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STATEMENT OF
ELMER B. STAATS, COMPTROLLER GENERAL
OF THE UNITED STATES
BEFORE THE
SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE AND THE JUDICIARY
SENATE COMMITTEE ON APPROPRIATIONS
ON
[FEDERAL DRUG ENFORCEMENT AND SUPPLY CONTROL EFFORTS]

SEN 00315

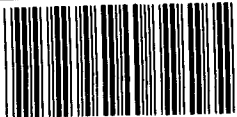
Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you this morning to discuss our report being issued today on the Federal Government's drug enforcement and supply control efforts during the last 10 years. We appreciate the opportunity to discuss the actions we believe are needed to enable our Nation to make greater inroads in controlling illegal drugs.

Our report shows that the drug supply reduction efforts have yet to achieve a well-integrated, balanced, and truly coordinated approach. We found that:

- There is no comprehensive border control plan, and thus, Federal agencies at the U.S. border

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Drug Trafficking
International Law



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- carry out separate but similar lines of effort with little consideration for overall border security. This has diluted border coverage and control and meant that the border has not been a serious impediment to the illegal entry of drugs.
- Legal obstacles, little overall direction, and changing priorities have prevented Federal agencies from fully using and coordinating their unique skills, jurisdictions, and resources. As a result, the Federal Government has had only limited success in immobilizing high-level traffickers and their organizations through conspiracy and financial investigations.
 - Bail and sentencing practices throughout the country have further weakened efforts to immobilize drug traffickers. Many arrested for trafficking continue to traffic in drugs while on bail and awaiting trial, and those eventually convicted are often incarcerated for short periods of time.
 - The enormous number of jurisdictions, coupled with financial and political realities, make it virtually impossible to mobilize State and local enforcement resources in a coordinated nationwide attack on drug trafficking.

--The United States, emphasizing short-term measures to reduce drug availability, has not received the degree of international support needed to overcome the long-term nature of the problem (i.e., social, political, and economic conditions in producing countries) nor is it likely that these problems will be overcome within the foreseeable future.

WHAT CAN WE DO ABOUT THE PROBLEM?

To remedy these and other problems discussed in our report, the executive and legislative branches of Government must reach agreement upon and vigorously carry out a consistent national policy for dealing with the drug abuse problem and support the legislation needed for achieving the desired results. The presence of a tough and consistent stance will go a long way in demonstrating within the United States, and to other countries, the strong commitment the United States is making in combatting the drug abuse problem.

Border Management Problems Need To Be Resolved

The U.S. border provides an important opportunity for interdicting illicit drugs and obtaining intelligence about domestic and international drug distribution systems. However, the availability of drugs in the United States attests to the fact that our border has not been a serious impediment to illegal entry.

Control of the United States borders is a complex and most difficult task that requires a comprehensive, coordinated effort by all segments of the border law enforcement community. The executive branch of the Federal Government has not developed an integrated strategy or a comprehensive border control plan to consider all aspects of the problem and establish clear, measurable objectives 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.

The issue of improved border control has been studied and recommendations have been made, but the problems remain unresolved. Over the past few years the Congress, the executive branch, and GAO have issued reports identifying problems among Federal border enforcement agencies and containing suggestions for improving their cooperation and coordination. While some recommendations have been implemented and outward appearances have changed as a result of these efforts, the essential characteristics of the problem remain. Separate agencies with different orientations continue to identify the best means to meet their specific missions, with limited consideration for the activity of the others. This has led to the development of separate but similar lines of effort that continue to dilute border coverage and impact. Little consideration is given to overall border security.

We believe the executive branch should provide the Congress, along with its appropriations requests, an overview of law enforcement along the U.S. borders. Included in this overview should be an analysis which brings together the budget requests and law enforcement strategies of the various border law enforcement agencies. Also, we believe the Office of Management and Budget, the Domestic Policy Staff, and the principal border agencies should develop an integrated strategy and comprehensive operational plan for border control.

Vessels on the High Seas

In recent years the smuggling of drugs from South America has become a major business in the Southeastern United States, particularly in Florida. Marijuana from Colombia arrives by the tonload, while hundreds of pounds of cocaine flow into the area for distribution across the country.

Many enforcement officials in South Florida believe the situation is completely out of control. Federal, State, and local agencies have been overwhelmed by the amount of smuggling activity. Large "mother vessels" with multiton loads of marijuana set anchor beyond the 12-mile limit as smaller vessels carry the contraband to shore. To make matters worse, U.S. law generally does not cover the possession of narcotics on the high seas by U.S. citizens or by anyone aboard U.S. vessels. We endorse legislation which would extend coverage of U.S. law to this area.

~~Foreign~~ vessel

The fact remains, however, that most mother ships are either foreign registered or stateless. Under international treaties, the U.S. Coast Guard has blanket authority to board stateless vessels, but in the case of foreign-registered vessels the Coast Guard must undertake the time-consuming process of obtaining the permission of the origin country to board, search, and take necessary action. International treaties do not adequately deal with the mother-ship problem.

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Opportunities To Overcome Obstacles
In Immobilizing Major Traffickers

high seas vessels

✓ Federal efforts to reduce drug trafficking by immobilizing major violators have fallen short of expectations. / Incarcerating major traffickers for long periods and seizing their financial resources, the key elements to success, have not been accomplished to a sufficient extent. / Even in those cases where high-level traffickers are arrested and given stiff prison sentences, their organizations often continue to operate and maintain their distribution capacity because the assets and financial resources of the organizations remain untouched.

The Federal Government's approach relies on a close, complementary relationship and effective interaction among a variety of investigative, interdictive, regulatory, and prosecutive agencies. Each agency is expected to aggressively use its unique skills, jurisdiction, and resources to achieve optimum results. This concerted effort has not, however,

materialized. Legal obstacles, lack of direction, and changing priorities have all limited our success in immobilizing major drug traffickers and their organizations. Specifically:

- The Department of Justice has not adequately planned or directed the prosecutive efforts against major traffickers.
- The Drug Enforcement Administration and the law enforcement community in general have moved slowly in effectively using conspiracy laws to immobilize major drug traffickers.
- Policy and legislative mandates have restricted the Internal Revenue Service's role in drug enforcement.
- The FBI has not been a significant force in the fight against major traffickers to date.
- Delays have diminished the usefulness of the Bank Secrecy Act in investigating the enormous profits of drug traffickers.
- Assistance from other countries in prosecuting international traffickers has been limited.
- Federal and State control of the diversion of licit drugs at the retail level has been largely nonexistent.

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To strengthen the prosecution of drug traffickers and dealers and to better attack the tremendous financial gains from trafficking, we recommend that the Attorney General:

- Strengthen the prosecution of major drug traffickers through the increased commitment and continuity of attorney resources.
- Direct the Administrator of the Drug Enforcement Administration to improve investigative capability against drug traffickers' financial resources by training agents and hiring financial specialists to assist in investigations.
- Continue to monitor and improve the operation of DEA/FBI task forces, and seek additional means to use the FBI's expertise in investigating the financial aspects of drug trafficking and organized crime.

We also recommend that the Secretary of the Treasury speed the processing and dissemination of Bank Secrecy Act reports so that law enforcement agencies can achieve the maximum benefit of the information.

Finally, in a prior report, we pointed out that implementation of the Tax Reform Act of 1976 caused some tax disclosure problems between the Internal Revenue Service and law enforcement agencies. We recommended that the Congress needs to

consider whether the adverse impacts of the act's disclosure provisions on Federal law enforcement activities warrant revision of the Internal Revenue Code, and whether any revision can be made without disrupting the balance between criminal law enforcement and individuals' rights.

Changes in bail and sentencing could strengthen immobilization efforts

Bail and sentencing practices in Federal courts throughout the country have diluted the effect of drug enforcement efforts. Many defendants who are released on bail continue their drug trafficking. But Federal law does not allow judges to consider danger to the community as a reason for denying bail in drug cases. Various reports and studies by the executive branch, the Congress, and our Office have concluded that the bail statutes have hindered the immobilization of alleged drug traffickers by allowing them to be released with no restrictions before trial.

and Even when convicted, drug traffickers are often not effectively immobilized for long periods. Drug sentencing has continually come under attack for failing to immobilize drug traffickers. As stated in a 1975 report to the President from the Domestic Drug Abuse Task Force, indictment and arrest do not guarantee immobilization but merely begin a long process during most of which the alleged trafficker is free to traffic

in drugs. At the end of the process, incarceration may be relatively short, thereby weakening the deterrent to drug crimes and reducing the public's trust in the criminal justice system.

Recent court data shows that convicted drug violators are usually not incarcerated for long periods of time. Most defendants received sentences of less than 5 years, with about one-third of the defendants sentenced to 5 years or more. The length of these sentences, however, considerably overstates the actual periods of incarceration since individuals may be eligible for parole after serving one-third of their sentence.

We believe that changes in the judicial system should be made by the Congress. In this regard, the Congress will be grappling with the bail and sentencing practices of the judicial system as part of its consideration of the pending Criminal Code Reform bills.

I might also mention that the Congress, in line with our recommendation in a prior report, recently authorized an expansion of the magistrates' jurisdiction to encompass misdemeanor drug cases. We believe the use of this authorization should be encouraged as a means to expand the capacity of the Federal court system to better deal with drug cases.

Firm and Clear Policy Required For Federal, State, and Local Law Enforcement Roles

The Federal strategy places increased reliance on State and local drug enforcement efforts in order to focus Federal

activities against leaders of national and international trafficking networks. Although the Federal Government has developed numerous programs to assist and cooperate with State and local agencies, the enormous number of jurisdictions, coupled with financial problems, makes it virtually impossible to mount a unified attack. Financial resources have not kept pace with drug enforcement needs, and the effectiveness of agencies' activities has been hampered by security risks, differing priorities, and lack of communication.

The irony of Federal drug enforcement, according to the 1976 Federal Strategy For Drug Abuse And Drug Traffic Prevention, is that, while there is more and more dependence on State and local involvement in drug law enforcement, these authorities are allocating fewer and fewer resources to combatting drug abuse.

Our work showed much of the same:

--The Chief Assistant State Attorney for Dade County, Florida, believes law enforcement is both "outmanned and outgunned" to deal with the drug problem. He cited a case that could have resulted in apprehension of many more high-level violators. It was curtailed because the police ran out of money.

--In New York City, a financial crisis resulted in the layoff of 5,000 police officers. According

to the chief of the New York City Police Department's narcotics division, the cutbacks adversely affected drug enforcement.

- There have been cuts in drug enforcement activity in San Francisco, and, according to the head of the police department's narcotics unit, only 20 officers were working narcotics, down from 60 officers at one time. This occurred despite the fact that drug activity has not decreased in the city.
- The narcotics division of the Phoenix Police Department declined to join a multiagency task force in the city. The unit head stated he could not give up one or more officers to the task force when he is struggling to get more resources to satisfy the division's own responsibilities.
- A 1977 survey of the California Department of Justice showed that 77 percent of the State's local police agencies indicated they do not have adequate equipment for drug enforcement. An assessment by the same department in 1976 concluded that local agency commitments to drug enforcement had declined while drug abuse increased.

However, and no matter how much assistance the Federal Government provides, certain obstacles will continue to block complete mobilization of the estimated 15,000 police agencies

throughout the country. These obstacles occur in the form of political, jurisdictional, and other realities that, while not exclusive to drug enforcement, seem more visible there because responsibilities for drug control cut across all three levels of government.

For example, in a populous county in California, we found drug enforcement to be fragmented, duplicative, and inefficient. The county has 24 municipal and county police departments, each engaging in drug law enforcement to some degree. Although a task force was organized in 1970 to coordinate drug enforcement activities, the multitude of jurisdictions has resulted in duplicated efforts.

We believe the Attorney General must establish a clear, realistic policy on what can reasonably be expected from State and local governments and what the Federal Government should do to elicit their support. This policy should include a determination of the role of the Drug Enforcement Administration in cooperating with and assisting State and local drug enforcement efforts. Such a role should provide for such things as training, exchanging intelligence, and furnishing technical equipment, but should discourage Federal involvement in actions against low-level violators. The policy should take into consideration the adverse effects of financial and political realities that have hindered cooperation among agencies.

The response of the various levels of government to businesses and individuals promoting the use of drugs through the sale of drug-oriented paraphernalia and magazines must also be addressed. In this regard, the Justice Department is developing a model law that interested States and localities could use to ban the manufacturing, advertisement, or sale of a wide range of drug paraphernalia.

Someone Must Oversee Strategy Implementation

The Congress has long recognized the Federal Government's continuing failure to provide a central mechanism to establish drug policy and be accountable for its effective implementation. The Office of Drug Abuse Policy was established to do this, but it was abolished before it had much success. / If any improvement is to be made in coordinating Federal drug control efforts, someone is needed who has a clear delegation of authority from the President to monitor activities and demand corrective actions. / This responsibility is currently entrusted to the President's Domestic Policy Staff, and it is too early to tell whether this arrangement will ensure the vigorous implementation of the Federal drug strategy.

Drug Problem Requires Worldwide Commitment

The United States has been the prime force in efforts to control illicit drug production world-wide, but / increased commitment of ^{other} developed countries is needed if we are to

have a greater impact on the problem. / Even with increased international support, it is unlikely that the long-term nature of the problem will be overcome within the foreseeable future. With this reality in mind, we recommend that the Secretary of State promote a world conference and the formation of a consortium of victim countries that would develop a plan of action to fight the global drug problem in a unified way.

To further develop strong drug control within foreign countries, we also recommend that the Secretary of State require the Assistant Secretary for Narcotics Matters to prepare realistic Country Narcotics Action Plans detailing short- and long-term objectives, the means of achieving these goals, and the methods for reviewing progress. For drug-producing areas that encompass several countries, action plans should be prepared on a regional basis.

In summary, then, we believe law enforcement, crop eradication, and other controls have a major role in drug control, and can have an even greater impact if our recommendations are implemented. However, there is no guarantee that the supply and use of drugs will be reduced significantly for a long time. / Effective enforcement, ^{crop}eradication, and other controls will cause shifts and temporary disruptions in trafficking and drug use patterns and will buy time to enable the Nation to concentrate on long-term solutions. /

Mr. Chairman, this concludes my prepared statement. We would be pleased to respond to any questions.

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