy to answer any questions.

Mr. LIVINGSTON. The rest of you gentlemen, do you have anything to add to Mr. Thornton's statement?

I thank you for presenting your statement. It is a very comprehensive statement.

It has been pointed out that Customs is prohibited by law from becoming involved in narcotics investigations. Is that correct, and do you understand that to be the law?

Mr. THORNTON. That is correct. In the sense that while it is an established policy as part of the reorganization plan. I don't think that they ever said no, you can't investigate for interdiction purposes.

What happened to the best of my recollection, is that the decision was made at the time that the Customs Service would simply get out of the narcotics business except for interdiction on the borders or at the ports of entry. In that regard, as a matter of fact, they have continued in several investigatory roles up until just this year.

Mr. LIVINGSTON. The acquisition of drug intelligence is carried on by statute, by DEA, is that correct?

Mr. THORNTON. Yes.

Mr. LIVINGSTON. Then Customs officers, when they come into contact with such intelligence, are required to turn that intelligence over to DEA?

Mr. THORNTON. Absolutely.

Mr. LIVINGSTON. You made a very powerful statement, and frankly, I think that it is incumbent upon us to answer some of the questions you have raised. I would hope that tomorrow when we hear from Customs management we will get some of those answers provided for us.

Mr. RAILSBACK, would you like to ask a few questions?

Mr. RAILSBACK. Mr. Chairman, I agree with what you just said. It seems to me that the value in your statement, Mr. Thornton, is that it really gives us a chance to ask some questions both of the Drug Enforcement Administration as well as the Customs people.

Mr. COBB. Yes sir, they have had an impact.

We find that as soon as Miami increased its strength in the Miami region in the large enforcement area, coupled with the stronger legislation on the drug penalties offered, that we did find a bigger influx into this area.

I have been employed for 8 years in the New Orleans region and I can remember not too few years ago when a 50-pound seizure of marihuana was a major case, and now a 12-ton seizure of marihuana is commonplace. The time frame is about the same as the time frame of the increase of enforcement in the Florida area.

Mr. LIVINGSTON. Thank you.

Mr. Carpentier?

Mr. CARPENTIER. I don't have any questions.

Mr. LIVINGSTON. Mr. Starek?

Mr. STAREK. No questions, Mr. Chairman.

Mr. LIVINGSTON. Gentlemen, again I want to thank you for your coming here and for sharing your thoughts on your business with us, because I think that you have raised some very serious questions, and I believe that those questions deserve to be answered. We will be looking further at what you have to say. Thank you very much.

Ladies and gentlemen, that concludes the testimony for today's session. We do have a session scheduled for tomorrow. We have approximately four panels, in addition to the testimony of the mayor of New Orleans who will kick off at approximately 9:15 tomorrow. So we will convene at 9 o'clock. Unless there are any additional questions from the audience at this point, we will recess to reconvene tomorrow at 9 tomorrow.

Thank you very much.

[Whereupon, at 4:05 p.m., the committee was recessed to reconvene Tuesday, November 20, 1979, at 9 a.m.]

PREPARED STATEMENTS

PREPARED STATEMENT OF COL. G. W. GARRISON, DEPUTY SECRETARY, LOUISIANA STATE POLICE

I would like to thank you, Mr. Chairman, and members of this Committee for the opportunity to appear here today and discuss my views and opinions of the drug trends in the State of Louisiana.

Like our neighboring states, we share the position as serving as corridors for the introduction of drugs from South America to the Continental United States. Uppermost in our minds is the realization that no agency alone, state, local, or federal, can have any significant impact on the illegal importation of these drugs. To effectively combat this menace, cooperation among all agencies is the principal factor. Singly, our resources are limited and isolated and often overlapping in investigative efforts. Cooperatively, our efforts can be very successful in making this activity very risky and less profitable for the drug smugglers.

The Louisiana State Police has a total of forty-eight (48) officers assigned to enforce State Narcotics Laws. These officers are divided equally among three regions with the respective regional headquarters being in Baton Rouge, Lafayette, and Alexandria.

For the five years prior to 1978, the entire section was funded wholly or in part by the Law Enforcement Administration (L.E.A.A.) grants. However, since 1978, the section has been totally funded by state monies.

Louisiana, like most other states, is experiencing a narcotics problem of major proportions.

I feel the primary areas for concern in our state, with regard to narcotics, can be divided into two main categories. These being large scale smuggling operations and the diversion of legal drugs.

In discussing the narcotics problem, I would like to first address the problem of large scale smuggling.

In May of 1976, the first local smuggling case of any significance took place. Our agents along with D.E.A. and Mississippi authorities seized nine (9) tons of marijuana and arrested five (5) persons in Mississippi and Louisiana.

Next came the first totally Louisiana based operation. In February, 1977, over eighteen (18) tons of marijuana was seized in Livingston and Washington Parishes with six (6) persons being arrested. This case seemed to set a trend for future enforcement problems within our state.

Since February of 1977, large scale marijuana smuggling has taken a sharp rise as the following cases will point out:

June, 1977—Seized 20,173 lbs. Marijuana.	St. Bernard Parish.
May, 1978—Seized 18,630 lbs. Marijuana.	Lafourche Parish.
June, 1978—Seized 32,874 lbs. Marijuana.	St. Martin Parish.
July, 1978—Seized 41,142 lbs. Marijuana.	Assumption Parish.
August, 1978—Seized 38,500 lbs. Marijuana.	Lafourche Parish.
November, 1978—Seized 89,396 lbs. Marijuana.	Lafourche Parish.
December, 1978—Seized 24,000 lbs. Marijuana.	St. Mary Parish.
May, 1979—Seized 31,928 lbs. Marijuana.	Vermillion Parish.
July, 1979—Seized 15,500 lbs. Marijuana.	St. James Parish.

These cases are but some of the many which show the upsurge of smuggling organizations using Louisiana as a base for unloading, storing, and distribution of marijuana.

I would like to mention here that in almost all of the above mentioned cases, the defendants primarily come from outside of Louisiana, with Florida being the most represented state.

It appears to me that the large increase of the enforcement effort in the Florida area is beginning to force a Westward movement of many smuggling operations. This movement, along with the thousands of available off loading sites the Louisiana coastline offers, is the source of our problem. Geographically, Louisiana has the largest coastline of any of the states.

I think it is noteworthy to point out that the legislature, in its last session, passed Act 313, a Bill written by this Department, which was signed into law by Governor Edwards. This law sets forth penalties as follows:

Possession of marijuana

One hundred (100) pounds or more, but less than two-thousand (2,000) pounds—not less than five (5) years, nor more than ten (10) years) and to pay a fine of not less than twenty-five (\$25,000.00) thousand dollars.

Two thousand (2,000) pounds or more, but less than ten thousand (10,000) pounds—not less than ten (10) years, nor more than fifteen (15) years and to pay a fine not less than fifty thousand (\$50,000.00) dollars.

Ten thousand (10,000) pounds or more—not less than fifteen (15) years, nor more than twenty (20) years, and to pay a fine of not less than two hundred (\$200,000.00) dollars.

Possession of cocaine

Twenty-eight (28) grams or more, but less than two hundred (200) grams—not less than five (5) years, nor more than thirty (30) years, and to pay a fine of not less than fifty thousand (\$50,000.00) dollars.

Two hundred (200) grams or more, but less than four hundred (400) grams—not less than ten (10) years, nor more than thirty (30) years and to pay a fine of not less than one hundred thousand (\$100,000.00) dollars.

Four hundred (400) grams or more—not less than fifteen (15) years, nor more than thirty (30) years, and to pay a fine of not less than two hundred-fifty (\$250,000.00) dollars.

All these penalties are set forth without benefit of probation or parole.

As you can see the Legislature has addressed itself to the cocaine problem within our state. Although intelligence information as well as recent investigations have shown that cocaine is an extremely popular drug in Louisiana, I feel that as of yet this problem has not reached the monetary proportions of large scale marijuana smuggling and diversion of legal drugs.

I feel this positive action by the Legislature will be a great benefit to us in the future, however, stricter laws by themselves are not the total answer.

Next, I would like to address the problem of diversion of legal drugs.

It is the widespread diversion of drugs in Louisiana which seems to be the primary source of drugs, with the exception of marijuana, dealt in by the "street pushers" and is a major source of perpetuation of the drug oriented section of our society. The sources for obtaining these drugs run from obtaining drugs from allegedly legitimate physicians to burglary and armed robbery.

Although our agency is constantly investigating diversion cases, many times the manpower needs are simply unable to be met due to the time usually needed for an extensive overall investigation.

For example, in 1978, one druggist in Baton Rouge was arrested and later convicted. Within days of his arrest, the price of dilaudid in certain areas of Baton Rouge doubled. However, this case was over a year in the making and it is presently impractical to conduct a large scale investigation into the Baton Rouge area in general, due to manpower needs in other areas. Also, some areas of investigation in pharmacy inquiries for example, call for a great deal of expertise which only specifically trained personnel can properly supply.

Due to these factors, I would like to say that it has been my wish to form a Diversion Investigative Unit (D.I.U.) for several years. The only drawback to this point has been manpower.

It is my intention to go before the 1980 Legislature and ask for additional State Police personnel. If successful, I will be able to commit the Louisiana State Police to the forming of a Diversion Investigative Unit (D.I.U.) and, with the cooperation of the Department of Justice, will move immediately toward this goal.

In the interest of narcotics enforcement in Louisiana, I would like to say that in no way do I question the decision of the Department of Justice to cut back Drug Enforcement Administration manpower in Louisiana. However, for the reasons I have stated, we hope this Committee would join us in asking the Department of Justice to replace at least some of the agents transferred from Louisiana. Selfishly, a priority to us would be a field office in Lafayette, Louisiana, to join with our agents and U.S. Customs Agents stationed there, to provide much needed coverage for South Central and Southwest Louisiana, all within our coastal area.

In conclusion, the narcotics problem in Louisiana is truly a monumental one. No one agency within our state can effectively combat the problem alone. The excellent cooperation and assistance given us by the Drug Enforcement Administration, the U.S. Customs, and the U.S. Coast Guard, has made our narcotics enforcement effort in Louisiana more effective than ever before. However, we must all work harder and continually try to upgrade our enforcement personnel if we hope to stem the tide of the rising narcotics problem in Louisiana.

PREPARED STATEMENT OF ARTHUR O. COPE, SPECIAL INVESTIGATOR FOR THE DISTRICT ATTORNEY, 25TH JUDICIAL DISTRICT, PARISH OF PLAQUEMINES, STATE OF LOUISIANA

I would like to thank you, Mr. Chairman and members of this committee, on behalf of myself and district attorney Leander H. Perez, Jr., for being invited to appear before this Committee on Narcotics Abuse and Control.

Introduction to Plaquemines Parish, La.

Plaquemines Parish is the southern most parish in the State of Louisiana and has approximately 1,986 square miles of land area. The Mississippi River divides Plaquemines Parish down the middle where it flows into the Gulf of Mexico. The parish is composed largely of marsh land with its 26,000 plus population living in areas close to the banks of the Mississippi. There are hundreds of miles of canals and waterways which are accessible from the Gulf of Mexico.

a. *Resources—industry.*—Plaquemines Parish is principally an oil producing parish with oilfields dotting the entire parish far into the Gulf of Mexico. Plaquemines Parish also has a large sulphur production and fishing industry.

b. *Law enforcement and judiciary.*—Plaquemines Parish has two divisions of criminal district court with two judges. The district attorney's office is comprised of the district attorney, two assistant district attorneys and six special investigators. The Plaquemines sheriff's office is comprised of 43 deputies who patrol and conduct investigations.

Overview of drug problem in Plaquemines Parish

Ninety-five percent of all drugs seized and purchased by Plaquemines Parish authorities were found to be coming out of Jefferson and Orleans Parishes. This can be contributed to the fact that the only highways leading from Plaquemines Parish

enter either Jefferson or Orleans Parish and that the New Orleans area is the only metropolitan area close to Plaquemines Parish.

Heroin.—Due to accessibility of the metropolitan area of New Orleans, Plaquemines Parish is fortunate in having only isolated reported cases of heroin addiction. The known addicts to date are basically from the middle income and higher income brackets. In all known cases of heroin addiction, these persons have eventually moved into the New Orleans area. In the past 10 years, only six persons have been arrested for heroin violations in Plaquemines Parish.

Cocaine.—During the past 2 years cocaine abuse has become a problem. Again this drug is being abused by basically middle and higher income persons. What is considered large seizures of cocaine for the Plaquemines area have been made only in the past 2 months. Two searches of defendants residences produced 14 ounces of a high grade cocaine. During recent undercover operations, small quantities of cocaine have been purchased. This cocaine has been of a low grade percentage. Because of recent seizures and undercover purchases, it is anticipated that the distribution and use of cocaine will continue to rise.

PCP.—PCP has become a source of problems for the Plaquemines area. During the past 2 years, there has been 13 cases of reported overdoses of PCP. The use of PCP, according to intelligence information, is one of two main drugs of abuse in the high schools in Plaquemines Parish, the other drug being marihuana.

In one incident, Plaquemines Parish had a double murder and an accidental death by drowning of the suspected murderer and, according to the investigative reports, the murders and drowning was contributed to all of the victims being under the influence of PCP.

Marihuana.—Marihuana is and has been since 1967, the main drug of abuse in Plaquemines Parish. During 12 years of marihuana arrests and seizures, the largest local seizure to date was a 20-pound seizure, with the exception of a 5-ton seizure, which was a case initiated by DEA. All of the seizures of marihuana usually average a pound or less. The marihuana seized is approximately 90 percent imported with approximately 10 percent domestic marihuana.

Anticipated problems

a. During the past 5 years, Plaquemines Parish formed the Plaquemines Parish Port Authority. Since this time, foreign vessels have begun to use the facility which has resulted in the forming of launch services, and from this has resulted in foreign seamen entering the United States in the Belle Chasse area of Plaquemines Parish. According to an official at one of the launch services, since January 27th, 1979 through November 14th, 1979, 784 ships have anchored in the Mississippi River and have utilized launch and port facilities in the Belle Chasse area. According to this official, U.S. Customs, because of being understaffed, only spends approximately one-half of a day during a month checking out persons entering the United States in the Belle Chasse area. Also, because of this situation of seamen departing and boarding the ships at this point, prostitutes from the Magazine and Decatur Street area of New Orleans are traveling into Plaquemines Parish to entertain seamen aboard the ships. According to this same company official, he has on numerous occasions suspected that certain persons, because of particular situations, were smuggling narcotics into the United States from the ships anchored in the Belle Chasse area.

b. Because of the easy access from the Gulf of Mexico into almost all areas of Plaquemines Parish, the smuggling of marihuana is expected to increase. Due to the small staff of the sheriff's office at the present time, it is an improbability that all accesses into Plaquemines Parish can be constantly checked for suspicious boats and activities. Also, because of the fishing and oil activity in the Gulf of Mexico, unknown numbers of boats each month enter and depart Plaquemines Parish.

Federal, State, and local cooperation

The air of cooperation which exists between Plaquemines Parish, the Jefferson Parish Sheriff's Office, the New Orleans Police Department, U.S. Customs and the DEA is to be highly commended. Because of being a rural parish, Plaquemines Parish does not have the large manpower available to them as does a metropolitan law enforcement agency. Plaquemines Parish has received great help in utilizing undercover agents, surveillance agents and undercover vehicles from the Jefferson Parish Sheriff's Office and the New Orleans Police Department. Also, the degree of communication between the departments has been highly successful in a mutual fight against narcotics.

DEA.—Plaquemines Parish is almost solely dependent on DEA as to the availability of purchase funds and "flash rolls" (funds used to show potential defendants). The only problem which exists is the fact that DEA can only work on higher

echelon defendants and also because of reduced manpower and equipment, not enough time is spent with State and local narcotic enforcement.

Recommendations

a. An increase in customs patrols by boat and, also agents inspecting watercraft which enter Plaquemines Parish in Venice, Louisiana from the Gulf of Mexico, would in all probability result in the increase of seizures of narcotics entering the country. According to numerous informants, tug boats and fishing vessels which enter Plaquemines Parish at Venice, Louisiana are transporting narcotics. Also, there are reports that narcotics are also being brought into Empire, Louisiana, a small town in Plaquemines Parish.

b. An increase in custom inspectors is definitely needed to inspect the seamen entering the United States at Belle Chasse, Louisiana.

c. Because of the G-DEP programs which necessitate that DEA work on high level drug violators, very often because of these guidelines, they are unable to assist in a local investigation. On occasion, investigations have been initiated by Plaquemines Parish on a mid-level violator and help from DEA was needed, however they were unable to assist. A change in guidelines with priorities lifted would greatly assist the local law enforcement agencies. Also a system such as is utilized by the Federal Bureau of Investigation, is that this agency has resident agents assigned to work rural areas. This would be of significant value in that local agencies, particularly in an area such as Plaquemines Parish, with its numerous waterways, could confer with and also afford information on a daily basis which would assist in their investigation of large-scale smuggling of narcotics.

Plaquemines Parish is fortunate in that the courts, the district attorney's office and the sheriff's office work in complete cooperation with each other. Only on small marihuana seizures is probation on a narcotics conviction given. The district attorney and the sheriff of Plaquemines Parish have men trained in the field of narcotics investigations, however; these officers are also assigned other areas of criminal law enforcement.

According to an article which appeared in the Phi Delta Kappa educational periodical, Plaquemines Parish has one of the lowest crime rates for any parish or county in the United States.

Plaquemines Parish has two airplanes and one helicopter available to them. Oil field industry cooperates very well when additional aircraft and boats are needed when this type of equipment is needed for smuggling investigations.

PREPARED STATEMENT OF STEVENS E. MOORE, PROJECT DIRECTOR FOR THE DESIRE AREA COMMUNITY COUNCIL, INC., DESIRE-FLORIDA COMMUNITY ANTI-CRIME PROGRAM

Mr Chairman, members of the House Select Committee on Narcotics Abuse and Control, I extend to you on behalf of the Desire Area Community Council, Inc. and the residents of the Desire-Florida Community our deep gratitude for inviting us to speak to you today.

I am the Project Director of the Desire Area Community Council's Desire-Florida Community Anti-Crime Program. Our program which has been funded by the Law Enforcement Assistance Administration, U.S. Department of Justice since September, 1978, facilitates the involvement of residents, organizations and agencies in activities leading to (1) a reduction in the number of crimes and fear of crime and (2) the elimination of those social and economic conditions which causes crime. Some of our activities include the neighborhood watch, community patrol, drug abuse and prevention education, juvenile counseling, economic development, and media involvement.

For the months of May, 1979 through October, 1979, I served on the Mayor of New Orleans' Citizens Committee Against Crime. I am a member of the Subcommittee on Police, Courts and Corrections, charged with the task of reviewing the operations of each and making recommendations to the Mayor and City Council for improvements leading to a reduction in crime.

As Program Coordinator and Project Director for the Desire Area Community Council's Desire-Florida Community Anti-Crime Program since December of 1977, it has been my responsibility to develop and implement projects aimed at reducing the crime rate in the Desire-Florida area. In order to have any chance for success in achieving such an ambitious task, we decided to first investigate the causes of criminal behavior.

Our search led us through numerous writings and many meetings discussing the relationship between socio-economic conditions and criminal behavior. One of the

underlying causes for the majority of property crimes and crimes to the person involves narcotics. In recent interviews with members of the New Orleans Police Department, we (mayor's Citizens Committee Against Crime) were told almost all property crimes and many of our violent crimes are drug related.

Users or addicts fall into many categories. They will range from the poor unemployed to the well-to-do employed. The kinds of narcotics used range from marijuana to heroin, inclusive of cocaine, talwin, valium, PCP, and a variety of pills. The younger users engage in glue sniffing and drinking cough syrup.

Young adults (25 to 40) who are working people, either in a skill or in a profession are habitual users of marijuana or cocaine. For instance, some of our drug counselors and therapist are themselves users of marijuana or cocaine. Moreover, because of the affluence of this group, you will find that some are actually "pushers" for their economic class: getting loaded off marijuana or cocaine is vogue for several social groups. Disregarding the harm done to oneself and the example set for the youth of our Communities, narcotics abuse, as stated earlier, results in criminal behavior by many of the poorer users.

Partly because of the overlap between economic classes, the opportunity for profit and the desire to escape reality, many poorer persons come to use or abuse narcotics. Their misuse, however, is less discreet than their wealthier co-users. Their misuse is often to a debilitating extreme. Because they don't have an income to support their habits, they must either sell narcotics to other users or exchange merchandise for cash in order to generate capital. The latter alternative leads users to steal from parents, neighbors, merchants and anyone vulnerable. These incidents, although they represent only a small part of a much greater problem, receives much of the public's attention. The former alternative involving the actual pushing of narcotics is the method by which new users or addicts are cultivated. As you are well aware, pushers do not hesitate when the opportunity to sell drugs to children exists.

Narcotics abuse is unlicensed therapy, a rapidly growing business, a cause of property and violent crimes, and a major contributor to the deterioration of the minds and bodies of many of our youth.

From the view of our Community, we see narcotics, particularly those that must be produced from generic forms, coming from the larger society into our Community. We have very little control over the larger society and consequently even less control over the traffic of narcotics into our neighborhoods.

The narcotics network consist of a producer, either local, within the country, or non-local, outside the country. The producer has distributors located throughout key regions of the country. Regions are then divided into sections normally large metropolitan areas. Within these sections there are several suppliers who service the neighborhood pushers, who in turn service the street pushers.

Street pushers may have users, women, and even children "running" deliveries for him. These men will gain admittance into federal housing complexes by developing intimate relationships with one or more women of these areas. He normally pays the women for the use of their apartment and sets up his narcotics operations. Even if the individual is a fugitive, the criminal justice system nor anyone else will know that he is there. For many reasons, the women involved will not reveal the pusher's presence.

We in the neighborhoods, therefore cannot solve our problem, unless we receive the cooperation of the larger society and the criminal justice agencies. One former Federal Bureau of Investigation Agent when asked about the problem of stopping narcotic traffic responded that "as long as there exist people who will pay for narcotics, there will be people who will provide those narcotics". This philosophy supports the widespread use of narcotics, both legal and illegal.

During a Town Hall Meeting of June, 1979 sponsored by the Desire Area Community Council, Inc., participants of the Education Workshop discussed the problem of narcotics abuse. Also during the program development meetings for our crime prevention activities we discussed narcotics abuse and possible solutions. A prominent fact posed problems for many of our well conceived solutions: Our country's people have become dependent upon many forms of narcotics and we have accepted such dependency.

Pain relievers, sleeping pills, cold medicines and antacids are pushed in various television commercials, radio spots and throughout magazines, newspaper and any other available medium. In the doctor's office, controlled narcotics such as Talwin, Paribenzamine, Valium and Librums are prescribed for persons at unbelievable rates daily. We can rest assured that no matter what our ailment, physical or psychological, that there is a narcotic to relieve us of that discomfort.

"Street drugs" are also plentiful and available. During the height of the "T's and Blues" use in the City of New Orleans, drug pushers congregated on the corner of Desire and Law Streets and openly peddled the street practitioners' substitute for heroin. "Sets" as they were called, were being offered for \$10. The quality was for superior to the heroin on the street and to compound the issue neither of the drugs, talwin or paribenzamine, were controlled substances. Moreover, it has been theorized that much of the talwin available originates from local sources. Marijuana, cocaine, PCP, heroin and talwin are as available as a loaf of bread. Pushers are known by users and non-users. No matter what you choose to get high off, you can do so if you have the cash.

Alcohol, although not generally considered a narcotic, is a drug and its use reinforces the use of other narcotics. Many users of marijuana and cocaine, for instance, maintain that while alcohol is socially acceptable it ranks as the highest cause of many social problems. Some even argue that marijuana and cocaine use does not hinder one's activity and productivity the way alcohol does.

Users of controlled narcotics, such as cocaine, marijuana and even heroin, maintain that they fit into the norm of America's social practices. We cannot disagree with their assertion because of the vast majority of Americans who are drug dependent, either legally or illegally. However, the consequences of open and escalating narcotics abuse forces us to take a position on this issue.

Our primary concerns are for the safety of those persons who are threatened by users of 'hard' drugs such as heroin and more recently Talwin and Paribenzamine, called "sets" or "T's and Blues". Persons addicted to those substances are known to resort to violence in order to maintain their supply. We are also gravely concerned over the growing number and the early age of youth who are becoming users of hard drugs.

Drug education programs have been initiated to prevent youth from getting involved with drugs. Methadone programs or drug rehabilitation programs are supposed to serve as an alternative to heroin dependency. However, the new wave of glamour drugs, angel dust and "T's and Blues", supported by a growing American dependency upon narcotics, are defeating the purpose of drug rehabilitation programs and increasing the complexity and scope of drug education programs.

Our efforts in our Community will continue in the areas of providing citizens with timely and accurate information on current "street drugs" and encouraging citizens to report information on narcotics traffic to us and the New Orleans Police Department.

The success of our efforts are directly linked to the positions taken on the national level.

We need you to seek the deemphasis of narcotics usage on the national level. Understand that we are seeking to have restrictions placed on advertising of drugs such as the restrictions that were placed on advertising cigarettes. Society's acceptance of drug dependence in all forms must be reduced if we hope to achieve our immediate objective of controlling narcotic traffic within our Communities.

Drug enforcement, or rather the lack of drug enforcement, reinforces narcotic traffic. Addicts and pushers are enabled to function more freely when they know that law enforcement officers will not or can not seek convictions for their actions. Citizens are less likely to report narcotic traffic because they believe that their efforts will be in vain and also they fear retaliation from the defendants. Police officers will not arrest addicts or pushers if they feel that the District Attorney will not accept the charges. The District Attorney on the other hand is restrained by court actions within the state and the country.

One of the deterrents to consistent law enforcement is the problem associated with prosecuting major drug suppliers. Individuals that supply narcotics to areas designated as a region are often linked to high level elected officials, such as judges, and prominent public officials, such as mayors and key staff persons. Law enforcement officers can easily jeopardize their careers if they find themselves involved in such cases.

We recommend that law enforcement be swift, certain, uniform and current. Citizens need to know that those guilty of narcotic trafficking will be brought to justice within a reasonably short time and that sentencing will be the same regardless of social or economic class.

Moreover, the laws themselves must be current, i.e., the criminal justice system must ensure that the courts are able to handle a changing and complex situation.

In closing, the Desire-Florida Community, like many areas inhabited by a majority of low income people, is confronted with a very serious problem, i.e., narcotics abuse. Manifested by addicts' hanging on street corners, a growing crime rate, an increase in the quantity and kinds of drugs available, and an increase in the

number of youth exposed to such an environment and the number of youth abusing drugs, narcotics abuse is one of the major reasons that our Community cannot solve some of our other problems: education, employment, adequate housing, etc.

Community programs cannot reduce narcotic abuse and trafficking alone, we must have the cooperation of the larger society. Drug dependency as an accepted norm must be deemphasized throughout the country. The criminal justice system must work more closely with neighborhood organizations to seek swift, uniform, current and certain law enforcement.

PREPARED STATEMENT OF RONALD A. FONSECA, ASSISTANT U.S. ATTORNEY,
EASTERN DISTRICT OF LOUISIANA, U.S. DEPARTMENT OF JUSTICE

Thank you, Mr. Chairman and Members of this Committee for the opportunity to discuss the status of drug trafficking in the Eastern District of Louisiana and the role played by the United States Attorney's Office in this District, along with other law enforcement agencies, State and Federal, in identifying, investigating and prosecuting drug organizations. I am Ronald A. Fonseca, an Assistant United States Attorney in this District and Supervisor of the Office's Controlled Substances Unit.

By way of background, the United States Attorney's Office for this District was selected by the Department of Justice in March of 1975, along with 23 other U.S. Attorney Offices around the Country to establish and operate a controlled substances conspiracy unit. Two Assistant United States Attorneys were assigned to this Unit with the full-time responsibilities of investigating, developing, and prosecuting drug conspiracies. For a portion of the time from the unit's inception, at least three attorneys were assigned to work drug cases. On a need basis, other attorneys in the office are available for, and have assisted Unit Attorneys in the prosecution of specific drug cases.

The conspiracy "concept" or approach, to the prosecution of drug offenders, which was utilized in this District even prior to the formation of the Conspiracy Drug Unit, has proven to be one of the most effective means of combating drug organizations.

This concept acknowledges the reality that the sale of a drug to an addict, a user, or to an undercover agent is but the last transaction in a series of illegal transactions involving many individuals. A case is not closed with the arrest and successful prosecution of one or more individuals located at the lower echelon of a drug organization. An effort is made and pursued from the very moment a drug dealer is identified, to discover and prosecute his source, and in turn, that source's source, and so on, attempting to go as far "up the ladder" of the organization as possible. Ultimate identification and prosecution of the top echelon of a drug organization is an end that is always kept in sight.

I point out the purpose, aims, and goals of our prosecution unit to help you better understand the unique relationship that exists, and that necessarily must exist, in this District among the respective law enforcement agencies and the United States Attorney's Office.

Our attorneys are informed almost immediately by the Drug Enforcement Agency when they initiate a new investigation. This allows both agents and attorneys to contribute to the planning and development of the investigation. A point is usually reached where routine investigative techniques fail in attempts to identify, or to obtain evidence against top members of a conspiracy. The United States Attorneys have available "legal tools" to compliment the methods available to agents in such a situation.

Plea bargaining, use of the grand jury, and the granting of immunity to those co-conspirators we convict, have proven to be indispensable aids in the successful penetration of the upper echelon of some drug organizations. This is not to suggest that we have been, or will always be able to reach the top members of an organization. We are limited in a number of instances by the degree to which co-conspirator witnesses are willing to implicate other members of the organization.

The cooperation and relationship between our office and the various Federal and State law enforcement agencies in the pursuit of drug violators, has been excellent.

Over the past several years, there has been a marked decline in the trafficking of heroin in this area. It is common agreement among law enforcement officials that this is due in large measure to state law which imposes a mandatory life sentence for dealing in heroin.

There has also been, over the years, a marked change in the type of person dealing in drugs. Presently, we find ourselves dealing more with an individual who is in his twenties or early thirties, has no prior trouble with the law, and who comes from middle or upper income families.

Within the past year, there has been a noticeable increase along the Louisiana coastline, in attempts to import multi-ton quantities of marijuana. The organizations involved in this trafficking are highly sophisticated and well equipped. Hundreds of thousands of dollars are expended "up front" to acquire shipping vessels to transport the marijuana, secluded real estate to serve as a storage and distribution point, and sophisticated electronic equipment to counter law enforcement monitoring and surveillance.

Since January 1, 1979, indictments in drug related cases were obtained against 107 individuals. Cocaine was involved in 17 indictments, marijuana in 9, heroin in 5, methamphetamine in 3, and 2 indictments involved the drug dilaudid.

Assistants assigned to the units are provided an opportunity to attend and participate in conspiracy conferences held semiannually by the Department of Justice. These conferences, which are attended by Assistant United States Attorneys and Drug Enforcement Administration agents from around the country, provide an opportunity to discuss problems of mutual interest and concern and to learn the latest methods and techniques in the investigation and prosecution of major drug offenders.

Today, we encounter drug violators that are more cunning, more sophisticated, and more organized than those of years past. This requires a continuing effort on our part and the part of all law enforcement agencies to improve and update the methods and techniques used in drug investigations. This effort is being made in this District. We are fortunate to have in this area, a large group, both State and Federal, of dedicated law enforcement agents investigating violations of our drug laws. Gentlemen, on behalf of Mr. John Volz, the United States Attorney, and myself, I want to thank you for your interest and concern about drug trafficking problems in Louisiana.

PREPARED STATEMENT OF PATRICK J. FANNING, ASSISTANT DISTRICT ATTORNEY,
PARISH OF ORLEANS, STATE OF LOUISIANA

Thank you for the opportunity to appear before the committee to present the views of myself and the Orleans Parish District Attorney on the serious problems of narcotics trafficking and abuse in the New Orleans area. At the time of this writing I am serving my last day as an Assistant District Attorney. Tomorrow morning I am scheduled to be sworn in as an Assistant United States Attorney for the Eastern District of Louisiana.

In recent years there has been a shift in the type of substance abuse which we in the District Attorney's Office have been handling. Up until late 1975 or 1976 the major problem presented to us was heroin abuse and street trafficking by a constant group of hard core addicts. In the past two to three years the heroin abuse in this area appears to have seriously declined. We in state court feel that several highly successful undercover operations by the New Orleans Police Department and the mandatory life sentence called for by state law have been major factors in causing heroin abuse to subside.

As the heroin situation has come under control in this area the illicit use of pharmaceuticals, particularly Talwin, has become much more prevalent than ever before. The use of pharmaceuticals in conjunction with increased use of other drugs such as PCP and cocaine comprise the bulk of the cases handled by the District Attorney's Office at this time. Ordinarily, the amount of drugs involved in cases presented in state court is quite small, often involving only a few pills or a miniscule amount of marijuana. It is my belief that a lack of manpower and funding limit the resources of the New Orleans Police Department Narcotics and Drug Abuse Division so severely as to make investigations of the type required to make large seizures virtually impossible. This is especially regrettable in light of a statute enacted in the last session of the Louisiana legislature which provides stiff minimum penalties for possession of significant quantities of marijuana and cocaine. It seems that this is one area in which increased state and federal cooperation could have an effective impact on major drug trafficking throughout Louisiana. Just as the heroin problem was controlled by a joint state and federal effort and use of Louisiana law there seems to be no reason why the same method could not be effective in curbing the recent increase in large scale trafficking of marijuana and cocaine.

On behalf of the District Attorney's Office and myself I thank the committee for holding this hearing and affording the various law enforcement agencies and prosecutors the opportunity to be heard on this matter.

INTERDICTION OF DRUG TRAFFICKING IN LOUISIANA

TUESDAY, NOVEMBER 20, 1979

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
New Orleans, La.

The Select Committee met, pursuant to notice, at 9 a.m., in room 125, Hale Boggs Federal Building, Hon. Robert Livingston (acting chairman of the Select Committee) presiding.

Present: Representatives Robert L. Livingston, Tom Railsback, and Benjamin A. Gilman.

Staff present: Patrick L. Carpentier, chief counsel; Roscoe B. Starek III, minority counsel; and John W. Peploe, staff investigator.

Mr. LIVINGSTON. The task force of the Select Committee on Narcotics and Drug Abuse will come back into session.

At this time the Chair would like to recognize and welcome the Honorable Benjamin Gilman, Representative from New York. We are glad to have you with us this morning.

Mr. GILMAN. Thank you, Mr. Chairman. It is a pleasure being here and I look forward to a good hearing.

Mr. LIVINGSTON. Fine. And we also want to welcome you to New Orleans.

We will go ahead.

We understand that the mayor may be along with us in a little while, so in the interim, we will go ahead and start with the first panel of the day, including the Regional Commissioner of Customs for Region V, the Regional Patrol Director and the District Director, and the Regional Intelligence Inspector.

Mr. Fisher, Mr. Medord, Mr. Fink, and Mr. Meyers. They are the first four witnesses on the first panel from Customs.

Gentlemen, will you stand and be sworn in accordance with the procedures of the committee.

Raise your right hands, please.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FISHER. I do.

Mr. MEDFORD. I do.

Mr. FINK. I do.

Mr. MEYERS. I do.

Mr. LIVINGSTON. Thank you very much.

At this time we will be happy to hear your statements. You may feel free to read your written statements. Mr. Fisher, I have a

statement from you. You may feel free to give us your comments, and the statement will be filed in the record as it appears.

TESTIMONY OF CHARLES W. FISHER, REGIONAL COMMISSIONER, REGION V, U.S. CUSTOMS SERVICE, ACCOMPANIED BY JERRY E. MEDFORD, REGIONAL PATROL DIRECTOR; HERBERT T. FINK, NEW ORLEANS DISTRICT DIRECTOR; AND WILLIAM E. MEYERS, SPECIAL ASSISTANT TO THE REGIONAL COMMISSIONER (ENFORCEMENT SUPPORT)

Mr. FISHER. I would like to read the statement.

Mr. LIVINGSTON. That is fine, sir, good.

Mr. FISHER. Mr. Chairman, members of the Select Committee, I appreciate this opportunity to testify before you today on the subject of narcotics trafficking in the central gulf coast area and especially on Customs' efforts.

I am Charles W. Fisher, Regional Commissioner of Customs for the New Orleans Region. I have held this position for 5 years. Prior to that I was District Director of the New Orleans District. As a native of New Orleans and in my more than 38 years with Customs in New Orleans I have come to know most aspects of Customs work here and am thoroughly conversant with the area.

The next paragraph I will skip, because you have already introduced the members of my panel. On my right is Mr. William Meyers, Special Assistant, Office of Enforcement Support; on my left is Mr. Jerry Medford, Regional Director, Patrol Division, and Mr. Herbert Fink, District Director, New Orleans District.

The New Orleans Regional Commissioner has responsibility for enforcement of Customs laws in the Florida Panhandle and the States of Alabama, Mississippi, Tennessee, Arkansas, and Louisiana.

This region is comprised of two districts: Mobile—consisting of the Mississippi gulf coast, Alabama, and the Florida Panhandle—and New Orleans—consisting of Louisiana, Tennessee, Arkansas, and the inland area of Mississippi—and has a water boundary that contains some 1,131 miles of coastline and 4,797 miles of shoreline.

The area is unusual in that it includes a vast wetland area with ill-defined coastlines as well as clearly defined coastlines with distinct entrances and exits.

Coastal waters range from the depths of the gulf to swampy marshlands with hundreds of miles of deep waterways and rivers, canals and shallow water lakes, and bayous. The number of small craft along the Louisiana coastline alone is estimated to be almost 100,000 with approximately 9,700 of those being documented with the Coast Guard and the remainder registered with the State. Some 35 marinas are located around the New Orleans area.

Additionally, construction for the superport which will employ eventually 1,200 people will create further traffic into and out of the area.

Since 1973 there has been a gradual increase in the number of significant seizures made by our patrol officers. This trend has led us to believe that the entire gulf coast is being used by smugglers. To date our seizures have been somewhat concentrated in the Morgan City area, in the Greater New Orleans metropolitan area and on the Mississippi gulf coast.

During fiscal year 1978, our patrol participated in seizures involving approximately 131.4 tons of marihuana. This figure nearly doubled in fiscal 1979 with seizures amounting to 231.6 tons. We feel this is probably as much indicative of the volume of smuggling as it is of our success in meeting the threat.

Of special note during fiscal year 1979 was the success attributed to Operation Gulf Net 1979, which took place May 15 through June 7. This was a coordinated enforcement effort with the U.S. Coast Guard, Drug Enforcement Administration, and State and local agencies which were augmented by temporarily detailed personnel and equipment from other Customs regions.

Seizures and arrests made during that period, not all of which were directly related to Gulf Net, included 195,776 pounds of marihuana with an estimated \$58.5 million street value, 10 vessels, 15 vehicles, 2 aircraft, \$58,296 in cash, and 102 arrests.

The seizure of the fishing vessel *Cindy*, carrying 31,928 pounds of marihuana, at Vermillion Bay, La., on May 19, 1979, involved a precedent-setting 60 arrests.

We attribute the success of Gulf Net to comprehensive preplanning, use of unmarked patrol units/plainclothes officers; the availability of additional resources, and interagency cooperation and highly motivated personnel.

To date, the primary means of smuggling into region V has been by fishing vessels, coming either directly from South America, or meeting mother ships in the gulf.

With one exception, our seizures have been large volume smuggling operations in which the violator has avoided enforcement officers rather than attempting to conceal the contraband. The single exception to this concept is the barge found to contain 36,256 pounds which was seized in the New Orleans area in September 1979.

The attempt to conceal the contraband in the barge may indicate a new means of conveyance that can move in the daylight through the inland waterways without arousing undue suspicion.

It is important to note the recent escalation of large-scale smuggling operations involving Cuban groups which apparently have expanded their operations from south Florida into the south Louisiana area. However, recent changes in Louisiana law which provide for progressively stiffer penalties for convicted narcotics smugglers and permit State enforcement officers to seize contraband brought in from foreign countries may cause a change in current smuggling patterns.

Aircraft, some of which penetrate our coastal borders to destinations far inland, are also frequently utilized in smuggling. We have identified over 700 improved airports in the New Orleans region but also consider as threats other landing sites such as the remote sections of highway at Convent, La., where a C-54D with 16,000 pounds of marihuana and 500,000 Quaaludes was seized on July 1, 1979.

The patrol program began receiving renewed emphasis during the early 1970's and attempts were made to strengthen the interdiction function. At that time it was determined that a patrol mission could best be accomplished using a large concentration of

customs patrol officers at a location in each district, in our case at Mobile and New Orleans.

Since that time we have learned through analyzing our experience that smaller stations, decentralized throughout the districts, was far more conducive to the gathering of information and interdiction.

Today, Customs Region V has a ceiling of 99 patrol positions, including clerical support. We have proposed organizational and functional changes to our region V patrol realignment proposal and were recently informed by Deputy Commissioner William T. Archey that our entire proposal, including the establishment of a marine program and the creation of a small detachment near Carrabelle, Fla. has been approved.

We feel that implementation of the recommendations presented in the proposal will substantially enhance our effectiveness, particularly in the marine area. While it is an acknowledged fact that we have not previously designed a marine program per se, we have, however, operated as a quasi-marine/land unit for years. Most of our drug seizures are marine related and consequently our air and land programs have in fact supported the marine effort.

This region has made numerous verbal and written requests to our headquarters for additional equipment that would permit us to increase our operational effectiveness. However, we assume that a lack of adequate budget at the national level has prevented timely response to these requests. I must, however, point out that within the past year we have noted a marked improvement and response to our needs.

As an example, we recently received lightbars and sirens for our marked patrol vehicles; within the past several weeks we received notification that two fully equipped Boston Whaler boats will be delivered to us and we recently received an increase in our patrol staffing which has allowed us to open a five-man station in Lafayette, La.

Our fleet of aircraft, as I am sure you already know, does need to be upgraded. We need to equip at least several aircraft with tracking and surveillance radar and acquire aircraft capable of intercepting high speed aircraft.

In January 1979 an enforcement section and a special contraband and narcotics interdiction team (SCANIT) was organized in the Port of New Orleans. The main thrust of this team is to intercept narcotics which may be concealed in commercial shipments. The possibility of air and ocean freight being used to transport commercial shipments of narcotics has been of great concern to us in this region. While there is no hard evidence to support our concerns recently, a number of narcotics seizures have been made in other Customs districts.

Our SCANIT team has been involved in numerous intensive enforcement programs. To date, there have not been any significant seizures but we consider that we are still in the building stages and are very optimistic for the future.

We would be remiss if we did not admit that we do need additional aircraft, additional boats and some additional staff, particularly narcotic detector dog teams. However, we have found that by working with other Federal, State, and local law enforcement offi-

cers and with a pooling and sharing of equipment, manpower and other information we are making a significant impact on the narcotics traffic in the gulf area.

One of our major concerns at this time is the lack of a common communication frequency for all Federal, State, and local enforcement agencies involved in narcotics interdiction, surveillance, and investigation. We do urge the members of this distinguished committee to seriously recommend to the appropriate congressional body that adequate funds for such a project be appropriated, but naturally only after an in-depth study and analysis has been made.

I sincerely appreciate the opportunity to express my concerns to this very distinguished committee. Members of my staff and I will be most pleased to answer any questions.

Mr. LIVINGSTON. Thank you very much, Mr. Fisher. Do any of you other gentlemen have any other comments to add to Mr. Fisher's statement?

[No response.]

Mr. LIVINGSTON. Mr. Fisher, you have commented on your strengths and have given a very candid appraisal of some of the weaknesses of the organization. Of course, that is exactly why we are here, to see what we can do to strengthen your efforts in narcotics interdiction. It has been estimated that the traffic, the international trade traffic which goes through the Port of New Orleans will double between now and the year 2000, and I wonder what efforts Customs is making to keep up with that increase.

You have indicated that there are areas where today you have not quite been able to keep up with the problem.

Of course, we heard yesterday from various witnesses that smuggling is on the increase in this area, particularly since drug enforcement agencies in Florida have beefed up their own efforts.

It occurs to me that perhaps there is a need for Customs to really conscientiously increase their interdiction capabilities for smuggling, particularly in the next 20 years.

Mr. FISHER. Yes, we are keeping up with the development of international traffic with the development of the harbors and the inland ports that will probably become active, we continually study those and make our requests to the headquarters, letting them know what the potential is.

We don't expect to have expansion of enforcement forces for that area prior to their becoming effective in business, because we would be wasting manpower. However, we are looking into it.

However, the expansion program you are referring to was done by the Maritime Administration on regular commercial shipments. With our SCANIT team here, up to this point we have not found any large quantities in the commercial shipments, even though we think that it is a good prospect for the future that smuggling may come in those.

We are keeping up with the trend of business, and request increased personnel wherever we see the business increase.

As far as receiving that personnel, I have to assume, since those decisions are made in Washington, that it will depend on both the budget we get and the number of personnel slots we are allotted to have.

That determination is usually made by officers of Management and Budget.

Mr. LIVINGSTON. I realize that you have to use your resources sparingly, and that you will have to put your men where they can be most effective.

It has come to my attention that there is a telephone reporting system for small boats in region IV which enables small boats simply to call in to the Customs Office, to inform them that they are in, and that they are clean, that there is no contraband aboard. That does not seem to be a very effective procedure for interdicting smugglers.

What are your comments on that, sir?

Mr. FISHER. The program itself was initiated several years ago, and it is not only in region IV. It is a standard procedure that was developed all through the gulf area. We have had very little experience here, if you will note geographically, the Miami area is very close to the islands. Recently some lady swam across to one of the islands. It is a much smaller distance to New Orleans and very few of those private boats ever come in on our area. When they do, they call.

I must agree that any time length to allow those boats to call in, I think it is a 24-hour time limit now, if they had anything to take off, they would take it off before or if they were cheating, they probably wouldn't even call it in anyway. I don't know how effective it is.

Mr. LIVINGSTON. We can guess at what they might do in the event that you inspected them, and I suppose they could take any preventive measures, and that is probably pretty accurate. At least, I would think that we should attempt to intimidate them from conveying traffic to this area.

I am looking specifically at the document from the Regional Commissioner regarding implementation of telephone reporting for small boats, and it says that basically this procedure is used because in searching small boats you have not collected much in terms of revenue, but it would seem that searching small boats would have an alternative purpose, and that is to interdict smugglers.

The document specifically states that on the basis of this assessment, it has been concluded that a telephone reporting and select boarding system is more a practical concept.

I just don't quite follow that procedure.

Mr. FISHER. Any comments from me on that would really not be adequate, because as I said before, we have so few ever coming into our area. I don't recall of any of them in the recent several months.

The real study should be made, I think, in a place where that is a prevalent thing, such as in the Miami area.

I could hardly respond to the effectiveness, since I don't have much of it happening in my area.

Mr. LIVINGSTON. All right, sir. What about the lack of dogs in this area? You don't use dog teams?

Mr. FISHER. We had dog teams up until approximately a little over a year ago. We had one dog team in the New Orleans area.

I might just ask for my own curiosity, do you represent virtually all of the Customs people? What percentage of the Customs employees other than management do you represent?

Mr. THORNTON. Well, we represent what is referred to in the labor management context as the unit. The unit was defined by the Department of Labor as all employees other than exempt employees. Exempt employees are principally the management of firms and a few others such as internal investigators and confidential secretaries. So, out of a unit that is normally, say, take the average Customs region, is probably 1,250 people, we would represent a 1,000 of those people. That is about the ratio.

Mr. RAILSBACK. Do you represent, by virtue of your agreement, all of the people other than those that are exempt, or are there some employees who have been permitted to opt not to be a member of your union?

Mr. THORNTON. No, the Civil Service Reform Act is very explicit that membership in the union is strictly at the employee's option.

Mr. RAILSBACK. I guess that is what I am asking. Are you pretty good at recruiting members from the percentage of those who have opted not to join?

Mr. THORNTON. Our average percentage nationwide, if my figures are correct, of what NTEU represents, we have 55 percent membership of the given 100 percent of the people that we represent.

Mr. RAILSBACK. I see. Is there any other union that represents them? They are not members of another union?

Mr. THORNTON. No, as a matter of fact, again by law any Customs employee is prohibited from being represented by any other union. We are the exclusive representative.

Mr. RAILSBACK. I see.

Is it your feeling, and I will address this really to all of you. Is it your feeling that this particular region is different than some others as far as the drug fighting effort? In other words, is it more of a national policy that has caused you great concern?

The reason I asked you is I thought you might be more familiar with other regions, but maybe I am wrong.

Mr. THORNTON. Yes. I think that there are definite patterns all over the country, that some regions, and especially in some Customs districts, we find the very unique situation that the enforcement posture of a given district is usually a reflection of its district director. If the district director, and of course there would be exceptions, but if a district director, by and large, came up through the ranks associated primarily with the classification of the Tariff Act, the collecting of duty of the Customs Service, he has a tendency to lean heavily in that direction and not in the strong "go out and get the drugs" part of it.

On the other hand, if we have a district director who has a strong background in enforcement, he has a tendency to go out and, not worry about the minor parts of collecting the dollars, we go out and we try and stop the contraband. We use our resources. So it is a matter of emphasis.

Mr. RAILSBACK. The rules relating, for instance, to uniforms and markings would be national in scope. So your criticism is directed nationally, or am I correct about that?

Mr. THORNTON. Yes.

Mr. RAILSBACK. Your criticism about wearing uniforms and also marking vehicles and airplanes and so forth would be a national criticism?

Mr. THORNTON. Very true, it is national. It is the Commissioner's policy. I am talking about the Commissioner of Customs, Mr. Chasen. We would not object to that premise at all if the Customs Service had the kind of manpower that they could afford such.

It would be very nice if we had that kind of manpower, but we do not have, and consequently, one does the best with what he has, and we very strongly feel that in that context, one just has to go undercover to do the job.

Mr. RAILSBACK. I get the feeling from your statement that the people you are representing here today would be willing to accept and are more desirous of a more predominant role in the interdiction of narcotics if they are given the right equipment and tools?

Mr. THORNTON. Oh, absolutely.

Mr. LIVINGSTON. Is that right? Do any of you want to respond to that?

Mr. ACOSTA. I would like to respond to that. Having represented people in the region for 4 years now, they are eager to go out and do a better job than has been accomplished in the past.

I think that we have very dedicated workers, and unfortunately we fall into the pitfall of good dedicated workers, but no tools, inadequate tools, inadequate opportunities to go out and interdict drugs, to do what they should be doing.

I think that the Customs personnel in the New Orleans region have shown a sincere effort, a desire to do what we are hired to do, and that is to act as an enforcement agency and to be very active in the interdiction of drugs. It is very difficult to do it with the equipment we are given.

Mr. RAILSBACK. How about training? Is there training when you join the Customs Service designated to teach you how to deal with drug traffickers, drug interdiction, and investigative techniques?

Mr. ACOSTA. Training is a strange area. Sometimes it is misdirected from the Customs Service. It brings to mind the case of sending a Customs patrol officer to a Navy school teaching him demolition work and in my opinion, misdirecting the training. We are never likely to have an opportunity to use this type of training and really the training should be developed along other lines.

Mr. RAILSBACK. Is there any training now relating to interdiction of drugs and narcotics and trafficking?

Mr. ACOSTA. Yes.

Mr. RAILSBACK. How long is it and where does it take place?

Mr. ACOSTA. Let me pass this on to Mr. Cobb.

Mr. COBB. Yes sir, there are training installations and they are becoming more and more improved all the time. Currently we utilize the FLETC, Federal Law Enforcement Training Center in Glynco, Ga. We have two extensive courses that we send our officers to. In the past recent years we have had a problem trying to find slots to get the people in.

Mr. RAILSBACK. How long do those training courses last?

Mr. COBB. One is for 6 weeks, one is for 7 weeks, I believe. One is a basic style police course, and the other is an advanced course where they teach customs interdiction techniques; but the training

there—I have just recently been there to be trained as an instructor in the firearms area—it is very impressive and very good training, and they are training the people in what they need to know.

I have been an instructor both at the national academy and spent 2 weeks at Glynco recently, and more and more we are coming around at the training aspect to exactly what the officer will need when he hits the street.

Again, we probably need more and more of the training spots. Recently there was a memorandum written for guiding management about placing an individual in an enforcement capacity until he goes and completes the training. So now the officer cannot leave for administrative duties until he can complete the training.

Mr. RAILSBACK. Not everyone in the Customs Service receives that training, is that correct?

Mr. COBB. If you are talking about the onboard CPO's currently, no sir. For example, myself, I have never been to the training center as a student. I was trained as a sky marshal under the old Sky Marshal TASOS, Air Security Schools. However, 90 percent of the training was for Customs enforcement work, because they knew at some time the air security would be phased out, and we would become Customs enforcement.

Mr. RAILSBACK. This is my last question. Is there any conflict or disagreement between the union that you represent, and the other Customs employees? Do you think the people would work with you who are not in the union? Do they agree generally with what you said here today?

Mr. COBB. I think they would wholeheartedly endorse everything that has been said here so far, not only our testimony, but all the other testimony given as well.

The people that are in my office particularly are dedicated and all they ask for is the tools.

Mr. RAILSBACK. Have any of you been assigned to other areas of the country where Customs has interdiction responsibilities, say coastlines or shores? Is there a difference in the regions as far as the emphasis on drug interdiction, and say, other Customs law enforcement duties?

Mr. COBB. I don't know. If you are talking about the emotional differences between officers in each region, every region across the Nation will be pretty much the same. I have done time in Houston, as well as New York on TDY assignments, blitz operations, and most all of the officers are dedicated. It is just some have more equipment than others, and it gives you, I suppose, a spirit of being able to go out and do a little bit better job when you have a little bit better piece of equipment. That is really the only difference, the amount of manpower and the amount of equipment available.

Mr. RAILSBACK. That is all I have, Mr. Chairman.

Mr. LIVINGSTON. For the clarification of the record—and I will be happy to let you add any comments you would like—we have heard from Mr. Acosta and Mr. Cobb.

Gentlemen, we know your union titles, but could you tell us your specific functions within the Customs agency?

Mr. Acosta.

Mr. ACOSTA. I am a Customs inspector.

Mr. LIVINGSTON. Mr. Cobb?

Mr. COBB. I am a Customs patrol officer and a scuba diver.

Mr. LIVINGSTON. And a what?

Mr. COBB. A scuba diver. While not assigned to the marine unit, I do function as one of the scuba divers.

Mr. LIVINGSTON. Mr. Fuller.

Mr. FULLER. Customs patrol officer, and I am assigned to the marine section.

Mr. LIVINGSTON. Mr. Crane?

Mr. CRANE. Customs Inspector.

Mr. LIVINGSTON. And Mr. Nielson?

Mr. NIELSON. I am a Customs aircraft pilot.

Mr. LIVINGSTON. And Mr. Thornton, you work for Customs as well?

Mr. THORNTON. Oh, absolutely not, no, I work for the National Treasury Employees Union. I am a former employee of the Customs Service.

Mr. LIVINGSTON. How long did you work for the Customs Service?

Mr. THORNTON. Five years.

Mr. LIVINGSTON. In New Orleans?

Mr. THORNTON. Oh, no.

I would like to respond to Congressman Railsback's earlier question concerning the differences in different areas, the different emphasis that is placed upon enforcement. For example, I was assigned to San Ysidro, which is near San Diego, Calif., across the border from Tijuana, Mexico. There the emphasis was heavily placed on narcotics interdiction. As a matter of fact, we didn't bother with hardly anything else. Everything else had a very low priority in relationship to drug interdiction.

Mr. LIVINGSTON. May I interrupt? Was that after the reorganization that you worked there?

Mr. THORNTON. Both before and after. There was no difference in the emphasis placed upon the border interdiction even after reorganization.

Mr. LIVINGSTON. I see.

Mr. THORNTON. And I think that the point that I made a little earlier was that it depends upon who is the District Director.

Now, one of the district directors in the San Ysidro or San Diego area has moved to New Orleans and is the District Director for New Orleans, and he has a strong enforcement background, so we expect to see things change. It is slow because his predecessors did not have that type of background. It takes time.

Mr. LIVINGSTON. Once again, do all of you concur in all of Mr. Thornton's statements?

We heard this morning that there has been a concentration of efforts in the Florida area, and that drug smuggling has been slowed down or curtailed in that area supposedly, but the drug smugglers, the people in the business who are bringing drugs into the United States have done an end run, perhaps, into the Louisiana area.

Has the addition to the forces in the Florida area had any impact whatsoever on your efforts here in Louisiana; and if so, to what degree?

That dog handler was promoted. The dog was sent back to the school for retraining. They trained the dog with the handler. The dog must be very familiar with the man working with him to be effective.

Mr. LIVINGSTON. I understand the cost of training a dog handler team runs about \$7,000, just under \$7,000 for a 12-week class; is that right?

Mr. FISHER. I couldn't state definitely, because the classes are not held in this area, and I am not familiar with the exact costs.

Mr. LIVINGSTON. But since January 1977, the Customs Office has lost 102 teams, meaning that they could not provide them with the incentive to stay aboard in the Customs agency, making a total loss of 102 teams valued at \$696,558. That is a statement from the Customs Office.

Doesn't that indicate that perhaps all of the facilities and all of the techniques for interdiction of smuggling of narcotics are not being utilized by Customs, if in fact they have lost that many teams? They have cost American taxpayers well over half a million dollars by training these people and then losing them, and the New Orleans area doesn't have any dog teams at this time. Because of all of the imported traffic, it seems to me that perhaps we could be doing something more than we are doing here.

Mr. FISHER. The dog teams could be of some help. However, I must say this, that we have found in the use of dog teams, they are most effective in large mail importation areas and in land crossings of many vehicles.

We have no land borders in the New Orleans region. It is all by boat. We have a very small mail facility. All we handle here is the little leftovers. Most of the mail goes through San Francisco, New York, and several other major centers, so that the cost effective use of the dog would probably not be, if they are limited in the number of dogs, would not necessarily be in this area.

Mr. LIVINGSTON. Are you saying that dog teams are ineffective aboard ships?

Mr. FISHER. No, I am not saying they are ineffective; but they are not as effective as they are in the other areas, and we find that quite often, quite often we have had dogs here in the past that, once the equipment on the ship starts operating, the dog is distracted and doesn't effectively work, and they are much better if they are in a more quiet area on land. They have not been as effective on the ships.

Mr. LIVINGSTON. What about the harbors? We have got lots of dogs up here along the Mississippi River, and I would imagine that ships come here, load and unload crates of material that would be inspected by dogs much more easily than actually opened by human beings. Wouldn't dogs be effective there?

Mr. FISHER. In the past the dogs we have had have been effective occasionally when we would have private vehicles being imported off of a vessel or in some containerized cargo. We were using them to some extent, but in our experiences we did not make many seizures. However, I still say we should have some here.

To get back to the story of our loss of our dog team and why we don't have a replacement, shortly after we sent the dog back for training and was scheduled to get a team, we had two things

happen: First, a freeze on filling any positions that was imposed with the cut in our personnel, and then a study to try to better align the use of the dog teams.

I still expect to receive at least one of these dog teams as soon as the dog program has its trained people and becomes effective again.

Mr. LIVINGSTON. All right, sir, I would think that that would be very effective for you.

Would you like to comment on the actual role of Customs with respect to DEA? We have heard some comments about that yesterday.

Mr. FISHER. As far as the role is concerned, Customs functions under the reorganization plan, is in interdiction of illegally entered merchandise, including narcotics.

We do not investigate narcotics cases, nor do we handle internal narcotics traffic users.

DEA is responsible, from what I understand, for all investigations of narcotics programs. Our role is strictly to try to catch them on the way in.

Mr. LIVINGSTON. All right, thank you.

Now, let us just shift again, if I could. The Mississippi River is, of course, the chief outlet for the trade in this area, and yet according to testimony that we received yesterday, the Customs Office only has two boats, neither of which is equipped to conduct surveillance or any sort of mission on the Mississippi River.

Could you explain for me how Customs can truly be effective in interdiction of any kind of contraband being smuggled into the United States, but most particularly narcotics, if in fact you do not patrol the chief outlet or inlet for traffic?

Mr. FISHER. I will agree that we could use a larger boat, a steel hull or heavy wooden hull boat. We have requested many times and for quite a period of time for such a boat. I don't know if any has been available or why we haven't received it.

However, in that connection, the large portion of commodities being smuggled in would more likely be smuggled at a wharf or at a place where the road meets the water, so that it could be transported further.

We feel that the ground coverage patrolling most of the area will do a large amount of good. I am not saying that the boat would not be helpful, and I would like to have one, at least one, maybe more, but they are very expensive.

Mr. LIVINGSTON. Excuse me. Your manpower, of course, covers the land area here in New Orleans, but I understand you don't have personnel which can go up to Gramercy or Baton Rouge. So if a vessel wanted to come up from the mouth of the river, steam all the way up the river loaded to the gills with heroin—and I realize heroin doesn't come through here anymore—and went up to Baton Rouge, who would be around to check it?

Mr. FISHER. We don't have men stationed there; but they are on patrol. If a suspect vessel is going into the Gramercy area, our patrol director would detail men to go up and check the area. Also, we have inspectors in that area, and it is an inspector's job to check legitimate cargos to look for the possibility of illegal cargos.

Mr. LIVINGSTON. How many men?

Mr. FISHER. I will have to ask my district director to tell me how many men he has at Gramercy at this time.

Mr. FINK. A supervisory inspector and five inspectors, and in Baton Rouge, we have a port director and seven inspectors.

Mr. LIVINGSTON. And what shifts do they work?

Mr. FINK. They work primarily 8 to 5 shifts.

Mr. LIVINGSTON. So if I drove a boat in from the mouth of the river and arrived at Gramercy at 9 or 10 o'clock at night, I might not get stopped?

Mr. FINK. I would say that that is a pretty good assumption, yes.

Mr. LIVINGSTON. About a year and a half ago, maybe 2 years ago, we had some extensive discussions about your air force; and since then, I understand that the Howard aircraft, which was available at that time, has in fact been turned over to a museum, even though it was the fastest aircraft in the fleet.

How do you feel your air capabilities are right now to handle flights into the United States through this corridor, say, from Mobile, Ala., to the Texas border?

Mr. FISHER. I feel we do need an increase in the type of aircraft we have.

When we gave up the Howard, it was a 40-year-old aircraft that developed fuel leaks that were very expensive, if repaired at all. It was replaced with the Beechcraft Duke twin engine that has the same surveillance equipment which is only a weather radar, not the best for scanning the ground for vessels; but it could be used to a certain extent.

The only other aircraft that we have with the radar flare, which is the S-2, which is an old military aircraft and near its extinction, because they are getting near the end of the engines that can be used in it and there won't be any more of those engines made, so we could use and we should have something like a Kingair, possibly two aircrafts which are radar equipped in order to handle the area.

We are doing a fair job with what we have now. We could do a better job with better equipment; but again, as I say, it is a large additional expense.

Mr. LIVINGSTON. Do you have any indication from the Defense Department that some of their surplus aircraft would be available?

Mr. FISHER. I have nothing definite. Our requests go through our Washington office, because they try to allocate where the needs are the greatest based on what is available.

Mr. LIVINGSTON. And how is your marine program? Have you now adopted certain standard operating procedures?

Mr. FISHER. Yes, we have. Because of the varying coastlines and the various operations we have, we had to try over a period of time several procedures. Several months ago we completed a study and a plan for not only the marine program, but reallocating our manpower that are across the gulf area. That has been recently approved and is in the process of being put into operation now.

Mr. LIVINGSTON. Are you going to designate a slot for a boat handler, a person who can manage boats?

Mr. FISHER. We have slots for boat handlers all over. However, in that connection, I would like to make it clear that I understand there was quite a bit of discussion about boat handlers and boat

handling grades. The Office of Personnel Management has informed me that the grade for a man as a boat handler is a wage grade and much lower than an average patrol officer. His responsibility, to give you the grade, would be on his patrol functions, not the fact that he handles a boat.

Mr. LIVINGSTON. OK. What about the problem of putting all of your officers in uniform and requiring your boats to be marked?

Do you believe that that is the most effective method for interdiction of illegal vessels?

Mr. FISHER. Well, I will say that not only is that not the most effective method, it is not our procedure here and has never been.

When a man is not on a special assignment or routine, when he is routinely patrolling the area, we put him in uniform to let people know that we have customs people there.

When we have special missions going, the man detailed or the men detailed to the special missions are dressed in whatever uniform is suitable for the occasion.

We have a certain number of vehicles marked for patrolling, and we have a certain number of unmarked vehicles. Whenever we work a program on interdiction, we use the unmarked vehicles, so that we will not blow the case.

We have recently, well, fairly recently, received from our Commissioner in Washington more relaxing on the marking of the boats and the aircraft.

His current feeling is that other than maybe one aircraft marked in an area will go, although it hasn't been officially stated, to more unmarked aircraft and only a portion of the boats marked, depending on the mission we are on.

There are occasions when we should be identified as customs officers, well identified. In that case we use the marked equipment. In other cases, we use the unmarked.

Mr. LIVINGSTON. Mr. Railsback.

Mr. RAILSBACK. Yes, Mr. Chairman.

I would like to pursue that, and let me preface my remarks by saying that I know Mr. Chasen, and I happen to have a high regard for him. I do think that yesterday there were some very serious criticisms made of some of the policymaking and some of the decisionmaking by the Customs Service, and what I want to give you an opportunity to respond to some of the criticism.

To begin and following the line of questioning of our chairman, is it true that there was a decision made by Mr. Chasen and apparently somebody from DEA, that did result in a change in the procedures relating to using unmarked vehicles and aircraft. In other words, what was the experience, and then what was the change?

Mr. FISHER. The exact time of this or exactly what the decisions were, I would not want to quote at this time or misquote.

For a period of time, we were told that the Customs Service would be a highly visible, uniformed service, and that—

Mr. RAILSBACK. What would be the benefit in that? That is what I don't quite understand. What is the benefit in having the vehicles highly visible?

Mr. FISHER. I am sorry, I can't give you that answer, because that decision was made in a higher level; and I did not agree with it.

Mr. RAILSBACK. You did not agree with it either?

Mr. FISHER. While we should have our people known as customs officers and at times in uniforms and at times in marked vehicles, there were times whenever we had the undercover type work, or at least the interdiction type work, where we were looking for a man coming in. We put a marked car out there, he would go somewhere else. I didn't feel it should be used all the time.

Mr. RAILSBACK. Did you relay your concern to the higherups in Washington that you were also concerned about that change?

Mr. FISHER. Very much so. In fact, that was back around 1974 or 1975 when Mr. Dickerson and I had quite a discussion, and I told him that in this area I didn't feel that marked vehicles and full uniform people at all times would do as much good.

Mr. RAILSBACK. Getting back to that first question I asked you, I have been trying to understand in my own mind what value could there be in having customs officers assigned to drug interdiction plainly visible; and you answered the question, you don't see any value either.

Mr. FISHER. I feel sure in those days somebody gave me a reason, but I guess because I wasn't in favor of it, I forgot the reason.

Mr. RAILSBACK. Can you summarize for us what complaints, apparently by DEA, resulted in the agreement, that Customs would only interdict, and DEA would investigate?

Mr. FISHER. I wouldn't want to comment on that, because I was not in on those discussions in Washington. The decisions were made in Washington, and I don't think it would be right for me to comment on something that is really my opinion.

Mr. RAILSBACK. Am I also correct in assuming that you really agree with much of the criticism leveled by some of the witnesses yesterday which related to the lack of sufficient aircraft as well as vehicles and dogs and training, too?

Mr. FISHER. The training part, I think, there has been a misconception on that. We had our people from time to time going to various types of schools conducted by other agencies in order to economize. Recently they have centralized one training that would give all of our patrol officers the same training, the same as we do for our inspectors, so that we would have uniform training throughout, and that is why the very small training sessions were discontinued, and everybody goes through the uniform training session at Glynco.

Mr. RAILSBACK. I see. Does the Drug Enforcement Administration utilize your boats or your aircraft? Don't they have two boats of their own in this area?

I will ask them, too, but I thought maybe you would know what they have available to them.

Mr. FISHER. I am not sure of their equipment availability. All I can say is when we do work together on a case of narcotics, the interdiction is our major responsibility; but the investigation and followthrough on the narcotics is theirs.

When we work jointly, we work with all of our equipment as much as we can to try to economize and cover the larger area.

Mr. RAILSBACK. Does the Customs Service have the boats patrolling all of the time or periodically?

Mr. FISHER. Not all of the time. I think that should be answered by my patrol people then.

Mr. RAILSBACK. Could I ask the patrol officers?

Mr. MEDFORD. The vessels, the time they patrol is left with the district patrol director. They determine that based on the threat as they analyzed it, so there are times they will patrol with the marked vessel, and there are times they will go covert with the unmarked vessel.

Mr. RAILSBACK. I understand from all of the testimony that there has been a very large increase in smuggling. We know that.

We also know that there is tremendous traffic in the various waterways.

How often would you say they patrol each month? Do they go out maybe once or twice a month, or how often?

Mr. MEDFORD. I couldn't answer that. It is up to the district. They, more or less, respond as they see it. I don't establish that at all at the regional level.

Mr. RAILSBACK. Are there records available that would chart that, or indicate when they do go out on patrol?

Mr. MEDFORD. Yes, there are.

Mr. RAILSBACK. I wonder if you could make those records available, say, for the last year.

Mr. FISHER. Could I interrupt about the patrol?

Mr. RAILSBACK. Yes.

Mr. FISHER. That is one of the reasons we realigned the whole patrol program which will also now include a shifting of some of the boats to be used differently than we had used them in the past. Future performance will probably give a better picture than the past performance as to what the real program is like now.

Mr. RAILSBACK. I understand what you are saying, but honestly, and even from your comments which I agree with, I simply do not understand why, when you have vessels that are expected to interdict, why you have them marked at all. I don't quite understand the rationale there.

Are there any other comments that you would like to make in response to some of the criticism that was leveled yesterday, or do you agree with most of the criticism?

Mr. FISHER. I would say that, as far as the lack of certain equipment, they are right. They are right. We need equipment. I think that they were correct.

I heard their comments, and as far as the attitude of the personnel and their desire to get out and do things, I think sometimes they want to get out and do too much, things that are not even within the scope of their operations. Some of them even want to arrest people when they are speeding on the streets, but we have to stay within our jurisdictional boundaries before we operate.

I feel that additional equipment, better equipment would help their morale and help us to perform better.

Mr. RAILSBACK. Thank you very much.

Mr. MEDFORD. I have a copy here handed to me by the district director of use of the vessels, number of hours of patrol, number of hours used in surveillance.

Mr. RAILSBACK. We appreciate receiving that.
[The information follows:]

Marine Branch fiscal year 1979

Number of times boat used in seizures.....	11
Number of times boat seized vessels	8
Number of hours boats used	747
Number of hours boat patrolled.....	408
Number of hours boat used in surveillance.....	339

MARINE VESSELS CAPABILITY

	Fuel capacity	Range in miles	Speed in knots
31 ft Uniflite.....	150 (diesel)	150	15
20 ft Raboto.....	60 (gas).....	120	30

FUEL CONSUMPTION OF BOATS—APPROXIMATELY

Boat	Capacity in gallons	Gallons burned per hour
31 ft Uniflite.....	150	20
20 ft Raboto.....	60	12
24 ft Chaparral.....	60	25
14 ft Eldo Craft.....	20	8
28 ft Livesay.....	200	35
21 ft Rinell.....	60	10

Mr. LIVINGSTON. Gentlemen, will you make additional records available to us, if in fact we determine that we need them?

Mr. RAILSBACK. Yes, I think Mr. Fink had another comment.

Mr. FINK. I want to make that clear, that that only relates to the New Orleans District. It does not include the Mobile district, those statistics that I am providing.

Mr. RAILSBACK. Just one last question. Mr. Fisher, you have been involved for a long time with the customs service, I believe.

Is it your feeling generally speaking, that there is good cooperation between DEA and Customs? Has that been your experience, or do you have any complaints?

Mr. FISHER. No, I have no complaints at all. I find that in this area, I think all of us realize that we are all limited in resources and equipment. We are all anxious to accomplish the same mission, and we feel that working together we can do it much better at a lower cost to the taxpayers, and there is nothing else we can do, unless further equipment is available, and that costs the taxpayers money.

Mr. RAILSBACK. All right, thank you very much.

Mr. LIVINGSTON. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Fisher, I listened with a great deal of interest to your testimony. I realize that you have got a sizeable district and very little manpower to work with. Essentially, how many people are out in the field from your unit?

Mr. FISHER. I would say——

Mr. GILMAN. Nonadministrative people.

Mr. FISHER. Roughly 250 to 300.

Mr. GILMAN. That covers this whole region that you are talking about, including, well, what is the breadth and width of your district?

Mr. FISHER. We cover the central gulf area, you might say. It is Louisiana, Mississippi, Alabama, and the Florida Panhandle.

Mr. GILMAN. How many miles in coastline is included there?

Mr. FISHER. The coastline is about 1,160 miles with actual areas around 4,500 or something like that.

Mr. GILMAN. How many ports of entry?

Mr. FISHER. We have a total of, I would say, 17 ports of entry. However, some of them are unmanned ports such as Port Saint Jo in the Florida Panhandle.

Mr. GILMAN. The total field force is about 400, you say.

Mr. FISHER. We have a total of 465 people in the whole region, including the administrative people, the lab.

Mr. GILMAN. Of the 17 ports how many of them are busy ports?

Mr. FISHER. Well, the only real busy ports are in New Orleans, Mobile, and Baton Rouge.

The inland ports are in Nashville, Chattanooga, and Knoxville that have a medium amount but not really busy. It doesn't require a lot of personnel and also is an area where the occasion for smuggling is minimal, so it is mostly the actual commercial shipments that we deal with that are transferred in.

Mr. GILMAN. To say you are understaffed would be making a very conservative statement, I would assume.

Mr. FISHER. I am inclined to agree with you.

Mr. GILMAN. How many people would you think you needed to do a proper job of keeping an eye on the ports of entry on your coastline?

Mr. FISHER. Under today's type of operation, 25 to 30 additional people would give me a pretty good handle on everything other than the smuggling of the narcotics on the gulf coast.

Mr. GILMAN. Have you made that request to your Washington office?

Mr. FISHER. Yes, I have. Every year in our budget I give the justification for it and request more additional personnel, and we usually get a few additional, but never like the request. I presume that is nationwide. I am not complaining about anything there, except it is just not available.

Mr. GILMAN. Are you satisfied with the existing border management policy? Do you feel that we are moving in the right direction?

Mr. FISHER. Border management policy is a pretty large deal, I would say. I definitely don't agree with all of it, but much of it I do.

It is kind of difficult to answer that in one statement yes or no.

Mr. GILMAN. The Comptroller General in his report to the Congress, on several occasions has recommended a revision of our border management policy, and in our last report dated October 25, 1979, released just a few weeks ago, they said that the executive branch of the Federal Government has not developed any integrated strategy or a comprehensive border control plan that considers all aspects of the problem and establishes clear measurable objectives in indicating what it intends to accomplish with the various law enforcement resources.

A plan of this type is critical because of the many agencies with overlapping responsibilities.

Would you care to comment on that statement?

Mr. FISHER. The only comment I want to make on that is that this is a very large country.

Each one of the agencies will always have overlapping responsibilities, the same as the customs enforces laws with about 50 different agencies because the law refers to their inland circumstances, but when it comes across the border, the customs are the first line there to meet it.

The same thing with enforcement activities. To say that any one organization could handle all of the enforcement laws against narcotics trafficking, both inland and imported, smuggling of other than narcotics, controlling the gun laws, taking care of the illegal immigrants, it would be difficult for any one agency to be big enough to be able to control itself, and yet take care of all these functions.

It appears to me that we do need the different agencies, but we do need a little bit of coordination between them rather than competition.

Mr. GILMAN. How is the coordination in this area?

Mr. FISHER. Very good. We work together for the purpose of trying to comply with the law with limited resources, and I have never had any problems with any other agencies.

I hope they haven't had any with me.

Mr. GILMAN. Talking about your limited resources again, you mentioned 25 more people would help you out on personnel and you mentioned a need for a few more boats. How many more vessels do you need?

Mr. FISHER. That all depends on what percentage we want to go. If you want to catch everything that is coming in, that could be an unlimited number, but to do a fair job of interdiction, if we could get two vessels, say about 40 foot in our operation plan, I am sorry I don't have it with me.

We put a request in as to what we needed after we made this study. I could get a copy of that plan available for you and let you see actually what we requested, and that would be more definite, than an offhand comment from me.

Mr. GILMAN. I would like to have that request made part of the record, Mr. Chairman, without objection.

Mr. FISHER, you are asking for two more boats. Did that request go into your national office?

Mr. FISHER. It is part of the total plan that I have here in our reorganization of the patrol and the marine functions.

Mr. GILMAN. That request has gone in and you haven't had a decision on that yet?

Mr. FISHER. We have a decision that the program can go into effect, but we haven't had an answer as to just what equipment will be supplied us.

Whether that is coming, I don't know yet.

Mr. GILMAN. What other essential equipment have you requested that you have not received as yet?

Mr. FISHER. Of course, the air equipment which we have requested several times beats equipped aircraft and beats ranged aircraft.

Mr. GILMAN. What specific aircraft did you request?

Mr. FISHER. We requested planes of the Kingair type.

Mr. GILMAN. How many planes of the Kingair type?

Mr. FISHER. We requested one at the time because we had the S2.

Mr. GILMAN. Requested one additional Kingair?

Mr. FISHER. Yes.

Mr. GILMAN. Has there been any action on that request?

Mr. FISHER. I have nothing official that it is coming as yet.

Mr. GILMAN. What other essential equipment have you requested?

Mr. FISHER. Two radars were requested to put in our aircraft. We had no answer on that as yet.

Mr. GILMAN. How long have these requests been pending?

Mr. FISHER. First request for some of this equipment was about 2 years ago and the latest one was approximately 6 months ago.

Mr. GILMAN. Any other essential equipment that you requested?

Mr. FISHER. Not essential that I can think of right now, no, just general updating of some of our equipment here.

Mr. GILMAN. I note that in the testimony yesterday and today there has been considerable discussion about a communication ban for all of the enforcement agencies.

Has anyone discussed that request with someone in the Washington office?

Mr. FISHER. I don't think—we haven't, no, we have not gone to Washington with it.

In fact in our last program we had Gulf Net 1979; one of the major things we had that program on for was to see what we could do in coordinating together and communicating together.

At that time we realized that it might be better to have one, so we made a check on what the costs would be, and I have it here.

The communications that customs now has is pretty well saturated in the VHF band that we operate on.

There is no way that we could put everybody on that same communication network with our present equipment because already it is difficult to handle it all through one piece of equipment.

In order to put a uniform band for everybody in, we would first have to put another console of the same type we have, which would cost about \$60,000, and additional channels for the console would run about an additional \$30,000.

In addition to that, we would have to have the long line service which is an annual repeating cost of \$38,000, and additional repeater sites.

The leasings are now running \$33,000 a year that would be repeating costs; and with the cost of things today, that could be going up.

If we put that into effect, and got the additional equipment, then we would have to have additional personnel to man the equipment because it would be a separate console; and you would have to have somebody for it, so we would almost double the operational staff, not management staff, but operational staff.

Besides that, the other agencies using the equipment would have to acquire the radios with the crystal set for the frequency on which it would operate.

That is a two-way radio, so that would be additional cost.

Now, the reason we have not gone anywhere with it at Customs is because this would be a consolidated deal with all agencies, and if we included the locals they would be included also.

We haven't had time after our program to look into the matter of who would be responsible for the costs, how they would be prorated or who should initiate the request.

Mr. GILMAN. How much time would it take to work out such a plan, Mr. Fisher?

Mr. FISHER. I would say that since we have just completed recently, I don't have it with me, but recently the total results of Gulf Net 1979, maybe another month or two would be all we would need to complete the plan.

We already have the approximate costs. We would have to find out what other agencies would be involved and which way we should go if such a plan would be put into operation.

Mr. GILMAN. It is apparent from the testimony that we are receiving here that everyone seems to be in agreement that this is a priority request and something that is needed for law enforcement.

It would seem to me you would all be able to sit down around a table and work out your program and make a proper request with regard to it.

Mr. FISHER. I am hoping to do that in the near future because now that we have completed the study, we were happy to get together with the Coast Guard and DEA with the results of the study and at that time include the local people in it, and I would have no objections to being the initiator to request it.

However, I feel that the funds for it would have to come from others in addition to customs, knowing the kinds of budgets we usually get.

Mr. GILMAN. I would hope that you would give it some priority attention since it apparently is quite an important tool that is needed, and since there is very little security with regard to the communications that you have at the present time.

I am sure all of you recognize how important adequate communication is in narcotics enforcement, and since you are in agreement, I would think you don't need any lengthy study.

Please don't let Congress be an example for you, moving without studies.

I am sure you can do this in a rather rapid manner, and our committee will try to be as helpful as we can in urging attention to the proposal once you have submitted it.

I am a little bit concerned about the way we handle boat traffic that comes into our vast coastline, and instead of trying to tighten it up, now we are allowing people just to call in any old time and report that they have landed, and all is well and it has been a nice day.

Mr. FISHER. Again, as I said in connection with that, that refers to the private boats only, not our commercial types, or any large vessels coming in.

We have a very minimal amount of that in this area. Again, as I said before, I am not enthused with it either.

Mr. GILMAN. Isn't the reason we have had so little action because we have done very little about the boats from other countries coming along our coastline?

Mr. FISHER. Very few of those small private boats will travel across the whole gulf before they report in. They usually stop somewhere along the Florida coastline. Very few of those small boats come all the way through from the islands down below the far side of Florida, all the way over into the Louisiana and Mississippi area.

They usually make their first stop somewhere in Florida. That is why Florida is so heavily involved in that program, where I am minimally involved in it.

Mr. GILMAN. What about the boats that want to avoid those ports that come in along the coastline?

What can we do to tighten up that kind of security?

Mr. FISHER. That would have to be on advance information and surveillance out on the water area, because those people, if they are coming in to avoid it and get by with something, are not going to call us and tell us they have it.

Mr. GILMAN. How do you go about tightening that security?

Mr. FISHER. We try to in this area, wherever possible, through informants or through surveillance, try to spot any unusual craft coming in.

Our patrol people have contacted the marina people here and ask them to cooperate, and let us know if any vessel comes in and appears unusual, or in any way foreign.

Mr. GILMAN. Is that surveillance from the air?

Mr. FISHER. If we have air out, any kind we can get, surveillance of the coastlines, boats showing up in the area that are not the usual types.

Mr. GILMAN. What sort of surveillance is there if there is not any air surveillance?

Mr. FISHER. The patrol officers going around the marinas looking for what is getting in. You can't get it on the outside.

Mr. GILMAN. That is your patrol officer?

Mr. FISHER. Yes.

Mr. GILMAN. How often do your officers get in and out of the marinas?

Mr. FISHER. That would vary. I don't know.

Mr. FINK. We don't have a schedule, but it is a frequent method of operation.

Mr. GILMAN. Are they in and out of all of the marinas daily?

Mr. FINK. Certainly not daily, but we do have an excellent rapport with a number of the marina operators in this area who do respond to us and notify us when there is any unusual activity.

Mr. GILMAN. Would that be just the docking of a boat from another port?

Mr. FINK. Oh, no, sir.

Mr. GILMAN. How do you know when you have got unusual activity onboard?

Mr. FINK. We had a case, I think it was last fall, where a marine, pardon me, it was spring, a marine operator down across the high rise ridge called us that a vessel was acting in a suspicious manner.

CONTINUED

1 OF 2

We went down and made a seizure on the vessel and it contained I don't know how many pounds of marihuana. I am really pleased with the cooperation that we are getting from the marine operators.

Mr. GILMAN. I am pleased to hear that, but if they don't dock in a marina and you don't pick them up by air, I assume they get into the network without any problem, is that right?

Mr. FINK. That is probably true and so far as the reporting requirements for a small craft, that originated on the Canadian border about 25 years ago.

Having spent some time up on the Canadian border as an inspector, it was a normal thing for people to cross the border there on a boat, call the Customs Office and tell them that they had no people, no aliens onboard, that they were all U.S. citizens, no merchandise to declare, and they were free to go.

That privilege was extended by regulation and law probably some 10 years ago because there was, I believe, some consideration that we were discriminating against other countries as opposed to our friends north of the border.

Mr. GILMAN. Are you satisfied that, within the present, telephone reporting for small boats is adequate enough?

Mr. FINK. I absolutely am not, sir, but by the same token, the people that report in all probability would not be the smugglers.

Mr. GILMAN. Do you have any recommendations with regard to tightening up the security on smaller craft?

Mr. FINK. Our headquarters recently started and implemented what we call a vessel reporting system, and very basically it is very comparable to our PAIR system which we used for private aircraft in which we identify the low risk vessel and concentrate on those who don't report, and certainly this is going to be our mode of operation, but this has been a long and tedious task.

Mr. GILMAN. Have you started implementing that system?

Mr. FINK. Yes, sir.

Mr. GILMAN. Has it proved to be effective?

Mr. FINK. Not so far as the small vessel craft are concerned here. It was very effective along the Mexican border. I came here a year ago from the Mexican border, Mr. Gilman.

Mr. GILMAN. What about small aircraft? You say there are about 700 some airports in this region. How do you take care of the reporting requirements for aircraft that come from another land?

Mr. FINK. You want me to answer that?

Mr. GILMAN. Please.

Mr. FINK. The FAA work with us very closely in notifying us of foreign aircraft arrival, Mr. Congressman.

Mr. GILMAN. What is done about that?

Mr. FINK. Aircraft can only land at designated airports of entry, and we will send a man out for the inspection of the aircraft.

Mr. GILMAN. How quickly does somebody get to that aircraft after it has been reported?

Mr. FINK. In most cases we are there prior to the time that the aircraft arrives.

Mr. GILMAN. And I assume then you have clandestine airfields around the area. What do you do to check on those?

Mr. FINK. That is not in my area of responsibility, but it is under the control director who has the responsibility for the air support program. I am not passing the buck.

Mr. MEDFORD. With the limited personnel—

Mr. GILMAN. Could you identify yourself, please?

Mr. MEDFORD. Jerry Medford, regional patrol director. With limited personnel, we do a very sorry job, but there is no possible way with six pilots, four air officers, and seven aircraft out here that we could possibly cover 700 airports.

Mr. GILMAN. How many would you need to cover them?

Mr. MEDFORD. It is impossible. It would take an astronomical number to do the job. We try to do it through a profile system that we have identified.

Our officers send out to fixed-base operators and that profile identifies suspension. They may see an aircraft that has four or five large fuel tanks onboard or an aircraft with windows taped off that they don't want anybody to go onboard.

This, plus a few other, 10 or 15, are considered profile that a small fixed-base operator may then notify our unit they have a suspect.

Mr. GILMAN. You send an aircraft in and take a look?

Mr. MEDFORD. We try to.

Mr. GILMAN. How many are operable right now?

Mr. MEDFORD. Thirty percent down for maintenance at any given time.

It would probably—out of seven aircraft, we probably have two down for maintenance.

Mr. GILMAN. Five operating at what time?

Mr. MEDFORD. At any given time.

Mr. GILMAN. How many pilots?

Mr. MEDFORD. Six pilots on board, a total of eight.

We have two vacancies and we are in the process of hiring one now and in the process of doing a background investigation on the individual before he can come on board.

We hope he will be onboard by January 1.

Mr. GILMAN. Do your aircraft engage in coastline surveillance?

Mr. MEDFORD. To a limited extent. It would be an impossibility to put it on patrols. We know that they don't work. We still have to depend on our air officers and pilots getting in, getting the information.

Mr. GILMAN. Do you do any patrol work at all?

Mr. MEDFORD. Yes, but only on response from a district. The district may say that they have a suspect vessel offshore and they may be able to identify it by name.

Mr. GILMAN. That is an investigation. How about regular patrol?

Mr. MEDFORD. Patrols are nonproductive. We don't do that with any of the aircraft. It is an impossibility.

Mr. GILMAN. Do we have any aircraft of any of the agencies doing border patrol?

Mr. MEDFORD. Along the Mexican border they do it.

Mr. GILMAN. How about in this area?

Mr. MEDFORD. Any time we put a patrol out there, there are dozens of aircraft, military traffic, out there, traffic going east to

west, say from Miami to Houston, there is no way we could identify and sort the good from the bad.

Mr. GILMAN. Thank you.

Mr. LIVINGSTON. Thank you, Mr. Gilman.

Mr. Fisher, if I could read to you a statement, just a portion of a statement by Mr. Thornton yesterday, I would like to ask your comments on it.

He says:

Notwithstanding the present inadequate equipment and with limited manpower, the patrol unit in New Orleans has had some limited success. During fiscal year 1978 the first half of fiscal year 1979, the New Orleans patrol seized 21 vessels. Since it has been estimated that Customs seizes only 8 percent of the total contraband smuggled, we are talking about approximately another 275 vessels that got away.

This is a statistical point made to demonstrate the scope of smuggling activity.

During that same period, Customs in New Orleans seized 532,000 pounds of marihuana. If the 8-percent figure is a correct estimate, 6.5 million pounds got through undetected.

That represents a value of \$392 million entered through New Orleans during the last one and a half years.

He asks would it not be logical to assume, given the proper equipment and manpower, a significant portion of this traffic could be interdicted?

Mr. Fisher, my question to you is posed with this premise. You have said that there are insufficient funds to provide you with the additional manpower. There are insufficient funds to provide you with sufficient boats. We have heard that the boats that you have are marked, the two boats that you have for this enormous amount of coastline are marked; are they not?

Mr. FISHER. One is marked. The other is not.

Mr. LIVINGSTON. Excuse me. Neither has the gasoline capacity to travel much further than the mouth of the river and back.

We have heard that your planes are not sufficient in number, and it seems to me that if these figures are correct, if these estimates are correct, we are talking about \$392 million worth of contraband that has come into this area. Would it not be worthwhile to attempt to get the national office to authorize you additional manpower and equipment so that you can effectively, or to some degree more effectively combat this very pervasive narcotics smuggling problem in this area?

Mr. FISHER. First, we are assuming that those estimates are correct.

Mr. LIVINGSTON. Right.

Mr. FISHER. If the estimates are correct, then I say "Yes," but then we have already requested and are hoping to get better boats.

I have here for you a list of my boats and the capacity and the gallons burned per hour.

The Uniflite, 31-foot Uniflite boat we have has a capacity of 150 gallons and burns 20 gallons per hour.

The Raboto is a 20-foot boat and has a capacity of 60 gallons, and burns 12 gallons per hour.

Those are the two that are in the New Orleans area.

The additional boats are over in the Mobile area where we have much more coastline spread out.

Mr. LIVINGSTON. Without objection, that document that you refer to will be made part of the record when we can make a copy, if that is all right.

Mr. FISHER. Sure.

Mr. LIVINGSTON. I take it those are the two boats, neither of which are qualified to travel on the Mississippi River?

Mr. FISHER. That is right.

A 14-foot Eldo craft with fiberglass hull.

The Mississippi River, with its sunken logs, its current the way it is, it would be risky to use these boats in that river for any length of time. We have requested steel hull boats with longer range.

We are hoping to get some soon. I have no assurance that we will, but I have been told that they keep looking at the seized vessels and other vessels we have to use them.

I don't know if there is any place to buy brand new boats of that type for us.

Mr. LIVINGSTON. Thank you, sir.

Have you any other comments?

All right, sir, Mr. Gilman.

Mr. GILMAN. Just one last request of you.

What would you think would be the most effective thing that our committee could do to be helpful to you in your efforts?

Mr. FISHER. Not knowing exactly what happens in Washington on reallocation of resources, I put on the last part of my statement here, anything that the committee can do to improve the budgets allowed for Customs functions and the number of personnel slots that we can have when the budget is allocated would assist us in probably getting more people here.

I feel from meetings that I have had in Washington that it is quite a problem determining which are the areas most needed in money and personnel, and I would not want to be the one to say that it is not adequately or properly divided, but we usually end up with a lot less than what we say we need.

Mr. LIVINGSTON. Thank you very much, Mr. Fisher.

[Mr. Fisher's prepared statement appears on p. 136.]

Mr. LIVINGSTON. Thank you, gentlemen, for giving us your time.

At this time let me say that we have learned that Mayor Morial is not able to appear before us today because of other commitments, but the mayor has prepared a statement which, without objection, will be entered into the record.

[Mayor Morial's prepared statement appears on p. 138.]

Mr. LIVINGSTON. Mayor Morial has sent his assistant Mr. Claude H. Reese, director of the Bureau of Drug Affairs who will stand to answer any questions that we might have for him.

Mr. Reese, you are welcome. We would like to swear you at this time in accordance with the procedures of the committee. Raise your right hand.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. REESE. I do.

TESTIMONY OF CLAUDE H. REESE, DIRECTOR, OFFICE OF THE
MAYOR, BUREAU OF DRUG AFFAIRS, NEW ORLEANS, LA.

Mr. LIVINGSTON. Mr. Reese, we have the statement from the mayor which was introduced in the record.

The principal function of this committee is to see what can be done to attempt to slow down or curtail the entrance of drugs into this general area, either for commercial purposes elsewhere or for use right here in the city.

If you have any comments along those lines on your own, we would like to hear them.

Mr. REESE. Mr. Chairman and members of the committee, I was asked by the mayor to represent him at this hearing.

The mayor sincerely regrets that he could not be present.

His options were to continue to be involved in the budget process for the city of New Orleans or to come to the hearing.

It was necessary for him to be available to the city council for this week, so that he could participate in the public hearings that have been scheduled by the city council for this period. He regrets not being able to be present at the hearing this morning.

Mr. LIVINGSTON. That is quite all right. I know the mayor's concern for the drug problem in this city. I personally talked with him about it and the mayor is doing a great job with the resources that he has, and we want to offer him any assistance that we can from the standpoint of this committee, and I hope you will convey those thoughts back to him.

How about your thoughts on drug use and drug abuse in this city? Could we be doing a better job?

Mr. REESE. I think we certainly could, Congressman Livingston.

There is a need for us to develop the means of getting greater support for all of the drug abuse effort in the local community.

In my own estimation that is an extremely serious dimension of the local drug problem.

I know for sure that it would be easier for us to attempt drug abuse prevention efforts if we could count on a greater measure of community support.

We have done any number of program activities in an effort to generate that support, but I must honestly say that that is a serious problem in our effort to work on the demand side of the drug problem.

I am not directly responsible for any drug traffic prevention activity. I would just say that it would certainly be easier for us on the demand side if there was a better job done of interdicting the flow of drugs within the area of our city.

Mr. LIVINGSTON. What about programs to educate the populace on the dangers of drugs and to get to the youngsters in the city to warn them of the hazards of drug abuse? Are those coming along fairly well?

Mr. REESE. At a general level the entire drug program community, including my office, has the responsibility to work effectively to develop a public consciousness about the community drug problem.

At a more specific level, we do have a program which includes three primary prevention projections. Those projections are community based and it has not been easy to generate the funding resources for them.

There is a great need to continue to apply most of our resources to the treatment and rehabilitation components in the program.

But, we do have three primary prevention community based projections which are essential to disseminate information about the problem of drug abuse and to direct their efforts at youth, and adolescents in the community.

Mr. LIVINGSTON. What are your chief needs in implementing those programs?

Mr. REESE. Well, we have three programs already on line. The problem is that we just simply cannot get enough funding resources from our State and Federal funding sources to develop any additional primary prevention projects in the system.

Mr. GILMAN. Would the gentleman yield?

Mr. LIVINGSTON. Absolutely. Be happy to.

Mr. GILMAN. I thank the gentleman for yielding.

What is the extent of resources that you receive from the local and State governments?

Mr. REESE. We receive program resources from all three levels of government.

Most of our funding comes from your level of government, Mr. Gilman.

We receive in excess of \$2 million from NIDA for treatment and rehabilitation funding, and we receive approximately \$100,000 maybe \$200,000 from the State for the program and the city provides an estimate of about \$180,000.

Mr. GILMAN. Does the \$180,000 include law enforcement?

Mr. REESE. No, it does not. I am only talking about what the city of New Orleans does through my office, which is the drug abuse prevention function in our community.

Mr. GILMAN. Then your total budget is a little less than \$2.5 million?

Mr. REESE. Exactly.

Mr. GILMAN. Of that \$2.5 million, the city provides a little less than 10 percent, is that correct?

Mr. REESE. That is correct.

Mr. GILMAN. What about in law enforcement? What is the city's budget with regard to drug enforcement?

Mr. REESE. I am really not familiar with funding levels for the narcotics unit of the New Orleans Police Department. That is essentially the available resource to the mayor to function on the supply side of the drug problem in our community.

Mr. GILMAN. Do you think this city is doing enough in this direction? Do you think the city is providing the kind of resources to the problem that you have?

Mr. REESE. I think the city is struggling to manage a number of problem areas in the local community.

We are an urban center and we are not devoid of any of the traditional range of social ills and ailments, and my only comment is that it is not an easy matter for the city of New Orleans to budget the needed resources to respond to the full range of problem areas in the community.

Mr. GILMAN. That applies to any municipal, State or Federal or governmental organization at the present time. The tax dollars are hard to come by certainly in every direction. Is this a serious

problem in New Orleans? Is it a growing problem, minimal problem? How do you perceive the narcotics problem in New Orleans?

Mr. REESE. I think it is a continually increasing problem in the community. It continues to seriously threaten the ability to provide for human productivity in our community.

Mr. GILMAN. How many addicts do you estimate you have in New Orleans?

Mr. REESE. The head count on hardcore addicts in the community is an estimate, and it is in the range of 4,000 to 6,000.

Mr. GILMAN. How many?

Mr. REESE. 4,000 to 6,000.

Mr. GILMAN. Of course, that is a conservative estimate. Realistically what would you estimate?

Mr. REESE. I would estimate that it probably approaches a range of 6,000 to 9,000 in the community.

Mr. GILMAN. 6,000 to 9,000 addicts in the community. Has that figure been growing over the last few years?

Mr. REESE. It fluctuates. At one time it was greater than that and at other times it was less, and the indication now is that there is a possibility that we will start to go back to levels that are not necessarily tolerable by our community.

Mr. GILMAN. Has heroin, the amount of heroin usage been growing in this area?

Mr. REESE. There was a period when we started to see less heroin in the community, as indicated by the number of new admits in our program, but there is an indication now that we may begin to see a rise in the number of new cases being presented to our program.

Mr. GILMAN. Did you have any overdose deaths in New Orleans last year?

Mr. REESE. I would have to estimate that last year was not a year of an excessive number of OD's in the community.

Mr. GILMAN. How many did you have last year?

Mr. REESE. I can't recall the figure.

Mr. GILMAN. What about cocaine usage? We note there is a great deal of cocaine coming into this region.

Mr. REESE. I get reports there is certainly a great increase in the use of cocaine in the community. Those reports are derived from street sources or from program sources and from other sources in the community.

Mr. GILMAN. There were some indications from your enforcement officer that PCP was on the rise in this area.

Mr. REESE. That is exactly correct, and those indications are rather convincing to me that we are facing and confronting a serious problem in the use of PCP in New Orleans.

Mr. GILMAN. Are you finding increased usage in the schools among the young people?

Mr. REESE. I think there is increased usage. That is only a guess because we have not really done a responsible study of drug activity within the public school district or the private or parochial school district in New Orleans in the last 3 to 4 years, but there are indications that that is certainly the case.

Mr. GILMAN. Mr. Reese, do you think that 13 police officers, patrolmen, is an adequate force to stem the narcotics trafficking in the city of New Orleans?

Mr. REESE. Yes, I do.

Mr. GILMAN. Do you think they have done an adequate job?

Mr. REESE. I think they have done the best job possible, given the level of resources.

Mr. GILMAN. That is what I am asking you. Do you need more manpower or are you satisfied that that is sufficient manpower to take care of the whole law enforcement effort in the city of New Orleans?

Mr. REESE. I would have to consider that question could best be answered at a time when you could see the possibility of new resources.

I would say that now, Mr. Gilman, I certainly don't think that is enough of a level of manpower to respond to the scope and intensity of the drug problem in New Orleans?

Mr. GILMAN. You wouldn't make any recommendation to the mayor to increase any enforcement people?

Mr. REESE. I am sure the narcotics unit is competent in the budget process to present its own recommendations.

Mr. GILMAN. Are you the mayor's narcotics consultant?

Mr. REESE. No, I am not. Would you explain what you mean by that?

Mr. GILMAN. What is your position?

Mr. REESE. I am director of the Office of the Mayor, Bureau of Drug Affairs and advise the mayor.

Mr. GILMAN. Do you get into any drug policy discussions with the administration? Enforcement and eradication and prevention isn't all tied up in one review of policy? You have segregated completely, and built a wall between you?

Mr. REESE. No, not exactly. We are all a part of one local government.

Mr. GILMAN. What I am trying to seek out here, are you convinced that the city administration has taken sufficient steps to try to prevent and enforce and eradicate the drug problem locally, or do you think something more should be done?

Mr. REESE. I accept that more should be done.

Mr. GILMAN. Where should it be done?

Mr. REESE. I think it should be done on both sides of the problem. There is more needed on the demand side of the problem, as well as on the supply side of the problem.

Mr. GILMAN. \$183,000 out of a \$2 million program, and only assigning some 13 police officers leaves something to be desired with regard to the local effort, and certainly there is a great deal more that can be done from the Federal region, but it is a sharing type of thing that, yes, the Federal Government should be doing some things, but so too should the local government.

I hope you are going to be concentrating in that area.

Mr. REESE. I intend to do that.

Mr. GILMAN. Do you have any problem, Mr. Reese, with regard to a Single-State Agency allocating funds? I know you get funding from that. Does that come down through the State? Do you get it

directly or have any problem in allocation of funds from the Federal Government through the State?

Mr. REESE. Yes, we do. I am, in fact, vice chairman of the National Association for City Drug Coordination and we have had the privilege of talking with some of the members of the Select Committee who are present now, as well as the Honorable Lester Wolff, chairman of your committee.

We have discussed the problem, the inadequate role of local chief executives in the national drug program, and we have suggested that there is much more of an involvement that ought to be provided to mayors in major urban cities where there is a heavy conception of the societal drug problem; and while we do not advocate that the single-State agency system be dismantled, we very strongly advocate and have presented testimony to your committee and to other congressional committees that there is a need for NIDA to definitely look to, maybe in the case of 18 to 20 cities, a more direct relationship than they presently have.

I think without a doubt a city like ours, should have a chance, I should say, to more effectively present its needs to NIDA, and to get a better response from NIDA without having to be totally dependent upon a single-State agency system that does not in every case allow for effective involvement.

Mr. GILMAN. What is the major expenditure that you are making with regard to these \$2½ million of funds?

Mr. REESE. The major expenditure in the program is in the treatment and rehabilitation component of the program.

The main procedure in the program is methadone.

Mr. GILMAN. How many people do you have in the methadone treatment programs?

Mr. REESE. 750 people in the methadone treatment programs.

Mr. GILMAN. How has your success rate been?

Mr. REESE. We believe we are rather close to the national average of about a 15 to 20 percent success rate.

Mr. LIVINGSTON. Thank you very much, Mr. Gilman. Mr. Reese we appreciate your coming and testifying, and thank you for appearing on behalf of the mayor.

At this time we will go into the second official panel, Rear Adm. Paul Yost, commander of the 8th District of the Coast Guard, and Capt. Clyde T. Lusk, Cmdr. Charles Morgan, and Commander Gehring of the Coast Guard.

Gentlemen, would you come forward, please?

Gentlemen, I understand that there were some technical adjustments that you may want to take care of. You are welcome to do that at this time.

Will you stand and be sworn?

Do you solemnly swear that the testimony you will give will be the truth, the whole truth and nothing but the truth, so help you God?

Admiral YOST. I do.

Captain LUSK. I do.

Commander MORGAN. I do.

Commander GEHRING. I do.

TESTIMONY OF REAR ADM. PAUL A. YOST, COMMANDER, 8TH DISTRICT, U.S. COAST GUARD, ACCOMPANIED BY CAPT. CLYDE T. LUSK, JR., CHIEF OF OPERATIONS, 8TH DISTRICT; CMDR. CHARLES MORGAN, CHIEF OF INTELLIGENCE AND LAW ENFORCEMENT, 8TH DISTRICT, AND CMDR. HOWARD B. GEHRING, COMMANDING OFFICER, COAST GUARD CUTTER *DEPENDABLE*

Admiral Yost. Mr. Chairman, I think we are ready at your convenience, sir.

Mr. LIVINGSTON. All right, sir.

Admiral, I understand with respect to our designation for Cmdr. Charles Morgan that his technical title is in fact chief of the intelligence and law enforcement rather than chief of sea security, so we will make that correction for the record.

Admiral Yost. Good, thank you.

Mr. LIVINGSTON. Gentlemen, welcome all of you. We are glad to have you, and we appreciate your coming before this task force and testifying on the Coast Guard's impact upon narcotics smuggling in the Greater New Orleans and southwest regions.

Without any further delay, Admiral Yost, you may either present your statement for the record or give it verbatim.

Admiral Yost. Thank you, sir.

I thought I would summarize my statement. It has been provided for the record, and we would like it to go into the record in its entirety.

[Admiral Yost's prepared statement appears on p. 139.]

Admiral Yost. I am Rear Adm. Paul A. Yost, Jr., commander of the U.S. Coast Guard's 8th District, an area which extends from Apalachicola, Fla., on the east to Brownsville, Tex., on the west, and inland approximately 500 miles up the Mississippi River.

Accompanying me are Capt. Clyde T. Lusk, Jr., my chief of operations; on my left Cmdr. Charles W. Morgan, the chief of my intelligence and law enforcement branch, and Cmdr. Howard B. Gehring, the commanding officer of U.S. Coast Guard Cutter *Dependable*, which serves under my command and which is stationed at Panama City, Fla.

We are pleased to have this opportunity to address the Coast Guard's role in drug interdiction and to otherwise participate in your review of the problems confronting and the effectiveness of enforcement agency response to the drug importation problem.

We in the 8th Coast Guard District are acutely aware of the need for continuous close liaison with the Drug Enforcement Administration and the U.S. Customs Service in order to make best use of our combined resources and, of equally great importance, of the need to minimize the possibility that well-intentioned boarding activity by our units might disrupt carefully orchestrated shoreside efforts by our fellow agencies that would provide much greater deterrent to drug import activities.

I understand that you are aware of the strategy developed by the Coast Guard to interdict drug-laden vessels at the several "choke" passes in the Caribbean in preference to total reliance upon interdiction near our long and difficult-to-patrol coastline. Toward enhancement of that strategy, the four medium endurance cutters under my command are frequently assigned to interdiction patrols

in the Yucatan Pass area of the neighboring 7th Coast Guard District headquarters in Miami.

Customs agents typically accompany us on those patrols and air support is provided by an embarked helicopter and fixed wing coverage from 7th and 8th District air stations. We have recently conducted a number of multisurface unit activities, including several wherein a 210-foot medium endurance cutter was assigned an 82-foot patrol boat as well as an H-52 helicopter for coordinated operations. We are particularly proud of the seizures by 7th and 8th District units in and near these choke points.

Our secondary line of defense consists of coastal aircraft and 82-foot patrol boat sorties, frequently in support of each other. Such sorties are coordinated by our group commanders in close cooperation with U.S. Customs and the Drug Enforcement Administration and are conducted to the maximum extent possible with the resources available to us. Regrettably, this second line of defense is extremely thin and is not continuous.

All units involved, whether a medium endurance cutter, a patrol boat, or an aircraft, are subject to diversion from law enforcement patrol to answer an urgent search and rescue need. Of late, we have been troubled by a number of false alarms in the search and rescue area which are leading us to suspect that our patrol forces are being drawn off by our drug importation opponents who are becoming increasingly clever at analyzing our strategies and intercepting our communications.

I have very quickly described our activities and I hope I have conveyed the pride that we have in our achievements. I do not, however, want to give you the impression that we are satisfied with the results of our labors. The Coast Guard is used to completing its missions. If someone is missing at sea we search until he is found or until we believe he cannot be found alive; if we are involved in an oil spill we work until the spill is cleaned up, and in every other way in the broad area of our involvement finish the job.

We are frustrated at our obvious lack of success in controlling the maritime import of drugs in the Gulf of Mexico. We are driving our personnel to work hours in excess of twice that typically found in the private sector; we are driving our vessels and aircraft to the point where maintenance and parts problems are troublesome, and we are doing our best to be innovative and flexible in our response. Certainly we have seized vessels and drugs and we have no doubt deterred much smuggling, as is evidenced by our occasional finding of an abandoned drug-laden vessel or huge numbers of bales of marihuana floating near our shores but, notwithstanding our efforts, drugs are being imported.

Drug interdiction is an important challenge to the men under my command and daily pursuit of those engaged in smuggling is interesting and morale-enhancing, particularly when successful. However, our interdiction patrols do not cover even most of the coast part of the time, much less all of the coast all of the time.

We are very proud of the job we are doing with the resources available to us, and we would like at this time to thank the committee for their support of H.R. 2538, which we look to be an important enforcement tool, once that legislation is in place.

My staff and I would be most pleased now to respond to your questions.

Mr. LIVINGSTON. Thank you, Admiral, and I want to commend you on your statement.

Gentlemen, do you have any comment to add at this time?

[No response.]

Mr. LIVINGSTON. Thank you. I think you have very fairly appraised your capabilities.

Oh, excuse me, Captain Lusk has a statement.

Would you like to present your statement at this time, Captain?

Captain LUSK. My statement was intended for the afternoon panel on the Gulf Net operation.

Mr. LIVINGSTON. That is right.

All right, thank you. We will hold that in abeyance and look forward to hearing from you later on that issue.

Admiral, of course we have heard a lot of testimony about the influx of narcotics trade, particularly since reinforced efforts were implemented in Florida.

Is it your assessment, sir, that there has been an increase in imported narcotics activities in this area say, in the last year or so?

Admiral YOST. I have been in this job now about 17 months. When I got to this district, I felt that more and more drugs were coming into the central Gulf of Mexico because of the effectiveness of the efforts in the Florida, Miami-Tampa areas.

For that reason, I increased our drug interdiction efforts by a significant amount. I can give you patrol hour figures, et cetera. In most cases we doubled or even increased beyond doubling our efforts in the 17 months that I have been here.

In response to that, we have seen the drug importation effort become more sophisticated.

We have seen more of it move over toward Texas where it had not been before, so I think yes, we have chased it from Florida to Louisiana, to Texas, and now it is probably moving up the eastern seaboard; but it moves away from where the effort is.

I have certainly increased the effort significantly in the 8th Coast Guard District within the last 17 months.

Mr. LIVINGSTON. Where do you perceive the source of the imported material?

Admiral YOST. It is the conventional wisdom that most of it is coming out of Colombia. I feel that is probably so, through the passes or one of the choke points or now some of it up the eastern seaboard.

Mr. LIVINGSTON. Do you know why Colombia is the point of origin? Why that country specifically?

Admiral YOST. I think Colombia has a very excellent growing area for marihuana. It is an isolated area where their law enforcement does not put a great burden on those people who are growing it, or those people who are transporting it.

I have discussed this at a social event with the consul general of Colombia, and I think that that fine lady basically agrees with me.

Mr. LIVINGSTON. Have you seen any turnaround in the past months?

I understand that by means of a treaty recently signed that they have sworn to start to curtail their own violators and agree to accept any felons that we might extradite to them.

Admiral Yost. I think Colombia is very willing to cooperate and that was the information I got from their New Orleans consul general. I think that they have a major problem. They have a long coastline, as we do, and very few assets.

I can't say that I have seen a great improvement, but again, I don't gather that much foreign intelligence.

Mr. LIVINGSTON. Let's talk about your own capabilities within the Coast Guard.

I understand that most employees of the Coast Guard are general enlistees in that they are not designated for a specific rate or trade. Don't you think, Admiral, that it might be more advantageous in the field of smuggling to have people who are trained specifically in law enforcement and in search-and-seizure operations so that they could handle this specific sort of violation?

Admiral Yost. I think what you are asking me is basically should we suboptimize in a particular area, and I think if we did that in any mission that we have that we would perform that mission better.

Aids to navigation, drug enforcement, search and rescue, any mission you give, if you say optimize that mission at the cost of other missions, I could do that mission better, you bet, but I don't think that we would put out the product over the broad scope of our authority for the American people at the cost benefit we are now doing it.

Mr. LIVINGSTON. So in the near future you don't anticipate that the Coast Guard will implement a specific rating process for their employees?

Admiral Yost. I am quite sure that right now the Coast Guard has no plans or intent to do that sort of thing.

We do have plans and intent to upgrade our training to take those people who are involved in the drug interdiction business and give them all of the training that we can give them.

We are also involved in stabilizing our tours so that, once we have a man trained, we do not transfer him within because of Coast Guard internal policy in a short period of time and have to train somebody else.

I would say that the retention is a major problem in the Coast Guard, just as it is in every military service today.

Last year we took in new recruits to replace people getting out of the Coast Guard, about 25 percent of our enlisted force. If we again take in that many this year, you will see that within 2 years approximately 50 percent of all coastguardsmen will have 2 years or less in the Coast Guard. That is a major training retention problem, and we are better off, it is my understanding we are better off than the other military services in this regard.

Mr. LIVINGSTON. Now the process of interdicting smugglers has to be fairly dangerous. I understand to date you have lost no boats, and you have lost no men, but certainly it has to be considered hazardous duty to a degree.

I am concerned because of that rapid turnover of which you speak, because of the procedure of transferring a man from one

area of duties to another, that perhaps you really are not getting the maximum out of your men in readiness and ability to handle dangerous criminals.

I am a little bit concerned for the safety of your men. Are there any procedures being implemented that might assure Congress that that is not really a problem?

Admiral Yost. Well, I think it is a problem, and we have got to recognize it is a problem. We are implementing some new procedures and have been ever since my arrival in this district, and certainly, throughout the other districts in the Coast Guard, we are doing approximately the same thing.

One of the things that has proved extremely helpful and satisfactory is asking Customs to help us with our training in this regard.

They are doing that, I would say, every unit that we have regularly involved in drug interdiction has had training in the handling of criminals, when to shoot, when not to shoot, how to handle an armed man, this kind of thing. I am equally as concerned that we shoot somebody we don't have to shoot as I am on the other side of it. So far we have done very well in that. I lose a little sleep over it at nights.

Some of our men are very young, and they have not been in the Coast Guard very long. They are very eager, and they want to do a job. We are giving them the training as fast as we can give it to them, and every unit's boarding party has been adequately trained.

Mr. LIVINGSTON. So to the degree that they are trained in that specific endeavor, there is some degree of specialization?

Admiral Yost. There is no one going aboard a vessel for drug interdiction that has not been trained in the use of small arms, and we are now trying to assure that all of them have been trained in the when-to-shoot type of thing. It is a movie with a target, and they go through the scenario, it is very real life; and if they don't shoot the target at the right time then they have to go back through the training.

When you put a man in that position, sooner or later somebody is going to shoot at the wrong time. You know, it is just a matter of odds.

Mr. LIVINGSTON. Beyond just the matter of violence, which is certainly a spontaneous thing, what about criminal intelligence? Certainly you must handle a certain amount of criminal intelligence from time to time? Wouldn't it be better if you had specialized in assimilating this type of information?

Admiral Yost. We do have specialists in the intelligence field.

Now they are not assigned to an intelligence rate, but they are taken out of a rate that they are in for a period of time and moved into intelligence, go through an intelligence school and stay in that particular job for a tour of duty and sometimes multiple tours of duty. Extensions in that rate are relatively easy to come by if a man wants to stay in.

We restrict ourselves, and this is an internal policy, we restrict ourselves to intelligence that we can gain overtly, and we restrict ourselves to intelligence that we gain in a maritime mode.

We don't encourage our agents, and in fact we encourage them not to try to obtain intelligence by sitting in the barrooms or doing the covert type of intelligence, because that is the DEA bag, and

that is the Customs bag. They are trained for it and know how to handle it, and we are more concerned that we get one of our young guys who suddenly becomes a James Bond in his own eyes and he gets involved in something he can't handle, and we rely on DEA.

Mr. LIVINGSTON. Fine.

There has been some considerable discussion about a uniform police frequency and uniform frequency for handling narcotics trafficking and the like. What is your feeling about such a frequency?

Admiral YOST. I am very strongly in support of that.

I have talked to Charlie Fisher, head of Customs, here about it at some length, and we are mutually supportive of each other. We have gone to Washington for frequency allocation.

As I am sure the committee knows, frequency allocation is a very intricate process, and it has international implications as well. Frequencies are allocated to each country by an international committee. The frequencies that are allocated to our country are allocated nationally to the various agencies.

When you allocate a frequency as we are talking about here, you have to take it away from somebody else. There are no spare frequencies, and that is a process that goes on in Washington that is both slow and complicated, and it is moving, I understand, very nicely at the moment, and we do expect a frequency very, very soon.

Mr. LIVINGSTON. How soon, Admiral?

Admiral YOST. I would hate to say. I would hope we would have one within the next few months, a common frequency. Now that is not a secure frequency. As you know, there is no such thing as a secure frequency. Anybody can come up on your frequency. Drug smugglers routinely come up on our frequencies. We know that. In wartime the enemy comes up on your frequency and the name of the game then is to code your frequencies, to get voice scramblers and that sort of thing; and that kind of gear is expensive.

The frequency is critical, so once you set a common frequency, then all of us would have to try to secure the voice common communications on that frequency by procuring gear that will scramble it. We are probably a year away from secure voice on a common frequency.

Mr. LIVINGSTON. Thank you very much.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Admiral, we thank you for taking the time to put together all of your thoughts with regard to our effort in trying to produce a better enforcement effort in this part of the country.

Examining the role of the Coast Guard, in listening to some of the other efforts in patrolling our coastline and trying to make our country more secure from illicit narcotic trafficking, what do you think would be the most important thing that we could do to increase enforcement and to provide a more secure border?

Admiral YOST. Well, that is a big order, sir.

To secure a border is something that we know how to do. That is, it is nothing new. The state of the art is there. We did it in Vietnam. We secured the entire border from smuggling of arms into Vietnam.

We know what it takes to do it. We know what kind of an organization and what kind of assets. It certainly requires assets beyond anything that I have heard suggested be thrown at the problem.

Our own assets within the Coast Guard have been addressed by the Commandant of the Coast Guard in a paper that is public information, printed in the Commandant's Bulletin of August 20, 1979. I know the committee is familiar with that statement.

We have some GAO people here in my district now checking on some of the elements of that statement. The Commandant has said amongst other things, "So in general, as I look at legislative edicts, the condition and adequacy of our facilities and our people, it is clear to me that our resources fall far short of the level necessary to carry out adequately the tasks assigned."

He is talking about our broad spectrum. What I am telling you is that, in order to shut off this border, you need significantly more assets, not only than we are throwing at the drug thing but probably that are currently given the Coast Guard for its entire broad spectrum of responsibilities.

Mr. GILMAN. Looking at your own region, where do you feel you are falling far short with regard to manpower, assets, and ability to perform your responsibilities?

Admiral YOST. When you say falling far short, you first need to set a goal. Now if the goal is to shut off completely the drug trade so that nothing can move over our borders, we are short aircraft, and we are short ships. We are short men, and we are short money.

If the goal is to increase the interdiction effort by 5 percent, 10 percent, 15 percent, that is a different sort of thing.

Mr. GILMAN. What do you perceive the goal to be at this point?

Admiral YOST. My goal is to take the assets that I have that the Commandant allocates to me and to use them in the drug interdiction business to the maximum extent I can, even at the risk of some cost to search and rescue and other missions of the Coast Guard. That is what I have been doing for 17 months.

What the goal of the American people is, or the goal of Congress, as far as shutting down the drug interdiction, or shutting down the drug traffic, I am not sure, because with that goal goes a price tag that I am not sure either Congress or the American people are willing to underwrite.

Mr. GILMAN. I am curious, and I am sure my colleagues on the committee are curious, of what the stated goal is of the Coast Guard with regard to drug interdiction.

What is the mission that you have been assigned with regard to drug interdiction and enforcement?

Admiral YOST. My mission is to interdict all of the drugs that we can possibly interdict with the assets that we have. We do that by using the assets more beyond their capacity and being as innovative as we can and cooperating with local, State, and other Federal agencies.

What frustrates us, and I am sure you, sir, is that doesn't seem to do the job.

Mr. GILMAN. How much of your personnel and equipment and funding is spent in the drug enforcement area?

Admiral Yost. I am afraid that we cannot, we don't break it down that way, and I would be unable to give you a figure. Let me tell you why. I have a ship on patrol today. Last night it seized a Mexican fishing vessel.

Had that vessel been carrying drugs, I could have charged that off to drug interdiction. The fact is the vessel was on patrol for fisheries, for drug, for search and rescue, and other Coast Guard missions, so because it is multimission it is hard to break it down to say how much of it is for drugs. I got 10 82-footers and 4 MEC's, which are medium endurance cutters, approximately 210 feet long. Those vessels are being used 100 percent of their time on offshore patrols, including fisheries, search and rescue, and drug.

Now, when they are on patrol, they do whatever is there at the time.

Mr. GILMAN. When you say that these vessels are on patrol and they come upon a vessel coming in from a foreign area, do they board the vessel? What sort of surveillance do they do?

Admiral Yost. We found in the central gulf, and particularly along our coast, that we are spread so thinly that we cannot make an effective boarding patrol of our own shores.

This is one of the richest shrimp grounds in the world. It is the richest in the world. It is full of shrimp boats trolling, going in and out of port. It is an impossible task with the current level of assets to board those vessels.

We find we are much more effective by sending our vessels down to the choke points, the Yucatan Strait, the Windward Pass and boarding vessels that come through there. Even then there are too many vessels to board every vessel, so we have a profile.

We have commanding officers who take a look and say I am going on board that one, and let this one go through, et cetera. It is a value judgment based on experience.

Mr. GILMAN. Do you feel that there are some steps that we can and should be undertaking to improve our coastline security?

Admiral Yost. I think that this is a moving situation. By that I mean a changing situation and a step that we take today works for a while and then tomorrow we need to take another step.

The most effective thing that I have found is the experience of my commanding officers in the field. Some of them are very young. Some of them are more experienced, as Commander Gehring is, and we give them maximum flexibility on changing their patrol procedures.

We also have frequent meetings with them and we say, "Team, what do you think we ought to be doing? Should we change our use of ships and aircraft? Should we change our patrol effort in our area," and so we try to move with what is happening.

We are fairly successful at that. We continually find drugs coming in in new and different ways.

One of my skippers the other day said if I were going to bring drugs in, I would try bringing them in in barges. We subsequently found drugs in a barge where the deck had been cut out of the barge and puttied over.

It is changing. Other than putting more assets into the program and using more people, I don't know of any other way of doing it.

Mr. GILMAN. Do you find there is good cooperation amongst the various agencies in the drug enforcement effort?

Admiral YOST. I think it has been outstanding in this district. In New Orleans I can't say enough honestly about the cooperation between ourselves and DEA and Customs. I think a large part of that goes to the people at the working level.

The DEA, Charlie Fisher of Customs and myself give our working level people all of the support we can give them and tell them to work together and make the thing work. They do, and Charlie and I meet fairly frequently, but the people at the working level meet very frequently. In every case they are working together on it, in every joint case.

Mr. GILMAN. Is there a policy group that meets regularly to plan strategy and programs with regard to narcotic enforcement within this region?

Admiral YOST. Yes, and I will turn that one over to my Chief of Operations, who meets on that. Talk about that a little bit, Clyde.

Captain LUSK. I am Capt. Clyde T. Lusk, Jr.

In response to your question, sir, we do have in the New Orleans area a group that meets monthly, the first Tuesday of the month, as a general rule, to discuss problems such as you have mentioned.

Mr. GILMAN. Who is part of that group?

Captain Lusk. We always have DEA, Customs and Coast Guard representation. The number of players varies. Sometimes if we are going to have a rather extended operation that is going to involve certain of our field commands, we will have a much larger attendance than we would otherwise, but typically the three agencies will be there. We have on occasion had the Immigration and Naturalization Service, too.

Mr. GILMAN. Has this group planned overall strategy for the region?

Captain LUSK. Yes, sir, I would say to a great extent it has.

We in the Coast Guard, have a plan that we worked out with our area commander and with the 7th District commander in Miami relative to the utilization of our larger vessels down in the choke points, down in the Caribbean. We keep the Customs and the DEA advised in general of the progress of that.

We in the district also control the utilization of our smaller craft, our 82-footers, our 41-footers. We keep other agencies advised, but we typically handle that ourselves.

However, we do have a need for coordinating certain activities. For instance, the mentioned Gulfnet 1979 activity was one that required all three agencies to indicate what resources were available, and to develop common strategy for using them.

Mr. GILMAN. What do you call your working group?

Captain Lusk. We have named it LEO, for Law Enforcement Organization. I am not sure it really has a formal name. The minutes probably say interagency group.

Mr. GILMAN. Has your LEO group worked out any long-range plan for drug enforcement in this region?

Captain LUSK. I don't think that that group has got into the long range, say, beyond a couple of months, sir.

Mr. GILMAN. Have you met with anyone from it, any of the national offices in Washington, from any of your respective agencies to plan long-range strategy of drug enforcement in this area?

Captain LUSK. As far as representation down here, we have had representatives of both Customs and Coast Guard from the Washington office down to several of our meetings.

As far as the long-range activity, we have had representatives of the admiral's staff up in our Washington—or I should say to our area commander headquarters in New York. They have at least one and typically two meetings a year where they develop long-term strategy.

I understand representatives of DEA and Customs typically attend such meetings. I am not privy to any of the details of the formal long-range planning of the agencies.

Admiral YOST. Vice Adm. Robert Price is commander of the Atlantic area, U.S. Coast Guard, headquartered in New York. He has responsibility for coordination between districts for all Coast Guard operational activities.

Admiral Price's drug and enforcement and operation staff, as Captain Lusk has told you, calls approximately two regular meetings a year plus ad hoc meetings, if they are going to put on a bigger operation or an operation that pulls in the U.S. Navy, which we have done here also.

Mr. GILMAN. Go ahead.

Admiral YOST. They allocate the major vessels, the HEC, the endurance cutters and the interdiction cooperation needed to take care of the eastern seaboard/Gulf of Mexico interplay.

If we are putting pressure in the gulf, it goes up the eastern seaboard. If we put pressure on the eastern seaboard, it is coming in the gulf. I frequently send people to New York for those meetings.

Mr. GILMAN. Admiral Yost and Captain Lusk, at any time have you been requested to provide a proposal for a long-range plan for drug interdiction in this area? Have you had an opportunity to make any suggestions of that nature for long-range strategy?

Admiral YOST. For long-range strategy in the way of a formal plan, perhaps not. The Commandant requires of me a yearly delineation of my goals and what I intend to emphasize and how I use my assets in this district.

That has been one of the top priority goals that I have furnished him each of the 2 years that I have been here.

I've told him at the start of each year that drug interdiction and the allocation of my units to drug interdiction at the cost of other missions would be done, and I report to him at the end of the year what I have done in support of that goal. I have reported that each time.

Mr. GILMAN. I would assume then what both you and Captain Lusk are telling us that LEO meets monthly, and you are really determining operational needs for immediate operations of the short-range nature. Is there any time when you sit down and try to plan an overall, long-range strategy for this part of the country?

Admiral YOST. Well, let me answer it like this. A long-range strategy, if we can say a long-range strategy, is to take as much of our assets as we could take, as much of our effort from other

missions and throw them into this mission. That is a long-range strategy.

The Commandant meets regularly in Washington with heads of agencies with major drug responsibilities to lay out long-range strategy.

I meet twice a year with all of my commanding officers, and we sit down at that meeting for a week and say what is happening. Where are we successful. Where can we be more successful. Strategies are set at that time.

As far as an operation order that lasts for a year, an operations plan, we don't have that. The thing is moving too fast for that.

Mr. GILMAN. Captain Lusk, does that apply to LEO as well?

Captain Lusk. Yes, sir. I might say that since the Admiral has arrived here we have probably tripled the amount of utilization of our aircraft and our small craft in this; and of course this was because of his direction.

Doing that did require a certain amount of planning. I don't know what you call long range, but because he wanted to greatly increase resource use we had to plan materiel, maintenance, and personnel support.

Mr. GILMAN. I am certainly not critical of the manner in which you have applied your resources. What I am seeking here is, has there been an opportunity for setting some long-range goals and overall strategy and some working cooperatively with the other agencies in seeing how best in a long period of time you can most effectively use all of the available resources? Has anyone sat down and looked ahead beyond just the immediate operations that are on the table?

Admiral Yost. Only in the area of requesting additional resources. I think that is as far as we can go. In planning an operation like Gulf Net, that was probably 6 months in the planning, that kind of long-range operation.

Using the forces of the U.S. Navy, that was planned out of Admiral Price's office, that was probably 8 or 9 months in the planning, so to that extent yes, we have done that and of course the commandant's drug principals meeting I referred to before.

Mr. GILMAN. Have there been any discussions about the organized crime in the area and how best to eradicate the organized crime networks?

Admiral Yost. I am sure that the other LEO agencies are more involved in that than we are. We support them, if they need a platform, a ship, an airplane, we will support that. But we are not involved in the organized crime aspect of it, just in the smuggling of marihuana as a separate issue.

Mr. GILMAN. Captain Lusk, does LEO discuss that at all at any time when they meet?

Captain Lusk. During the LEO discussions we have talked about the probability that we are having an influx of people that had heretofore been involved in smuggling over in the Florida area that were moving over into this area.

There were discussions about such things as automatic weapons that were being brought into the area, mostly things that would impact on the utilization of our forces and joint activities.

Mr. GILMAN. My time is running, and I have gone beyond it, as a matter of fact. What do you think is the most critical need that you have to be supportive of the effort that you are undertaking in this area?

Admiral YOST. I was impressed with the testimony of the representative of the mayor of New Orleans when he seemed to say that support of the people of New Orleans was one of the critical things that he needed.

I think that one of the critical things that we need in the United States to shut off the drug problem is the support of the people of the United States where a decision is made that we don't want drugs imported into the United States.

As long as we have a significant portion of the people who don't think this is a problem, who don't think that we ought to put a lot of assets in it, then we are going to have a problem, in stopping drugs from coming in.

If the people want it, they are going to get it. We have a 35-ton-a-day habit in the United States, and despite everything that I have been able to do, working my ships and my people overtime, there is still 35 tons a day coming into the United States, as near as I can tell.

That is going to continue to come in until we either throw so many assets at it, it can't come in, or the attitude of the people changes.

Mr. GILMAN. Besides the public attitude, what do you feel is the most critical need for your own agency?

Admiral YOST. In order to stop drug importation you have got to have ships, men, aircraft, money. If we were to stop the drugs, that is what we are going to need.

We are certainly getting our fair share of assets within the U.S. Coast Guard. I feel that the Coast Guard is probably getting its fair share within the U.S. Government.

When the priorities change, so the drug problem is more important than other things that we are now funding, then those assets will be increased. That is what we need, an increase in the assets.

Mr. GILMAN. Thank you, Admiral.

Thank you, Mr. Chairman.

Mr. LIVINGSTON. Thank you, Mr. Gilman.

Admiral, if I could carry that question one step further, I would like to address Commander Gehring, since he is in the force of carrying out this mission in interdicting smugglers from the high seas in the Gulf of Mexico.

I wonder if you could point to one thing that would facilitate your mission, what would that be?

Commander Gehring. I am Commander Gehring, CO of the Coast Guard Cutter *Dependable*. It comes back to what the admiral indicated but goes beyond the Coast Guard in that for me to do my job better, I should be able to go to a place and do my job at that location.

Right now I go to a place and make the best of what I have at that location. I try to, on a random, nonintelligence type basis, come up with the bad guy. So, it extends into the other agencies or in-house providing us with better intelligence where to go with our limited resources, how to better apply them.

It comes back down to resources, money, men, beyond the Coast Guard.

Mr. LIVINGSTON. Admiral, I am interested in the interrelation between the Customs Service and the Coast Guard. We have had some testimony that perhaps under some circumstances that a vessel, say a private vessel, a sailboat of say 35 or 40 feet coming up the Mississippi River gulf outlet switching over through the locks in the Mississippi River and sailing up to Gramercy, landing at 9 or 10 or 11 at night, might not be stopped by the Customs Service.

Would it necessarily be apprehended by the Coast Guard?

Admiral Yost. Not necessarily. Every once in a while one of these vessels appears odd to one of our people. Either he is coming up at night without running lights or something like that. He looks suspicious.

We get a call from a pilot saying, "I got a boat in here running up the wrong side of the channel right next to the shore. It looks odd to me." We will then go out and board.

A surprising number of those vessels that we get reported to us by professionals on the river that look odd to them or to our own people will have some sort of problem on board.

Mr. LIVINGSTON. But if a skipper plays by the rules of the road, comes off a mother ship 100 miles off the coast and comes right up, chances are he might come in undetected?

Admiral Yost. Chances are 1 in 100 that he would be detected.

Mr. LIVINGSTON. Thank you, gentlemen. We appreciate your testimony, and I also appreciate your taking the time to be very candid with us. You have given us some insight.

Admiral Yost. Thanks for asking us in.

Mr. LIVINGSTON. At this time we will have the third panel from DEA, Michael Downs, assistant special agent in charge, New Orleans District Office, accompanied by Mr. Ray Egan.

Gentlemen from the Coast Guard, excuse me.

Admiral, we would like to submit some additional questions to the Coast Guard. We have some additional points, and we neglected to get into them, so if we could submit those to you in writing, we would appreciate that.

Admiral Yost. I would appreciate that, and it might be helpful if you would ask the question again about the strategy, about the long-range strategy at the Washington level. I think I was remiss in not providing some information that I will shortly.

Mr. LIVINGSTON. We would like to have your elaboration on that. The committee will stand in recess for 5 minutes.

[Brief recess.]

Mr. LIVINGSTON. The task force will come to order, please.

Mr. Downs and Mr. Egan, if you will stand and be sworn.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DOWNS. I do.

Mr. EGAN. I do.

Mr. LIVINGSTON. Have a seat.

Gentlemen, welcome to this task force of the Select Committee on Drug Abuse and Narcotics.

We would like to ask you to go ahead and present your statements as you see fit, and we will ask questions later.

TESTIMONY OF MICHAEL DOWNS, ASSISTANT SPECIAL AGENT-IN-CHARGE, NEW ORLEANS DISTRICT OFFICE, ACCOMPANIED BY RAY EGAN, SPECIAL AGENT, NEW ORLEANS DISTRICT OFFICE, DRUG ENFORCEMENT ADMINISTRATION

Mr. Downs. Thank you, Mr. Chairman and members of this committee, for the opportunity to discuss the Drug Enforcement Administration's views of the drug trends in this area. I am Michael Downs, assistant special agent-in-charge of the DEA New Orleans District Office.

I do have a prepared statement, I request that it be entered into the record.

Mr. LIVINGSTON. It will be entered into the record, and you can either read from it or summarize.

[Mr. Downs' prepared statement appears on p. 141.]

Mr. DOWNS. Yes, sir, I have very few comments, and I will be as brief as I can.

Regarding the heroin situation in this area, there has been a recent increase in the purity of the heroin which is on the streets.

I am very concerned about that. Among other things, it indicates to me that somewhere in the country, not of necessity here, that there is an increased importation of greater quantities of high purity heroin. I do intend to approach this situation. We have had discussions with the NOPD and will have specific discussions with the other parish agencies in the vicinity to come up with an operation to attack the situation.

We have a considerable quantity of cocaine in this area. In my written statement there is some discussion of a 200-pound seizure of cocaine in Panama, the Canal Zone. There were some indirect connections between that seizure and this area of the country. I think it is also interesting that in the recent past there was a 3-pound cocaine seizure in Miami and a 5-pound cocaine seizure in Georgia. Both were destined for the Shreveport area which is to me, at any rate, a fair amount of cocaine for a community the size of Shreveport.

As to the clandestine manufacture of drugs such as PCP and amphetamines, that is on the increase in this area. It is due perhaps two or three reasons.

I think the traffickers and the manufacturers of these drugs are of the opinion that precursor chemicals are easier to obtain in this area.

There seems to be quite a bit of heat on the west and east coasts on the traditional sources for precursors. Now that is not to say that they are easier to obtain, but I think the criminals feel that they are easier to obtain. I also think that they feel that their chances of detection are not as great, due to the geography and certain other factors.

We have had a number of occasions of the criminals using farms out in the country. We even had one instance where PCP was being manufactured in a wooded area with no permanent building of any type whatsoever, using tents and tarps and had 2 by 4's

wired up in trees and no permanent buildings at all. That involved 175 pounds of PCP.

As to the marihuana situation, it is being imported in multiton quantities time after time after time. I think more than any other group that these traffickers use or attempt to use radio equipment to monitor or attempt to monitor the traffic of the enforcement agencies.

These investigations are very, very time consuming from the standpoint of manpower and hours which are required on the streets, or in the boats or whatever it is, and they are very time-consuming investigations.

That is about all that I have in the way of any general comment. I will be happy to respond to any general questions that you have.

Mr. LIVINGSTON. Mr. Egan, do you have anything to add?

Mr. EGAN. No, sir.

Mr. LIVINGSTON. Gentlemen, when did the New Orleans office of the DEA change from a region to a district?

Mr. DOWNS. That was effective October 1, 1978.

Mr. LIVINGSTON. Why was that done?

Mr. DOWNS. That was done through a general reorganization of DEA.

Mr. LIVINGSTON. But for what specific purpose with regard to the narcotics traffic? Was there a feeling that New Orleans was less important than some other region of the country, say Florida?

Mr. DOWNS. Well, sir, as I understand the entire situation, the reorganization called for a reduction in the number of DEA regional offices to five, and we were not considered to be one of the top five.

Mr. LIVINGSTON. Where is the regional office?

Mr. DOWNS. In Miami, our regional headquarters.

Mr. LIVINGSTON. That covers what area of the country?

Mr. DOWNS. Most of the Southeastern United States. It goes as far as Baltimore and Washington, and then as far east as Arkansas.

Mr. LIVINGSTON. As far west?

Mr. DOWNS. West as Arkansas, excuse me.

Mr. LIVINGSTON. Arkansas. Does it go into Texas?

Mr. DOWNS. No, sir, it does not. That is a separate region.

Mr. LIVINGSTON. Louisiana, Texas borders the western boundary?

Mr. DOWNS. Yes, sir, that is correct.

Mr. LIVINGSTON. That is a pretty wide area. What was your strength in the New Orleans office before you were made a district rather than a region?

Mr. DOWNS. That depends on how far back you want to go.

At various times in 1977, if I could preface that by saying this, I reported to this office on October 1 of 1978, so some of my comments are made from research that I have done on whatever events that have occurred before I got here.

At various times through 1977 there was somewhere in the vicinity of the high 30's, 36, 37, 38, perhaps 40 special agents assigned to this office.

Mr. LIVINGSTON. How many?

Mr. DOWNS. Somewhere between 35 and 40.

Mr. LIVINGSTON. That was in 1977?

Mr. DOWNS. That is correct, sir.

Mr. LIVINGSTON. Now you have?

Mr. DOWNS. Now we have 27 total.

Mr. LIVINGSTON. So there has been a manpower reduction. From the testimony I have to ascertain that while there has been a reduction in heroin influx, there has been an increase in other drugs; is that correct?

Mr. DOWNS. Yes, sir, that is correct.

Mr. LIVINGSTON. The only other question I have on that line is why the cutback?

Mr. DOWNS. In manpower, you mean?

Mr. LIVINGSTON. Yes.

Mr. DOWNS. Sir, I cannot answer that question.

The staffing decisions are made in Miami.

Mr. LIVINGSTON. All right, have you requested additional men? Do you feel personally that your office now has sufficient manpower to handle the needs of this district?

Mr. DOWNS. I have not requested any additional manpower at this time.

Mr. LIVINGSTON. And the answer to my second question?

Mr. DOWNS. I am sure that I could use some more people, yes, sir.

Mr. LIVINGSTON. There seems to be a feeling among some of the other local agencies that they are not getting the backup from DEA that they were a couple of years ago, and that because of that their own capacity for sharing intelligence, for conducting surveillances, and for general interdiction capabilities has been reduced.

What is the prospect for the future?

Mr. DOWNS. Well, sir, I suspect that the presence of the drugs involved is not going to decrease.

When you have increased traffic and fewer people, you could spread yourself so far, and you know, of course, I stand ready to offer whatever assistance I can to any agency.

Mr. LIVINGSTON. But when you are 7 to 13 men fewer than you were 2 years ago; that makes a little difference.

Mr. DOWNS. Yes, sir, we have to fill the gaps otherwise.

Mr. LIVINGSTON. I understand that DEA has discontinued its participation with the Jefferson Parish offices in surveillances at the New Orleans Airport?

Mr. DOWNS., Yes, sir, that is correct.

Mr. LIVINGSTON. And why was that done?

Mr. DOWNS. With the number of agents that we have assigned now, with the types of cases that were made at the airport, I did not feel that those cases fit in with my priorities, and that I could use the men elsewhere better than at the airport.

Mr. LIVINGSTON. Is there any less a threat today than there was a couple of years ago when you were involved in this operation of the smuggling of drugs through the international airport?

Mr. DOWNS. No, sir, I think a certain amount of drugs are smuggled through the airport.

Mr. LIVINGSTON. OK, but you just do not have the resources to apply to it?

Mr. DOWNS. That is correct, sir.

Mr. LIVINGSTON. Has there been any effort on the national level to increase resources of districts or regions within DEA, to the best of your knowledge?

Mr. DOWNS. I do know that we are hiring a certain number of new agents over the next 6 to 8 months. The number I am not sure of, and as to where those agents will be stationed when they are hired, that is also, I think, a headquarters decision.

Mr. LIVINGSTON. Where are your priorities right now?

Mr. DOWNS. My No. 1 priority, as far as drugs are concerned, is heroin.

Mr. LIVINGSTON. Heroin?

Mr. DOWNS. Yes, sir.

Mr. LIVINGSTON. You say it is on the increase in your original statement. Where is it coming from?

Mr. DOWNS. The purity is on the increase. There is definite evidence of that.

Mr. LIVINGSTON. Well, if the purity is on the increase, that means that there is more heroin available; does it not?

Mr. DOWNS. You would think so, yes, sir.

Mr. LIVINGSTON. Where is the heroin coming from?

Mr. DOWNS. The primary indicators are that the main increase is due to a resurgence of white heroin in the Mideast, which is perhaps Turkey, Afghanistan, that section of the world which some years ago was very active in heroin production.

Mr. LIVINGSTON. How about Iran?

Mr. DOWNS. Oh, perhaps.

You know, we have some indications of that.

Mr. LIVINGSTON. OK, but it is coming in from other countries then rather than being shuffled down from other States and imported?

Mr. DOWNS. I think most of the heroin that comes into the United States comes into New York, the west coast, and perhaps even direct through Chicago.

Mr. LIVINGSTON. Do you believe it is coming in over our borders here in southeast Louisiana?

Mr. DOWNS. No, sir, I do not, not to any great extent, if at all.

Mr. LIVINGSTON. What are the chief drug commodities which are imported in this area?

Mr. DOWNS. Cocaine and marihuana for the most part, some methaqualane, which is a depressant drug.

Mr. LIVINGSTON. Are you satisfied that your agency is working closely enough with the other sister agencies, Customs, Coast Guard and the like?

Mr. DOWNS. Yes, sir, as far as I am concerned the cooperation is outstanding.

Mr. LIVINGSTON. And with the local agencies as well?

Mr. DOWNS. As far as I am concerned, it is.

Mr. LIVINGSTON. We have heard certainly nothing to the contrary in that regard, but I am concerned about your manpower cutback, and you have given me nothing to lead me to believe that there is any hope for an increase in the immediate future.

How can we remedy this problem? Certainly if the narcotics importation is on the increase, what are we going to do about it?

Mr. DOWNS. Well, you know, as I said before, I am sure that I could use an additional enforcement group in this office. However, I am sure that every DEA office in the country could do the same thing. There is not too much question about that.

Mr. LIVINGSTON. How about a temporary sweep of this area periodically? Would it be possible for DEA to mobilize its forces into one area from another from time to time to try to keep the smugglers off guard?

Mr. DOWNS. We could do that.

If you are speaking of smuggled drugs, you may be getting into more an area of interdiction than of investigation.

Mr. LIVINGSTON. All right.

Well, perhaps I should be a little bit broader then, smuggled drugs and trafficked drugs within the city of New Orleans.

Mr. DOWNS. Yes, sir, that could be done and we did that out in the western part of the State weeks ago concerning cocaine.

Mr. LIVINGSTON. Do circumstances here in Louisiana warrant that sort of activity?

Mr. DOWNS. With the increase in purity of heroin, I would not be at all surprised. It might be some indicator. I would not be at all surprised.

Mr. LIVINGSTON. All right. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. DOWNS, Mr. Egan, we welcome you before the committee. You certainly have a man-sized problem in this region with limited manpower.

I am a little curious about the overall evaluation of the drug problem. How do you perceive the drug problem in New Orleans? Is it decreasing, leveled off, and in your estimation where do you stand with the problem today?

Mr. DOWNS. I think that heroin is somewhat stable.

I think that most of the other drugs I have mentioned, marijuana, cocaine, PCP, their presence is on the increase.

Mr. GILMAN. When you say heroin is stable, I understand from some of the enforcement people that while you are not too certain about the amount that is being consumed, certainly it is being consumed in a stronger form than previously, that the doses are heavier, is that correct?

Mr. DOWNS. Yes, sir, that is correct. When I used the word stable, I had more in mind perhaps the number of users and that type of thing.

The purity is up. There is no question about that.

Mr. GILMAN. How much is the purity up?

Mr. DOWNS. Up until perhaps 4 or 5 or 6 months ago, the purity was running anywhere from 1.5 to 2.5 to 3 percent. It is running anywhere from 6 to 10.

Mr. GILMAN. When you are doubling the purity, does that indicate more quantity coming in or a better type of heroin coming into the region? What is that indicative of when you say purity is stronger?

Mr. DOWNS. It indicates to me that more heroin is coming into the United States somewhere.

It may be an indication that since white heroin has returned—by its basic nature white heroin is higher from the factory than brown heroin.

Mr. GILMAN. Then the quality has also improved?

Mr. DOWNS. Yes, sir.

Mr. GILMAN. The change from brown to white, does that mean that the origin of the heroin has changed also?

Mr. DOWNS. That is correct. The white heroin which we encounter seems to be coming from the Mideast for the most part.

Mr. GILMAN. You are not certain where that is coming from in order to get to the New Orleans area; is that right?

Mr. DOWNS. Not altogether, sir; no, sir.

Mr. GILMAN. It is possible some is coming in by ship or plane to this area directly from foreign sources?

Mr. DOWNS. It is possible, but I do not think it is true to any great extent.

Mr. GILMAN. What do you estimate to be the number of addicts in the area?

What do you offhand estimate to be the total number of people using heroin in the area?

Mr. DOWNS. Somewhere in the vicinity of 5,000 to 6,000.

Mr. GILMAN. That is a conservative estimate. What do you base that on, the methadone treatment?

Mr. DOWNS. If I could have Mr. Egan answer that question.

Mr. EGAN. Ray Egan from the New Orleans office.

We have conducted surveys of the heroin problem in the area for quite some years, and this question has come up in the past.

We took the number of methadone addicts and the number of addicts that apply to methadone clinics when the heroin is scarce on the street and apply statistical methods to that and also the number of addicts arrested by the New Orleans Police Department, and arrived at a figure of 5,000 to 6,000 addicts.

Mr. GILMAN. It has stayed level over the past few years or do you feel that there has been an increase?

Mr. EGAN. No, sir, it has been pretty level.

The local police department hasn't seen any rise in the number of new addicts.

Mr. GILMAN. With heroin the No. 1 priority for DEA, how is it that there is such a limited amount of seizure, say we have 5,000 to 6,000 addicts in the area?

The local narcotics adviser to the administration said it could be as high as 9,000. How is it that we don't have a greater seizure of heroin in the area than the minimal amounts that have been seized over the past few years?

Mr. DOWNS. I think I can address that to some extent. It is my understanding from, you know, what I read, what I see, what I hear, that it is traditional in this city for the traffickers to obtain perhaps an ounce to 2 ounces, to 3- or 4-ounce quantities of heroin in cities such as Chicago, or San Antonio, and bring back a small quantity of heroin a whole series of times.

Once it is back in the city, it is then cut and packaged up into consumer form at that time.

Mr. GILMAN. Does it pay for a trafficker to go up to Chicago and bring back 1 or 2 ounces?

Mr. DOWNS. Sure it does.

Mr. GILMAN. How much profit would a trafficker make on 1 or 2 ounces, just roughly?

Mr. EGAN. \$7,000.

Mr. GILMAN. On 1 or 2 ounces?

Mr. EGAN. Yes, sir.

Mr. GILMAN. Has there been any major influence by organized crime in the trafficking in the New Orleans area?

In the Senate hearings a great deal was said about Carlos Marcello. What can you tell us about Carlos Marcello's involvement in the trafficking in the New Orleans area?

Has there been any indication of his involvement in trafficking here?

Mr. DOWNS. There may have been some information from time to time, sir.

Mr. GILMAN. Senate hearings in 1979, "Marcello, a long-time kingpin of New Orleans, along with Santos Trafficante of Florida, is believed to dictate mob policy for much of the Southeast."

Do you have any indication of his involvement here locally?

Mr. EGAN. Sir, in the past 10 years we have been able to trace the great majority of drugs back to their source of supply and in no instance has any old line Mafia-type connection been found.

We haven't found any of that up the ladder.

Mr. GILMAN. As far as you can determine, Marcello isn't involved in any local trafficking? He does it on a nationwide basis but keeps out of the local scene.

Mr. EGAN. Our heroin traffic is 99 percent black, by black local New Orleanians and once in a while we have a white violator.

Mr. GILMAN. As far as you can determine, you find no major organized crime group involved in the local trafficking?

Mr. EGAN. Well, all of the major smuggling groups are organized to an extent, but if you are speaking about old line Mafia-type organizations, no, sir.

Mr. DOWNS. If you are speaking of traditional organized crime, the answer to that would be no.

Mr. GILMAN. You heard the testimony earlier about LEO meetings, and I hope you are part of the LEO meetings, are you?

Mr. DOWNS. Yes, sir, that is correct.

Mr. GILMAN. Do you talk about any long-range planning in the LEO meetings or is it mostly on the immediate critical problem and how we are going to tackle today's problem?

Mr. DOWNS. Most of it is more immediate or short range as to certain operations that are ongoing at that time, or something that might be coming up in the near future, and how to approach that, and you know, how to attack that.

Mr. GILMAN. Have you ever been called into Washington for a regional meeting to go over long-range strategy for this part of the country?

Mr. DOWNS. No, sir, you mean in cooperation with Customs?

Mr. GILMAN. In cooperation with whatever.

Mr. DOWNS. No, sir, for the most part we handle whatever is here.

Mr. GILMAN. You mentioned somewhere in your testimony about some computer technology being utilized by some of the smuggling groups.

How did they anticipate using the computer technology?

Mr. EGAN. That is part of an ongoing investigation right now.

Mr. GILMAN. How are they utilizing the computer? Is that for communication purposes?

Mr. EGAN. I would rather not want to get into specifics at this time.

Mr. GILMAN. I would be interested in learning how they compute information.

Mr. DOWNS. That is an ongoing investigation and we can update the information.

Mr. GILMAN. Can you tell us what your most critical needs are in this area, and I address that to both of the panelists, where Congress can help you people out on the front line to do a better job?

Mr. DOWNS. The topic of a common secure radio system has come up in these hearings. I am not at all familiar with the mechanics of how to set one of these things up, what it requires, or the funding or anything else.

Mr. GILMAN. Have you asked for that in Washington?

Mr. DOWNS. Not on a specific basis. DEA technical section in Miami and in Washington are aware of the situation and know that we desire one.

Mr. GILMAN. I would assume you intend to pursue that further?

Mr. DOWNS. Yes; I do.

Mr. GILMAN. What other critical needs do you have?

Mr. DOWNS. I don't know if the committee can assist on this in any way or not, and that is some revisions in the bond and bail situation for those certain individuals who are arrested.

Mr. GILMAN. Well, there is some legislation that is pending and we hope that we can tighten it up. As a matter of fact, our committee is involved in asking for more stringent bail and bonds.

I happen to be a cosponsor of that legislation.

Mr. DOWNS. That is outstanding to me, and I support it 100 percent.

Mr. GILMAN. Any other suggestions?

Mr. EGAN, do you have some suggestions?

Mr. EGAN. No, sir, other than that of every other DEA officer around the country, more manpower would be easy to utilize.

Mr. GILMAN. When I asked about the organized crime figures, you mentioned some of the top brass were not involved. What about the guys in charge of distribution, the people in the middle category?

The task force usually goes after the topnotch guys. The local police usually catch the smaller fellow.

What about the middleman, the distributor? Are you doing anything in that direction and have you been successful in attacking the distributor?

Mr. DOWNS. Yes, sir, I think we have to some extent in drugs other than heroin.

Mr. GILMAN. Other than heroin?

Mr. DOWNS. See, in the heroin traffic situation here there is not a middleman. That is one of the things that is sometimes difficult

to understand. There is no genuine middleman distributor; but, as far as cocaine and certain other drugs, yes; I think we have.

Mr. GILMAN. Free enterprise still abounds here.

Mr. DOWNS. Yes, sir, it sure does.

Mr. GILMAN. I guess our chairman has stepped out. Do you have any other comments you would like to make with regard to any of the issues that we have been reviewing in the past day or two?

Mr. DOWNS. No, sir, I don't have anything else.

Mr. EGAN. No, sir.

Mr. GILMAN. I am going to at this time thank you, gentlemen, for appearing before us for suggestions; and we are going to recall Admiral Yost and Captain Lusk, if they would return to the table.

There was an issue that we did want to get into that we unfortunately overlooked.

Mr. DOWNS. OK. Thank you very much for having us.

Mr. LIVINGSTON. Admiral, we understand that you were prepared to give us a shopping list of your needs and make a presentation of the impact that you have had on the coast.

If you could do that at this time, go ahead.

Admiral Yost. Thank you, Mr. Chairman.

What I have prepared is a shopping list, a laundry list of the assets that we have on the coast, and then a rough estimate that perhaps would be more responsive to Mr. Gilman's question on what do we need in order to stop the drug traffic.

Let me start with what we have, and I will ask Capt. Clyde Lusk to point out to you on the chart of the gulf coast where we have these things.

First, we have three air stations; one, Corpus Christi, and that air station has four fixed-wing aircraft. They are C-131 reciprocal piston engines, old, and are an interim aircraft waiting for the new Falcon aircraft that we should have on line in another year or two.

We have three or four H-52 helicopters.

Coming up the coast at Houston, we have three H-52 single turbine helicopters, and coming up to New Orleans we have four big twin turbine engine helicopters; and in Mobile we have a headquarters unit that isn't under my command. However, the assets are available to me, both fixed wing and helicopter.

It is basically a training command, and I can pull aircraft, both fixed wing and helicopter, out of there at the expense of training; and I often do for my missions.

Starting back down in Corpus Christi-Brownsville area, I have two ships there, 82 footers and a medium endurance cutter. Now, these 82-footers, I have 10 of them scattered around the coast. I won't delineate each home port for you, but if Captain Lusk will point out where they are scattered around the coast?

Captain LUSK. They are represented by the smaller silhouette.

Admiral Yost. I have four medium endurance cutters, one of which some of the committee was able to visit yesterday here in New Orleans. They are a helicopter-equipped vessel. I have four of those, one in the Brownsville area, and one up the coast, Houston, Gulfport, and Panama City.

Those are the assets that I presently have stretched over that massive, expansive coast. Were I to be asked what it would take to shut down smuggling across this coast, I would be hard pressed to

say, based on experience in the United States, because we have never tried, since prohibition, to shut down an operation. At prohibition, I might say the Coast Guard, during prohibition, had about 95 large vessels.

We now have about 40 large vessels, so we are half as big as we were in 1929, as far as seagoing capability goes, and if you have read the history of prohibition, we were not outstandingly successful in shutting down that operation.

As a perhaps parallel that I have been asked to play over with you, and it is strictly a personal experience in Vietnam, we had a section of coast that we shut down as far as smuggling of arms went.

Captain Lusk, if you could flip that chart to show what we did there, and it worked very well, I have superimposed on the gulf coast, the assets I would need if Congress were to say to me today what they said during the Vietnam era which was, "Shut it down; we are not interested in the cost. We want it shut down." This is how I would do it based on that experience.

Perhaps there could be some savings made here. I don't know.

The small areas that I show in yellow and gold, each area comprises one patrol area that I would put one 82-footer in. I would need at sea the seven 82-footers at any one time. In order to keep one vessel at sea, it takes three vessels because of maintenance, crew rest and that sort of thing, so I would need twenty-one 82-footers in this district. I have ten.

I would also put out in the larger orange areas a major vessel. We used Navy destroyer and high endurance Coast Guard cutter escorts. I would need four of those at sea all of the time. In order to keep four at sea, it takes 12 vessels again due to maintenance, crew rest, and so forth. I have four vessels. I would need 12.

Superimposed on that I would have one or two fixed-wing aircraft patrols over the coast per day in support of these 82-footers and the medium endurance cutters.

In order to keep two aircraft patrols a day over that coast, it would take approximately five fixed-wing aircraft dedicated to nothing else.

I, of course, have that many aircraft but they are dedicated to many other missions, so what I am suggesting to you is, we need to double the 82-footers. We would need to use MEC's, the medium endurance cutters in the orange areas—I have four. I would need 12. I would need five dedicated aircraft that I do not have at this time.

In addition to patrolling, if I also wanted to board everything, as Mr. Gilman asked me before, I wanted to board most every craft moving, I would need to double my 82-footers, so now instead of needing 21, I need 42, so with forty-two 82-footers, 12 medium endurance cutters equipped with helicopters and five MRS aircraft, I think I could do a pretty fair job of doing what you have asked me to do.

Mr. LIVINGSTON. Thank you, Admiral. That is a pretty good plan. I would like to think that you have those resources available to you, but I am not so sure. We are going to see what we have to do.

Mr. Gilman.

Mr. GILMAN. Admiral, has the Coast Guard ever attempted a pilot project of this nature to this small an area and attempted to seal it off, besides the Vietnamese situation?

Did we try to do any of this in narcotics?

Admiral YOST. We have done it for very small areas for very short periods of time. I might ask Captain Lusk to discuss that.

Captain LUSK. Capt. Clyde T. Lusk, Jr., speaking.

One of the problems, of course, is that we haven't had the resources to be able to do it for any sizeable length of the coast for any considerable length of time, so while we do think it is effective, we find two things happening; one, the local fishermen that suddenly find they have been selected to be boarded when their counterparts a few miles to the east or west haven't, are a bit distressed; and, second, of course, we find that the bad guys know very, very quickly what we are doing.

They are delighted to see that we have concentrated our resources and they just go around them. So when we try something of a very limited geographic nature, we haven't found it to be terribly effective. We find it to be morale enhancing, but we are not sure that we really accomplish very much.

We haven't made many seizures doing that.

Mr. GILMAN. Have you also tried some strike forces where you come in for a very short period of time and do this periodically and spread it across the whole spectrum?

Captain LUSK. Yes, sir, we have. We typically expect our group commanders—we have five in the 8th Coast Guard District—we expect them to be coordinating with the DEA and the U.S. Customs Service in doing this sort of thing.

Within the last 2 weeks we did something like this in the Lake Pontchartrain-Lake Borgne area for a 2-day period.

This is a typical thing. We move in with no fanfare, increase air surveillance and cooperate of course with Customs and DEA. It is something that we have done but not on a regular basis.

Mr. GILMAN. Did that prove to be productive?

Captain LUSK. We have done that a number of times and it is hard to really know what the deterrent effect is. There is probably a lot more deterrent effect, keeping the bad guys off balance, than actually comes from the seizures.

Mr. GILMAN. We seize quite a few vessels in the course of a year, do we not?

Admiral YOST. Yes, in fact the commanding officer that I had with me here, Commander Gehring, 22 percent of all marihuana seized in the Coast Guard last year was seized by his vessel.

Mr. GILMAN. Doesn't the Coast Guard make use of any vessels that are seized?

Admiral YOST. We have not to date. I have had discussions with the Commandant of the Coast Guard on that. He is considering that as an option. It is an engineer's nightmare when you start picking up these vessels that are often in poor repair, were purchased for a one-trip sort of thing by a smuggler who intends to abandon or sink the vessel afterwards. It gives you a problem, both in standardization and maintenance of the vessel. They are often shrimp vessels or other slow vessels and designed to do other things than patrol.

Mr. GILMAN. What about the seizure of aircraft? Aren't there some aircraft that can be utilized?

Admiral YOST. I saw on the front page of the Time-Picayune yesterday or today a DC-4 loaded with drugs that had crashed; they were taking two bodies out of it. These vessels and aircraft are old, in poor repair and picked up for one trip.

Mr. GILMAN. Essentially any of the seized aircraft and seized vessels are not usable by the Coast Guard?

Admiral YOST. We haven't used them to date. The aircraft are often older than our aircraft and we think we are using some of the oldest in the world.

The ships we have tried or had plans to try to use them, I don't know what the commandant's intention is at this time. I know he has had it suggested to him and has discussed it.

Mr. GILMAN. Admiral, I seem to recall our committee boarding a pretty luxurious yacht down in the Florida waters that had been seized and going out to some of the airstrips and seeing some pretty fancy aircraft out there.

All of it is in pretty bad shape?

Admiral YOST. Most of it is pretty bad. You asked about long-range planning. The Commandant called all of his flag officers for a 3-day strategic planning session.

The things you are talking about now were discussed at that strategic planning session, and I am not really at liberty to say further what we did on that.

Let me say there were some good ideas. We are considering them and they may well be used. If we do use it, we don't want to telegraph our plans.

Mr. LIVINGSTON. Thank you, Mr. Gilman.

Thank you, Admiral, Captain.

The committee will now recess for lunch until 2 o'clock this afternoon.

[Whereupon, at 12:20 p.m., the committee was recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. LIVINGSTON. The final session of the committee will come to order, and we will hear from the last panel, including Mr. Meyers, Mr. Downs, Captain Lusk, and Mr. Elliff of the various agencies to discuss the Gulf Net operation.

Gentlemen, if you will stand, and in accordance with the procedures of this subcommittee, if you will be sworn before you testify.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF CAPT. CLYDE T. LUSK, JR., CHIEF OF OPERATIONS, 8TH DISTRICT, U.S. COAST GUARD; MICHAEL DOWNS, ASSISTANT SPECIAL AGENT-IN-CHARGE, NEW ORLEANS DISTRICT OFFICE, DEA; WILLIAM E. MEYERS, SPECIAL ASSISTANT TO THE REGIONAL COMMISSIONER, ENFORCEMENT SUPPORT, U.S. CUSTOMS; AND JOHN ELLIFF, ASSISTANT REGIONAL DIRECTOR OF PATROL, U.S. CUSTOMS

Captain LUSK. I do.

Mr. DOWNS. I do.

Mr. MEYERS. I do.

Mr. ELLIFF. I do.

Mr. LIVINGSTON. Thank you. Be seated.

We have heard from two of you, Captain Lusk and Mr. Downs. And you, Mr. Meyers, Mr. Elliff, we welcome you to the committee and appreciate your being here and being available to testify.

Principally, we are here to talk about one effort in which joint cooperation of various agencies was employed to combat a narcotics smuggling, narcotics trafficking operation in this area, and we are here to learn of your successes, your weaknesses, and any room for improvement in the future.

So, gentlemen, with that introduction who would like to lead off?

Captain Lusk, I know you have a statement. Why don't you go ahead and present your statement.

Captain LUSK. Thank you, Mr. Chairman.

I do have a statement. I will summarize from part of it.

I am Capt. Clyde T. Lusk, Jr., U.S. Coast Guard, and I am currently assigned as Chief of Operations of the Coast Guard's 8th, or Gulf Coast District. I am on the staff of Rear Adm. Paul A. Yost, Jr., and have been delegated responsibility over a number of areas of Coast Guard involvement, including search and rescue, communications, aids to navigation, readiness, and intelligence and law enforcement. The Coast Guard is very pleased to be part of this review.

As mentioned in Admiral Yost's statement to your committee, we of the 8th Coast Guard District are aware of the essentiality of close liaison with the Drug Enforcement Administration—DEA—and the U.S. Customs Service—USC—in order to make best use of all available Federal resources and to minimize the likelihood that Coast Guard vessel boarding activity might disrupt shoreside efforts by the Drug Enforcement Administration and the U.S. Customs Service that might provide considerably more deterrent to illicit drug importation.

Among the examples which the admiral gave of multiagency efforts to mutually support our common objective was mention of the regular liaison meetings held by these three agencies. These meetings, which we take turns hosting, are routinely held on the first Tuesday of the month and have done much to develop the fine relationship which exists between us.

My first recollection of the concept of the Gulf Net 79 operation was during such a liaison meeting held on March 8 of this year. My notes of the meeting indicate that, "The scope of the proposed effort and the enthusiasm of all involved was impressive," and that each agency designated representatives to develop details of the operation.

During the next interagency meeting, that of April 10, 1979, the senior customs agent, Mr. Jerry Medford, briefly summarized the developing multiagency effort and indicated that a U.S. Customs operations plan had been drafted. We were given copies of the draft.

Interagency communications was a topic of considerable discussion during that meeting. In recognition that the operation was intended to include participation by a number of small Coast

Guard units which normally operate under control of Coast Guard group commanders, attendance at that meeting included all five of the 8th Coast Guard District's group commanders: Capt. Martin Daniell, the group commander of Mobile; Capt. Ralph Hill, the group commander in New Orleans; CWO2 John Tolejko, the group commander at Grand Isle; Capt. Billy Reid, the group commander at Galveston, and Capt. George Passmore, our group commander at Corpus Christi. Attendance at that meeting was rather large.

The 8th Coast Guard District's operation order for Operation Gulf Net 79 was promulgated on April 18, 1979, and identified and set forth the responsibilities for participation of involved Coast Guard units. Such units included USCG Group Mobile, Group New Orleans, Group Grand Isle, USCG Air Station New Orleans, USCG Aviation Training Center Mobile, USCGC Point Verde, USCGC Point Estero, USCGC Point Spencer, USCGC Point Sal, and USCGC Point Lookout.

That operations order gave specifics regarding vessel assignments, administration and logistics, communications, and other operational needs.

Group commanders were charged to retain operational control of their own units when within group boundaries. The operations order was discussed during the May 1, 1979, interagency meeting. Also discussed at that meeting were details regarding the joint agency command center, communications, current smuggling intelligence data, security concerns, and relationships with the media. It was noted that numerous field level contacts related to the operation had already been made between Customs, DEA, and Coast Guard units, particularly in the geographic area encompassed by USCG Group Mobile, and that every effort was being made to have a customs patrol officer aboard our vessels conducting law enforcement patrols during the operations.

Numerous telephone calls and visits by staff of the respective agencies served to "fine tune" our involvement during the operation. A postoperation critique suggested that the operation was highly successful in reaching all of its stated objectives and in further improving the working relationships between the participating agencies.

I understand that the U.S. Customs representatives' statement to the Select Committee includes details regarding seizures. Coast Guard resources utilized were included in my statement.

Mr. LIVINGSTON. Mr. Elliff, do you have a statement?

Mr. ELLIFF. No, sir. I do have some comments with regard to the operation though.

Mr. LIVINGSTON. Let me ask each of you gentlemen, do you concur with the statement given by Captain Lusk in this regard?

Mr. MEYERS. Yes, sir.

Mr. ELLIFF. Yes, sir.

Mr. DOWNS. Yes, sir.

Mr. LIVINGSTON. Mr. Elliff, if you will.

Mr. ELLIFF. Yes, sir. Captain Lusk's comments pretty well summarized the concepts and techniques used in the operation.

However, there are several things that should be considered, I believe, in reviewing the operation. Some of the things that we look at as far as the purpose for having this type of operation, some of

the goals we strived to achieve, and some of the results or techniques that are refined during such a concept.

One of these things is an assessment of the threat that we are faced with. Sometimes we have seen the need to increase our resources in a particular given area to, more or less, get a better handle on the amount of various illicit activity transpiring in the area.

Another purpose would be to become more effective in using our interdiction techniques and methods. Also, to learn more effective ways for working together with other agencies such as Coast Guard, DEA, State, and local agencies, and also to develop new approaches, different methods of operation, such as from the Customs standpoint during this operation we used more plainclothes type operations and more unmarked units in predetermined given areas.

We also accumulated a lot of additional intelligence data during a concentrated operation of this type relative to the extent and amount of traffic which may be occurring in the area.

Also, these operations have tended to, more or less, increase the esprit de corps and morale of our officers.

In this particular one, officers were given a little more latitude which they have deemed necessary and desirable, such as the use of plainclothes, and of course, obviously, the end result is to increase the number of seizures and arrests that we make.

Some of the results that we look for during an operation such as Gulf Net 79, and we think to a degree these expectations have been achieved, that a well-planned operation has resulted combining all Federal resources in the border enforcement area assisted both by and providing assistance to State and local authorities.

Also, by using these operations we have been able to refine some of the techniques for identifying smugglers and some of the activities in the various border areas.

We also think we have better identified what our threat is.

I believe it was brought out in some of the previous testimony that in the last year our smuggling seizures as far as marihuana was concerned has just about doubled.

We also think that using these we have determined that we can be more effective in greater latitude in the use of plainclothes, covert-type operations versus a great deal of use of marked units and uniformed officers which are obvious to not only the public but also to the smugglers.

We also think that we have provided enough information gathering during such an operation that we have continuing activities as far as followup of some of the actions that have been initiated during the operation.

I think we have seen a noticeable increase—I am sorry—a noticeable increase in the level of morale and the esprit de corps and really the motivation of some of our officers.

Of course, I think the operation has proved by the fact that we have achieved greater numbers of seizures and arrests.

That is all of my comments.

Mr. LIVINGSTON. All right. Mr. Meyers?

Mr. MEYERS. No comments, sir.

Mr. LIVINGSTON. All right, sir.

Mr. Downs?

Mr. DOWNS. Yes, Mr. Chairman. I would throw in just a couple of comments.

This was more in the beginning, at any rate, to my mind an interdiction effort than an investigative effort. However, I did attend briefings which have been discussed on two or three separate occasions.

I committed whatever manpower which I could on an as-needed basis and anything else that my agency possessed.

I identified my group supervisors and my resident agent in charge of Mobile of the upcoming operation and what might be expected out of it.

Three of the cases which occurred are still being pursued as major conspiracy investigations which, I think, is of great significance.

Mr. LIVINGSTON. You say this did facilitate your investigation of conspiracy. I misunderstood that?

Mr. DOWNS. Some of the seizures that were made during the operation, DEA has taken those investigations, those seizures, and has made major conspiracy investigation which are ongoing today.

Mr. LIVINGSTON. So the purpose of Gulf Net, gentlemen, was to do two things basically: To take you all through a shakedown cruise or to get you better coordinated with one another and at the same time to reduce smuggling traffic here in the New Orleans area. Is that correct?

Mr. ELLIFF. Yes, sir, I would say so.

Mr. LIVINGSTON. OK. What were the dates of the operations of Gulf Net?

Mr. ELLIFF. Approximately April 16 through June 6.

Mr. LIVINGSTON. You say approximately?

Mr. ELLIFF. That is the official dates that we have used as far as when the operation was initiated and when it was concluded.

Mr. LIVINGSTON. Didn't you have a target date which you were going to start and then finish through?

Mr. ELLIFF. Yes.

Mr. LIVINGSTON. But April 16 would have been your target date then?

Mr. ELLIFF. Well, we had initially intended to start it a little sooner but because of delays in getting approval in some of the administrative technicalities it was started on the 16th.

Mr. LIVINGSTON. What was the total cost of the operation in terms of manpower, facilities, equipment and the like? Have you reached a total cost of the overall operations for all of your agencies?

Mr. ELLIFF. From a Customs standpoint, I am not sure that we have made any kind of an audit of actual cost of the operation that are, you know, conclusive at this time.

As far as the personnel are concerned, of course, their salaries are continuing, you know, anyway.

The costs, the real costs involved would be for travel and per diem expenses.

Mr. LIVINGSTON. Has the Coast Guard reached a determination as to the cost?

Captain Lusk. Mr. Chairman, we really made no particular effort at the time. I do have some statistics, but I would like to point out that the involvement of the agencies, the period of involvement was a bit different.

The Customs effort and the DEA effort started before a significant Coast Guard involvement, patrol involvement, so our real involvement started about the 14th of May and continued for about 5 weeks. So our period of very direct involvement, other than being a member of the LEO group that was trying to arrange this, our real direct involvement was a bit shorter than Customs and DEA.

Mr. LIVINGSTON. Why was that?

Captain Lusk. Simply because there was to be a certain amount of increased intelligence effort that would precede the patrols and determine where we wanted the patrols. That was something that was to be decided as we got into the exercise.

Mr. LIVINGSTON. So it was determined the Coast Guard to be more cost effective, if the intelligence work had been done by other agencies and if it worked, you would come in late?

Captain Lusk. We do a little bit of analysis but not the type of intelligence gathering that we rely upon DEA and Customs for.

We figured the number of sorties that our vessels were involved—and we have average costs of the different types of vessels that were involved. And just this morning, because we were given an indication that you might ask that question, we did come up with some rough figures which suggest that those sorties probably had a value of around \$123,000. That includes aircraft and vessel sorties.

But here again, sir, these are multimission units that are being utilized in any event, so the figure is a bit deceptive. It isn't as though we paid \$123,000 that we wouldn't otherwise have had to pay.

But basically we dedicated about \$123,000 worth of patrol time to this.

Mr. LIVINGSTON. Well, how about DEA, Mr. Downs?

Mr. DOWNS. Yes, sir. I have not done any, excuse me, any computation on agents' salaries as to Gulf Net. Actual out-of-pocket expenses would have been in the form of some per diem and travel expenses which was minimal.

Mr. LIVINGSTON. Is there any way to determine whether or not this sort of venture between the various agencies was cost-effective in a balancing of expenses of joint effort against the total results?

Mr. Downs?

Mr. DOWNS. May I defer on that one for a moment and think about it?

Mr. LIVINGSTON. Captain Lusk?

Captain Lusk. Well, Mr. Chairman, we pretty much rely upon DEA and Customs to describe the immensity of the drug problem to us and give us the intelligence that we need to do maritime interdiction.

So it is very difficult for us to be able to say it cut back a certain amount of drug importation or it raised the cost of importing drugs by a certain amount. However, we certainly do have some indications. They are the ones that you just get by feel.

We had three group commanders that were involved in this. We have already had all five of our group commanders ask when we are going to have another exercise and we have had the other group commanders, the two that were not involved in this, asking if we could, if we limited resources, if we could extend the next operation to include their groups rather than the ones that had it this time.

Basically, we felt that we got from the Customs agents aboard a tremendous amount of training. We got from the fact that we were working with Customs and DEA a lot of training, a lot of emphasis given to a program that probably needed a good shot in the arm. So from the point of view of morale and enforcement effectiveness, we thought it was invaluable.

Mr. LIVINGSTON. From the standpoint of concrete results, that is, in terms of interdiction of smugglers and illegal activities, was it effective?

Captain LUSK. I saw a list of seizures, some of which we were involved in and some we were not, and it certainly looked to me as though that was substantial.

I have no idea how much deterrent there was in addition to that, sir.

Mr. LIVINGSTON. Mr. Elliff?

Mr. ELLIFF. I think sometimes it is very difficult in law enforcement to relate cost effectiveness to the expenditures involved.

For instance, it has been testified that it is estimated that something like 6½ million pounds of marihuana valued at \$392 million may be part of it, may be an assessment of the drugs coming into this area.

I do know from a Customs standpoint, our responsibility is to interdict whatever is being brought into the country illegally. And if we can interdict a load of marihuana by interfacing our resources in a given area, I think that is cost effective.

Mr. LIVINGSTON. I think you have made a very good point that certainly your agencies in the field of law enforcement cannot be judged in terms of cost effectiveness as perhaps some civilian agency might be judged because law enforcement effectiveness just cannot be weighed in terms of dollars and cents.

But I think that there is a valid question in trying to determine whether or not you, as a unit, as a joint group, act more efficiently than you might have had you not had the operation at all and simply carried on your day-to-day measures. That is really what I am trying to determine.

What is your opinion about that, Mr. Elliff?

Mr. ELLIFF. My opinion is that definitely Customs and these other agencies that we have been involved with with border enforcement responsibility can definitely be more productive in interdicting contraband by increasing our resources in a given area.

Mr. LIVINGSTON. Do you think that was accomplished with Gulf Net, that you proved that point?

Mr. ELLIFF. Personally I think we did, because our seizures, you know, are definite proof that there was more activity identified and more action taken during that period of time.

Looking at the operation, though, some of the seizures—I am not exactly sure which ones—were based on information gathered prior

to the operation and they were continued into the time period of the operation just as some of the activities identified during the operation have continued on and are still going on.

Mr. LIVINGSTON. Right. So that is a good point.

In fact, a lot of the matters which have been chalked up to beneficial results from Gulf Net actually might have flowed whether there was a Gulf Net or not.

Would you accept that fact?

Mr. ELLIFF. Some of them may very well have.

Mr. LIVINGSTON. What do you think about my last two questions, Captain Lusk?

Captain LUSK. I think that is a fair statement, sir. It is very difficult to know, at least for us to know, where the intelligence chain started, and certainly many of the seizures could have resulted in something that was already being done by DEA and Customs.

Mr. LIVINGSTON. In your judgment, was Gulf Net a net plus?

Captain LUSK. Oh, by all means, sir.

Mr. LIVINGSTON. Mr. Downs?

Mr. DOWNS. With reference to your two previous questions, I think Gulf Net was beneficial to the communication between the agencies involved and to the concerted effort. I do think that some of the seizures may have occurred whether or not Gulf Net was in existence, but I do think it was beneficial, and I would do it again.

Mr. LIVINGSTON. From the standpoint of your own manpower, were your people able to learn from Gulf Net and benefit and gain knowledge which could assist you in similar efforts in the future?

Mr. DOWNS. For my people, sir?

Mr. LIVINGSTON. Yes.

Mr. DOWNS. Yes, sir, I think so.

Mr. LIVINGSTON. The rest of you would agree with that?

Mr. ELLIFF. Definitely.

Mr. LIVINGSTON. OK. Mr. Gilman, you pursue this.

Mr. GILMAN. Thank you.

Certainly the operations such as Gulf Net are to be considered to be worthwhile, and you are to be commended for your efforts. I would hope, though, that in making the reports of your results on future operations that you might be a little more specific with regard to the actual result from the operation itself.

For example, I don't think that any of your arrests of fugitives have anything to do with Gulf Net, do they? You have listed—I am looking at the Operation Gulf Net significant enforcement activities. You have one, two, three, I guess three arrests for fugitives and one stowaway arrest.

Do they have anything to do with Gulf Net?

Mr. ELLIFF. When this was compiled, these were activities that we considered as related to our enforcement efforts at the time.

Mr. GILMAN. Well, but wasn't Gulf Net's thrust to be the interdiction of marine smuggling by small craft? Wasn't that the main thrust of Gulf Net?

Mr. ELLIFF. That was the main thrust, yes.

Mr. GILMAN. You have monetary seizures, and I would assume that those were made out at the airport, weren't they?

Mr. ELLIFF. Even at the airport, we had intensified our patrol force at the airport.

Mr. GILMAN. Increased personnel, and that came about as a result of Gulf Net?

Mr. ELLIFF. Well, it is hard to say specifically all of our seizures are a result directly of Gulf Net, but as a result of our intensified effort during that period of time, we think they are definitely related.

Mr. GILMAN. Would the California arrest of—I don't know what F/V means, Chuck Lloyd—would that California seizure have something to do with Gulf Net?

Mr. ELLIFF. This was information developed in a lookout placed based on information that had been developed.

Mr. GILMAN. As a result of Gulf Net specifically?

Mr. ELLIFF. I am not sure, sir.

Mr. GILMAN. What about the foreign vessel, *Janice*, seized in Galveston. Did that come about as a result of Gulf Net?

Mr. ELLIFF. This was a related activity.

At the time, if my recollection is right, this particular vessel was one that was on the lookout and at the time involved our patrol forces in Galveston and also the Coast Guard.

Mr. GILMAN. That came out of information derived in the Gulf Net operation?

Mr. ELLIFF. I am not sure about the original information, sir.

Mr. GILMAN. I point these out, that I would hope that your joint efforts wouldn't be diminished by putting in that material that actually wasn't involved in it.

Sometimes those of us looking them over, we might not put the importance on in a joint operation of this nature, the kind of importance that should be given if the information isn't quite accurate.

I would hope that there would be more cooperative undertakings in the future and that you are going to be improving your effectiveness of working together. And I would hope, too, that the reporting might be a little more accurate in the future.

Thank you, Mr. Chairman.

Mr. LIVINGSTON. Thank you, Mr. Gilman. And just in following up your questions, I might add that if Congress is to go back to the drawing boards and to furnish you with the manpower and the equipment that you gentlemen appear to need in your agencies, then it is incumbent upon you to make sure that your reporting of these operations is in fact accurate.

I asked you about the dates a little while ago because there seems to be some degree of uncertainty.

The Coast Guard got into the operation from May 15 to the middle of June, and that is correct. But the Customs Office has testified that they got in from April 16 on through the middle of June, and yet the statement submitted for the record by Mr. Fisher, in fact, sir, reflected that Gulf Net 1979 took place between May 15 and June 7.

In the reporting of accomplishments on April 19, 1979, you have listed an arrest of an NCIC fugitive, a National Crime Information Center fugitive. April 20, the arrest of another NCIC fugitive. And on May 27, Los Angeles, Calif., the seizing of a vessel for 3 ounces of marihuana and 11 black capsules. In Galveston, Tex., on May 29,

1979, a couple of small boats and a vessel by the name of *Janice*, and then again on May 29, another arrest of an NCIC fugitive.

And Mr. Gilman has pointed out, it would appear that a lot of the accomplishments or some of the accomplishments that are listed in your reports don't really pertain to the function nature of your operation.

There is a certain degree of vagueness, if only with respect to the dates, that would lead us to believe that perhaps the communication and the concentrated efforts of the various agencies could have been a little bit closer and more tightly knit, and I don't think that we need to dwell on this because I don't think it was terribly significant.

We want to encourage and not undermine your efforts. We want you to have further efforts in this regard and to truly put yourselves in the position of increasing your joint effectiveness by the principle that several different units can work together and have more effectiveness than perhaps they might have had individually.

But we certainly hope that that is the case with your agencies. In the future I would hope that you would make a concentrated effort to document your successes and your failures and to be prepared to improve yourselves and your agencies so that this effort just simply won't be ignored.

We are not trying to run a paper war. We are in a real war against narcotics smugglers and we are only going to win it if the paper is put on the side and the agents get the morale and the equipment and the backup from their agencies to do a good job.

Do you have any comments on that?

Mr. GILMAN. Mr. Chairman, just one more question of the panel.

Having worked together now on Gulf Net, do you see any particular needs that could be fulfilled to make a future operation of this nature even more effective besides the communications problem we discussed before, and I hope that you will come up with a report on what is needed to do that and submit it.

Besides the communications channel, is there something that can be done where we can be of help to make your work more effective?

Mr. ELLIFF. One of the reasonings behind having an enhanced operation of this nature is, and customs increased their resources for the operation, the expected results to make more seizures and arrests and, of course, obviously, if you could do that by detailing people into an area, if you had personal resources in an area which were greater than maybe what your normal resource base is, I would expect you could reap more results.

Mr. GILMAN. Of course, just adding the personnel isn't going to help unless there is close coordination among all of you in an overall operation.

Captain LUSK. Definitely.

It strikes me there are two approaches to solving the problem. And, of course, you can mix the two ways. You can have superb intelligence and very limited interdiction forces and have your interdiction forces reacting on the intelligence and getting all of the bad guys, or you can have very limited intelligence forces and blockades such as we talked about earlier today when Admiral Yost was testifying.

The Coast Guard has always recognized that we do not have the manpower here to perform the blockade and we have been relying on DEA and Customs to provide the intelligence.

During this exercise they greatly increased the level of intelligence and it seemed to us that it was quite effective. We didn't blockade out there, but we did increase intelligence and we got a lot out of it. So from the Coast Guard's point of view, more intelligence is another way of providing effective interdiction.

Mr. GILMAN. Has the intelligence dropped off a bit since that operation?

Captain LUSK. It is very hard for me to say. We get the intelligence from them. We certainly got a lot more during this exercise, but I would rather defer to DEA and Customs to answer that one, sir.

Mr. GILMAN. Can the panel tell us, are you thinking about some future operations of this nature at the present time?

Without getting specific, are you doing something in that direction?

Mr. ELLIFF. Yes, sir. We are considering various aspects for various types of special operations.

Mr. GILMAN. Joint effort.

Mr. LIVINGSTON. Thank you, Mr. Gilman.

Gentlemen, we wish you well in those efforts. And if you leave here and you think of ways in which we can further assist your success ratio, just let us know.

Thank you very much.

That wraps up the last order of business of this task force. Unless there is someone in the audience who would like to address any extra points that we haven't already covered, we want to thank everyone for coming out.

Mr. Gilman, I want to thank you for giving us your time to come down here and help us investigate this very serious problem. Mr. Railsback has gone, but we will certainly want to extend our thanks to him for being with us.

Ladies and gentlemen, the committee is adjourned. Thank you. [Whereupon, at 2:25 p.m. the committee adjourned.]

PREPARED STATEMENTS

PREPARED STATEMENT OF CHARLES W. FISHER, REGIONAL COMMISSIONER OF CUSTOMS, NEW ORLEANS REGION

Mr. Chairman, Members of the Select Committee, I appreciate this opportunity to testify before you today on the subject of narcotics trafficking in the Central Gulfcoast area and especially on Customs' efforts.

I am Charles W. Fisher, Regional Commissioner of Customs for the New Orleans Region. I have held this position for 5 years. Prior to that I was District Director of the New Orleans District. As a native of New Orleans and in my more than 38 years with Customs in New Orleans I have come to know most aspects of Customs work here and am thoroughly conversant with the area.

I would like to digress at this point to introduce members of my staff Mr. William Meyers, Special Assistant, Office of Enforcement Support; Mr. Jerry Medford, Regional Director Patrol Division, and Mr. Herbert Fink, District Director, New Orleans District.

The New Orleans Regional Commissioner has responsibility for enforcement of Customs laws in the Florida Panhandle and the states of Alabama, Mississippi, Tennessee, Arkansas and Louisiana. This Region is comprised of two districts, Mobile (consisting of the Mississippi Gulfcoast, Alabama, and the Florida areas) and New Orleans (consisting of Louisiana, Tennessee, Arkansas and the inland area of

Mississippi) and has a water boundary that contains some 1,131 miles of coastline and 4,797 miles of shoreline.

The area is unusual in that it includes a vast wetland area with ill-defined coastlines as well as clearly defined coastlines with distinct entrances and exits. Coastal waters range from the depths of the Gulf to swampy marshlands with hundreds of miles of deep waterways and rivers, canals, and shallow water lakes and bayous. The number of small craft along the Louisiana coastline alone is estimated to be almost 100,000 with approximately 9,700 of those being documented with the Coast Guard and the remainder registered with the State. Some 35 marinas are located around the New Orleans area. Additionally, construction of the Superport which will employ eventually 1200 people will create further traffic into and out of the area.

Since 1973 there has been a gradual increase in the number of significant seizures made by our patrol officers. This trend has led us to believe that the entire Gulf Coast is being used by smugglers. To date our seizures have been somewhat concentrated in the Morgan City area, in the Greater New Orleans Metropolitan area, and on the Mississippi Gulf Coast.

During fiscal year 1978, our patrol participated in seizures involving approximately 131.4 tons of marihuana. This figure nearly doubled in fiscal 1979 with seizures amounting to 231.6 tons. We feel this is probably as much indicative of the volume of smuggling as it is of our success in meeting the threat.

Of special note during fiscal year 1979 was the success attributed to Operation Gulf Net 79 which took place May 15 through June 7. This was a coordinated enforcement effort with the U.S. Coast Guard, Drug Enforcement Administration and state and local agencies which were augmented by temporarily detailed personnel and equipment from other Customs regions.

Seizures and arrests made during that period (not all of which were directly related to Gulf Net), included 195,776 lbs. of marihuana with an estimated \$58.5 million street value, ten vessels, fifteen vehicles, two aircraft, \$58,296 in cash, and 102 arrests. The seizure of the fishing vessel *Cindy*, carrying 31,928 lbs. of marihuana, at Vermillion Bay, Louisiana on May 19, 1979 involved a precedent-setting 60 arrests.

We attribute the success of Gulf Net to comprehensive pre-planning, use of unmarked patrol units/plain clothes officers; the availability of additional resources; interagency cooperation and highly motivated personnel.

To date, the primary means of smuggling into Region V has been by fishing vessels, coming either directly from South America, or meeting mother ships in the Gulf.

With one exception, our seizures have been large volume smuggling operations in which the violator has avoided enforcement officers rather than attempting to conceal the contraband. The single exception to this concept is the barge found to contain 36,256 lbs. which was seized in the New Orleans area in September, 1979. The attempt to conceal the contraband in the barge may indicate a new means of conveyance that can move in the daylight through the inland waterways without arousing undue suspicion.

It is important to note the recent escalation of large scale smuggling operations involving Cuban groups which apparently have expanded their operations from south Florida into the south Louisiana area. However, recent changes in Louisiana law which provide for progressively stiffer penalties for convicted narcotics smugglers and permit State enforcement officers to seize contraband brought in from foreign countries may cause a change in current smuggling patterns.

Aircraft, some of which penetrate our coastal borders to destinations far inland, are also frequently utilized in smuggling. We have identified over 700 improved airports in the New Orleans region but also consider as threats other landing sites such as the remote section of highway at Convent, Louisiana where a C54D with 16,000 lbs. of marihuana and 500,000 quaaludes was seized on July 1, 1979.

The Patrol program began receiving renewed emphasis during the early 1970's and attempts were made to strengthen the interdiction function. At that time it was determined that the patrol mission could best be accomplished using a large concentration of Customs Patrol Officers at a location in each District, in our case at Mobile and New Orleans. Since that time we have learned through analyzing our experience that smaller stations, decentralized throughout the Districts was far more conducive to the gathering of information and interdiction.

Today Customs Region V has a ceiling of 99 patrol positions, including clerical support. We have proposed organizational and functional changes to our Region V Patrol realignment proposal and were recently informed by Deputy Commissioner William T. Archey that our entire proposal, including the establishment of a marine

program and the creation of a small detachment near Carrabelle, Florida has been approved. We feel that implementation of the recommendations presented in the proposal will substantially enhance our effectiveness, particularly in the marine area. While it is an acknowledged fact that we have not previously had a designated marine program per se, we have however operated as a quasi marine/land unit for years. Most of our drug seizures are marine related and consequently our air and land programs have in fact supported the marine effort.

This region has made numerous verbal and written requests to our headquarters for additional equipment that would permit us to increase our operational effectiveness. However, we assume that a lack of adequate budget at the national level has prevented timely response to these requests. I must however point out that within the past year we have noted a marked improvement and response to our needs. As an example, we recently received lightbars and sirens for our marked patrol vehicles; within the past several weeks we received notification that two fully equipped Boston Whaler boats will be delivered to us and we recently received an increase in our patrol staffing which has allowed us to open a 5-man station in Lafayette, Louisiana.

Our fleet of aircraft, as I am sure you already know, does need to be upgraded. We need to equip at least several aircraft with tracking and surveillance radar and acquire aircraft capable of intercepting high speed aircraft.

In January, 1979 an Enforcement Section and a Special Contraband and Narcotics Interdiction Team (SCANIT) was organized in the Port of New Orleans. The main thrust of this team is to intercept narcotics which may be concealed in commercial shipments. The possibility of air and ocean freight being used to transport commercial shipments of narcotics has been of great concern to us in this Region. While there is no hard evidence to support our concerns recently, a number of narcotics seizures have been made in other Customs districts.

Our SCANIT Team has been involved in numerous intensive enforcement programs. To date, there have not been any significant seizures but we consider that we are still in the building stages and are very optimistic for the future.

We would be remiss if we did not admit that we do need additional aircraft, additional boats, and some additional staff, particularly narcotic detector dog teams. However, we have found that by working with other Federal, State, and local law enforcement officers and with a pooling and sharing of equipment, manpower and other information we are making a significant impact on the narcotic traffic in the Gulf area. One of our major concerns at this time is the lack of a common communication frequency for all Federal, State and local enforcement agencies involved in narcotics interdiction, surveillance and investigation. We do urge the members of this distinguished committee to seriously recommend to the appropriate Congressional body that adequate funds for such a project be appropriated but naturally only after an in-depth study and analysis has been made.

I sincerely appreciate the opportunity to express my concerns to this very distinguished committee. Members of my staff and I will be most pleased to answer any questions.

PREPARED STATEMENT OF ERNEST N. MORIAL, MAYOR OF THE CITY OF NEW ORLEANS

Mr. Chairman and members of the Select Committee, I would like first to welcome the membership of the Select Committee to the City of New Orleans and I would like also to compliment Congressman Livingston on the success of his efforts to convince you to hold this hearing at this time in the New Orleans area. I am Ernest N. Morial, Mayor of the City of New Orleans.

The statement I am presenting to you this morning considers the primary focus of the hearing and the particular interest of Committee members. My remarks are intended to represent official concern about the increase in drug trafficking in the New Orleans area and to describe the local efforts to interdict illicit narcotics and limit trafficking activity.

It was appropriate to invite representatives of the Narcotics Unit of the New Orleans Police Department to this hearing. The testimony of the Narcotics Unit during the first session of this hearing illustrates our understanding of the drug menace, the approach we use in reacting to trafficking activity and the commitment we have made to cooperation and coordination. The testimony of the Narcotics Unit is an adequate description of local law enforcement effort and can only be extended by a brief mention of the importance of a balanced drug strategy.

The resources directly available to the City of New Orleans in dealing with the drug problem mainly include the Narcotics Unit of the New Orleans Police Department.

ment and the Bureau of Drug Affairs (BDA). The Narcotics Unit and the Bureau of Drug Affairs work in their respective areas of drug traffic prevention/drug law enforcement and drug abuse prevention. They enable the City of New Orleans to respond to the supply and demand character of the drug problem.

I am pleased to have been invited to participate in the process of investigating the extent of smuggling activity in this region and in the New Orleans area. If your findings confirm the need for additional federal assistance to our area, I hope the additional resources will be provided without delay.

I believe in a coordinated effort to control and reduce the drug problem. The success of a joint effort can enhance the ability of government to provide greater chances for health and long life, freedom from crime and the fear of crime, sufficient education to take part in society and make the best of one's abilities, the opportunity to work at a job that is satisfying and rewarding, income sufficient to cover the necessities of life with opportunities for improving one's income, housing that is comfortable within a congenial environment, and time and opportunity for discretionary activity.

PREPARED STATEMENT OF REAR ADM. PAUL A. YOST, COMMANDER, 8TH COAST
GUARD DISTRICT, U.S. COAST GUARD

I am Rear Admiral Paul A. Yost, Jr., Commander of the United States Coast Guard's Eighth District, an area which extends from Apalachicola, Florida on the East to Brownville, Texas on the West and inland approximately 500 miles up the Mississippi River. Accompanying me are Capt. Clyde T. Lusk, Jr., my Chief of Operations, CDR. Charles W. Morgan, the Chief of my Intelligence and Law Enforcement Branch, and CDR. Howard B. Gehring, the Commanding Officer of the U.S. Coast Guard Cutter *Dependable* which serves under my command and which is stationed at Panama City, Florida. We are pleased to have this opportunity to address the Coast Guard's role in drug interdiction and to otherwise participate in your review of the problems confronting and the effectiveness of enforcement agency response to the drug importation problem.

The United States Coast Guard is the Nation's maritime law enforcement agency and is organized so as to utilize multi-mission units to address a plethora of maritime related needs. Essentially, our challenges and assigned tasks include Search and Rescue, Aids to Navigation, Commercial Vessel Safety, Marine Environmental Protection, Port Safety, Boating Safety, and the enforcement of laws and treaties, including those related to the particular interest of the Select Committee today.

We view our role in drug interdiction as of maritime nature wherein we patrol for interdiction and deterrent impact and respond cooperatively to intelligence from various sources. We board vessels on the high seas and in our coastal waters to determine compliance with U.S. Laws (and in some cases with the permission of the Nation under whose flag a foreign vessel sails to determine compliance with that Nation's laws) and take appropriate action upon detection of violation.

We in the Eighth Coast Guard District are acutely aware of the need for continuous close liaison with the Drug Enforcement Agency (DEA) and the U.S. Custom Service (USC) in order to make best use of our combined resources and, of equally great importance, of the need to minimize the possibility that well intentioned boarding activity by our units might disrupt carefully orchestrated shoreside efforts by our fellow Agencies that would provide much greater deterrent to drug import activities.

Our aircraft and vessels are designed and our personnel are trained to be capable of addressing our many missions. For example, it is typical for Coast Guard aircraft and vessels involved in a search for a missing craft to be alert to detection of environmental pollution, evidence of fishing law violations, and the sighting of vessels fitting the profile we have developed for possible smuggling craft. Our vessels on patrol for smuggling detection are sometimes diverted, to respond to requests for assistance or for participation in other urgent missions, such as the diversion two weeks ago from a law enforcement patrol of our medium endurance cutter *Acushnet* to respond to the serious collision off of Galveston between the tanker *Burma Agate* and the freighter *Mimosa* or the involvement of the medium endurance cutters *Durable* and *Valiant* in Campeche oil spill activities.

Our multi-mission units are geographically spread quite evenly throughout the District and include four (4) medium endurance cutters, ten (10) 82-foot patrol boats, nineteen (19) 41-foot patrol craft, and a considerable number of smaller vessels and buoy tenders. Our air resources include fixed and rotary wing aircraft at Corpus Christi, rotary wing aircraft at Houston and New Orleans, and fixed wing aircraft at Mobile. I believe that details regarding the location and capabilities of each of

these units have been made available to you. I will provide any requested amplifying information.

I understand that you are aware of the strategy developed by the Coast Guard to interdict drug laden vessels at the several "choke" passes in the Caribbean in preference to total reliance upon interdiction near our long and difficult to patrol coastline. Toward enhancement of that strategy the four (4) medium endurance cutters under my command are frequently assigned to interdiction patrols in the Yucatan Pass area of the neighboring Seventh Coast Guard District. Customs agents typically accompany us on those patrols and air support is provided by an embarked helicopter and fixed wing coverage from Seventh and Eighth District air stations. We have recently conducted a number of multi-surface unit activities, including several wherein a 210-foot medium endurance cutter was assigned an 82-foot patrol boat as well as an H-52 helicopter for coordinated operations. We are particularly proud of the seizures by Seventh and Eighth District units in and near these "choke" points.

Our secondary line of defense consists of coastal aircraft and 82-foot patrol boat sorties, frequently in support of each other. Such sorties are coordinated by our Group Commanders in close cooperation with U.S. Customs and the Drug Enforcement Agency and are conducted to the maximum extent possible with the resources available to us. Regrettably, this second line of defense is extremely thin and is not continuous. All units involved, whether a medium endurance cutter, a patrol boat, or an aircraft, are subject to diversion from law enforcement patrol to answer an urgent search and rescue need. Of late, we have been troubled by a number of "false alarms" in the search and rescue area which are leading us to suspect that our patrol forces are being drawn off by our drug importation opponents who are becoming increasingly clever at analyzing our strategies and intercepting our communications.

I mentioned before our recognition of and reliance upon the role of the U.S. Customs Service and the Drug Enforcement Agency. Toward maximization of that relationship we participate in monthly meetings which we take turns hosting, in the utilization of a single coordinating location for enforcement efforts of interest to more than one of us, and to the sharing of information and resources. Customs Agents routinely make trips aboard all classes of our enforcement vessels, their aircraft routinely relieve and are relieved by ours in surveillance efforts, and they have provided a great addition to our personnel training capability. Much has been gained from the post operation critiques which routinely follow our larger joint activities. Truly, a fine and improving relationship exists between our three Agencies at every working level in the Eighth Coast Guard District.

I have honestly, although very quickly, described our activities and I hope I have conveyed the pride that we have in our achievements. I do not, however, want to give you the impression that we are satisfied with the results of our labors. The Coast Guard is used to completing its missions. If someone is missing at sea we search until he is found or until we believe he cannot be found alive; if we are involved in an oil spill we work until the spill is cleaned up; and in every other way in the broad area of our involvement we finish the job. We are frustrated at our obvious lack of success in controlling the maritime import of drugs in the Gulf of Mexico. We are driving our personnel to work hours in excess of twice that typically found in the private sector, we are driving our vessels and aircraft to the point where maintenance and parts problems are troublesome, and we are doing our best to be innovative and flexible in our response. Certainly we have seized vessels and drugs and we have no doubt deterred much smuggling, as is evidenced by our occasional finding of an abandoned drug laden vessel or huge numbers of bales of marijuana floating near our shores but, notwithstanding our efforts, drugs are being imported.

The need to train our constantly changing work force along with properly allocating limited travel and fuel funds are among the problems faced in performing our missions. The lack of secure communications for our smaller units and of a single law enforcement frequency for multi-agency use are being addressed at the Washington level but have had an impact on our effectiveness. The long delays in obtaining clearances to board and search foreign vessels believed to be carrying contraband have been frustrating in the extreme as has been the need for boarding personnel to participate in court activities after the seizures, to the deterrent of the continued deployment of the vessels on which they serve in other interdiction activities. Our aircraft and our vessels are getting old and are spread thin due to size of the operational areas being covered. New equipment is being procured but its effect on the level of our activities will not be felt in the near future.

Drug interdiction is an important challenge to the men under my command and daily pursuit of those engaged in smuggling is interesting and morale enhancing, particularly when successful. However our interdiction patrols do not cover even most of the coast part of the time, much less all of the coast all of the time.

We are very proud of the job we are doing with the resources we have available to us.

My staff and I would be most pleased to respond to questions.

PREPARED STATEMENT OF MICHAEL DOWNS, ASSISTANT SPECIAL AGENT-IN-CHARGE, NEW ORLEANS DISTRICT OFFICE, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Thank you, Mr. Chairman and Members of this Committee for the opportunity to discuss the Drug Enforcement Administration's (DEA) views of the drug trends in this area. I am Michael Downs, Assistant Special Agent-in-Charge of the DEA New Orleans District Office.

By way of introduction, when DEA was reorganized from twelve domestic regions to five on October 1, 1978, New Orleans was changed from a regional office to a district office. The principal change is that the New Orleans District Office now reports to the Miami Regional Office rather than directly to Headquarters in Washington. There are six resident offices in a four state area which report to and are responsible to New Orleans. They are: Little Rock, AK; Baton Rouge, LA; Shreveport, LA; Jackson, MS; Mobile, AL; and Birmingham, AL.

The New Orleans District Office is responsible for the portion of Louisiana that comprises the Eastern Federal Judicial District. Roughly, the north-south boundary runs from Tangipahoa Parish through Terrebonne Parish and includes that portion of the state to the east, containing the cities of Thibodaux and Houma. The remainder of the State is under the jurisdiction of the Baton Rouge and Shreveport Resident Offices. The majority of the seizures and arrests in Louisiana are initiated in New Orleans and the surrounding areas.

Enforcement priorities of the New Orleans Office are in synch with the agency as a whole. Heroin is our number one priority. Our second priorities include dangerous drugs such as amphetamines, phencyclidine (PCP), some barbiturates, morphine, and synthetic opiates (Dilaudid and Demerol) and cocaine. Marihuana, because of the vast quantities imported into this area, is our third priority; however, it often approaches or almost equals the importance of cocaine and the other dangerous drugs I just named. LSD, STP, other alphabet hallucinogens, hashish, and other substances which are not in great abundance and are encountered only occasionally are handled as a low priority on case-by-case basis.

Prior to discussing the scope of our enforcement operations, I think it will be advantageous to spend a moment outlining specific drug trends in the New Orleans area. Traditionally, New Orleans has been a consumer city for heroin. There is no evidence of direct importation of heroin from a foreign source to New Orleans. Rather, mid-level traffickers regularly obtain heroin in two-to-four ounce quantities from source cities in Texas and from Chicago. Larger quantities are seldom encountered in seizures. In fact, in the past two and one-half years, only two heroin investigations have involved pound quantities.

In 1977 and 1978, street-level heroin was between 2-5 percent pure and almost exclusively brown. For example, in February 1979, in conjunction with the New Orleans Police Department, DEA seized one pound of brown heroin which was transported from California. The purity of this heroin was 2.5 percent. Since then, however, DEA's sampling program has resulted in the acquisition of slightly more white heroin samples than brown. This pattern falls in line with nationwide trends.

It appears that the primary source of the white heroin in the New Orleans area is the Middle East. Thus far this year, the purity of both brown heroin and white heroin is between 6 and 8 percent. Approximately 20 percent of the samples are over 10 percent pure—and all of these are white. The price has remained constant at \$25-30 per consumer package, the net weight of which varies between 10-60 milligrams.

Preliminary intelligence indicates that this increase is due to a re-emergence of local trafficking groups. Most of the leaders of these groups have returned to trafficking after serving five or more years in prison. Predictably, they have returned wiser and more sophisticated in their methods of operation.

Cocaine is readily available in the area in one-half pound, pound and kilogram quantities. Both quality and quantity appear to be increasing. Intelligence and recent seizures indicate that there has been an increase in significant amounts of cocaine being imported into the New Orleans area. Recent DEA purchases and

seizures of cocaine have been in the range of 40-90 percent pure. Last year, a 28-pound seizure was made from a foreign vessel and two seizures totalling 25 pounds were made at New Orleans Moisant Airport. All were of very high quality. Very recently, a private aircraft was monitored in New Orleans and then later seized in the Republic of Panama in connection with the seizure of 200 pounds of cocaine. Although the principal subject and the aircraft were from the Midwest, one defendant was from the New Orleans area. I believe that the entire 200 pounds would have, at the very least, been transhipped through this city and that a portion of this cocaine may have been destined for New Orleans.

Dangerous drugs, both of licit and illicit origin are readily available in New Orleans and constitute a significant problem. When heroin is unavailable to them, the addicts prefer the synthetic opiates, chiefly Dilaudid (hydromorphone), which are readily available. Prior to the recent rise in the purity of heroin, our intelligence indicated that the drugs most in demand were Dilaudid, Preludin (phenmetrazine), and "T's and Blues" (Talwin and Pyribenzamine). In two separate cases last year, the principal subject in each instance was responsible for trafficking over 100,000 dosage units of Dilaudid monthly. They would obtain these drugs primarily from warehouse break-ins, hijacked shipments and pharmacy robberies.

The New Orleans area is providing significant amounts of precursors needed for the manufacture of PCP and speed. Two recent convoys of sizeable quantities of piperidine, a PCP precursor, were stopped enroute from New Orleans to the West Coast.

In Poplarville, Mississippi, about 100 miles distant, one clandestine methamphetamine laboratory was seized. Eight months ago, an operational clandestine PCP laboratory and 175 pounds of PCP were seized in Livingston Parish. This was the second largest seizure in history. Each of these operations had the capacity to produce millions of dosage units. A major amphetamine trafficker, whose source was a laboratory in Texas, was arrested in the Baton Rouge area. Drugs from all three of these cases either were or would have been encountered in the New Orleans area.

PCP is the most dangerous drug in this area. In the past few months, PCP overdoses have doubled and tripled at local hospitals and, as of this report, the trend is still climbing.

Marihuana investigations require more manpower than other investigations because surveillance is conducted simultaneously on land, sea and in the air; the time span is generally large; and the geographical area is vast. Seizures of multi-ton shipments of marihuana along the Gulf Coast and inland waterways are increasing at a rapid rate. In the New Orleans district area, there was one seizure of this type in 1974, one in 1975, two in 1976, five in 1977 and five in 1978. Thus far this year, 14 seizures of this type have been made. Multi-ton quantities are on-board the shrimp boats and DC-3 and DC-4 aircraft can carry in between 1,000-8,000 pounds of marihuana per load. One such 10 ton seizure from a shrimp boat led to the indictment of 57 individuals, most of whom are Colombian or Cuban.

The coast cannot be adequately patrolled. Cheap but nonetheless effective equipment capable of monitoring law enforcement radio channels is routinely seized. Technical equipment exceeding the quality of law enforcement's also has been seized. In one active investigation, a member of a major smuggling organization attempted to task a legitimate computer manufacturer to adapt computer equipment to in some way facilitate his smuggling operation.

The traffickers are better equipped, better advised, experienced and, as a result, more sophisticated and more difficult to detect. Each of the marihuana seizures, for instance, involves considerable man-hours, routinely occupying all members of an enforcement group for several weeks. Including the five supervisory special agents, there are 27 special agents assigned to this DEA Office. Two groups are enforcement oriented, the other is an intelligence group. Consequently, I believe that cooperation among all the law enforcement agencies in this area is vital.

Cooperation is good. The Louisiana State Police Narcotics Units are very active and conduct joint investigations with DEA on a regular basis. Oftentimes, these joint cases result in the U.S. Customs Service seizing the vehicle, the State of Louisiana prosecuting the defendants and DEA using the intelligence that is gleaned to develop a broader conspiracy investigation. Two State Police officers are actively working with the enforcement groups in the DEA New Orleans Office. DEA/State Police relations are excellent.

We work with the New Orleans Police Department and the Jefferson Parish Sheriff's Office on a case-by-case basis. As the airport is located in Jefferson Parish, we work with the Sheriff's Office on a regular basis.

All of these agencies share with us the frustrations of drug law enforcement. The traffickers expect high profits and face relatively low risks. When apprehended, they face low bonds and when convicted, light sentences. I hope that the new State Statute for trafficking in cocaine and marihuana will change the odds for the traffickers.

Several initiatives have been undertaken by the New Orleans area law enforcement agencies. These include:

1. At varying intervals, personnel from State local agencies continue to be assigned to DEA on a rotating basis or on a case-by-case basis;
2. Preliminary discussions have been held to identify heroin traffickers to be targeted in a coordinated effort to immobilization;
3. In conjunction with the DEA Sampling program, a heroin research program conducted by Tulane University is underway. The goal of the program is identify bacteria found in New Orleans street-level heroin which could pinpoint foreign origin;
4. Emphasis is being directed toward utilization of the RICO Statute, the Continuing Criminal Enterprise Statute and the forfeiture of assets; and
5. Major conspiracy cases are being developed from marihuana seizures. The culmination of such cases should lead to the immobilization of several significant trafficking organizations.

Mr. Chairman, we have seen the successes of directed, cooperative ventures in the New Orleans area. We are fortunate here that the U.S. Attorney's Office and the Federal, State and local agencies are all motivated and dedicated. The degree of cooperation enhances the quality of all our work and makes the job a little easier. Gentlemen, I know I speak for the rest of the agents in the DEA Office here in saying, we are most appreciative of your interest and demonstrated concern about the trafficking problem here in Louisiana.

Thank you.

ARRESTS, OCTOBER 1978-SEPTEMBER 1979

Office/ group	Class I						Class II						Class III						Class IV						Total
	H	C	M	A	P	DD	H	C	M	A	P	DD	H	C	M	A	P	DD	H	C	M	A	P	DD	
New Orleans:																									
Group I.....	1	10		1			1	2		3			3	8	93	6			1						129
Group II.....	2	4					2	2					7	18	10				2						47
Baton Rouge/Shreveport.....	1	2	1	1	1		1	1					2	13	11	6			1	5	4	1	1		52
Birmingham.....	1						2		1				1	5					1	10	1				27
Jackson.....	2						1						1	2	6		1	1							15
Little Rock.....				1						2			10	2	3				2	8	3	1			35
Mobile.....	2	11							2				1	42					4	1	7				70
New Orleans District..	2	7	28	3	1	3	3	6	3	5			14	57	164	15	1	2	8	26	15	2	1	8	375

END