

sary statutory revisions. I believe that the bill which I introduced today will go a long way toward accomplishment of these objectives, and I hope that it will receive early and favorable consideration by the Senate.

Mr. President, I ask unanimous consent to have the text of the bill printed in full at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Executive Reorganization Improvement Act of 1973".

Sec. 2. Section 905 of title 5, United States Code, is amended by striking out "April 1, 1973" and inserting in lieu thereof "April 1, 1975".

Sec. 3. (a) Chapter 9 of title 5, United States Code, is amended by inserting immediately after section 905 the following new section:

"§ 906. Notice of intended reorganization plans

"(a) The President shall transmit to the Congress, as part of his budget message required under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), for the fiscal year ending June 30, 1975, and for each succeeding fiscal year, a summary of reorganization plans which the President intends to submit under this chapter during the ensuing fiscal year for which that budget is submitted, together with a general description of the areas to be affected by any such reorganization plan.

"(b) In order to provide an opportunity for the Congress to propose modifications and amendments in any reorganization plan proposed to be submitted under this chapter, not less than thirty days prior to the date on which a reorganization plan is to be submitted to the Congress under this chapter, the President shall notify the President of the Senate and the Speaker of the House of Representatives that he intends to submit such a plan, which notice shall include a statement of the purposes of that plan and the substance of the proposed reorganization."

(b) Section 903(a) of title 5, United States Code, is amended by striking out "Whenever" and inserting in lieu thereof "Subject to the provisions of section 906, whenever".

Sec. 4. Sections 906, 907, 908, 909, 910, 911, 912, and 913 of title 5, United States Code, and all references thereto, are redesignated as sections 907, 908, 909, 910, 911, 912, 913, and 914, respectively.

Sec. 5. Section 907(a) of title 5, United States Code (as redesignated by section 4 of this Act), is amended to read as follows:

"(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it if, between the date of transmittal and the end of the sixty-day period, the two Houses pass a concurrent resolution stating in substance that the Congress favors the reorganization plan."

Sec. 6. Section 909 of title 5, United States Code (as redesignated by section 4 of this Act), is amended by striking out "Sections 909-913" and inserting in lieu thereof "Sections 910-915".

Sec. 7. Section 910 of title 5, United States Code (as redesignated by section 4 of this Act), is amended to read as follows:

"§ 910. Terms of resolution

"For the purpose of sections 909-915 of this title, 'resolution' means only a concur-

rent resolution, the matter after the resolving clause of which is as follows: "That the Congress of the United States favors the reorganization plan numbered — transmitted to the Congress by the President on -----, 19--." The blank spaces therein are to be appropriately filled. The term does not include a resolution which specifies more than one reorganization plan."

Sec. 8. (a) Section 912(a) of title 5, United States Code (as redesignated by section 4 of this Act), is amended by inserting: "(or, in the case of a resolution received from the other House, twenty calendar days after its receipt)," immediately after the word "introduction".

(b) Section 912 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) If, on the fiftieth day after the date on which a reorganization plan was transmitted to the Congress, the committee to which a resolution with respect to that plan has been referred has not reported it, or has not been discharged from further consideration of the resolution under subsection (a) of this section, the committee shall be automatically discharged from further consideration of that resolution, except that whenever more than one resolution with respect to a reorganization plan has been introduced, the committee shall be discharged of the resolution first introduced."

Sec. 9. Chapter 9 of title 5, United States Code, is further amended by adding at the end thereof the following new section:

"§ 915. Procedure after one House receives a resolution from the other House

"If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then the following procedure applies:

"(1) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 912(a)) be made the subject of a motion to discharge.

"(2) If a resolution of the first House with respect to such plan has been referred to committee—

(A) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

Sec. 10. The analysis of chapter 9 of title 5, United States Code, is amended—

(1) inserting immediately after item "905" the following:

"906. Notice of intended reorganization plans.";

(2) by striking out "906" and inserting in lieu thereof "907";

(3) by striking out "907" and inserting in lieu thereof "908";

(4) by striking out "908" and inserting in lieu thereof "909";

(5) by striking out "909" and inserting in lieu thereof "910";

(6) by striking out "910" and inserting in lieu thereof "911";

(7) by striking out "911" and inserting in lieu thereof "912";

(8) by striking out "912" and inserting in lieu thereof "913";

(9) by striking out "913" and inserting in lieu thereof "914"; and

(10) by adding at the end thereof the following new item:

"915. Procedure after one House receives a resolution from the other House."

Sec. 11. The amendments made by this Act shall apply with respect to reorganization plans submitted after the date of enactment of this Act. The amendments made by sections 5, 7, 8, and 9 of this Act shall also apply to any reorganization plan which has been submitted to the Congress and has not been acted upon pursuant to chapter 9 of title 5, United States Code, prior to the date of enactment of this Act. Each such plan, if any, shall be deemed to have been submitted to the Congress on the date of enactment of this Act.

By Mr. THURMOND:

§. 937. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, in a time of peace and greater dependency upon Reserve and Guard Forces it is more important than ever to enact laws which will help insure the strength of our military units.

Therefore, I am introducing today a bill which would provide bonuses to encourage participation in the Ready Reserve and National Guard. This legislation offers cash inducements for reservists who reenlist for at least 3 years following their first 6 years of reserve or guard duty. It also provides a bonus for a member of the regular forces if he elects to enlist in the reserves following his 2 years of active duty.

At present, upon reenlistment in the Regular Army, a bonus is given to those who have acquired specific skills while in the Armed Forces. This bonus serves as a realistic incentive for servicemen to remain in the Armed Forces. However, there is no such bonus offered to reservists, although recent surveys show only a small percent of enlisted Reserves reenlist after their first tour of duty. The low reenlistment rates are reflected by the latest compilations by the various reserve and guard units. Reenlistment rates of all enlisted first termers under the present 6-year service requirement are as follows:

	[In percent]
Naval Reserve.....	15
Army National Guard.....	13
Air National Guard.....	11
Army Reserve.....	8
Air Force Reserve.....	4
Marine Corps Reserve.....	3

Mr. President, because the retention of high-quality enlisted personnel is of the utmost importance, I believe that unless more definite incentives are provided the Reserves and National Guard, the United States may reach a dangerously low level of personnel strength in these two vital elements of our national defense structure.

This bill would give those qualifying a \$1,000 bonus upon reenlistment and \$200 at the end of each of the 3 reenlistment years. The present cost of filling a vacancy with a new trainee, on the other hand, is between \$2,400 and \$4,000.

Thus, a reenlistment bonus such as the one proposed would not only create an incentive for Reserve reenlistments, but

also effect significant savings to the Government.

As the United States moves toward a peacetime armed service, the Nation must provide more inducements if military personnel strength is to be maintained at even minimum levels. Passage of this bill is important if we are to start making a career in the armed services equivalent to a career in the other sectors of our economy.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 937

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 5 of title 37, United States Code, is amended as follows:*

(1) By adding the following new item at the end of the chapter analysis:

"§13. Special pay: participation in Ready Reserve."

(2) By adding the following new section at the end thereof:

"§ 313. Special pay: participation in Ready Reserve

"(a) An enlisted member of a Reserve component who—

"(1) has completed a total of at least two years of active duty, or a total of at least six years of service, in one or more of the armed services;

"(2) is accepted for enlistment, reenlistment, or extension of enlistment in a Reserve component, in a pay grade above E-3, for a period of at least three years; and

"(3) agrees to remain in the Ready Reserve for a corresponding period and to perform such drills or other duty as may be prescribed;

is entitled to special pay computed under subsection (b).

"(b) The amount of special pay to which a person covered by subsection (a) is entitled is—

"(1) \$1,000 upon reenlistment or extension of his enlistment;

"(2) \$200 upon completing each year under that reenlistment or extension of enlistment of satisfactory participation in the program prescribed for his Reserve assignment, as determined by the Secretary concerned.

However, no member is entitled to incentive pay for any year of satisfactory performance that ends after he has completed twenty years of service computed under section 1332 of title 10.

"(c) The special pay authorized by this section is in addition to any other basic pay, special pay, incentive pay, or allowance to which the member concerned is entitled.

"(d) A member who voluntarily, or because of his misconduct, does not complete the first year of service under his reenlistment or extension of enlistment for which he was paid under subsection (b) (1) shall refund that percentage of the amount that the unexpired part of that year bears to the entire year for which the amount was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy."

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 938. A bill to provide for the addition of certain eastern national forest

lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, for myself and the senior Senator from the State of Arizona (Mr. FANNIN), I introduce by request a bill submitted by the Secretary of Agriculture to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System; to amend section 3(b) of the Wilderness Act, and for other purposes.

Mr. President, earlier this year I, along with several of my colleagues, introduced S. 316, a measure to expand the wilderness preservation system to include more areas in the Eastern United States. I am pleased that the administration has submitted their bill which I hope will be useful in preserving many of these areas for the use and benefit of the American people for generations to come.

I ask unanimous consent that the letter from the Department of Agriculture accompanying this proposed legislation be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,  
Office of the Secretary,  
Washington, D.C.

Hon. SPIRO T. AGNEW,  
President of the Senate.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill: "To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend Section 3(b) of the Wilderness Act, and for other purposes."

The Department of Agriculture strongly recommends that the draft legislation be enacted by the Congress.

This proposed draft legislation, the Eastern Wilderness Amendments of 1973, would provide a means for supplementing the National Wilderness Preservation System within National Forests east of the one hundredth meridian. It would permit inclusion in the Wilderness System certain National Forest lands in the eastern United States which were once significantly affected by man's works, but where the imprint of man's work is substantially erased, and which have generally reverted to a natural appearance.

The Act would also specifically provide for the review of fifty-three listed areas for possible addition to the System. With respect to approximately one-fourth of these fifty-three "study" areas, the Forest Service has completed many of the studies and procedures needed to make specific recommendations on their suitability for inclusion in the Wilderness System. We believe analyses and inter-agency reviews of these areas should be at least analogous to those contemplated for National Forest Primitive Areas by the Wilderness Act. We expect to complete this review process soon and will be in a position to present further recommendations in the near future.

The Act would further provide that all National Forest System units east of the one hundredth meridian would be generally managed in accordance with the provisions of the Wilderness Act. Notable exceptions would be that the condemnation limitation of the Wilderness Act would not apply to eastern units, all Federal lands within such units would be withdrawn from appropriation or disposition under the mining and mineral leasing laws, and commercial grazing

would not be permitted in such units. Although the need for acquisition of private lands in eastern National Forests results from fragmented ownership patterns, we intend to use the condemnation authority sparingly.

In his February 8, 1972, message on the environment, President Nixon highlighted the unequal distribution of wilderness units throughout the Nation. The President directed the Secretaries of Agriculture and the Interior to accelerate identification of areas in the eastern United States having wilderness potential.

In response to this directive, the Forest Service has invited public input on several alternative ways of meeting eastern needs for areas such as those included in the National Wilderness Preservation System. A series of public listening sessions was held in 21 eastern states in the summer of 1972, to discuss the issues raised by these alternatives. This proposed legislation represents an assessment of the input from those meetings and recommendations to further the President's directive.

An environmental statement is being prepared pursuant to the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), and will be transmitted as soon as it is available.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that the submission of this proposed legislation is in accord with the program of the President.

Sincerely,

EARL L. BUTZ,  
Secretary of Agriculture.

By Mr. RIBICOFF:

S. 942. A bill to transfer and reorganize all existing law-enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation. Referred to the Committee on Government Operations.

THE FBI SHOULD TAKE OVER ALL FEDERAL DRUG LAW ENFORCEMENT

Mr. RIBICOFF. Mr. President, I introduce a bill for appropriate reference to transfer and reorganize the widely scattered Federal law-enforcement programs related to trafficking in narcotics and dangerous drugs into a single new division of the Federal Bureau of Investigation.

Since 1969, Federal law-enforcement efforts aimed at curbing the supply of heroin and other narcotic and dangerous drugs have mushroomed at a rate rivaling the growth of the drug crisis itself. A sevenfold increase in Federal funding, from \$36 million in 1969 to \$257 million proposed in 1974, has served to perpetuate, proliferate, and magnify a disorganized Federal response to the Nation's No. 1 law-enforcement problem.

As difficult as it is to come to grips with the drug crisis, it is even more difficult to get an accurate count of the number of law-enforcement programs the Federal Government has established to meet the crisis. A special analysis of the fiscal 1974 budget related to drug abuse control, prepared by the Office of Management and Budget, places the number at nine. A recent study prepared by the Library of Congress describes 13 such drug law-enforcement programs.

The number of programs would not be an issue if the end result was an efficient,

well-coordinated, highly effective enforcement effort which was succeeding in eradicating the scourge of heroin and other deadly and dangerous drugs. However, the very opposite is the case. No one has stated the problem more precisely than President Nixon himself when, in a related context, he declared:

At present, there are nine federal agencies involved in one fashion or another with the problem of drug addiction. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and severity of the present threat will no longer permit this piecemeal and bureaucratically dispersed effort at drug control.

The most disturbing element in the entire Federal drug law enforcement picture is the sharp rivalry and often bitter feuding between the Nation's two major enforcement agencies—the Bureau of Narcotics and Dangerous Drugs in the Justice Department and the narcotics component of the Customs Bureau in the Treasury Department. A recent GAO report on the heroin-smuggling problem in New York City said the problems between BNDD and Customs “include failing to share intelligence or other information, untimely notice of arrest or seizure, lack of communications, misunderstandings, and personality conflicts.”

The report concluded:

Cooperation and coordination between law enforcement agencies are vital in the government's battle against heroin trafficking. To the extent that cooperation is not fully realized, the government's effort is impeded. The mere existence of overlapping jurisdiction is always a threat to cooperative efforts. Sometimes, as has been the case with these two agencies, the threat becomes actual.

The GAO findings are supported by a task force report sponsored by the criminal law section of the American Bar Association and the Drug Abuse Council. Reporting that “friction, confusion, and jealousies” have arisen between BNDD and Custom agents, the task force concluded:

The long-standing jurisdictional dispute between BNDD and the Bureau of Customs has not been settled. Resolution of this problem is essential to the effective planning and execution of a joint narcotics investigation involving these two agencies. Because numerous proclamations and policy statements have failed to alleviate this problem, other actions are necessary.

My own investigation of the problem—which will be further developed and fully aired during the course of hearings I will hold as chairman of the Subcommittee on Reorganization, Research, and International Organizations—reveals a situation which amounts to nothing less than a national tragedy.

The rivalry between BNDD and Customs which, under controlled circumstances, might take the form of healthy competition and better detective work by each agency, instead has often degenerated into uncontrolled bitter feuding and the actual sabotaging of each other's investigations. Major cases, involving millions of dollars in smuggled heroin and some of the biggest traffickers, are rife with reports of BNDD and Customs agents spying on one another, prematurely seizing the other's

evidence, arresting the other's informants, kidnaping the other's witnesses—all for the purpose of seeking credit for the “big bust.”

One high BNDD official has estimated that about 2 dozen major cases a year—or about 20 percent of the major narcotics caseload—have been adversely affected by the BNDD-Customs rivalry, with some of these cases being blown altogether.

The problem is perhaps worst in New York City, the site of some of the largest heroin convoy cases.

A convoy involves allowing an illicit drug shipment to pass into the country—rather than seizing it at the border and arresting the low-level courier, or “mule”—in the hope of following the shipment and arresting the major trafficker for whom it is destined.

The situation has required the personal intervention of President Nixon, who, in July 1971, issued detailed guidelines to BNDD and Customs agents in the hope of resolving their jurisdictional dispute. Basically, the guidelines gave BNDD primary jurisdiction in both domestic and overseas investigations—even in convoy cases as they crossed Customs lines at ports and borders—and required that jurisdictional disputes be settled by the Attorney General. But Customs was still permitted to initiate smuggling investigations, and with additional Customs agents stationed abroad under guidelines issued in July 1972 the jurisdictional lines have remained blurred.

There is no better evidence of the depth and bitterness of the BNDD-Customs rivalry than in the incredible detail and intricacy of the guidelines themselves. The document is more reminiscent of a cease-fire agreement between combatants than a working agreement between supposedly cooperative agencies. I ask unanimous consent that the guidelines be printed in the Record at the conclusion of my remarks.

To make matters worse, the feuding between BNDD and Customs in New York has spread to the Southern and Eastern Districts of the U.S. Attorney's office. I have been informed that Assistant Attorney General Henry E. Peterson, chief of the criminal division, is currently investigating the consequences of an apparent alliance of the southern district with BNDD and of the eastern district with Customs. Among the incidents under investigation are arrests of each other's informants and a possible shootout involving rival undercover agents who were uninformed of each other's participation in the same case.

The bill I introduce today—the Federal Narcotics and Drug Abuse Law Enforcement Reorganization Act of 1973—seeks to put an end to this dangerous rivalry, as well as to penetrate the bureaucratic morass that generally plagues Federal narcotics law enforcement. It seeks to assure once and for all that Federal agents and other employees will not be pushing papers while criminals remain free to push drugs.

The bill places total responsibility for enforcement of the Federal drug laws in the one agency which, incredibly, has never exercised drug jurisdiction, but which surely has the potential to handle

it; namely, the Federal Bureau of Investigation.

A new Division of Narcotics and Dangerous Drugs would be established in the FBI. The division would be preeminent among the FBI's other divisions by being placed under the supervision of an associate director and two assistant directors, rather than under the supervision of a single assistant director, as is the case for the other divisions.

The Associate Director for Narcotics and Dangerous Drugs, as his title implies, would be responsible for the full spectrum of the drug enforcement problem—dealing both with trafficking in narcotics, or such “hard drugs” as heroin and cocaine, and in dangerous drugs, including such “soft drugs” as amphetamines and barbiturates which pose an increasing problem of abuse, especially among teenagers.

At present, most Federal enforcement efforts are aimed at hard drugs. To assure that soft drugs receive greater enforcement priority, the new division's operations would be geared to the jurisdictions assigned to each of the assistant directors—one with the title of Assistant Director for Narcotics, the other with the title of Assistant Director for Dangerous Drugs.

The new division would be built from the manpower and other resources of the narcotics component of the Office of Investigations of the Customs Bureau, which would be transferred from the Treasury Department to the Justice Department, and of the BNDD, jurisdiction over which would be delegated to the FBI within the Justice Department by the Attorney General. Customs would retain its investigations arm for all other forms of smuggling but drugs. The Attorney General, in consultation with the FBI Director, would establish standards and procedures for the selection of customs and BNDD agents, all of whom are civil service appointees, to be brought into the non-civil service FBI. Transferred agents would retain their present civil service status for at least 1 year, and those not selected for transfer would remain either in Treasury or Justice in the same civil service grade for at least 1 year.

The bill provides for other drug enforcement operations currently within Justice to be delegated wholly to the FBI by the Attorney General—namely, ONNI, the aforementioned intelligence unit, and DALE, the Office of Drug Abuse Law Enforcement, which has used BNDD and customs agents in a Federal assault against street-level heroin pushers. Also, the drug-related functions of LEAA, the Law Enforcement Assistance Administration—primarily in the form of block grants to State and local police for the establishment of narcotics units—would be coordinated in Justice by the Attorney General through the new drug division of the FBI.

The bill also provides for coordination by the President, after consultation with the Attorney General, of all other efforts related to drug law enforcement wherever they may be found in the Federal bureaucracy. These include such diverse efforts as the antimuggling operations of the Border Patrol—in the Immigration and Naturalization Service of Justice—

and of the Coast Guard and the Federal Aviation Administration—each in the Transportation Department—the technical assistance for better narcotics enforcement provided to foreign governments by the Agency for International Development—in the State Department—the tax investigations of major suspected drug traffickers by the Internal Revenue Service—in the Treasury Department—and information gathering on the international narcotics traffic by military intelligence—in the Defense Department—and by the Central Intelligence Agency.

Thus, for the first time all Federal activities related to combating traffic in illicit drugs would be subject to basic policy coordination by a single law enforcement agency. To facilitate such coordination, the bill would establish a Policy Committee on Narcotics and Dangerous Drugs, comprised of the heads of all departments and agencies and their subdivisions which would be subject to the policy directives in the new integrated Federal Drug Enforcement System. The Attorney General would be Chairman of the Committee, and the Director of the FBI and the Associate Director for Narcotics and Dangerous Drugs would be vice chairman and executive director respectively. The committee would replace the Cabinet Committee on International Narcotics Control, chaired by the Secretary of State.

The chaos resulting from our present efforts to enforce the laws against trafficking in narcotics poses a major threat to our national well-being. The President has called the drug problem "public enemy No. 1." I agree. I hope that he agrees with me that now is the time to assign responsibility for it to the Nation's No. 1 law enforcement agency—the FBI.

It is an anachronism for the FBI—the Nation's most highly esteemed, generously funded, and most resourceful law enforcement agency—not to be engaged in combating the most widespread and dangerous crime problem of our day. Such a situation represents an imbalance in our law enforcement priorities and has resulted in the fragmented, fractious enforcement of drug laws by other Federal agencies.

I submit that infusion into the FBI of the best in manpower and expertise from BNDD and Customs will result in a more effective and relevant FBI.

Surely the FBI already has much to bring to narcotics enforcement. Its expertise in surveillance and wiretapping, its superb laboratory and identification resources, and its vast experience in combating organized crime, well equip it to go after the major international traffickers. One prominent Federal law enforcement official has advised me that about 60 percent of the hard drugs moved in New York is controlled by organized crime. It is time that the FBI be brought into this battle.

It should be noted that FBI Director-Designate Patrick Gray III, appears to have made a first step in this direction. Last August he initiated a new procedure whereby FBI agents now specifically debrief their informants on drug matters

and pass on such intelligence to BNDD, Customs, and ONNI agents. Previously, FBI agents did not actively seek narcotics intelligence from their informants. Although Mr. Gray has repeatedly asserted the FBI's lack of narcotics jurisdiction, he also has expressed a very definite interest in drug abuse. I hope now that he has been nominated Director, subject to Senate confirmation, he will advocate an active, primary role for the FBI in this field. Surely, his views on drug enforcement should be a matter of interest and concern to the Senate.

My remarks are not intended to demean the often heroic efforts of BNDD and Customs agents in their fight to bring major traffickers to justice. They have had some enormous successes, as the convictions in recent major cases attest. But their competitiveness and esprit de corps often prove counterproductive, even in these major cases, which could have been even more successful in terms of traffickers arrested and drugs seized, had the BNDD and Customs agents worked harmoniously. My bill would offer them the opportunity to make peace between themselves and to broaden the war effort against traffickers.

The hearings I plan on this bill will carefully explore the need to reorganize drug law enforcement, and I am confident that the subcommittee and the parent Committee on Government Operations will produce a reorganization bill that will not only serve the best interests of all agencies but of the American people as well.

I ask unanimous consent that the following materials be printed in the Record at the conclusion of my remarks: an article from the June 1972 issue of Washington Monthly magazine describing enforcement problems stemming from the BNDD-Customs rivalry; an article from the January 3, 1973 issue of New Yorker magazine describing the role of organized crime in the New York narcotics traffic; the Presidential directive and guidelines of July 2, 1971 which sought to end the BNDD-Customs dispute; followup guidelines issued in the form of a State Department telegram to numerous missions on July 26, 1972; excerpts from Special Budget Analysis R of the Office of Management and Budget describing Federal law enforcement programs, and excerpts from a Library of Congress survey of Federal drug abuse programs dealing with drug law enforcement programs.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 942

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Federal Narcotics and Drug Abuse Law Enforcement Reorganization Act of 1973."*

#### DEFINITIONS

SEC. 2. (a) As used in this Act:

(1) The term "narcotics and dangerous drugs" means controlled substances as defined in Sections 101, 201 and 202 of the Controlled Substances Act.

(2) The term "function" means power and

duty; transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any office or officer of such agency or department.

#### FINDINGS AND DECLARATION OF POLICY

Sec. 3. (a) The Congress hereby finds and declares—

(1) that the proliferation of narcotics and dangerous drugs is the Nation's number one law enforcement problem;

(2) that the enforcement of laws related to narcotics and drug abuse is scattered widely throughout several Federal departments and agencies;

(3) that overlapping jurisdictions, failure to share intelligence and other information, general lack of communication and cooperation, and counterproductive rivalries and competitiveness among law enforcement agencies have resulted from this diffusion of efforts within the Federal government against trafficking in narcotics and dangerous drugs;

(4) that many Americans are needlessly subjected to narcotics addiction, drug abuse and to drug-related crimes because of the breakdown in coordination among Federal law enforcement agencies;

(5) that the Federal Bureau of Investigation is the preeminent Federal law enforcement agency as a result of its extensive manpower, laboratory, intelligence and investigative resources, and because of the high esteem in which it is held by many Americans for its efforts against organized crime, internal subversion and other criminal assaults against the Nation;

(6) that the Federal Bureau of Investigation has never exercised jurisdiction in the area of narcotics and drug abuse law enforcement;

(7) that effective narcotics and drug abuse law enforcement requires establishment of a new division of the Federal Bureau of Investigation with jurisdiction to integrate enforcement of all Federal narcotics and drug abuse laws which is now exercised by other agencies, and to issue policy directives governing the continued law enforcement functions of certain agencies as provided in this Reorganization Act, related to narcotics and dangerous drugs;

(8) that the Federal Bureau of Investigation, through the new division established in this Reorganization Act, integrate the best of the manpower and expertise that has been developed by other federal agencies in building its own capability to deal effectively with all aspects of the narcotics and drug enforcement problem, including combating international and domestic trafficking, improving the quality of state and local enforcement of narcotics and dangerous drug laws, and eradicating narcotics and drug-related corruption at all enforcement levels.

#### TRANSFER OF FUNCTIONS FROM TREASURY DEPARTMENT

Sec. 4. (a) There are hereby transferred to the Attorney General—

(1) All functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Customs (also hereinafter referred to as the "Customs Service") and which involve investigations by its Office of Investigation (Reorganization Plan Number 1 of 1965; 30 Fed. Reg. 7035) leading to seizures and arrests for violations of any Federal law of the United States relating to trafficking in narcotics and dangerous drugs.

(2) all other functions of the Customs Service and the Commissioner of Customs determined by the Director of the Office of Management and Budget to be directly related to functions transferred by paragraph (1) of this section. Nothing in this section shall be construed (A) to preclude the Customs Service from conducting investigations,



making seizures and arrests related to smuggling of contraband other than narcotics and dangerous drugs (B) to make seizures and arrests based on chance discovery of narcotics and a dangerous drugs during actual passage as undeclared merchandise or contraband, through customs lines, or (C) to make seizures and arrests related to narcotics and dangerous drugs at the direction of the Attorney General as provided in section 5(b) of this Reorganization Act.

TRANSFER OF FUNCTIONS FROM  
STATE DEPARTMENT

SEC. 5. (a) There is hereby transferred to the Attorney General all functions of the Secretary of State which are administered through or with respect to the Cabinet Committee on International Narcotics Control.

(b) There are hereby transferred to the Department of Justice all of the positions, personnel, property, records and other funds, available or to be made available, of the Cabinet Committee on International Narcotics Control.

(c) The Attorney General shall make such provisions as he may deem necessary with respect to terminating the affairs of the Cabinet Committee on International Narcotics Control not otherwise provided for in this Reorganization Act.

(d) The Cabinet Committee on International Narcotics Control is hereby abolished and replaced by the Policy Committee on Narcotics and Dangerous Drugs, as provided in section 13 of this Reorganization Act.

DIVISION OF NARCOTICS AND DANGEROUS DRUGS

SEC. 6. (a) There is established in the Department of Justice a new division of the Federal Bureau of Investigation which shall be known as the Division of Narcotics and Dangerous Drugs (hereinafter referred to as the "Division").

(b) All functions transferred to the Attorney General pursuant to the Act shall be delegated to the Director of the Federal Bureau of Investigation. All functions delegated to the Director of the Federal Bureau of Investigation by the Attorney General pursuant to the Act shall be administered through the Division.

(c) The Division shall be headed by an Associate Director for Narcotics and Dangerous Drugs of the Federal Bureau of Investigation who shall be appointed by the Attorney General. In addition to the functions authorized in this Reorganization Act the Associate Director of Narcotics and Dangerous Drugs shall perform such other duties as the Attorney General shall delegate.

(d) There are hereby established in the Division, in addition to the position established in subsection (c) of this section, two new positions of Assistant Director for Narcotics and Assistant Director for Dangerous Drugs of the Federal Bureau of Investigation, appointments to which shall be made by the Attorney General. Each Assistant Director shall perform such functions as the Attorney General shall delegate.

DELEGATION OF AUTHORITY WITHIN THE  
JUSTICE DEPARTMENT

SEC. 7. (a) The Attorney General shall delegate authority over functions performed by the Bureau of Narcotics and Dangerous Drugs under Reorganization Plan Number 1 of 1968 to the Director of the Federal Bureau of Investigation.

(b) The Attorney General shall delegate authority over functions performed by the Office of Drug Abuse Law Enforcement under Executive Order 11641 of 1972 (FR Doc. 72-1625) to the Director of the Federal Bureau of Investigation.

(c) The Attorney General shall delegate authority over functions performed by the Office of National Narcotics Intelligence under Executive Order 11676 of 1972 (FR Doc. 72-11980) to the Director of the Federal Bureau of Investigation.

(d) The Attorney General shall assign to the Director of the Federal Bureau of Investigation the positions, personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or be made available, under terms and conditions that the Attorney General shall designate, (1) of the Bureau of Narcotics and Dangerous Drugs, (2) of the Office of Drug Abuse Law Enforcement and (3) of the Office for National Narcotics Intelligence.

(e) The Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence, including the Offices of Directors of each of these agencies, are hereby abolished. The Attorney General shall make such provision as he may deem necessary with respect to terminating the affairs of these agencies not otherwise provided for in the Act.

(f) The Attorney General shall delegate to the Director of the Federal Bureau of Investigation authority over functions performed by the Immigration and Naturalization Service, including functions performed by the Border Patrol, related to trafficking in narcotics and dangerous drugs across the borders of the United States at places other than ports of entry. The Immigration and Naturalization Service, including the Border Patrol, shall perform functions related to enforcement of any law of the United States pertaining to narcotics and dangerous drugs consistent with policy directives that shall be issued from time to time by the Director of the Federal Bureau of Investigation.

(g) The Attorney General shall delegate to the Director of the Federal Bureau of Investigation authority over functions performed by the Law Enforcement Assistance Administration related to the awarding of block grants for the planning, establishment and operation of narcotics and dangerous drug enforcement units at the state and local levels, pursuant to Parts B and C of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 92-351; 82 Stat. 197). The Law Enforcement Assistance Administration shall perform such functions consistent with policy directives that shall be issued from time to time by the Attorney General after consultation with the Director of the Federal Bureau of Investigation.

(h) The Attorney General shall promulgate regulations for the purpose of delegating authority not otherwise provided in this section but necessary for achieving the objectives of this Reorganization Act.

POLICY DIRECTIVES TO THE TRANSPORTATION  
DEPARTMENT

SEC. 8. The President, after consultation with the Attorney General, shall direct the Secretary of Transportation with respect to the following functions related to trafficking in narcotics and dangerous drugs.

(1) Operations of the Coast Guard in the enforcement of any law of the United States relating to trafficking in narcotics and dangerous drugs.

(2) Operations of the Federal Aviation Administration in the enforcement of any law of the United States relating to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE STATE  
DEPARTMENT

SEC. 9. (a) The President, after consultation with the Attorney General, shall direct the Secretary of State with respect to the following functions related to trafficking in narcotics and dangerous drugs.

(1) Operations of the Agency for International Development in supplying economic and technical assistance to foreign governments for development of narcotics control programs.

(2) Relations generally with foreign governments for the purpose of coordinating control of international narcotics traffic.

POLICY DIRECTIVES TO THE CENTRAL  
INTELLIGENCE AGENCY

SEC. 10. (a) The President, after consultation with the Attorney General, shall direct the Director of the Central Intelligence Agency with respect to all of the Director's functions related to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE SECRETARY OF  
DEFENSE

SEC. 11. (a) The President, after consultation with the Attorney General, shall direct the Secretary of Defense with respect to all of the Secretary's functions related to trafficking in narcotics and dangerous drugs.

POLICY DIRECTIVES TO THE TREASURY  
DEPARTMENT

SEC. 12. (a) The President, after consultation with the Attorney General, shall direct the Secretary of the Treasury with respect to functions administered through or with respect to the Internal Revenue Service that relate to the trafficking in narcotics and dangerous drugs.

POLICY COMMITTEE ON NARCOTICS AND  
DANGEROUS DRUGS

SEC. 13. (a) There is established a Policy Committee on Narcotics and Dangerous Drugs.

(b) The Attorney General shall be Chairman of the Committee. The Director of the Federal Bureau of Investigation shall be Vice Chairman of the Committee. The Associate Director for Narcotics and Drug Abuse of the Federal Bureau of Investigation shall be Executive Director of the Committee.

(c) Members of the Committee shall be appointed by the President from all departments and agencies and their subdivisions, which, under the provisions of this Reorganization Act, have functions related to trafficking in narcotics and dangerous drugs and of such other departments and agencies, and their subdivisions, as the President, after consultation with the Attorney General, may subsequently designate.

(d) The Committee shall meet from time to time to expedite and coordinate the policy directives issued by the President after consultation with the Attorney General.

TRANSFER MATTERS

SEC. 14. (a) The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall establish standards and procedures for the selection of personnel of the Bureau of Customs in the Treasury Department and of the Bureau of Narcotics and Dangerous Drugs in the Justice Department to be transferred to the Federal Bureau of Investigation in accordance with the provisions of this section. Criteria for such standards and procedures shall reflect consideration of each employee's record in meeting the responsibilities of, and possessing the skills for, effective investigation related to trafficking of narcotics and dangerous drugs. All personnel selected for transfer shall be without reduction in classification or compensation for one year after such transfer, except that the Attorney General shall have full authority to assign personnel during such one year period in order to efficiently carry out functions transferred under this Reorganization Act. After such one-year period the Attorney General, in consultation with the Director, shall establish appropriate status for all transferred personnel within the Federal Bureau of Investigation.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act by the Treasury Department and the State Department any functions of which are transferred by this Act; and (2) which are in effect at the time this Act

takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Justice Department, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before any department or agency, functions of which are transferred by this Act; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Justice Department. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Justice Department by a court of competent jurisdiction, or by operation of law.

(d) The provisions of this Act shall not affect suits commenced prior to the date this Act takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted; except that if before the date on which this Act takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Justice Department, then such suit shall be continued by the Justice Department. No cause of action, and no suit, action, or other proceeding, by or against the Treasury Department and the State Department (or officer thereof in his official capacity) functions of which are transferred by this Act shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Justice Department as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(e) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers provided in this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

[From the Washington Monthly, June 1972]  
THE AMERICAN CONNECTION

(By John Rothchild and Tom Ricketts)

No matter how well organized they are, we will be better organized.—President Lyndon Johnson, on creating the Bureau of Narcotics and Dangerous Drugs.

The government has made a certain kind of progress in fighting the drug traffic. There was a time when the dope smuggler, making the deal with Frog One, had to worry that a narc might be watching. Now, the smuggler has to consider that a whole trail of narcs—from the Bureau of Narcotics and Dangerous Drugs (BNDD), the Bureau of Customs, the new Special Office of Drug Abuse Law Enforcement, the city police, and the state police—may be strung out behind him, all with steely eyes, shoulder holsters, and ham sandwiches, all ready to move in for the bust.

The dope smuggler might get scared at the prospect of so many agencies watching him, except for one detail. It is more likely that Narc One has an eye on Narc Two, who in turn is tailing Narc Three, and so on down the line. While the match of wits between the law and the drug trafficker is interesting, it is the jostling between the various government agencies along the trail which demands even more cunning, daring, and attention from the aggressive narc. It would be easy enough for a Customs agent to follow a car of junkies to a bust, except when he considers that at any corner an unmarked

BNDD car might squeeze in between him and the seizure, or if he realizes that those junkies themselves might be undercover agents, believing him to be the junkie and enticing him into a trap. Such are the perils of the American connection.

Why do so many agencies follow the same drug dealers? In the genius of a multi-agency approach, each has its own reason. The treasury men from the old Bureau of Narcotics used to be there because drugs were a tax problem, while the pill people from the Food and Drug Administration were on the street because drugs were a medical problem. President Johnson abolished these agencies in 1968 and established BNDD, in the Justice Department, with jurisdiction over all drug trafficking, because drugs are primarily a law-enforcement problem. Customs agents from Treasury, meanwhile, continue to search out dope because of their special mandate to attack the drug smuggling problem. The enforcers, therefore, have divided their territory through the dictionary, while the underworld defined its turf with a map.

This means that only one junkie will be there to pick up the drugs, but several enforcers may arrive to pick up the junkie. Such a spectacle can be a show of force, in keeping with President Nixon's declaration that drugs are public enemy number one. It also increases the government's chance of stumbling onto something. Finally, the heroin dealer might wonder if he is actually a smuggler, potential prey for Customs—or a trafficker, grist for the BNDD. Customs and BNDD are wondering, too.

#### NARC, NARC, WHO'S THERE?

Consider a case still in the works. The BNDD, through its continental network of agents, has enough evidence to convict a major dealer in France and prepares to swoop in. The Bureau of Customs, through one of its couriers, has developed an equally strong case against the same person. Both are feverishly clawing toward him like two lovers on a single strand of spaghetti. A U.S. District Attorney agrees to prosecute both cases, but the BNDD refuses to cooperate unless its indictment is heard first. Meanwhile, the heroin smuggler drops out of sight, and nobody can find him.

In another case, BNDD has been struggling for years to gather enough evidence to bust a major trafficker in a large city. They finally get to his bank account and trace an entire network of buyers and sellers through the withdrawals and deposits. The central trafficker, however, continues to elude the BNDD. Then one day he shows up in a Customs line, coming into the country with heroin packed in picture frames. After all of BNDD's work, some Customs luggage-shaker gets the guy by pure accident. Customs is anxious to put its man together with BNDD's bank accounts, but BNDD refuses. Each side takes its piece of the evidence and goes home.

John Ingersoll, head of the BNDD, explains such common squabbles between two agencies dedicated to the same objective: "In many things, there are differences of opinion, but that does not impede our cooperation." Cooperation, however, is not something that federal drug agencies throw around loosely. Nobody can be trusted in this drug mirage, least of all another agency. Go down to any border, where Customs, the nation's first line of defense against smugglers, is watching out from behind those reflector sunglasses. Customs men are not supposed to divert their gaze. They are not going to show easy favoritism by taking their eyes off some drugs just because another federal agency, the BNDD, happens to want to bring them in.

Such BNDD requests usually involve convoy cases. A convoy takes place when an agency knows a drug shipment is coming into the country, but decides to let it pass unhindered through the border so that import-

ant buyers or dealers can be arrested farther up the line. Usually, only the lowly couriers, or mules, show up with the stuff at the border.

The danger in every BNDD convoy, as BNDD sees it, is that at some point the convoy must unavoidably permeate a border and enter the fiefdom of Customs. The BNDD worries about this, much as a heroin trafficker sweats a little when his carload has to drive through a rival's territory. Customs doesn't deliberately try to be nasty, but its agents know that sometimes it is prudent to haul in the drugs while they are within their grasp, rather than risk a later screw-up due to another agency's mistakes. BNDD, in contrast, says the reason Customs likes to stop convoys at the border is that the only way Customs ever finds any heroin is to hear in advance from BNDD that a batch is coming through. The urge to see heroin makes Customs itchy at the border when the trafficker passes by with a gloating BNDD agent following behind.

But while Customs may miss most of the illegal heroin that pours by under its nose, Customs has little trouble uncovering and busting BNDD convoys, even without prior information. Within the last year, for example, BNDD tried to sneak a boatload of marijuana into the port of Miami. BNDD failed to notify Customs of this convoy, but Customs found out about it anyway, seized the BNDD vessel, and promptly impounded it.

#### EUSTING JOSE GARCIA

Since the BNDD has trouble actually slipping its convoys through Customs' border, the option of cooperating with the agencies could never reach agreement on how such cooperation might actually work, the President's Advisory Council on Executive Organization came up with some proposals which were adopted by President Nixon in June, 1970, ratified by the directors of both agencies, and printed in the agent's manual. The BNDD agent can find on page three of his manual that "smuggling violations not terminated at ports and borders come within the jurisdiction of BNDD unless such jurisdiction is waived," while the Customs partisan discovers on page six of the same manual that "smuggling investigations not terminated at ports and borders . . . are considered potential joint investigations. Investigative direction of such cases . . . will remain with the initiating agency." These guidelines are not understood by the underworld, who wonder why the two agencies don't go to the mattresses and clear things up once and for all.

A source high in the BNDD recently described for Congressman John Murphy of New York (who has introduced a bill to eliminate the American connection by making the BNDD the sole drug cop) how Customs weighs the relative strength of these two mandates and decides whether to authorize the convoy, or bust at the border and hit first with a press release.

Murphy: "Did you tell me that BNDD would rather let a hundred pounds through than make the seizures. . . ."

BNDD: "Customs doesn't prefer to make the seizures at the border as a general rule unless it's our case. And then they always prefer to make the case at the border."

Murphy: "You're saying it depends on who's in charge. . . . If it is their case they let it go through. . . ."

BNDD: "They want to follow their things through without cutting us in on it except to notify us that they are bringing a convoy through. . . . Let's take this example. Our undercover agent in Chicago has been introduced to a drug trafficker by one of our informers and it turns out this drug trafficker happens to be an informer of the Bureau of Customs who's up in Chicago soliciting purchasers. So he makes a deal for the drugs to come in and Customs convoys the

damn stuff through from Mexico up to Chicago and there is a possibility that they may be delivering it to one of our undercover agents. To reduce that possibility they have agreed to tell us every time a convoy is coming through. But there is great difficulty for us to join up with that convoy, and they will not allow us to assume investigative jurisdiction in the case because they call it a smuggling violation and they do not want to bust that on the border because they say they are getting no one except Jose Jesus Garcia and the one they really want to get is the trafficker in Chicago. But when it is one of our cases they want to bust the damn thing at the border and get Jose Jesus Garcia."

BNDD is sometimes not pleased to see its convoy bounce off Customs and land on Jose Garcia, the proverbial mule. Convoys take months to develop and often involve risks to agents and informers, plus thousands of dollars to pay people off and buy the drugs. Garcia by himself they can live with—a lot of cases never get beyond the mules. But the bust at the border also puts Garcia on Customs' side of the counter—one more Customs arrest, a little more heroin sprinkled on their yearly pile, a little more ink on their seizure charts. BNDD is rescued from having to accept this indignity by its overseas agents. Customs may hold court over the border pores of the nation, but BNDD has control over the rest of the world, where it can make arrests in conjunction with foreign police. If Customs is waiting to get Jose Garcia at the border; BNDD can outflank them by busting Pierre Garcia before the case ever leaves France. BNDD calls this "going to the source" of the drug traffic.

In the LaBay case, for instance, a French businessman was arrested in Paris last October with 233 pounds of heroin stuffed into five suitcases and hidden in his car. Customs got wind of the case, and suggested that BNDD convoy the car over to New York, where the pick-up person could be hit or traced back to the higher-ups. BNDD and the French police, however, decided the car was not up to the long trip.

A few months earlier, Customs was looking out over the Mexican border, waiting for a heroin shipment. Customs planned to follow the junk to some major distributors on the American side. They kept watch, nothing was moving, and the agents began to get restless. Maybe the smugglers were tipped off, or maybe the buyers couldn't raise the money. While Customs was wondering, BNDD moved in with Mexican police to scuttle the convoy and jail the mules somewhere south of the border. A few more miles and the smugglers would have been in Customs territory.

When you add up all these differences of opinion between Customs and BNDD which have jeopardized, in the estimate of a high BNDD official, at least 20 per cent of all federal drug cases, you are tempted to make the quick judgment that the agencies cut off each other more than they cut off drugs. However, before you blame an agency for not cooperating, it is only fair to ask what the agency has to go through when it actually tries to cooperate on a collective bust, as prescribed in the various guidelines and memoranda of understanding. One example of such an effort is the Jaguar case, where both Customs' director Myles Ambrose and BNDD's John Ingersoll co-announced the seizure of 200 pounds of heroin and the arrest of five persons in New York last September—the second largest seizure in the city's history.

#### SNITCHING THE FLOUR

Before the beige Jaguar, loaded with heroin, was ever permitted to be convoyed from France on the Queen Elizabeth II, the case was in the solid grip of the BNDD. They had found the informant, paid him \$50,000, set up the shipment, and discovered where the stuff was hidden in the car. BNDD was

ready to bring the Jaguar to New York, secretly confiscate the heroin and replace it with white flour or milk sugar, and follow the car to the buyers.

Customs had no particular quibble with this plan, except for one detail. It was clear to them that the principals in the Jaguar case were acting much more like smugglers than like traffickers, and that called for Customs' special expertise. They would be more than glad to exempt the car from border seizure provided that they could take out the heroin and substitute Customs flour.

While the French were loading the heroin into the Jaguar with comparative ease, the dispute over whose flour would replace it began slowly rising to the top of both agencies. According to one source, the final flour decision went beyond Ambrose and Ingersoll and "got as high as Kleindienst." (Under the guidelines, the Attorney General's office is the final arbiter. Customs views this arrangement as unfortunate, since BNDD is in the Justice Department.) Sure enough, BNDD flour prevailed, and that agency would be in charge of all arrangements, although the names of both agencies would be attached to the case and it would be announced to the public as reflecting on the cooperative spirit of both bureaus.

To a Customs agent down at the port, however, Kleindienst is one thing and heroin is another. Customs has seen the Kleindiensts come and go, but it has not seen all that much heroin, having picked up, for instance, just 346 pounds in the year preceding Jaguar—while tons were flowing over, under, and across its borders. An agent wants to respect the wishes of the Advisory Commission and Reorganization Plan Number One, which created BNDD, but not when 200 pounds of smack is sitting in a car right in front of him, separated from his grasp by a memorandum. It was too much for the Customs agent to bear. He tapped into the Jaguar and pulled out just one small packet, just to get the feel, and to prove to BNDD that Customs knew how to find the stuff. (BNDD could otherwise have chided Customs for not being able to uncover the cache even though BNDD told them in advance where it was.) A Customs agent made this token snitch before BNDD could make the big flour exchange.

The token snitch would eventually provide an opportunity to jeopardize the Jaguar case once it came to trial, but before that, at least one other agency would have its chance to complicate matters. This time, it was the U.S. Army. Based on prior agreement, BNDD and the Army had installed a homing device into the electrical system of the Jaguar so it could be tailed by Army helicopters. The plan was abandoned at the last minute when somebody pointed out that Americans get nervous seeing Army helicopters over the highways. The homing unit was removed and the flour substitution effected while the car was stored at a New York garage awaiting its pick-up by hopefully unsuspecting couriers.

When the couriers arrived and drove the Jaguar out of the garage, a long procession of narcs fell in line. Unfortunately, the electrical system of the Jaguar, still recovering from the homing surgery, fizzled, leaving the Jaguar stalled and the narcs strung out behind like a funeral procession when the hearse has a blow-out.

The lead narc, wearing long hair and carrying a purse so as not to arouse suspicion, walked up to the stalled Jaguar and asked if the occupants needed any help. Could it be the wiring? The couriers, unaware of where the stuff was stored, and worried that the loosening of any bolt might result in a flood of heroin, turned down the road service. The narcs had to make the bust right there. Meanwhile, somewhere in the city, the buyers went home empty-handed, not knowing that they were saved by BNDD electricians from being arrested while receiving BNDD flour.

While the big boys were slipping through the faulty wiring, Customs, rarely outdone by the BNDD, gave the arrested couriers a potential free ticket out of court on the token heroin snitch. At the trial, the heroin packet found its way into the arguments of defense lawyers, who dug up an obscure legal precedent under which only one border search is permitted. They argued that the Customs agent's revenge constituted that single search, thus invalidating the entire flour exchange as evidence. The judge ruled against them and the traffickers were convicted.

Usually, this Kilroy-Was-Here urge of Customs agents doesn't jeopardize cases, but it does keep the BNDD on its toes. Recently, for instance, a BNDD undercover operative in a major city had talked his way into the confidence of some buyers and was preparing to sell them a little convoyed heroin. The BNDD man stood by sheepishly while the traffickers opened the packets, only to find that a Customs agent on the border had autographed the shipment and put a date on it. The BNDD's clandestine network suffered a setback, but the traffickers would at least realize that you can't fool Customs.

#### ARRESTING YOURSELF

This jealousy developed over convoy cases and the frustration over successful cooperative joint ventures like Jaguar would be greater if the agencies did not do so much of their work under cover. Much of the time, an agent who might get mad at a rival agent encroaching on his territory either doesn't know that the other person is an agent or that he is pursuing the same case. If a Customs informant, for example, knew that he had just sold dope to an undercover BNDD man, he might harbor resentment. Luckily, much of the time he doesn't know.

Every solution in one place creates problems in another, of course, and this ignorance lessens direct conflict only at a high cost in confusion. Because there are often four agencies working under cover, an agent has to try to guess whether the person he is tracking down is really a junkie, a police pigeon, an informant for another agency, or a combination of all three. During an episode in New York, a police informant led some narcs to a buy, and they waited in the shadows to make the arrest. The seller, however, happened to be working for another agency. He was there to sell flour and he didn't know his client was the police department.

BNDD and Customs are particularly susceptible to this confusion because the former likes to bust large purchasers, the big boys, and uses its undercover operatives to sell narcotics. Customs, on the other hand, specializes in nabbing the sellers, and uses its undercover men to buy narcotics. It is possible that the federal government has actually sold dope to itself. The same government has, on occasion, tried to arrest itself.

The most recent example occurred at a warehouse on the West coast, according to a BNDD source. BNDD has the place under surveillance and comes in with guns drawn to nab some heroin dealers with the goods. Customs is watching the same warehouse and thinks that those men with guns are a rival drug faction trying to heist the drugs. A scene is narrowly averted in which the incredulous heroin dealers walk out of the trap after watching two federal agencies gun each other down.

One wonders what all these interagency blitzes have to do with the drug traffic. Such an approach, however, inhibits understanding. In 50 years of creative organization, the narcotics agencies have had about as much luck stopping heroin as the Prohibition people had in drying up the country. The American connection tussles over seizures which in the best years represent perhaps 10 per cent of the heroin traffic, a 10 per cent that is probably replaced into the system. The

addicts are well enough supplied. For them, the difference between legal and illegal heroin is the price. For the public, the difference is between the cost of maintaining clinics for legal dope and the cost of all the crime generated to buy illegal dope, plus the cost of the narcs who fail to deter it.

To the federal agency, however, there is a difference between actually stopping the drug traffic and preserving the potential to stop the drug traffic. This is why the agencies, for all their apparent confusion, have the ultimate advantage over the heroin pusher and dealer. The heroin dealer must actually deliver the goods or else go out of business. The federal agent, on the other hand, has already demonstrated his ability to survive even if he is not actually stopping up the drug flow. As a matter of fact, the more drugs that come in, the more agencies that are created to stop them—the more the traffic is rerouted, the more the agencies are reorganized. These bureaus are smart enough not to become dependent on the product itself. They are dependent on statistics. Even when there are no drugs, there will be drug statistics.

Numbers in hand, any federal agency has two roads to survival. It can attach itself to an insoluble problem, such as poverty, racism, or war. Thus, the agency becomes immortal on the grounds of potentiality. Or it can take the gradual-improvement approach, basing its existence on the fact that some condition was much worse before, is better now, and will be still better in the future. The latter approach has ultimate disadvantages, as we see in the old Bureau of Narcotics, the BNDD's predecessor.

#### TURNING ON THE SKI JUMP

The Bureau of Narcotics, under Harry J. Anslinger, took the gradual-improvement road when it began sliding down the ski-jump curve in 1930. The ski-jump curve, explained Alfred Lindesmith in his book, *The Addict and the Law*, was a dubious method of counting the number of addicts in the U.S., based on the notion that there was a peak somewhere between 250,000 and 2.5 million addicts between the turn of the century and World War I. By showing a slow downfall in this number from 1930 forward, the Bureau of Narcotics could continue to prove its indispensability to the public and to each successive Congress.

The ski jump was based on local and state police reports to the Bureau of Narcotics on how many addicts they had identified during a given year. Most years the Bureau said there were thousands of new addicts, but that the total number continued to decline. For this to happen, as Lindesmith says, thousands of addicts must have been miraculously recovering from their habit every year, a fact not supported by the Bureau's theories on the perils of addiction. (The Bureau had always been good with numbers. A declining drug-arrest rate meant that addiction was on the wane, while an increasing arrest rate meant the Bureau was curbing addiction by catching more dealers.)

Even during its prosperous years, however, the Bureau had not looked as healthy on the ski-jump curve as other agencies who took the dismal or insoluble crisis approach. There is always more money, and therefore security, in working against bad housing, which is always around, than against the Mediterranean fruit fly, which may not be. The Bureau of Narcotics always got praise, but almost never got budget increases, or new offices. It also had to prepare for the day when the curve would level out or fall to zero, thus dumping the entire agency out on its tail.

The successor agency to the Bureau of Narcotics, the BNDD, was rescued from this dilemma by the hippies and by the narcotics epidemic of 1968. The ski-jump curve was promptly buried in an avalanche of ad-

dicts. Nobody knew just how many addicts, but there were a lot more than the old Bureau had estimated. John Ingersoll, director of the BNDD, began saying 100,000 (this figure, of course, did not reflect on the policies of his fledgling agency). Myles Ambrose, head of Customs, was saying sometimes 250,000, sometimes 300,000 addicts. One congressman complained about a "stag-gering" 62,000. Recently, the BNDD put all speculation to rest with a new reporting system based not only police reports, but on interviews with addicts. Matching the accuracy of its predecessors, BNDD has discovered that there are now 559,224 addicts in the United States.

This number made it hard to continue to fall back on the gradual-improvement theory, so both Customs and BNDD quickly embraced the insoluble problem alternative, which turned the ski jump upside down. Instead of slowly sliding toward perfection, the agencies were all of a sudden blocking the nation's slide into drug oblivion. Eugene Rossides, an official at Customs, described the dynamics of the new effort:

"In my judgment President Nixon's war on drug abuse is succeeding. He has arrested the United States' incredible downward slide into drug abuse [we have done a lot] . . . but let there be no false optimism [don't expect too much]. We have a long and steep climb ahead of us just to return to the level from which we fell [we are in a crisis]. It will require the active participation of all of us [more money]. However, I am confident that the challenge will be met. [The money will be worth it.]"

A word should be said in support of the departed ski-jump curve. If there had been no curve in the first place, there could never have been an incredible downward slide into addiction for the agencies to rescue us from. Nobody can tell exactly how many new addicts have appeared in the last three years, but it is clear that these extra 500,000 didn't shoot up overnight. Thus, the addict who was left off the ski-jump curve 10 years ago for the sake of the Bureau of Narcotics, now can be put back on the rolls for the health of the new BNDD. If the old Bureau had kept reliable statistics, or no statistics we would probably see merely a slow rise in addiction which would prompt criticism of the agencies' practices and perhaps even budget cuts. Nobody, however, can be blamed for an epidemic.

#### THE SEIZURE CHART WAR

All this luxury does have its drawbacks. Until the agencies can come up with some way of showing another decline in addiction, they have to prove their worthiness by other means. Both the BNDD and Customs have turned to the seizure chart, once merely window dressing for the old Bureau of Narcotics when the proof was in the ski-jump curve. Now, the public depends on the seizure chart for its knowledge of whether the war against the drug traffic is succeeding or failing.

Seizure charts are in some ways superior to addict counts. They are certainly more exciting, because the numbers represent actual lumps of heroin taken from Frog One and his colleagues in dramatic episodes. Moreover, while the addict count is a direct measure of addiction, the seizure rate is hard to connect with the actual heroin traffic. Nobody knows what effect increased seizures has on drug sales, whether more is put into the system to replace what is lost, or whether less is available for the addict. Nobody, for that matter, has any idea of how much heroin comes into the country. Customs can therefore claim a gigantic increase in heroin seizures, from 210 pounds in 1969 to 348.8 pounds in 1970 to 1,308.85 pounds in 1971, with the assurance that nobody, not even Customs, will know what that number really represents. When U.S. News and World Report recently asked Myles Ambrose, "Is the

traffic in narcotics increasing?" he said: "It has been at such an inordinately high level that it would be very difficult to measure whether it is increasing or decreasing."

Seizure charts have still a third bureaucratic advantage. If the drug traffic is actually increasing, the odds are that government drug arrests and confiscations will also increase, although the narcs will still be getting the same percentage of the traffic. This means that the worse the problem gets the more the federal government will appear to be solving it. If you accept the BNDD's addiction rates, the two agencies are already making the most of these misfortunes.

Finally, seizure rates provides numerical flexibility. An addict is an addict, but a seizure can be a gram, a pound, a kilo, or a dose, depending on which looks better. In 1967, for instance, BNDD was confiscating heroin in grams (35,000), while in 1969 it was picking up pounds. In times of real drought, the agencies can switch to doses, diluting their statistics much as the traffickers dilute their heroin. The agencies also have the option, unavailable to drug pushers, of lumping everything together into one spectacular junk pile. Instead of promoting a heroin seizure figure, the agency comes out with its total hard drug haul, which includes heroin, morphine, cocaine, and others. Most important, seizures can be converted into money. This makes possible a direct comparison with the agency budget allotment. A sample seizure press release, this one from Customs, reads like this:

An unprecedented total of \$617.3-million\* worth of illicit drugs and narcotics—approximately three times its annual budget—was seized by the Bureau of Customs in the first 10 months of the calendar year, U.S. Commissioner of Customs Myles J. Ambrose announced today.

The figure was based on the estimated street value of the drugs. It represents a 400-per-cent increase over the volume of narcotic drugs seized during the corresponding 10-month period in 1970 when the total was \$119.3 million.

The number of individual seizures climbed from 7,961 to 8,806 while the aggregate quantity of all drugs rose from 124,720 to 165,281 pounds.

#### CONTINENTAL BLITZ

Things may be confusing to Narc One on the street, but his boss has no trouble keeping the BNDD seizure chart separate from the Customs seizure chart. Narc One is told that he should cooperate with Narc Two, he has heard the officials proclaim the historic unity between the agencies. But he also knows what happens if the junkie ends up as a Narc Two statistic. Cooperation with your rival agents, therefore, means walking arm-in-arm out of New York Attorney General Andrew Maloney's office slowly enough so the other agent won't get panicked and think you are trying to out-race him, and fast enough so you will make it to the bust first. That happened recently after Maloney advised both a Customs and a BNDD agent that a shipment was coming in. Customs got the case when BNDD's car wouldn't start.

At the start of the Nixon Administration, BNDD was safely in the lead of the cooperative war. It had the tradition of Harry Anslinger, the statisticians of the ski-jump curve, and the Justice Department. BNDD's foreign agents could blitz Customs on every continent. Customs, from its position down at the border, had never done much drug catching, and the agency hadn't gotten anywhere by approaching Congress year after year with warnings about the mound of suitcases piling on its harried inspectors from the international tourist boom. But, under bulldog Myles Ambrose, who reportedly has a "Bust a Junkie" sign on his desk, the agency began to get healthier when it could show that some of these suitcases had false bottoms and contained dope. Customs got an



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extra \$8.75-million boost in 1969 for 915 additional narcs, and was also given enough airplanes and sensors to create a pusher's DMZ at the Mexican border. Its total budget grew from \$89 million in 1968 to \$189 million in 1972. BNDD, meanwhile, was expanding from an original \$14.4 million for 600 agents in 1968 to \$65.1 million for over 1,300 in 1971.

## UP AGAINST AGENT O'HARA

There were two ways the agencies could approach this seizure war. One would be to actually bust more junkies than the other, and the second would be to concentrate on a more creative use of what was actually seized. It is in the latter area that Customs gained ground. Ambrose's men began to make historic and dramatic busts, as opposed to the run-of-the-mill busts of the BNDD. The difference between a dramatic bust and a routine bust is the difference between a human Customs inspector sniffing out some marijuana, and a pot-smelling dog doing the same thing. Ambrose had the dogs, and they made newspaper stories, while BNDD was stumbling around looking for French heroin labs.

Ingersoll also made the classic mistake of going after the Families, the 10 or so underworld systems responsible, he said, for most of the drug traffic in this country. The Families technique had been tried before, and as any narc can tell you, it never works. Some mules you get, but not the Families. "People out in White Plains may have some fascination for the big shots," says one ex-narc. "But it doesn't mean much. They want to get that pusher down the street." Going after the Families, like writing the Great American Novel, can be an excuse to sit around and do nothing. Ambrose, meanwhile, was taking the street approach, making the neighborhood safe from the old dope peddler.

Ingersoll's narcs were off on this wild goose chase while Ambrose was secretly meeting with Jack Webb and the network television people. Both Customs and BNDD had hoped to get their own TV shows, but "O'Hara, U.S. Treasury" beat BNDD to the living rooms, and by the time Ingersoll got to the networks, according to John Finlator, former BNDD deputy director, "the anti-violence thing had taken over" and the BNDD show was turned down. O'Hara put the double screw on BNDD; even as real Customs agents were outmaneuvering BNDD at the street level, its television agent, O'Hara, was busting the major pushers. Every week, Customs' high-quality detective would crush another Big Family on ABC, while its luggage-shakers were getting a high-quantity seizure record by mopping up all the little busts. BNDD was squeezed out somewhere between O'Hara and the border.

BNDD, not easily outdone, retaliated with the open files and the incredible lump. Opening the files to reporters finally got the BNDD into the newspaper, where Ambrose's pot-sniffing dogs and computer narcs and heroin-DMZ had been all along. (*Newsweek* recently ran a big feature on BNDD's South America work.) And the BNDD surfaced with the incredible lump in its January, 1972, seizure press release, when it heaped all its seizures of narcotics and dangerous drugs from an entire world-wide illicit market into one, unprecedented, \$920-million pile. This total included heroin, morphine base, and opium—domestic and foreign hauls—and pushed the BNDD chart to 3,784 pounds, far beyond anything previously claimed. The fact that some of these ingredients might not have been destined for U.S. consumption, or that many of these seizures, as one Customs official charged, "were made entirely by foreign police," was obscured by the numerical heft of the composite bust.

Customs, meanwhile, aware of the growing benefits of this go-to-the-source technique, asked Congress for more of its own overseas agents, so as not to be "blindfolded at the border." This would provide the chance for

cooperation with BNDD abroad as well as at home. BNDD complained that the guidelines would prohibit this, but Customs offered to help write new guidelines.

While both agencies wrestled over international coordination, Ambrose outflanked both his friends at Treasury and his rivals at BNDD. What the drug way really needed, he convinced President Nixon, was a totally new agency, able to integrate its attack with all the other agencies. The others were doing a pretty good job, but they did not have the promise of a Special Office of Drug Abuse Law Enforcement—the President's arm—especially if that Office were headed by Myles Ambrose. Some reorganization would be needed, since Ambrose planned to take 250 agents, or about 20 per cent of the entire drug force, away from BNDD, and would also draw from other government narc pools. Ingersoll assured everybody that this would be no problem for BNDD. His agents might be working for Ambrose, but he would retain, as he put it, "administrative jurisdiction."

The new agency would also demand a revolutionary approach—an all-out blitz on the street-level heroin pusher, reminiscent of the traditional clean-up campaigns. (Carl Perrian, of Rep. Murphy's staff, notes that before a big drug hearing in San Diego in 1965, Customs boasted that its men had just "cleaned up" Tijuana. Perrian left the meeting, took \$190 into Tijuana and returned a few hours later to lay a pocketful of drugs on the committee table). Ambrose's clean-up, carefully timed over the next few months, will be national in scope.

With Narc Six sneaking up at the rear of the long line of agents behind the drug smuggler, some new problems might arise. Is the BNDD narc on loan to the new agency supposed to bust for Ambrose or for Ingersoll? Three federal agencies might try to sell flour to each other, and there might be some uncertainty about the triple convoys. But the magnitude of the drug crisis is great enough to override such limitations, and the only thing that remains is to explain why another agency is necessary. President Nixon did:

At present, there are nine federal agencies involved in one fashion or another with the problem of drug addiction. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control.

## ANATOMY OF THE DRUG WAR

(By Nicholas Pileggi)

After a series of secret meetings in August, the city's Mafia leaders decided to end their ten-year self-imposed prohibition and re-enter the narcotics business. It was a decision based on the fact that the profits in drugs today are greater and the risks more remote than ever. Long before the public was aware that the police department property clerk's office served as a major drug supply center, Mafiosi knew that law enforcement in the area had broken down. It was the Mafiosi, after all who were buying back much of the same heroin and cocaine that was being seized from them by narcotics agents.

The decision, aside from its probable social consequences, is expected to escalate further what is already open warfare among the independent junk dealers who now control the importation and distribution of drugs in the city. In the last two years, for instance, there have been more than 250 murders of middle-level non-addict pushers. There has been, in fact, even without the Mafia's heavy hand, an exotic orgy of violence among the city's free-wheeling dealers, wholesalers, smugglers, importers, corrupt cops, double

agents and street-corner pushers. There are parts of Bedford-Stuyvesant in which black heroin dealers control so many killers that even state legislators and local political leaders admit privately that they are terrified to speak out against specific individuals.

There are streets in Harlem, the South Bronx, and around the Sunset Park area of predominantly white working-class South Brooklyn where pushers openly argue over choice sidewalk locations, like chestnut vendors outside Radio City. In upper Manhattan's Washington Heights area where Cuban dealers have established themselves in some of the bars along Broadway, from 138th Street north, daily shootouts have paralyzed police action with sheer volume. In the Bronx, wholesale junk markets on Walton Avenue off the Grand Concourse continue to proliferate even though police records show repeated arrests and harassment.

The drug world seems to gain strength from adversity. It is an environment of thoughtless, mechanical, clockwork violence. Since many of the deaths occur in black, Puerto Rican and Cuban neighborhoods, however, the media and the public have missed most of the fireworks. Occasionally, a murder involving middle-class whites, an undercover cop or a Mafia soldier makes the papers and the *Six O'Clock News*. On November 1, 1972, for instance, there was a front-page story in *The New York Times* about an N.Y.U. senior and his roommate, a suspected drug dealer, being murdered in their apartment across the street from the school's uptown campus. On the same day, a typical day, the following drug-related homicides and assaults also took place in the city, but without any mention in the press (the list does not include addict street crimes such as muggings and holdups):

John Spann, 35, shot and killed at 11th Street and Fifth Avenue by an unknown man hiding in a doorway; Ronald Lucas, 24, stabbed to death in front of 590 East 21st Street, Brooklyn; Luis Rivas, 28, shot and killed while standing in front of 54 Jesup Place, the Bronx; Bartolo Courasco, shot and critically wounded by two men from a passing car while standing on Columbus Avenue, near West 82d Street; Clark Jackson, shot and seriously injured at Eighth Avenue and 114th Street; Robert Smith, shot and seriously injured while standing in front of 19 West 126th Street; Hector Santiago and Guillermo Rodriguez, shot and critically injured by two men in a passing car at the corner of Graham and Seigel Streets, Brooklyn; Israel Ortiz and James Delgado, shot and critically injured while standing in front of 1228 Morris Avenue, the Bronx; Eliot Roman, shot while standing on the corner of Vyse Avenue and East 179th Street, the Bronx.

The real danger for the city's drug dealers, quite obviously, does not come from the law. As the center of the nation's drug traffickers, New York has become Junk City, a predatory scene of unrivaled violence, official corruption and Byzantine plots. No army of anthropologists could ever have constructed a laboratory habitat better suited to the enrichment of the Mafia's style. The very chaos of the city's drug business has made it a temptation to the mob.

When the Mafia abandoned the narcotics business in the early 1960s it was because too many bosses suddenly found themselves going to jail for drug conspiracies hatched by their underlings. Carmine Galante, John Ormento and Vito Genovese were all top men who were jailed during that period. A few Mafiosi had continued dealing in narcotics, even during the boss-imposed ban, and today increasing numbers of the mob's aggressive and avaricious young Turks refuse to accept the timidity of rich godfathers as enough reason to stay out of narcotics. The profits are simply too great. Dealers in the United States who paid \$18,000 for a kio (2.2 pounds) of 80 to 90 per cent Turkish heroin in 1971 are now

offering \$40,000 for a kilo of Asian heroin that is only 25 per cent pure. An investment of \$500,000 in Corsica, São Paulo or Saigon can return \$10 million on the city's streets.

Compared with other illicit Mafia businesses, importing and distributing drugs is administratively painless. Junk deals are consummated once or twice a year, and exposure to the public, corrupt cops and underworld employees is minimal compared with such vulnerable day-to-day operations as book-making, policy and loansharking. Someone has to take those bets, count the money, deal with the telephone installers, to say nothing of paying off the winners, cops, landlords, bail bondsmen and disgruntled Mafia employees. In the drug business, there is very little exposure and thus a minimum of vulnerability. In addition, there are now very few hoods around who do not know how easy it can be to smuggle contraband into the United States. Along the 1,200-mile Canadian border between Erie, Pennsylvania, and the Maine coast, for instance, there are two Great Lakes (Erie and Ontario), Niagara Falls, Lake Champlain, the St. Lawrence Seaway, scores of small waterways, 100 unguarded border roads and 1,000 rural airstrips upon which a small plane can land undetected. This entire stretch is patrolled by 100 border guards, with never more than twenty of them on duty at one time.

Just as the Mafiosi had replaced the Jewish racketeers who controlled the narcotics business before the end of World War II ("smack" as slang for heroin is derived from the Yiddish word *schmeck*, or smell), a loose amalgam of multi-racial and multi-ethnic entrepreneurs took the Italians' place in the early sixties. Blacks, Puerto Ricans, Cubans, Argentinians, Brazilians and, lately, Chinese distributors moved in on the wholesale and importation level. Independent black junk dealers like Julian St. Harrison, Gerald Hartley, Leroy Barnes, and Robert Stepney have developed their own Latin-American connections. Harrison, at 53, is known to police as a ten-kilo man who specializes in supplying out-of-towners from his East 215th Street headquarters in the Bronx. Hartley and Barnes are both considered major traffickers, Barnes having been a front for the East Harlem Mafiosi before they got out. Stepney, who police say commutes from Teaneck, New Jersey, to Bedford-Stuyvesant every day, is another of the city's top dealers.

The money being made by black racketeers in narcotics, of course, is finding its way into other illegitimate enterprises. Blacks are not only running their own policy and loanshark operations in areas that were once Mafia controlled, but they have begun moving into legitimate businesses as well. Bar-and-grills, drycleaning shops, liquor stores, even ghetto tenements are being swallowed up by black racketeers in payment for gambling and loanshark debts, a pattern of upward criminal mobility ominously familiar to the Mafiosi themselves.

One of the biggest Cuban operators in the city today is Rene Texeira, who lives in the Bronx but controls, along with Regilio Fernandez, another Cuban, most of the trafficking in northern Manhattan and New Jersey. The Mafia's greatest problem in retaking their netherworld interests will undoubtedly come from the Cuban racketeers. In West New York, Union City and Hoboken, New Jersey, as well as Washington Heights and much of upper Manhattan, junk has been controlled by Cuban gangs since the Mafia families of Simone Rizzo (Sam the Plumber) DeCavalcante and Joseph (Bayonne Joe) Zicarelli were decimated by continuous Federal harassment and jail. The Cubans, meanwhile—some with a paramilitary training left over from their Batista, anti-guerrilla days—have become a powerful criminal group as well organized, some say, as the Mafia itself. The Cubans' greatest enemies at present, however, are the city's Puerto Rican

racketeers, who are in direct competition for the Latin junk market and for gambling and loan-shark operations.

On Manhattan's Upper West Side, with his base of operation around Broadway and 110th Street, Anthony Angelet, a 54-year-old Puerto Rican racket boss, is holding the fort for Raymond (Spanish Raymond) Marquez, who is in jail. Lionel Gonzalez, another of the city's powerful Puerto Rican dealers, concentrates his activities in the South Bronx, more specifically from his headquarters along Southern Boulevard between 149th and 150th Streets. In Brooklyn, the top Puerto Rican dealer has been identified as Jose Rosa, whose connections along Fourth Avenue in South Brooklyn are as good as his connections on the island of Puerto Rico. He is, in fact, the island's key supplier. These top dealers are so carefully insulated from their day-to-day operations that it is extremely difficult, despite almost daily harassment and questioning by the police, to land any of these men in court.

Further complicating the Mafia's takeover plans are the Chinese. Ten years ago, when the Italian-American Mafiosi left Junk City, the main suppliers were Sicilian, French and Corsican. By controlling these suppliers, the Mafiosi controlled the amount of drugs that entered the United States. During the middle sixties, however, increasing numbers of Chinese seamen began jumping ship in the United States with as much as ten kilos of heroin strapped to their backs. Suddenly, the poppy farms of Turkey, the smuggling routes through Sicily and Corsica, and the refineries in Marseilles were no longer the only sources. Today, it is estimated that more than half the heroin used in the United States comes from the Far East, much of it smuggled into the country by ship-jumping Chinese seamen. Customs and immigration officials say it is impossible to deal with the problem effectively. The relaxation of immigration rules has recently filled America's Chinatowns with new inhabitants, and it is comparatively simple for a seaman with \$50,000 worth of pure heroin to disappear in these communities. On April 11, seven Chinese were arrested in New York with eleven pounds of heroin, and six of the seven turned out to be ship-jumpers. The heroin was part of a 100-pound batch brought into the country by a European diplomat. On June 30, four Chinese were arrested in a Sunnyside, Queens, apartment trying to extricate eighteen pounds of heroin from behind a baseboard where two other Chinese had hidden it earlier in the year at the time of their arrest. And, on August 21, as the godfathers made up their minds to get back into the junk business, Federal agents arrested 60-year-old Kan Kit Hui, the unofficial mayor of Chinatown, in a \$200,000 deal involving twenty pounds of heroin, two Chinese businessmen, a Chinese ship-jumper, two Chinese-American undercover cops, 40 Federal agents using twelve unmarked cars, and a seven-hour circuitous tour led by cautious Hui that took the entire entourage through the alleys, factory buildings and streets of the Lower East Side.

The Mafiosi explored a return to the drug trade about a year ago. Key men were given permission to make buys, and a few have been caught.

On January 18, Louis Cirillo, a Lucchese family associate, was indicted in Miami in a 1,500-pound multi-million-dollar heroin-smuggling conspiracy. On April 29, while searching through Cirillo's Bronx home, Federal agents found nearly \$1.1 million buried in the backyard and the basement. On February 4, another Lucchese family associate, Vincent Papa, was arrested in the Bronx with \$967,500 in a green suitcase destined for a 200-pound heroin buy. Papa had once served five years for selling narcotics and had a record of 26 arrests. On May 10, Joseph (JoJo) Manfredi, a Gambino family captain, was arrested along with two neph-

ews and fourteen other men in a \$25-million-a-year heroin operation that specialized in supplying several midwestern cities. On July 15, Michael Papa, Vincent Papa's 24-year-old nephew, was arrested with another man for selling eleven pounds of cocaine to an undercover agent.

In addition to the unusual rash of Mafia-associated drug arrests, police began hearing rumors that a number of gangland killings were directly related to the mob's re-entry into drugs. On August 10, for instance, the bodies of two of Joseph Manfredi's nephews, one of whom had been arrested with him on May 10, were found in the deserted Clason's Point section of the Bronx. The killing was apparently intended to insure silence in the drug case involving their uncle.

On July 16, when acting Genovese family boss Thomas (Tommy Ryan) Eboli was shot and killed on a Brooklyn street corner, it was at first suspected that his death had something to do with the Gallo-Colombo war. He had just walked out of his girl friend Elvira (Dolly) Lenzo's Lefferts Avenue apartment, shortly after midnight, when two men stepped out of a yellow panel truck and opened fire, hitting Eboli five times in the head and neck. Since the killing, Federal agents suspect that Eboli was killed not because of a Mafia family feud, but because he was involved in a \$4-million narcotics scheme in which he tried to withhold more than a million dollars. On April 29, when Federal agents dug up Louis Cirillo's backyard in the Bronx and found \$1,078,100, Eboli's fate was sealed. It is now suspected that Eboli had withheld that sum from his peers, the very top-level Mafia financiers who had originally bankrolled Cirillo's heroin-smuggling plan. As is customary in such cases, underlings like Cirillo are not held responsible for the greed of their bosses and are, therefore, spared. Eboli, however, knew better. "They had to blow him away," an informer explained, "because he had held out on bosses. He had made fools of his own kind. The only thing that took them so long [Eboli was killed two months and seventeen days after the money was uncovered] was that they were probably trying to get him to replace the million so he could live."

Other signs of the mob's re-entry into junk were apparent when top Mafia bosses like Santo Trafficante of New Orleans suddenly took trips to the Far East. Federal narcotics agents, who have spotted both men in Saigon, Hong Kong, Singapore and Thailand, are almost certain that Asian connections were being established to supplement the mob's traditional French and Corsican suppliers. Another indication was the appearance in New York late last year of Thomas Buscetta, a Sicilian-born man of many passports and the Mafia's main South American connection. Buscetta was arrested in front of the United Nations as an illegal alien, but left the country after posing \$40,000 bail. He was wanted at the time by Sicilian police for masterminding a 1963 massacre in which seven policemen and three civilians died. Today, Buscetta lives in Sao Paulo, Brazil, under the name of Robert V. Cavalaro, and owns a fleet of 275 taxicabs and a string of luncheonettes. Slipping in and out of the United States almost at will, Buscetta was recently caught coming through the Canadian border at Champlain, New York, with an American, three Italians, and two Argentinian passports. While customs officials marveled at the fact that each of the passports bore a different name under his photograph, and as they searched his car, finding a Playboy Club credit card slip, a booklet of lottery tickets and a reel of obscene film, Buscetta disappeared from the border patrol station.

Buscetta's importance to the Mafiosi is twofold. He is not only their man in South America, but he also represents, at 44 years of age, just the kind of potential Mafia boss that old-world dons like Carlo Gambino

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would like to see take over the secret society. Gambino has been importing foreign-born Mafiosi like Buscetta for several years, and police intelligence officers suspect that much of the pressure being applied to organized crime leaders to return to narcotics has been exerted by these old-world imports.

"Greasers are taking over the whole operation," one Federal informant explained. "Carlos Marcello has spread them through the South and the Southwest. They are in upstate New York. Gambino and Marcello and Magaddino are bringing Sicilians over. Right here, in downtown New York, the numbers are all theirs. Joe Mush had a gigantic policy operation, but the greasers told him 'bow or you're dead.' First they started by just hanging around, but pretty soon they were bringing over their buddies, until today, on Mulberry Street, the American wise guys are scared of them.

"These guys are bringing everybody into line. They've got the old man's okay, and when they move it's going to be a bloody mess."

On August 4, in Trinchi's Restaurant in Yonkers, the first of the mob's meetings took place. Despite the fact that it was held in public on a busy Friday night, it was not until months later that the New York City police found out that it had taken place. (Inexplicably, the NYPD, to the mob's delight, has decided to cut back the kind of surveillance work needed to fight organized crime.) The FBI had apparently missed the meeting as well, and, if it had not been for an IRS agent in search of an acquaintance of one of those who attended the meeting, no law enforcement unit would have known of the meeting. Those attending included Carmine Tramunti, acting head of the Lucchese family, long known for its drug operations. Based in East Harlem, it had a virtual monopoly in supplying drugs to black and Puerto Rican ghettos before the Mafia-imposed ban. While Tramunti has no personal involvement with narcotics (his interests are almost exclusively gambling), as the family's titular head his approval was not only expected but required. Philip Rastelli, acting boss of the Bonanno family, was also present. The Bonannos have been well known as a drug family since the early 1930s, when Joseph Bonanno first put the Sicily-Marselles-Montreal-New York route together. The Bonanno Mafia family has always been evenly divided between Montreal and New York, and it has specialized in smuggling of all kinds. Rastelli, who has taken over the Bonanno mob and moved into a racket vacuum in New Jersey, is expected to be the first Mafia boss to make a move in solidifying the drug business. Bonanno soldiers, perhaps more than those of any other family, have been most debilitated by internal wars, jail, and a loss of illicit income. Bookmaking, loan shark concessions, labor union infiltration, waterfront pilfering franchises—all of the fringe benefits and income that accompany a thriving Mafia family—were denied the Bonanno crew as a result of their leadership vacuum after Joseph Bonanno was kidnapped and his heir was rejected by the Mafia's commission. As a result, it is the remnants of the old Bonanno family who are most in need of the drug trade, and it will therefore fall to Rastelli in New Jersey to take on the well-organized and deeply entrenched Cuban gangs. He is expected to go about it, according to various police informants, by systematically killing off top Cuban importers until eventually the entire Cuban operation is under control. With Rastelli at all of the meetings was another Bonanno boss, Natale Evola, an older and highly respected don. It is Evola who often serves as a voice of moderation when Rastelli, who has a volatile nature, explodes.

Also present at the meeting was Michael Papa, the 24-year-old nephew of Vincent Papa, the Lucchese family associate arrested

last February with the cash-filled green suitcase. It is suspected that Michael, who was on bail at the time of the dinner, was representing his uncle's interests. The last and most mysterious of the Mafia dinner companions was Francesco Salamone, an illegal Sicilian alien who has a long history of international narcotics smuggling and many Corsican friends.

A second meeting took place on August 11, the day after the two Manfredi nephews were shot and killed, and it was held at the Staten Island home of John (Johnny Dee) D'Alessio, a Carlo Gambino captain. At this meeting, Evola, Rastelli and Salamone their European connection, apparently presented their plans to the bosses and acting bosses of other Mafia families. Present were acting Genovese boss Alphonse (Funzie) Tieri; septuagenarian, gum-chewing Michele Miranda, a highly respected Genovese family consigliere; Aniello DellaCroce, Carlo Gambino's most likely successor; Alphonse (Allie Boy) Persico representing his brother Carmine (Junior) Persico, a Colombo family captain, and Joseph N. Gallo, a man unrelated to the Brooklyn Gallos, who often represents the interests of the New Orleans and Tampa Mafia families in New York. (Trafficante and Marcello both refused to attend the meetings according to police, since their last dinner with friends in New York resulted in their seizure in La Stella Restaurant on Queens Boulevard.) Gallo's presence at the meeting, therefore, was significant since it is through the Far-Eastern connections established by the bosses of the two southern Mafia families that so much of the heroin brought into the United States originates. Also attending the second meeting was Luciano Leggio—another illegal Sicilian alien wanted for murder in Palermo and an old-world Mafioso with excellent Corsican connections.

The third meeting, at which Evola and Rastelli once again presided, is expected to be the last. It took place on August 17, in Gargiulo's Restaurant on West 15th Street, off Mermaid Avenue, in Coney Island. The acting Genovese boss, Alphonse Tieri, and the Lucchese boss Carmine Tramunti were present as was Joseph N. Gallo. The five men met on a Thursday evening and sat down to dinner unnoticed by the rest of the customers. They were, after all, five neatly dressed, soft-spoken businessmen who were discussing with varying degrees of enthusiasm the problems inherent in any new business venture.

#### AGENTS MANUAL—BUREAU OF NARCOTICS AND DANGEROUS DRUGS

(Presidential Directive and Guidelines, dated July 2, 1971, pertaining to BNDD-Customs liaison, as they appear in BNDD Agents Manual).

#### CHAPTER 66 ENFORCEMENT PROCEDURES Subchapter 668 special enforcement programs

#### 66.5 Liaison BNDD/Customs Agency Service 6685.1 General.

It is the policy of BNDD that every agent will extend the fullest possible cooperation with the United States Bureau of Customs on matters of mutual concern in accordance with the following policy and procedural directives.

#### 6685.2 Presidential Directive.

The following is the text of the President's directive to the Attorney General on February 5, 1970:

"A difference of opinion has existed between the Justice and Treasury Departments as to the responsibility for dealing with the international traffic in narcotics.

"This issue was referred to the Advisory Council on Executive Organization for study and submission of proposed recommendations for a solution. I have reviewed the Advisory Council's report and have approved its recommendations as follows:

"1. Representatives of BNDD should con-

tinue to be accredited to represent the United States Government in dealing with foreign law enforcement officials on narcotics questions. Customs should not represent the United States in this area, except when authorized by BNDD.

"2. BNDD should be designated the agency to control the narcotics area. Customs should support BNDD's efforts to reduce and eliminate the flow of narcotics into the United States and its intelligence network should be used to assist in the overall effort.

"3. Consistent with the recommendations made in this paper, the Attorney General should be designated to pass on disagreements that cannot be resolved by the bureaus concerned.

"The Attorney General is requested to prepare guidelines to implement these recommendations and to submit them to me for approval by February 15, 1970."

6685.3 Presidential Approval of the BNDD/Customs Guidelines.

On May 5, 1970, the President approved the guidelines prepared by the Attorney General. On June 22, 1970, the President directed the following memorandum to the Attorney General and the Secretary of Treasury:

"In my directive of February 5, 1970, I approved the recommendations of the Advisory Council on Executive Organization outlining responsibility for dealing with the international traffic in narcotics.

"Pursuant to my directive, the Attorney General has submitted the attached proposed guidelines to implement the recommendations of the Advisory Council on Executive Organization. It is my conviction that these guidelines provide a basis for a clearly directed effort to curtail the traffic in narcotics, marijuana and dangerous drugs.

"I have reviewed these guidelines and approved them for immediate implementation."

6685.4 BNDD/Customs Guidelines.

The approved BNDD/Customs Guidelines are quoted below:

#### "1. BNDD's Responsibilities:

"A. BNDD controls all investigations involving violations of the laws of the United States relating to narcotics, marijuana, and dangerous drugs, both within the United States and beyond its borders except as set forth in the first sentence of 2A below. BNDD has primary jurisdiction over all investigations originated by officers of that Bureau either within or outside the United States, including smuggling of narcotics, marijuana, and dangerous drugs into the United States.

"B. In foreign areas, BNDD is the accredited United States agency for contact with foreign law enforcement officers on narcotics, marijuana, and dangerous drug matters. To insure unity of purpose, Customs personnel shall communicate on narcotics, marijuana, or dangerous drug matters with foreign law enforcement officials only after prior approval (in writing, if possible) of the Director of BNDD or his designee. If BNDD does not give approval, BNDD will communicate with foreign officials with respect to the particular matter requested by Customs and will expeditiously advise Customs of the results of the communication.

"C. BNDD has as one of its principal missions the detection of persons in foreign countries who may transport contraband drugs to the United States. BNDD also has the responsibility for fully advising Customs of all information (in writing, if possible) regarding the identity and circumstances of the probable movement into the United States of smugglers and/or contraband.

"D. In order to promote greater efficiency and to minimize risks, in those BNDD investigations where smuggling of narcotics, marijuana, or dangerous drugs is probable, BNDD shall fully and promptly advise Customs. When it is in the best interests of overall enforcement objectives to have controlled passage of contraband drugs into the United States to be delivered to the intended recipient, BNDD shall request Customs assist-

ance for this purpose. Customs shall be invited to participate in the controlled passage of the smuggled contraband to the intended recipient.

"E. The Director, BNDD, will assign such officers of BNDD as he deems necessary to any foreign country with which arrangements may be made in consultation with the Department of State. BNDD officers will work with enforcement officers of that country in developing information and evidence against international narcotics, marihuana, and dangerous drug traffickers. They will pursue illicit producers of opium, marihuana, and other dangerous drugs and endeavor to immobilize illicit manufacturers and distributors of dangerous substances destined for the United States.

"F. BNDD has jurisdiction and authority to investigate and coordinate with foreign personnel in all narcotics, marihuana, and dangerous drug matters in those Foreign countries where both BNDD and the Bureau of Customs have assigned personnel.

"G. BNDD may establish offices in border cities where necessary and conduct investigations in other border locations to achieve its mission and objectives. BNDD shall inform Customs as soon as possible of all investigative activities in the Mexican and Canadian border areas of the United States which have a smuggling aspect to insure maximum safety, cooperation, and coordination.

#### "2. Bureau of Customs Responsibilities:

"A. The Bureau of Customs, because of its responsibility to suppress smuggling into the United States, has primary jurisdiction at ports and borders for all smuggling investigations, including those involving narcotics, marihuana, and dangerous drugs, except those initiated by BNDD. For this purpose, smuggling is understood to mean the actual passage of undeclared merchandise, or contraband, through the Customs lines. It does not include preparatory acts prior to bringing the articles within the boundaries of the United States. Smuggling violations not terminated at ports or BNDD unless such jurisdiction is waived (in writing if possible) by the Director of BNDD or his designee.

"B. Customs shall promptly make available to BNDD information or investigative leads relating to the illicit production, possession, trafficking, or transportation of narcotics, marihuana, or dangerous drugs. The direction of subsequent activity with respect to such production, possession, trafficking, or transportation is the responsibility of BNDD.

"C. Customs officers with the advanced concurrence (in writing, if possible) of the Director of BNDD or his designee, may convey narcotics, marihuana, or dangerous drug investigations to their destination from the point of entry into the United States. To insure proper coordination, BNDD may assign Special Agents to accompany the controlled delivery.

"D. In the vicinity of the borders, Customs officers may communicate with Mexican and Canadian officials on narcotics, marihuana, and dangerous drug matters. In this regard, the Bureau of Customs will support BNDD's efforts to eliminate the flow into the United States of narcotics, marihuana, and dangerous drugs, and shall inform BNDD with respect to the nature and extent of such contacts involving narcotics, marihuana, and dangerous drug smuggling, and all information derived therefrom shall be transmitted to BNDD upon request.

#### "3. Interagency Cooperation.

"A. The President of the United States has directed that there be the fullest possible cooperation and exchange of information between BNDD and the Bureau of Customs in the investigations of violations relating to narcotics, marihuana, and dangerous drugs. To this end, employees of each agency

are directed to transmit promptly to the other agency any information which would be of value in discharging that agency's responsibilities more effectively. If there is a question if the information would be of value to the other agency, the question should always be resolved by transmitting the information.

"B. To insure the fullest cooperation, the Director of BNDD and the Commissioner of Customs shall each designate a person charged with the responsibility of investigating alleged breaches and for liaison with his counterpart with regard to all matters falling under these guidelines.

"C. Information relating to narcotics, marihuana, or dangerous drugs in those countries where the Bureau of Customs has personnel and BNDD does not, shall be reported immediately (in writing, if possible) to the Director of BNDD or his designee, who may send agents into those countries to develop any necessary investigation. In any such case, unless the BNDD specifically directs otherwise, the Bureau of Customs may take such action as it deems necessary, pending the arrival of representatives of the BNDD. Bureau of Customs representatives are required to take further action only in cases in which their assistance is, specifically requested by the BNDD and approved by the Commissioner of Customs.

"D. An expedited system of communication of information from abroad will be initiated and its mechanics will be set up in such a way that information will be conveyed to the appropriate agency with the least possible delay. The information shall be transmitted directly to responsible field offices, except as otherwise specified, of the appropriate agency and information copies will be transmitted promptly to both Bureau headquarters.

#### "4. Border Patrol Seizures.

"The Border Patrol of the Immigration and Naturalization Service when making a seizure of narcotics, marihuana, or dangerous drugs incident to their primary duties, will follow this procedure:

"a. If it can be established or it seems likely that the violator smuggled the illicit drugs into the United States, the matter shall be referred to the Bureau of Customs.

"b. In all other situations, the matter shall be referred to BNDD.

#### "5. Resolution of Disagreements between BNDD and Customs.

"In event of disagreement between BNDD and Customs with respect to the application, effect, and/or interpretation of the foregoing guidelines, such disagreement shall be resolved in writing by the Attorney General."

#### 6685.5 Joint Implementation Agreement.

A joint agreement has been signed by the Director of the Bureau of Narcotics and Dangerous Drugs and the Commissioner of Customs to implement the guidelines. The Joint Implementation Agreement is set out below: "Joint Implementation Agreement BNDD/Customs Guidelines, May 5, 1970

Pursuant to Presidential Directives of February 5, 1970 and June 23, 1970.

In order to enable the Bureau of Narcotics and Dangerous Drugs (BNDD) and the Bureau of Customs (Customs) to most effectively implement the approved guidelines it is agreed that:

"1. Customs Agents will be assigned to BNDD offices at Paris, Rome, Montreal, Mexico City, Bangkok, and Hong Kong.

"2. BNDD Special Agents will be assigned at Customs offices at San Ysidro, Calexico, Nogales, El Paso, Laredo, and McAllen.

"3. For the purpose of assuring expeditious Customs preclearance, Customs representatives at Toronto, Vancouver, Ottawa, Montreal, Bermuda, and Nassau may coordinate a drug matter of mutual interest directly with law enforcement officials at those locations.

"4. BNDD will concur in Customs convoy

investigations unless the intended result will seriously jeopardize an active BNDD investigation or will not be consistent with the objectives of both Bureaus.

"5. Smuggling investigations not terminated at ports or borders involving narcotics, marihuana, and dangerous drugs are considered potential joint investigations. Investigative direction of such cases within the United States will remain with the initiating agency providing:

"a. It has consulted with the other to determine that the same matter is not already under active investigation.

"b. It does not involve a third law enforcement agency within the United States without mutual concurrence.

"c. It keeps the other fully informed via reports of the progress of the case.

#### "6. Press Releases.

"Upon conclusion of successful joint investigation by Customs and BNDD, information will be released to the press on a local or national level as the circumstances may warrant. All releases shall reflect the cooperative effort of both Bureaus.

#### "7. Joint Statistics.

"Arrest and seizure statistics reflecting the combined efforts of both services shall be reported individually by both agencies as cooperative efforts. These statistics will include the results of joint foreign investigation efforts when applicable as well as joint smuggling investigations.

#### "8. Joint Participation in Significant Cases.

"All joint case reports submitted to the U.S. Attorney will be reviewed and signed by both BNDD and Customs cases agents.

#### "9. Cooperation with Local Authorities.

"In all instances BNDD and Customs will portray a united narcotics enforcement effort to all County, State, and municipal enforcement agencies. Both agencies will decline to participate in any investigative case presented by local authorities under single agency conditions which could serve to divide the unified effort.

#### "10. Review of Operations.

"Customs (Office of Security) and BNDD (Office of Inspection) will be charged with jointly investigating and reporting any allegations of non-cooperation that cannot first be resolved at the lowest level of field supervision.

"JOHN E. INGERSOLL,

*Director, Bureau of Narcotics and Dangerous Drugs, U.S. Justice Department.*

"MYLES J. AMBROSE,

*Commissioner, Bureau of Customs, U.S. Treasury Department.*

#### 6685.6 Instructions for BNDD Special Agents to Implement the BNDD/Customs Guidelines.

##### 6685.61 Delegation of Authority.

The following instructions will be complied with in applying the approved guidelines to BNDD/Customs activities. Where the guidelines refer to "the Director of BNDD or his designee," the following BNDD officials are designated to act for the Director:

- A. The Assistant Director for Enforcement.
- B. The Chief of Operations.
- C. All Regional Directors in their assigned Regions.

D. BNDD Special Agents stationed at Customs border offices for concurrence in Customs convoy cases.

E. Regional Directors for Regions 11, 12, and 14 at U.S./Mexican border areas in coordination with the Regional Director, Region 15.

F. Regional Directors in Regions 1, 6, 7, 10, 12, and 13 at U.S./Canadian border areas in coordination with the Regional Director, Region 2.

Questions that cannot be resolved at the Regional level will be referred to the Assistant Director for Enforcement or the Chief of Operations for resolution.



6685.62 Exchange of Personnel.  
BNDD and Customs agents may be stationed at offices of the other agency in strategic cities where agreed.

The purpose of this personnel exchange will be to expedite the exchange of intelligence information, coordinate joint investigations, and insure that information of interest to the other agency is obtained promptly and disseminated for action.

Special Agents of BNDD assigned to the Customs border offices will be directly responsible to the Regional Director in whose jurisdiction the office is located.

6685.63 BNDD/Customs Liaison.

Specific individuals will be designated responsibility by Regional Directors for Customs/BNDD liaison in New York, Miami, Chicago, Los Angeles, San Francisco, Houston, and other offices where sufficient interagency activity warrants the assignment of a liaison officer. In offices where a specific individual is not designated, the Regional Director or agent-in-charge will be responsible for BNDD/Customs liaison. In each office a backup individual will be designated to act in the absence of the primary liaison officer.

6685.64 Open Files.

BNDD will maintain an open file policy in regard to investigative files. Any investigative file containing information of interest to Customs will be open for review of the appropriate Customs agent.

6685.65 Exchange of Reports.

Copies of investigative reports will be furnished to Customs on a local level on matters pertaining to that agency's specific responsibility. Paragraph 1C of the guidelines gives BNDD the responsibility for advising Customs of all information regarding the identity and circumstance of the probable movement into the United States of smugglers and/or contraband. BNDD will immediately (without regard to normal duty hours) refer to Customs any information which has a smuggling aspect even though there is no specific information as to the time or place of such suspected smuggling.

Included in the report, if appropriate, will be BNDD's interest and proposed course of action with regard to the information and any appropriate action desired by BNDD. If limited time requires that the information be forwarded orally it will be documented when time permits. This documentation can be in the form of a memorandum to the appropriate Customs agent-in-charge or can be accomplished through the transmittal of BNDD investigative reports.

If the information is a part of an investigative file, a copy of the memorandum will be placed in the case file as well as the Customs cooperation file both in the Region and at Headquarters. Paragraphs 1D and 1G of the Guidelines generally require BNDD to inform Customs of all investigative activities which have a smuggling aspect. Paragraph 1G specifically requires BNDD to inform Customs as soon as possible of all investigative activities in border areas of Canada and Mexico which have a smuggling aspect.

All information of this nature will be reported immediately (without regard to normal duty hours) even though it has not been fully developed. In any investigation where BNDD contemplates activity which might develop into a smuggling situation, Customs will be advised in advance that the activity may be of interest so they can prepare to react in cooperation with BNDD if necessary. This notification will be accomplished through the BNDD agents assigned to the Customs border offices and/or the appropriate BNDD liaison representative.

Where the guidelines indicate "in writing if possible" this is interpreted to mean that the writing may follow the required action when absolutely necessary; however, all actions will be confirmed in writing.

Where BNDD is required to concur in an action by Customs the written concurrence

will be in the form of a memorandum from the BNDD official to the appropriate Customs official with an information copy forwarded to Headquarters.

6685.66 Procedures for Communication of Information or Requests for Investigation Between the Customs Agency Service and BNDD Foreign Regions.

The following procedures apply to all forms of communication.

A. Any transmittal of information or request for investigation by a domestic Customs office to a foreign BNDD Region will be routed to the domestic BNDD Regional Director in whose jurisdiction the originating Customs office is located. The originating Customs office will also:

1. Transmit an information copy of the communication to the Bureau of Customs, Office of Investigations.

2. Forward an information only copy to the Customs liaison officer in the concerned foreign BNDD office.

3. Make additional distribution to other interested domestic Customs offices.

The domestic BNDD Regional Director will:

1. Forward the communication to the foreign Regional Director of BNDD for action.

2. Make additional distribution to BNDD Headquarters and other concerned offices within BNDD.

B. In responding to Customs requests for investigation or transmitting information of interest to domestic Customs Agency Service Offices, the foreign Regional Director will:

1. Transmit the information to the domestic Regional Director of BNDD in whose jurisdiction the requesting or interested Customs office is located. The domestic Regional Director is then responsible for dissemination of the information to the concerned Customs office.

2. Provide a copy to BNDD Headquarters.

3. Provide a copy to the Customs liaison officer located in the foreign office of BNDD. The Customs liaison officer is then responsible for expeditious dissemination of the information to Customs Headquarters.

C. Domestic BNDD Regional Directors will forward classified correspondence to the foreign Regions following established BNDD procedures. (See subchapter 823, Inspection Manual.) Until the domestic Regions are provided with teletype equipment capable of sending classified or sensitive messages through BNDD Headquarters to the foreign Regions, information of this nature will be transmitted to BNDD Headquarters following currently established procedures for transmission to the foreign Regions. Classified correspondence originated in the foreign Regions will be transmitted to the concerned domestic Regional Director for referral to Customs domestically following established procedures. Classified or sensitive teletype messages originated in foreign Regions will be routed to BNDD Headquarters. BNDD Headquarters will in turn disseminate the information to the concerned domestic BNDD Regional Director for transmittal to the concerned Customs office located in his jurisdiction following current procedures for domestic dissemination of such material. BNDD Headquarters will also provide Customs Headquarters with copies of these classified or sensitive messages from the foreign Regional Directors.

D. Under emergency conditions the originating Customs office will:

1. Attempt to communicate following procedures as set out in A above.

2. In the rare instance that the Customs originator is unable to obtain a response from the domestic Regional Director of BNDD, the Customs originator will communicate directly with the Bureau of Customs Headquarters which will transmit the information to BNDD Headquarters for referral to the foreign Regional Director concerned.

The Customs originator may also notify the Customs liaison officer in the foreign Region that an official request for action in the foreign Region has been made through BNDD Headquarters. The Customs originator will notify as soon as possible the domestic BNDD Regional Director in whose jurisdiction he is located that a direct request was made through BNDD Headquarters.

6685.67 Convoys.

BNDD has been given responsibility to concur with Customs prior to the advance of convoy cases from the border point of seizure to the recipient. (See 6685.4 2c.) This concurrence is required to avoid any possible conflict between the two agencies at the point of delivery and also to avoid any compromise of enforcement objectives. Since convoy investigations are an effective enforcement technique, Customs may properly expect that BNDD will concur in these cases as a general rule. When a convoy is related to a BNDD investigation, consideration should be given to utilizing the convoy in furtherance of the BNDD investigation whenever possible. A convoy should not proceed if it will seriously jeopardize an active BNDD investigation. There must be significant reasons established which show that the convoy will be detrimental to the investigation.

There may be other circumstances in which it may not be advantageous to proceed with a convoy investigation. Such situations would be limited and each must be evaluated on individual circumstances. Examples might be where the defendant is determined to be a BNDD fugitive or where the BNDD files establish that the person arrested at the border is of greater stature in the traffic than the intended recipient. Also where no effort has been made to determine the intended recipient's involvement in the traffic it may be appropriate to request such an effort before permitting the convoy to proceed. An opinion from the appropriate U.S. attorney as to the legality of the proposed convoy will be obtained by Customs.

It is imperative that BNDD react immediately when notified by Customs that a convoy is possible. Customs will notify the BNDD agent assigned to the border offices or the Customs liaison officer in other offices nearest the point of seizure, who will obtain complete details of the investigation. This person will then communicate with the BNDD office at the point of destination to determine if there is any conflict with current BNDD operations. The BNDD agents stationed at the Customs border offices or, where the crossing is not at the Mexican or Canadian border, the BNDD liaison officer nearest the point of seizure will transmit BNDD's concurrence to Customs after conferring with the appropriate BNDD offices involved. The Regions through which a convoy will pass enroute to its destination shall be notified that a convoy is proceeding through their jurisdiction. The agents assigned to Customs border offices or the liaison officer at the point of seizure will be responsible for this notification.

6685.68 Mexican/Canadian border areas.

In the vicinity of the border areas Customs officers may communicate with Mexican and Canadian officials on narcotic, marijuana and dangerous drug matters in support of BNDD efforts to eliminate the flow of drugs into the United States. Customs may develop and maintain sources of information in these border areas and work directly with Mexican/Canadian officials in intelligence gathering functions at the borders.

All operational activities developed as a result of these intelligence gathering functions which are directed toward the arrest of individuals or seizure of contraband drugs will be coordinated and worked jointly with BNDD and border authorities of Mexico and Canada. (See paragraph 5, Joint Implementation Agreement.)

**6685.69 Reporting of Investigation.**

If action is taken by BNDD on investigative information received from Customs, a file number will be assigned and normal investigative reporting procedures will be followed. A copy of the information received from Customs will be filed in the Customs co-operation files both in the Region and at Headquarters. All pertinent subjects will be indexed.

**6685.7 Resolution of disputes.**

In the event of a dispute, the circumstances of disagreement will be submitted by memorandum to the Assistant Director for Enforcement for referral to the Chief Inspector, BNDD. The Chief Inspector will immediately provide a copy of the memorandum to the Customs Office of Internal Security and arrange for joint investigation of the matter.

Any statements included in the investigation file explaining the conduct of the investigation that relate to the jurisdictional guidelines will be placed on an Administrative Page attached to the pertinent report and not in the body of the report itself.

**COPY OF STATE DEPARTMENT TELEGRAM**

(From: Secretary of State to numerous Missions dated July 28, 1972.)

Following is joint White House/State/CIA/Treasury/Justice Message:

Subject: Relationship of Customs and BNDD agents overseas engaged in narcotics control work.

Reference: State 230669.

1. As of this date, 18 Customs special agents have been ordered on assignment to the posts listed below in the numbers indicated: Madrid (1), Barcelona (1), Hamburg (1), Munich (1), Monterey (1), Quito (1), Buenos Aires (1), Panama City (1), Bogotá (1), Asuncion (1), Bangkok (1), Saigon (1), Tokyo (1), Ottawa (1).

2. These assignments will be carried out under the following arrangements which will supersede prior directives concerning the relationship of Customs and BNDD agents engaged in narcotics control work. This cable sets forth these arrangements.

3. The chief of mission is the official accredited directly by the President to deal with the host government on narcotics matters. As with other mission elements, the chief of mission has full authority and responsibility for the direction of all the elements of the mission dealing with the international problem in narcotics and dangerous drugs. This authority and responsibility is consistent with the President's letter to all chiefs of mission of December 9, 1969.

4. The Commissioner of Customs and Director of the Bureau of Narcotics and Dangerous Drugs agree that representatives of each of the agencies can best contribute to the total country team effort to suppress the movement of narcotics and dangerous drugs by working cooperatively but maintaining agency identity and focusing efforts according to their respective domestic statutory responsibilities. This will be carried out under the technical direction of their respective agencies. The senior representatives of both Customs and BNDD will be members of the country team.

5. Customs is to concentrate on the development of intelligence concerning people and transportation means used to facilitate smuggling (routes of travel, methods of transportation, and places of concealment). BNDD is to concentrate on producers, refiners, and distribution organizations. Each customs and BNDD representative is expected to cooperate wholeheartedly in matters of mutual concern under the general policy requirements of the chief of mission.

6. Customs will appoint coordinators to work with BNDD regional directors in Paris, Bangkok, Manila, Mexico City, and Buenos Aires to insure intra- and inter-regional

cooperation and coordination among customs and BNDD personnel assigned to specific missions. Each agency will contribute information for analysis, dissemination and action to all mission elements involved in the U.S. Government anti-narcotic activities. Each agency will input and use the central source registry. The CIA's role in international narcotics control is to remain as defined in REFTEL.

7. The commissioner of customs and director of BNDD have agreed that there will be the fullest possible cooperation and exchange of information between their agents. To this end, customs and BNDD personnel will be located in the same or adjacent office space if at all possible.

8. The chief of mission has authority and responsibility to ensure that the requisite cooperation and exchange of information between the two agencies is effected within his mission and in their communications with their regional and Washington headquarters.

9. The chief of mission has the authority to review all outgoing communications and will receive copies of all incoming traffic. In operational matters the chief of mission must be kept fully informed by representatives of each agency and contacts with the host government must be conducted with his knowledge and concurrence.

10. Information on customs use of the NAROP channel or an equivalent communications capability will be forthcoming as soon as details are resolved. Until that time, no change will be effected concerning existing usages.

11. Action taken in response to this cable should be reported not later than August 3, 1972. Rogers.

[Excerpt from Office of Management and Budget]

**SPECIAL ANALYSIS R: FEDERAL PROGRAMS FOR THE CONTROL OF DRUG ABUSE**

*Overview.*—Spending for Federal drug abuse prevention and drug law enforcement programs has increased from \$150 million to \$719 million since 1971, a fivefold increase in 3 years.

**TABLE R-1. Estimated spending for drug abuse prevention and drug law enforcement programs**

(In millions of dollars)

Fiscal year:	Outlays
1971	150.2
1972	413.2
1973	654.8
1974	719.0

Federal drug law enforcement programs are designed to reduce the supply of illicit narcotics and dangerous drugs available in the United States. Federal obligations for such programs will rise in 1974 to \$257 million from \$36 million in 1969, a sevenfold increase. These programs include such activities as international law enforcement cooperation and cooperative Federal-State-law enforcement efforts to identify and arrest street-level pushers.

Drug law enforcement program activities are closely linked to drug abuse prevention. Law enforcement efforts that reduce the supply of drugs also serve to lower drug potency and drive up the price of drugs, thus reducing experimental usage. Together, higher prices combined with lower potency and scarcity can motivate abusers to seek treatment.

Federal drug abuse prevention programs are designed to reduce the demand for illicit narcotics and dangerous drugs. Activities funded include: treatment programs for addicts; drug abuse education; research; and training. Total estimated Federal obligations for drug abuse prevention programs will rise in 1974 to \$528 million from \$46 million in 1969. These activities account for 67% of

the total Federal funds for drug abuse programs in 1974.

Highlights of the drug law enforcement effort include:

Substantial increases in funding and manpower for both the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs. These funds support concentrated attacks on smuggling and increased domestic and international investigation of major drug traffickers. In 1972, the Departments of Justice and Treasury removed from the U.S. market or seized overseas:

- 5,613 pounds of heroin.
- 887 pounds of cocaine,
- 451,800 pounds of marijuana, and
- 220 million dosage units of dangerous drugs.

Initiation of a coordinated attack on drug trafficking in over 40 target cities by teams of narcotics agents from Federal, State, and local law enforcement agencies. The Office of Drug Abuse Law Enforcement was responsible for 4,245 arrests since the spring of 1972.

An intensified investigation of the income tax returns of middle and upper level narcotics traffickers aimed at reducing the amount of working capital available for illegal drug operations by assessing and collecting taxes and penalties on unreported income.

Development of a national narcotics intelligence system to assure proper analysis and distribution of trafficking intelligence information.

Activation in 1972 of the ban on cultivation of the opium poppy in Turkey and formulation of narcotics control action plans in 59 foreign countries to secure international cooperation in the global war on heroin.

Preparation and release in 1972 of The World Opium Survey, presenting a comprehensive picture of the location and quantity of opium poppy cultivation.

Establishment of special narcotics courts in New York City with Federal assistance to assure rapid prosecution of narcotics offenders.

Development of the Treatment Alternatives to Street Crime program (TASC), linking the criminal justice system to the treatment system. Under this program, drug abusers who are arrested can be placed in treatment to reduce street crime and improve social adjustment.

Highlights of the drug abuse prevention effort include:

An expansion of federally funded treatment facilities, providing the capacity to treat 100,000 addicts annually. Funds will be available to expand the capacity for addict treatment to over 250,000 addicts by mid-1974, if necessary. More federally funded treatment facilities were created in 1972 than in the previous 10 years.

A nationwide review of all methadone maintenance programs. As a result of that review, new methadone regulations were issued on December 15, 1972, designed to assure high quality treatment for addicts and to prevent illicit diversion of this synthetic narcotic substance.

A worldwide treatment and rehabilitation program for military servicemen, including a large scale screening and early intervention program to identify and treat drug abusers before they become dependent. From June 17, 1971 to September 30, 1972, 250 drug treatment and rehabilitation facilities were activated. During this period, an average of 8,500 servicemen were receiving treatment.

A newly developed Veterans Administration treatment system that offered care to more than 20,000 veterans in 1972.

Total estimated obligations for drug law enforcement will rise in 1974 to \$257 million from \$228 million in 1973 and \$164 million in 1972. Drug law enforcement programs account for 33% of the total funds available in 1974 for drug abuse. Detailed obligations

February 21, 1973

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by both program category and agency are shown in a table at the end of this analysis.

TABLE R-2.—DRUG LAW ENFORCEMENT OBLIGATIONS

Agency	1972	1973	1974
[In millions of dollars]			
Justice:			
LEAA.....	19.6	36.3	44.1
BNDD.....	63.3	70.5	74.1
Other Justice.....		2.2	6.7
State.....	1.0	1.5	1.5
Agency for International Development.....	20.7	42.7	42.7
Treasury:			
IRS.....	10.1	18.9	19.7
Customs.....	46.9	54.3	66.2
Agriculture.....	2.1	1.8	1.8
Transportation.....	.1	.1	.1
Total.....	163.8	228.3	256.9

This increase reflects an intensified effort to deny narcotics to abusers and addicts by halting production and tracking from abroad, interdicting narcotics smuggling at national borders, and preventing the sale of drugs on city streets.

The Office for Drug Abuse Law Enforcement (DALE) in the Department of Justice conducts operations against street pushers with criminal investigators from BNDD and Customs and with special U.S. Attorneys. These groups serve on task forces with State and local enforcement personnel in over 40 target cities. Special grand juries expedite consideration of cases. In its first 8 months of operation, DALE arrested 4,245 alleged heroin pushers and convicted 470.

The Office of National Narcotics Intelligence (ONNI) in the Department of Justice was created to bring together all information regarding production, smugglers, trafficking, and sale of drugs. ONNI brings together intelligence information, coordinates and ana-

lyzes the information, and disseminates combined reports to Federal and State and local enforcement agencies for their use.

The Bureau of Narcotics and Dangerous Drugs (BNDD) in the Justice Department increased its agents and compliance officers in the United States and overseas from 808 in 1969 to 1,652 in 1973. Its principal activities include the investigation of major drug traffickers; enforcement of Federal antidrug laws; the conduct of research and specialized drug training programs for foreign law enforcement agents; and the provision of technical assistance to Federal, State, and local personnel. BNDD supported foreign governments in seizing 4,342 pounds of hard drugs and 115,000 pounds of marihuana from illicit foreign markets in 1972 compared to 3,173 pounds of hard drugs and 40,000 pounds of marihuana in 1971.

The Law Enforcement Assistance Administration (LEAA) in the Department of Justice provides financial support for State and local drug law enforcement efforts.

The Bureau of Customs in the Department of the Treasury is responsible for the interdiction of illicit drugs at U.S. borders. Over the past 4 years, Customs has increased its personnel in order to expand its efforts to monitor traffic at points of entry, police borders, and conduct research into drug detection techniques. The Bureau seized 1,077 pounds of hard narcotics and 218,500 pounds of marihuana in 1972.

The Internal Revenue Service (IRS), also within the Treasury Department, attacks mid-level and top-ranking traffickers through intensive investigations of incomes and tax returns. An estimated \$10.1 million has been spent on IRS activities in 1972. In 17 months, IRS has assessed \$82.5 million in taxes, collected \$15.8 million in currency and property, and obtained 44 indictments and 20 convictions.

The Department of State is responsible for mobilizing the efforts of foreign govern-

ments against the overseas production and distribution of narcotics and dangerous drugs, and for coordinating the narcotics programs of all Federal agencies abroad. The Agency for International Development (AID) in the Department of State assists other countries in stopping the illicit production, processing, and traffic in narcotics. AID provides equipment, training in narcotics control techniques, and assistance for development of alternative crops or other income-producing activities.

The Department of Agriculture supports research projects to develop means of eradicating the opium poppy and develop suitable substitute crops.

The Department of Transportation enforces narcotics laws through the Federal Aviation Administration (FAA) and the Coast Guard. FAA supports Federal, State, and local authorities in their efforts to combat use of commercial planes in smuggling, and the Coast Guard polices coastal waterways and ports.

DRUG ABUSE PREVENTION PROGRAMS

Drug abuse prevention programs support: the treatment of addicts; activities designed to prevent drug addiction; the education and training of individuals; and research into all medical aspects of drug abuse treatment and rehabilitation.

Total estimated Federal obligations for drug abuse prevention will rise in 1974 to \$528 million. Prevention programs may be subdivided into:

Directed programs specifically earmarked for drug abuse purposes and generally funded directly by a Federal agency.

Bloc grant and financing programs over which the Federal Government exercises minimal direct control, e.g., public assistance and Federal bloc grant programs.

The following table summarizes aggregate Federal obligations for drug abuse prevention programs for selected years from 1969.

TABLE R-7.—DRUG LAW ENFORCEMENT FUNDING

[In millions of dollars]

Agency	Law enforcement	Educational/information	Training	Research	Evaluation	Plan/coordination/support	Total
1972 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration.....	16.6			3.0			19.6
Bureau of Narcotics and Dangerous Drugs.....	49.5		2.7	1.5		9.6	63.3
State.....	1.0						1.0
Agency for International Development.....	20.7						20.7
Treasury:							
Internal Revenue Service.....	10.1			.5	0.2	3.4	14.2
Bureau of Customs.....	42.8						42.8
Transportation.....	.1						.1
Agriculture.....				2.1			2.1
Total.....	140.8		2.7	7.1	.2	13.0	163.8
1973 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration.....	30.3			6.0			36.3
Bureau of Narcotics and Dangerous Drugs.....	57.7		2.8	1.6		8.4	70.5
Drug Abuse Law Enforcement.....	.2						.2
National Narcotic Intelligence.....	2.0						2.0
State.....	1.4		.1				1.5
Agency for International Development.....	42.7						42.7
Treasury:							
Internal Revenue Service.....	19.7						19.7
Bureau of Customs.....	58.1			2.6	.2	5.3	66.2
Transportation.....	.1						.1
Agriculture.....				1.8			1.8
Total.....	222.8		.1	2.9	16.4	.2	242.4
1974 OBLIGATIONS							
Justice:							
Law Enforcement Assistance Administration.....	34.1			10.0			44.1
Bureau of Narcotics and Dangerous Drugs.....	60.0		2.9	2.0		9.2	74.1
Drug Abuse Law Enforcement.....	3.7						3.7
National Narcotic Intelligence.....	3.0						3.0
State.....	1.4		.1				1.5
Agency for International Development.....	42.7						42.7
Treasury:							
Internal Revenue Service.....	19.7						19.7
Bureau of Customs.....	58.1			2.6	.2	5.3	66.2
Transportation.....	.1						.1
Agriculture.....				1.8			1.8
Total.....	222.8		.1	2.9	16.4	.2	242.4

EXCERPTS FROM FEDERAL PROGRAMS RELATING TO THE CONTROL OF DRUG ABUSE

(By Barbara Puls, Education and Public Welfare Division, Congressional Research Service, Library of Congress)

INTRODUCTION

In June of 1971, President Nixon identified drug abuse as "America's public enemy number 1." The statistics relating to drug abuse

indicate how widespread and costly the problem has become. The Bureau of Narcotics and Dangerous Drugs has estimated that as of December 31, 1971, there were about 559,000 narcotic addicts in the United States. A report released in October 1972, by a New York State commission on education found that 45% of the high school students in New York City are using hard or soft drugs. Up to 50% of all metropolitan area property

crime is believed to stem from the addict's need to support his habit. A study conducted by psychologists at UCLA for the Bureau of Narcotics estimated that drug addiction is costing the U.S. more than 4.7 billion dollars annually in crime, enforcement, treatment and research expenses—to say nothing of the tragic human loss.

In response to the increasing number of problems related to drug abuse, the Federal

government has been expanding its efforts significantly over the past several years to prevent drug addiction and to treat and rehabilitate those who have become drug dependent. New programs have been developed, existing programs have been expanded, and appropriations have been sharply increased (see chart, "Federal Drug Abuse Programs—Estimated Obligations Summary"). More than 30 agencies, departments, offices, and commissions now operate programs which in some way attack the problem of drug abuse.

As more and more agencies became involved in drug abuse prevention activities, the need arose for coordination of the Federal effort. Therefore, in June 1971, the President created by Executive Order the Special Office for Drug Abuse Prevention (SAODAP) in the Executive Office of the President. In March of 1972, Congress established SAODAP as an independent office with passage of the Drug Abuse Office and Treatment Act of 1972. The primary function of SAODAP is to coordinate all major Federal drug abuse prevention programs relating to education, training, treatment, rehabilitation, and research. The Special Action Office is charged with setting goals, establishing priorities, evaluating performance, and specifying how Federal resources of funds, programs, services and facilities shall be used to combat drug abuse in the United States.

#### LAW ENFORCEMENT

##### I. Department of Justice

###### A. Bureau of Narcotics and Dangerous Drugs (BNDD)

The Bureau of Narcotics and Dangerous Drugs was established in the Justice Department by Reorganization Plan No. 1 of 1968. Its primary mission—to prevent narcotic and dangerous drug abuse through law enforcement—is accomplished through (1) controlling legally manufactured drugs, and (2) through suppressing the illicit drug traffic. BNDD's activities include working with officials of foreign governments to halt the international drug traffic, immobilizing domestic illicit drug distribution networks, preparing cases for prosecuting drug law violators, and seizing drugs subject to Federal control. BNDD also provides technical assistance to States and local governments in the form of drug evidence analysis, testimony in court, advisory services and counseling, and dissemination of technical information concerning narcotics and other abused drugs. The Bureau assists States in drafting enforcement and regulatory legislation relating to controlled substances, and it offers training programs to acquaint appropriate professional and enforcement personnel with techniques of investigation, analysis, and other aspects of drug abuse law enforcement.

###### B. Law Enforcement Assistance Administration (LEAA)

Under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see "Treatment and Rehabilitation" section), States can receive block grants for the planning, establishment and operation of narcotic and dangerous drug enforcement units. Under the discretionary fund program, cities and counties may be granted supplemental support for projects directly addressing law enforcement and crime control needs, including rehabilitation, education and enforcement programs.

###### C. Office of Drug Abuse Law Enforcement (DALE)

DALE was created by Executive Order No. 11641 on January 28, 1972, to develop and implement a concentrated program for enforcement of laws relating to drug abuse control. DALE task forces, which are investigation-prosecution teams consisting of Federal investigators, attorneys, Assistant U.S.

Attorneys, and State and local police officers, operated in 34 target cities in 1972. These task forces are designed to maximize the campaign to stamp out the illegal drug traffic through effective law enforcement. DALE also operates the "Heroin Hotline" through which citizens may report information regarding alleged narcotics law violators in strict confidence.

###### D. Office of National Narcotics Intelligence

The Office of National Narcotics Intelligence was created by Executive Order No. 11676 on July 27, 1972, to serve as a clearinghouse for Federal, State and local law enforcement agencies to collect and disseminate intelligence on the illegal drug traffic and traffickers. The office is not given independent authority to collect information or investigate drug-related cases; all information is supplied to the office by existing agencies.

###### E. Criminal Division

The Narcotic and Dangerous Drug Section of the Justice Department's Criminal Division was established as part of the 1968 reorganization plan. This section supervises all Federal prosecutions for criminal violations of the laws relating to narcotics and dangerous drugs. It is also responsible for litigation to commit addicts under the authority of the Narcotic Addict Rehabilitation Act.

###### F. Immigration and Naturalization Service

The Service's Border Patrol is responsible for cooperating in preventing the smuggling of narcotics and dangerous drugs across the U.S. border at places other than ports of entry.

##### II. Department of the Treasury

###### A. Bureau of Customs

The Bureau of Customs is responsible for preventing the illegal entry of drugs into the country by seizing such substances at border points and ports of entry. The Bureau makes use of the Customs Automated Data Processing Intelligence Network (CADPIN) which contains the records of known and suspected smugglers and related data. The Detector Dog Program, which was initiated in August 1970, is directed mainly against the smuggling of marijuana and hashish. "Operation Cooperation," which is a joint U.S.-Mexican effort, is a Custom's operation designed to reduce the flow of illegal drugs into the United States from over the Mexican border.

###### B. Internal Revenue Service

IRS is involved in a systematic drive against middle and upper echelon distributors and financiers involved in narcotic trafficking for possible civil and/or criminal violations of the Internal Revenue Code. Traffickers are identified by BNDD, and local law enforcement agencies, and they are then investigated for possible prosecution on income tax evasion charges.

##### III. Department of State

###### A. Office of the Senior Advisor to the Secretary for International Narcotics Matters

This office has primary responsibility within the State Department for mobilizing and coordinating foreign and U.S. efforts to control the international narcotics traffic. Also, narcotics control coordinators have been assigned to all American embassies in countries affected by the narcotics problem either as narcotics-producing or narcotics-transit countries.

###### B. Agency for International Development (AID)

Economic assistance required by foreign countries to develop narcotics control programs is supplied by AID. In addition, the Agency trains foreign local officials, provides them with technical assistance, and procures equipment required for the narcotics programs approved by the Agency and the involved country.

##### IV. Department of Transportation

###### A. Coast Guard

The Coast Guard cooperates with Customs and BNDD by providing assistance to these agencies when they require the use of Coast Guard equipment or personnel during an investigation.

###### B. Federal Aviation Administration

The Federal Aviation Administration provides radar coverage for U.S. borders and flight information on aircraft when requested by agencies such as Customs and BNDD.

##### V. Cabinet Committee on International Narcotics Control

This Cabinet level committee, chaired by the Secretary of State, was established by the President on September 7, 1971. The committee is charged with formulating and coordinating all policies of the Federal government relating to the goal of eliminating the flow of illegal narcotics and dangerous drugs into the U.S. from abroad. In July of 1972, the committee issued its first report, "World Opium Survey 1972."

By Mr. BROOKE (for himself and Mr. KENNEDY):

S. 943. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BROOKE, Mr. President, it is with great pleasure that I reintroduce with Senator KENNEDY a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park. As I told this Chamber last May, the creation of an urban national park in Lowell, Mass., would represent an innovative means of grappling with the problems not uncommon to cities which have a rich historical tradition, but a declining industrial base.

This bill was first introduced before the 92d Congress by one of Massachusetts' most distinguished Congressmen, Representative Brad Morse, now Undersecretary General of the United Nations. His very able successor, Representative PAUL CRONIN has reintroduced the bill in the House with cosponsorship from every Representative in the Massachusetts delegation. Behind this measure lies the steady, dedicated work of the citizens of Lowell who have worked so closely with Representative Morse and now Representative CRONIN in making this idea a reality.

This legislation proposes that the historic mill section of Lowell be included within the national park system, under The Natural Cultural Park category. Lowell is uniquely qualified for this honor. Established over 150 years ago, this great city was the first in America planned entirely for industry. It has over 5 miles of canals which once were the lifeblood of the most productive textile mills in America. To these mills came people with wonderfully divergent ethnic backgrounds blessing Lowell with a unique cultural heritage.

However, modern technology has initiated a new industrial revolution and the city of Lowell has suffered unfortunate consequences. The once proud mills now lie silent. A booming economy now