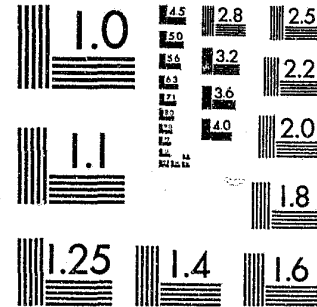


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Department of Justice

STATEMENT

OF

JOSEPH E. DIGENOVA
UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA

BEFORE

THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE

CONCERNING

INTERSTATE DRUG TRAFFICKING IN THE DISTRICT OF COLUMBIA

ON

MAY 8, 1985

NCJRS

JUN 17 1985

ACQUISITIONS

I appreciate this opportunity to be here today to discuss with you one of the most compelling priorities facing the American people.

With me today are Norman Zigrossi, Special Agent in Charge of the Washington Field Office of the Federal Bureau of Investigation, and Carl Jackson, Special Agent in Charge of the Washington Field Division of the Drug Enforcement Administration.

The compelling priority I spoke of is the war against the distribution and use of illicit drugs. The use of illegal drugs in the United States has spread at an unprecedented rate and has reached into every segment of our society. Narcotic sales in the United States have skyrocketed at a rate of \$10 billion annually since 1978, grossing \$70-90 billion for traffickers last

year alone. This upsurge brought the number of U.S. heroin addicts to more than 500,000 for the first time since 1973 and increased overdose deaths by 93 percent from 1979 through 1983. In the District of Columbia, from January 1984 to December 1984, the Medical Examiner's Office reported a total of 140 heroin related overdoses. Already this year there have been 42 such overdoses. This terrible cancer threatens our national character and challenges our moral fiber and it must be eradicated.

Of course, the long term goal of this Administration is to make our society drug free. And the first step in the achievement of this goal is to educate our citizens as to the enormous costs that illicit drug use is inflicting upon our society -- both in terms of real monetary losses (decreases in productivity, increased absenteeism from the work place, and escalating medical costs); and human costs (including destruction of the traditional family unit, unemployment, and an increase

in suicide and overdose deaths). To do this, we must change the attitudes of our citizens who experiment with and use illegal or controlled substances. This effort involves a multitude of agencies and individuals working to develop a national awareness concerning the effects of illicit drugs.

Over the past four years the Reagan Administration has launched direct assaults on two distinct but equally vital fronts in the nation's war on drugs, the "supply-side" and the "demand-side." While we as a nation must, and we in the Reagan Administration will, continue to devote additional money and manpower to this war effort in order to eradicate sources of supply and to interdict shipments of illegal drugs before they enter the country, we must also prosecute those who create the demand for the illicit drugs. As Attorney General Edwin Meese, III, recently remarked, even the occasional or "recreational" drug users buying pleasure for themselves are supporting those who are dealing in terror, torture and death. Perhaps Enrique

Camerana would be alive today if there were not a market in the United States for the poison that is slowly destroying so many of our citizens. Let me echo the Attorney General's sentiments by repeating what I have been saying for three years: drug users, whether occasional or regular, are stockholders in organized crime. As Charles Blau, Deputy Associate Attorney General in charge of our Drug Task Forces, has said: "A person who utilizes an illegal controlled substance is as much a part of the conspiracy chain as a person who distributes it." It takes customers to make enterprises flourish and profit.

The problem is severe. But let me give equal emphasis to my feelings of hope that, in stark contradistinction to the prior Administration's woeful record of neglect in the area of drug law enforcement, this Administration has put in place the necessary enforcement resources and coherent strategies essential to win this battle.

In only four years, the Reagan Administration has transformed the face of Federal drug law enforcement. The trans-

formation has come through a combination of new personnel, new funding, new energy, new commitment, and a new conviction that the drug epidemic can be halted.

Within a period of a few months, then Attorney General William French Smith and the President announced a series of major initiatives. The full resources of the Federal Bureau of Investigation, for the first time in its long history, were placed fully into the fight against drugs.

The DEA was reorganized and revitalized with new leadership and now reports to the FBI.

The Attorney General also decided that the Federal government must cooperate more closely with state and local governments in the fight against crime, and provide more assistance.

To implement this priority, he directed that Law Enforcement Coordinating Committees be formed in every Federal judicial district, a network covering the entire nation. The committees develop plans to focus all available Federal resources on the

worst local crimes, and then work closely with state and local police and prosecutors to combat those crimes.

In October 1982, the President announced the plans to create the Organized Crime Drug Enforcement Task Force Program. The Task Force Program now covers the nation. The goal is nothing less than the destruction of the major drug trafficking rings that have plagued the country for so long.

The 13 Task Forces are a unique effort in Federal law enforcement. They are made up of agencies throughout the government. For instance, from the Justice Department we have the United States Attorneys, F.B.I., D.E.A., and the Marshals Service. From Treasury we have the United States Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service. From the Department of Transportation we have the Coast Guard.

In addition, under a far-reaching initiative of the Reagan Administration, the Department of Defense now is giving valuable

assistance to civilian enforcement agencies in a fight against drugs. It includes intelligence information and prompt information on sightings by military vessels and aircraft of suspected drug traffickers heading for the U.S. by sea or air.

President Reagan in 1983 began a program to supplement the Task Forces. It is called the National Narcotics Border Interdiction System -- and is designed to intercept drugs along the entire border area of the country.

The system was modeled in part on the South Florida Task Force, a very successful effort created by the President to combat the heavy flow of drugs into South Florida.

As of December 1984, the thirteen Task Forces had initiated 804 cases resulting in 953 indictments initiating criminal charges against 3,468 individuals. 1,408 individuals have already been convicted and sentenced, and fines, seizures and forfeitures have exceeded \$219 million.

In the District of Columbia, the United States Attorney's Office has moved aggressively in both the Superior Court of the

District of Columbia and in the United States District Court to meet the challenge of dismantling and destroying those criminal organizations, their financiers and suppliers who prey upon our society through their importation, manufacture, and distribution of illicit drugs. How is the United States Attorney's Office responding to the drug problem in the Washington Metropolitan Area? First, we have developed a multi-faceted approach which combines an aggressive use of the Organized Crime Drug Enforcement Task Forces, the utilization of new investigative techniques, and increased coordination and consultation among local and federal law enforcement agencies. 1/ Before I

outline what this office is doing, I'd like to spend a few

1/ Our efforts to deal with drug traffickers in the D.C. area have been enhanced through the efforts of the D.C. Law Enforcement Coordinating Committee (LECC). The LECC is composed of the operational heads of each law enforcement agency in the city, and functions as a means to increase cooperation and coordination among its members. Topics of interest concerning drug trafficking have been addressed in detail by members of the LECC's Drug Trafficking Subcommittee, and the dialogue fostered by the Subcommittee has resulted in expanded and improved joint operational activities. Further, to better address the area-wide drug problem, the Subcommittee's activities have been combined with those of the Drug Trafficking Subcommittee of the LECC for the Northern District of Virginia. The full LECC also discusses problems relating to drug trafficking on a regular basis, and relevant intelligence is shared among agencies.

minutes describing the criminal statutes we rely upon to prosecute drug traffickers in Superior Court and in the United States District Court and then I will share with you some very distressing statistics which dramatically highlight the magnitude of the drug problem we must face together as a community.

Enforcement Mechanisms

In the Superior Court of the District of Columbia, defendants who manufacture, distribute or dispense narcotics, or possess narcotics with intent to distribute them are prosecuted under 33 D.C. Code, Section 541(a)(1) or b(1). The Mandatory Sentence Initiative of 1981 amended the provisions of the Uniformed Controlled Substances Act (UCSA) to require the imposition of mandatory minimum sentences for particular violations of the Uniformed Controlled Substances Act. With limited exceptions, mandatory sentences are required for trafficking offenses of all controlled substances. The length of the mandated sentences is determined by the Schedule classification

of the controlled substance, whether it is a narcotic, and with respect to Schedule IV or V drugs, the quantity of the substance involved in the offense as reflected by its value.

In the United States District Court, drug traffickers are prosecuted under 21 U.S. Code, Section 841(a)(1)(2). The Comprehensive Crime Control Act of 1984 made significant drug penalty amendments under 21 U.S. Code, Section 841. These amendments: (1) raise the maximum term of imprisonment and fines for Controlled Substance Act offenses involving Schedule I or II controlled substances, (2) raise the fines for offenses involving all other drugs and make the double-penalty provision for recidivists applicable after the establishment of prior state, federal or foreign convictions; (3) similarly amend the parallel provisions of the smuggling laws to reflect the increased penalties; (4) provide a new offense of cultivating controlled substances on federal land; and (5) add a new offense of violating drug laws in or near schools.

The Continuing Criminal Enterprise Statute (21 U.S. Code, Section 848) provides for the most rigorous sanctions of any Federal criminal statute directed at drug related activities. It carries a maximum penalty of life imprisonment and a minimum of 10 years -- with no parole in either case -- and fines up to \$100,000. It also provides for forfeiture of all proceeds of the specified criminal activity, or of any assets purchased with such proceeds. In the 10-year period from 1970 to 1980, there were only 85 such indictments brought by the federal government. In the last year and a half under the Organized Crime Drug Enforcement Task Force, there were 211 defendants charged with the offense.

The Racketeer Influenced and Corrupt Organizations (RICO) Statute provides other strong sanctions that deal with criminal organizations and their pernicious infiltration of legitimate business. RICO penalties provide up to 20 years imprisonment, \$25,000 in fines, and civil and criminal forfeitures. The

forfeiture provisions of both RICO and CCE were clarified and strengthened by the Comprehensive Crime Control Act of 1984.

The Explosive Growth of Drug Cases

In 1979 the Metropolitan Police Department referred 19,339 arrest cases to the United States Attorney's Office for processing. Felony drug arrests accounted for just 4% of all felony arrests (310 cases). In 1984 the police department referred 24,861 cases to our office. Felony drug arrests accounted for 31% of that total (3,385 cases). In 1979 drug arrests for both felony and misdemeanor offenses comprised 20% of all arrest referrals. In 1984 that percentage had skyrocketed to 38% (9,454 cases). In 1979 the United States Attorney's Office returned 216 felony drug indictments in the Superior Court. Those 216 indictments constituted 7% of all indictments returned. In 1984 Superior Court grand juries returned 1,985 drug indictments. These felony drug indictments accounted for 45% of all

felony indictments returned in the Superior Court. As these statistics make clear, the police department, responding to demands of the people to deal aggressively with drug traffickers, are arresting more and more people and charging them with felony drug offenses. The United States Attorney's Office has likewise responded to the challenge by developing new prosecution policies which treat all sales of illicit drugs, even single sales, as felonies.

Furthermore, to ensure that drug dealers and members of our community understand how crucial this war against drugs is, the U.S. Attorney's Office has devoted additional resources to the Superior Court Grand Jury Section and has instituted new procedures to indict drug cases on the same day such cases are referred to us by the police. To demonstrate our determination to remove arrested drug traffickers from the community at the earliest practical point, we are

utilizing the pretrial detention statute much more frequently to detain pretrial drug dealers who have engaged in an established pattern of criminal conduct.

On the local legislative front, we have worked with the District of Columbia City Council by proposing to increase the penalties for distribution of PCP. The Council, to its credit, responded by enacting this proposal into law. We have also worked with Senator Arlen Specter to gain additional prosecutive and judicial resources in Superior Court to handle the avalanche of new criminal cases, especially drug cases, that are being processed there. Twenty-one new federal prosecutors, seven new judges and six new commissioners have joined the battle.

Indeed, in every ward of this city, in southeast, in northeast, in northwest and in southwest, neighbors have banded together and marched to reclaim their communities from drug traffickers. These citizens, if they were witnesses before this Com-

mittee today, would provide the most eloquent testimony on how plentiful drugs are in our city and on how a steady supply of illicit drugs inevitably spawns drug addiction and other drug-related crime.

The actions of our citizens in protesting the loss of their communities to drug peddlers demonstrates why, in words of Attorney General Meese, there can be "no neutral's in this Country's war on drugs."

We must all work together to stem the ever increasing stream of dangerous drugs into the Washington area. While our prosecutive efforts have begun to make a difference in Superior Court, we still have serious problems.

Heroin remains plentiful throughout the Washington Metropolitan Area. It is readily available at the street level in purities from 6% to 6.5%. Prices average \$100 per gram (6% to 6.5% purity); \$800 to \$2,000 per ounce (6.5%); and \$5,000

to \$15,000 per ounce (70% to 90%). Most street level sellers in Washington, D.C. deal in quarter gram packages which currently retail for \$30. While the distribution of heroin in the District of Columbia is controlled by local criminal organizations, these local groups continue to obtain their heroin from trafficking groups and organized crime figures in the New York area.

There is also an alarming increase of heroin arriving into the United States from Nigeria. This heroin arrives in the United States in very high purities, from 75% to 85% pure. Local addicts who purchase such batches of heroin in many cases will not be able to tolerate these purities and may become prime candidates to overdose.

Like heroin, cocaine is plentiful in the Washington Metropolitan Area. Local cocaine distributors travel to Southern Florida and South America to purchase multi-kilo quantities of cocaine. Prices range from \$1,800 to \$2,800 per ounce (30% to

70% pure) and \$35,000 to \$65,000 per kilogram (60% to 90% pure).

PCP is an extremely dangerous drug and tragically it continues to be the drug of preference for many young people in our city. Because the drug has such bizarre mind-altering effects on its users, PCP abuse has played a significant role in some of the most senseless crimes prosecuted by our office. Prices for PCP average \$15 to \$50 per gram and \$200 to \$300 per ounce.

Marijuana remains easily available in the Washington Metropolitan Area. Prices in the Washington area range from \$1.00 to \$2.00 per cigarette, \$35.00 to \$120.00 per ounce, \$120.00 to \$500.00 per quarter pound and \$250.00 to \$800.00 per half pound, and \$500.00 to \$2,000.00 per pound.

While the availability of these drugs for street-level purchase provides a stark reminder of the serious problems we face, I am heartened by the fact that our Organized Crime Drug Enforcement Task Force operations in United States District Court are beginning to seriously weaken and, we hope, will soon

destroy many of the drug trafficking organizations that prey on the citizens of our city.

Interagency Cooperation

An important factor in the successes achieved in the drug enforcement arena has been the unprecedented cooperation among law enforcement agencies at all levels of government. We are all committed toward a common goal and utilization of the talents, tools and resources of multiple and diverse agencies to successfully immobilize high-level drug trafficking organizations. The implementation of the Organized Crime Drug Enforcement Task Forces has sparked an investigative/prosecutorial marriage marked with significant success.

Washington, D.C. is in the Mid-Atlantic Organized Crime Drug Enforcement Task Force region. The program overall, and this region specifically, have achieved tremendous strides in dismantling drug trafficking organizations. We are pursuing drug importation and distribution crimes, as well as those violations relating to the financial aspects of drug trafficking.

In addition to the Organized Crime Drug Enforcement Task Force program, there are numerous interagency mechanisms in place to address Federal, state and local cooperation. The first, and largest of these joint undertakings, is the DEA/MPD Task Force.

The DEA/MPD Task Force is headed by a very capable and experienced police lieutenant with an extensive background in drug enforcement in the Washington, D.C. area. This unit primarily focuses on the heroin trafficking activities of the organized distributors in Washington, D.C. Their successes, as I will soon describe, have had a tremendous impact on the heroin traffickers in this city.

Under the direction of the DEA Assistant Special Agent in Charge, is the Nigerian Task Force, organized to counter the threat posed by organized heroin traffickers transporting high quality, nearly pure, Pakistani heroin through Lagos, Nigeria, and onward into the United States, and in particular, to

Washington, D.C. In February 1985, this Task Force culminated a two-month investigation. The investigation resulted in the arrest of two Nigerian nationals and the seizure of five pounds of high quality heroin, worth in excess of \$5 million.

The second Task Force unit is the PCP Task Force made up of representatives from DEA, MPD, Fairfax County, Arlington County, Loudon County Police, Prince William County Police, Virginia State Police, Maryland State Police, and the U.S. Park Police. This unified effort of Federal, state and local officers has provided a substantial deterrent to the production and distribution of PCP in the Washington, D.C. metropolitan area. They have effectively utilized DEA's precursor control program to provide evidence of laboratory operations well before the operators had a chance to manufacture their lethal doses of this devastating drug.

The DEA agents and the Task Force officers with their Federal authority have halted the clandestine laboratory opera-

tions of many of the major producers of PCP. Through their innovative and dedicated investigative efforts, they have been responsible for sending many of the nation's foremost suppliers of PCP to lengthy prison terms.

There is a third Task Force unit which effectively utilizes the consolidated law enforcement resources of: DEA, MPD, the U.S. Federal Aviation Administration Police, and the Arlington Police Department. This "Mass Transportation Detail" handles the investigative response to U.S. Customs Service seizures and arrests at the Dulles International Airport. They also conduct domestic drug investigations at Dulles and National Airports, as well as follow-ups to Amtrak seizures at Union Station in Washington, D.C. This unit has achieved successes comparable to similar Federal/State Airport Task Forces throughout the country.

The best recent example of the cooperation exhibited in a major drug case here is in the prosecution of the Colombia Drug Racketeering Case. In that case, our Task Force group consisted of two AUSAs working close to full-time; one full-time DEA Agent; two full-time FBI Agents; one full-time Customs Agent; and one full-time IRS Agent. In addition, whenever there was a need for increased manpower for short periods of time, we were able to get an infusion of agents on a moment's notice. For example, in attempting to finish up the tax part of the investigation nine or ten IRS Agents were assigned to the case full-time for several weeks. That investigation resulted in the indictment of fifteen people, seven of whom pled guilty to multiple felonies. Another five defendants went to trial and were found guilty of multiple counts of conspiracy and drug distribution. One RICO case is currently pending against two defendants. The trial is expected to last through the month of April.

The investigation also led to forfeitures and seizures in excess of several million dollars worth of assets related to the drug organization. Using the RICO statute, Organized Drug Task Force members cooperated with law enforcement authorities in eight other judicial districts resulting in investigations and prosecutions of other drug defendants and organizations. Moreover as a direct result of the cooperative nature of the investigation conducted by five different agencies, another indictment was returned in Texas, in which six individuals were indicted for drug distribution, conspiracy to distribute drugs and for tax evasion. One of our Organized Crime Drug Enforcement Task Force attorneys is handling the prosecution in Texas. He was sworn in as Special Assistant U.S. Attorney to handle all phases of this spin-off case. Of those six defendants, two have pled guilty to tax offenses and to either conspiracy to distribute or distribution of drugs. The four remaining defendants are awaiting trial, which will begin in May of this year.

Our ability to disrupt such international trafficking operations has been greatly aided by the Reagan Administration's successful 1982 negotiation of a bilateral agreement with the Government of Columbia for the extradition of accused narcotics traffickers. Preliminary estimates indicate that approximately 74-90 metric tons of cocaine were exported to the United States in 1984. Approximately 75 percent of this supply originated in Columbia.

On March 16, 1985, the United States Attorney's Office obtained the first narcotics trafficking conviction against a Columbia national, Marcos Cadavid, who was extradicted pursuant to the new agreement. Cadavid was one of four Colombians extradited from his native country in January, 1985, to stand trial for narcotics offenses. His was the first case to come to trial in this country. A jury, in a case tried before United States District Judge Thomas Hogan, found Cadavid guilty as charged of conspiracy to distribute cocaine. On April 9,

Judge Hogan sentenced Cadavid to the maximum term of imprisonment of 15 years and imposed the maximum fine of \$25,000.

As our Task Force operations continue to grow and develop, we will have further significant supply-side victories. We will of course take full advantage of the full range of prosecutive tools available to us. Certain organizational, investigative, and prosecutorial techniques have emerged as particularly adaptable and effective in the high-profile multiagency environment; wiretaps authorized under Title III; the seldom-used, 15-year-old "kingpin statutes" - the Racketeering Influenced and Corrupt Organization (RICO) and Continuing Criminal Enterprise (CCE) statutes have all found their home in Task Force operations.

When our increased use of these statutes is combined with the new investigative and prosecutive tools provided in the Comprehensive Crime Control Act of 1984, we believe we have the means necessary to continue the new national law enforcement effort against drugs.

Let me add in closing that this national effort is not just one for law enforcement. Families, churches, schools, the business community and all institutions in our society have an obligation to fulfill and a vital role to play in turning away people of all ages from drugs. We in law enforcement can do our part, but we need help -- and not just in the form of much needed additional professional resources. Role models in all walks of life must stand up and be counted in this war on perhaps the greatest threat to our national character. We welcome them to the fight. For in the last analysis, we in the nation's capital can gain little succor from the glib refrain that heroin does not grow here. Our local effort in regard to both apprehension and education must parallel our national commitment to eradication, if we are to succeed in delivering our city from the curse of drug abuse.

I, and the other federal law enforcement officials here, would be happy to answer any questions the Chairman and Members of the Committee may have at this time.

* * *

END