Description of document:	**Report to the Congress: Problems In Slowing The Flow Of Cocaine And Heroin From And Through South America (GGD-75-80), May 30, 1975**
Requested date:	11-January-2008
Released date:	21-April-2008
Posted date:	20-July-2008
Title of Document	as above
Source of document:	Chief Quality Officer U.S. General Accounting Office 441 G Street, NW. Washington, DC 20548 Email: recordsrequest@gao.gov

GAO
Accountability * Integrity * Reliability
United States Government Accountability Office
Washington, DC 20548

PRI-08-057
PRI-08-058

April 21, 2008

This letter responds to your January 11 and January 13, 2008, requests for a mandatory declassification review of the Government Accountability Office (GAO) reports entitled:

1. Shortcomings in the Systems Used to Control and Protect Highly Dangerous Nuclear Materials—Energy Research and Development Administration (EMD-76-3, July 23, 1976).

2. Problems In Slowing The Flow Of Cocaine And Heroin From And Through South America (GGD-75-80, May 30, 1975).

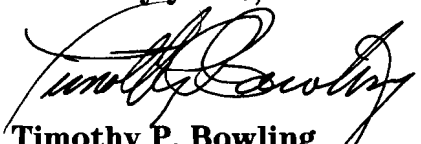
We are enclosing for your information a copy of our regulations concerning the availability of GAO records to the public, which are contained in 4 C.F.R. Part 81 (2007).

With regard to item 1, GAO does not have the legal authority to declassify material. See 4 C.F.R. § 81.6(b), which states Executive Order 12958—Classified National Security Information—governs classification and declassification of government records. Therefore, we have asked the Department of Defense for a declassification review. A copy of the letter requesting the declassification review is enclosed. We will inform you of the results of the review as soon as we are notified. Unfortunately, these reviews often take a long time. If you have any questions, please do not hesitate to call Ms. Patricia Stokes of my staff on (202) 512-9951.

Regarding item 2, we searched our files and found no classified version of item 2. Perhaps the initial draft was classified, but when the final report was issued, it was unclassified. Therefore, we are enclosing a copy of the unclassified version of item 2.

In accordance with 4 C.F.R. § 81.4(d), further consideration of your request—to the extent that it has been denied—may be obtained by an appeal letter to the Comptroller General of the United States setting forth the basis for your belief that the partial denial of your request is unwarranted.

Sincerely yours,



Timothy P. Bowling
Chief Quality Officer

Enclosures

~~SECRET~~

G A O

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

April 16, 2008

Chief, Records and Declassification Division
Attn: Robert Storer
1155 Defense Pentagon
Washington, DC 20301-1155

Dear Mr. Storer:

Pursuant to the provisions of Executive Order 13292, I hereby request Mandatory Declassification Review of the GAO report "Shortcoming In the Systems Used to Control and Protect Highly Dangerous Nuclear Materials – Energy Research and Development Administration," a GAO report submitted July 23, 1976, to the U.S. House of Representatives and the Joint Committee on Atomic Energy. This report is marked as Secret national security information.

If the entire document cannot be disclosed, please indicate which portions can be released and provide the basis for your exemption claims.

Your attention to the request is greatly appreciated. Please contact Ms. Dee McGhee at (202) 512-8116 with any questions.

Sincerely,

Thomas Predmore
Director
Office of Security

Enclosure

Unclassified when separated from classified enclosure

SUBCHAPTER F--RECORDS

PART 81--PUBLIC AVAILABILITY OF THE GOVERNMENT ACCOUNTABILITY OFFICE RECORDS

Sec.

AUTHORITY: 31 U.S.C. 711.

§ 81.1 Purpose and scope of part.

(a) This part implements the policy of the U.S. Government Accountability Office (GAO) with respect to the public availability of GAO records. While GAO is not subject to the Freedom of Information Act (5 U.S.C. 552), GAO's disclosure policy follows the spirit of the act consistent with its duties, functions, and responsibilities to the Congress. Application of this act to GAO is not to be inferred from the provisions of these regulations.

(b) GAO published testimonies, reports, and decisions or listing of publications are included within the scope of this part to the extent that they may be obtained from the GAO Website, http://www.gao.gov, or from the U.S. Government Accountability Office, 441 G Street NW, Room LM, Washington, DC 20548, or phone 202/512-6000, Fax 202/512-6061, TDD 202/512-2537. [Please note that this address is for published GAO documents only, other records requests should be sent to the address provided in section 81.4(a).]

§ 81.2 Administration.

The Chief Quality Officer administers this part and may promulgate such supplemental rules or regulations as may be necessary.

§ 81.3 Definitions.

As used in this part:

(a) "*Identifiable*" means a reasonably specific description of a particular record sought, such as the date of the record, subject matter, agency or person involved, etc., which will permit location or retrieval of the record.

(b) "*Records*" includes all books, papers, manuals, maps, photographs, reports, and other documentary materials, regardless of physical form or characteristics, including electronically created or maintained materials, under the control of GAO in pursuance of law or in connection with the transaction of public business. As used in this part, the term "records" is limited to an existing record under GAO's control and does not include compiling or procuring records, library or museum material made, acquired, or preserved solely for reference or exhibition purposes, or extra copies of documents preserved only for convenience of reference.

(c) "*Records available to the public*" means records which may be examined or copied or of which copies may be obtained, in accordance with this part, by the public or representatives of the press regardless of interest and without specific justification.

(d) "*Disclose or disclosure*" means making available for examination or copying or furnishing a copy.

(e) "*Person*" includes an individual, partnership, corporation, association, or public or private organization other than a federal agency.

(f) *"Compelling need"* means that a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or the records are needed urgently, with respect to a request made by a person primarily engaged in disseminating information, for the requester to inform the public concerning actual or alleged Federal Government activity.

§ 81.4 Requests for identifiable records.

(a) A request to inspect or obtain a copy of an identifiable record of GAO must be submitted in writing to the Chief Quality Officer, U.S. Government Accountability Office, 441 G Street, NW, Washington, DC 20548. Requests may also be made via a link from GAO's Internet Home page at http://www.gao.gov. Requests also may be emailed to recordsrequest@gao.gov. The Chief Quality Officer will either acknowledge or honor the request within 20 days of receipt.

(b) The Chief Quality Officer will honor requests for expedited processing before all other requests in cases in which the person requesting the records demonstrates a compelling need. A demonstration of compelling need shall be made by a statement certified by the requester to be true and correct to the best of the requester's knowledge and belief.

(c) In the event of an objection or doubt as to the propriety of providing the requester with a copy of the record sought, every effort will be made to resolve such problems as quickly as possible, including consultation with appropriate GAO elements. If it is determined that the record should be withheld, the Chief Quality Officer shall inform the requester in writing that the request has been denied, shall identify the material withheld, and shall explain the basis for the denial.

(d) A person whose request is denied in whole or part may administratively appeal the denial within 60 days after the date of the denial by submitting a letter to the Comptroller General of the United States at the address listed in paragraph (a) of this section, explaining why the denial of the request was unwarranted.

§ 81.5 Records originating outside GAO, records of interviews, or records involving work in progress.

(a) It is the policy of GAO not to provide records from its files that originate in another agency or nonfederal organization to persons who may not be entitled to obtain the records from the originator. In such instances, requesters will be referred to the person or organization that originated the records.

(b) It is the policy of GAO that prior to the release of a record of interview created by GAO in connection with an audit, evaluation, or investigation of a program, activity, or funding of a government entity, GAO will notify the agency from which an interview was obtained of the request. GAO will provide that agency with a reasonable opportunity to indicate whether the record of interview or portions thereof should be exempt from disclosure and the reason(s) for the exemption. The public disclosure of a record of interview remains within the discretion of GAO's Chief Quality Officer, but GAO will consider the views of the agency and the exemptions provided for under § 81.6 or any other law or regulation in deciding whether to release all or portions of a record of interview

(c) In order to avoid disruption of work in progress, and in the interests of fairness to those who might be adversely affected by the release of information which has not been fully reviewed to assure its accuracy and completeness, it is the policy of GAO not to provide records which are part of ongoing reviews or other current projects. In response to such requests, GAO will inform the requester of the estimated completion date of the review or project so that the requester may then ask for the records. At that time, the records may be released unless exempt from disclosure under § 81.6.

§ 81.6 Records which may be exempt from disclosure.

The public disclosure of GAO records contemplated by this part does not apply to records, or parts thereof, within any of the categories listed below. Unless precluded by law, the Chief Quality Officer may nevertheless release records within these categories:

(a) Records relating to work performed in response to a congressional request (unless authorized by the congressional requester), congressional correspondence, and congressional contact memoranda.

(b) Records specifically required by an Executive Order to be kept secret in the interest of national defense or foreign policy. An example of this category is a record classified under Executive Order 12958, Classified National Security Information.

(c) Records related solely to the internal personnel rules and practices of an agency. This category includes, in addition to internal matters of personnel administration, internal rules and practices which cannot be disclosed without prejudice to the effective performance of an agency function. Examples within the purview of this exemption are guidelines and procedures for auditors, investigators, or examiners, and records concerning an agency's security practices or procedures.

(d) Records specifically exempted from disclosure by statute provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(e) Records containing trade secrets and commercial or financial information obtained from a person and are privileged or confidential. This exemption may include, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes, or development information.

(f) Personnel and medical files and similar files the disclosure of which could constitute a clearly unwarranted invasion of personal privacy. This exemption excludes from disclosure all personnel and medical files, and all private or personal information contained in other files, which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person. An example of such other files within the exemption would be files compiled to evaluate candidates for security clearance.

(g) Records and information compiled for law enforcement purposes.

(h) Records having information contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Records containing geological and geophysical information and data (including maps) concerning wells.

(j) Inter-agency or intra-agency memorandums, letters, or other materials that are part of the deliberative process. For example, this exemption includes internal communications such as GAO or other agency draft reports and those portions of internal drafts, memoranda, and workpapers containing opinions, recommendations, advice, or evaluative remarks of GAO employees. This exemption seeks to avoid the inhibiting of internal communications and the premature disclosure of documents which would be detrimental to an agency decision making.

(k) Records in addition to those described in paragraph (j) of this section containing information customarily subject to protection as privileged in a court or other proceedings, such as information protected by the doctor-patient, attorney-work product, or lawyer-client privilege.

(l) Records GAO has obligated itself not to disclosed, including but not limited to, records for which GAO officials have made a pledge of confidentiality, and records the release of which would adversely impact significant property interests or negatively affect public safety.

(m) Unsolicited records containing information submitted by any person to GAO in confidence. An example of records covered by this exemption would be information obtained by the GAO Office of General Counsel (GAO FraudNET).

[49 FR 38527, Oct. 1, 1984, as amended at 53 FR 50913, Dec. 19, 1988]

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(2) Staff-hours spent in resolving any legal or policy questions pertaining to the request.

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(c) GAO shall notify the requester if an advance deposit it required.

(d) Fees and charges shall be paid by check or money order payable to the U.S. Government Accountability Office.

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[53 FR 50913, Dec. 19, 1988]

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[53 FR 50913, Dec. 19, 1988]

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25590

REPORT TO THE CONGRESS

Problems In Slowing The Flow Of Cocaine And Heroin From And Through South America

Drug Enforcement Administration
Department of Justice

Department of State

Central Intelligence Agency

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-80

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089716

089716

MAY 30, 1975

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-175425

To the President of the Senate and the
Speaker of the House of Representatives

This report describes problems in slowing the flow of cocaine and heroin from and through South America.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Secretary of State; the Attorney General; the Director, Central Intelligence Agency; the Administrator, Drug Enforcement Administration; and the Commissioner, U.S. Customs Service.

Comptroller General
of the United States

Contents

ABBREVIATIONS

BNDD	Bureau of Narcotics and Dangerous Drugs
BOP	Bureau of Prisons
CCINC	Cabinet Committee on International Narcotics Control
CIA	Central Intelligence Agency
DEA	Drug Enforcement Administration
GAO	General Accounting Office
INS	Immigration and Naturalization Service
MINT	Major International Narcotics Traffickers

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

PROBLEMS IN SLOWING THE FLOW OF COCAINE AND HEROIN FROM AND THROUGH SOUTH AMERICA

Drug Enforcement Administration
Department of Justice
Department of State
Central Intelligence Agency

D I G E S T

WHY THE REVIEW WAS MADE

U.S. authorities estimated in 1973 that

--all cocaine abused in the United States was grown in South American countries, and

--about 50 percent of the heroin reaching the United States passed through South or Central American countries and Mexico. (See p. 1.)

GAO conducted a review to determine U.S. efforts to stop the flow of cocaine and heroin from and through South America.

FINDINGS AND CONCLUSIONS

U.S. enforcement objectives in South America are to stop cocaine and heroin bound for the United States either by cutting off the drugs or eliminating local illicit production. U.S. Ambassadors are responsible for seeing that U.S. objectives are achieved in each country. They are supported in the drug area by the Drug Enforcement Administration, the prime U.S. drug enforcement agency; the Central Intelligence Agency, the primary foreign clandestine intelligence collection agency; and drug control committees formed in 1971 in each country. Since then

--drug seizures and arrests have increased;

--cooperation on the part of some South American countries has improved;

--local government officials are more aware of drug abuse problems;

--foreign narcotic enforcement groups have been more effective; and

--better information has become available on drug trafficking. (See pp. 2, 4, and 5.)

However, it is unrealistic to expect that large quantities of cocaine and heroin will no longer reach the United States from South America. Delays in progress can be expected because of the magnitude of the

problem, the difficulties in dealing with corruption, political instability, insufficient equipment and trained personnel, and lack of effective drug laws in South America. (See p. 5.)

GAO found that U.S. enforcement efforts have been hampered by

--the need for increased intelligence gathering, sharing, and cooperation among U.S. agencies involved in drug interdiction,

--the need for more aggressive actions by the Department of State to support drug agents and programs,

--inadequate extradition treaties or workable alternatives,

--inefficient use of the judicial system as a deterrent to trafficking,

--inadequate utilization of intelligence to make drug interdictions at U.S. ports of entry,

--limited and ineffective effort by local enforcement groups to combat the international drug problem,

--the need for an increased use of resources to identify and systematically immobilize major traffickers, and

--problems in allocating funds and manpower to accomplish enforcement objectives.

Intelligence sharing and agency cooperation

The development of foreign narcotics intelligence is a prime responsibility of certain Drug Enforcement Administration and Central Intelligence Agency officers stationed overseas. This dual responsibility for narcotics intelligence was assigned by Presidential directive. (See p. 17.)

There was only limited cooperation between these two agencies. Enforcement activity also was hampered because of jealousies between the two competing intelligence/enforcement groups. Other factors contributing to the problem are different objectives and modes of operations and a mutual lack of trust. (See p. 20.)

The exchange of intelligence among all U.S. agencies on the movements of international drug traffickers was limited. The Immigration and Naturalization Service, Bureau of Prisons, and the State Department have information on aliens involved with drugs. But, this information has not been effectively used by the Drug Enforcement Administration to increase its success in locating and

immobilizing major traffickers. (See p. 27.)

Before establishing the Drug Enforcement Administration in July 1973, drug agents of the Bureau of Narcotics and Dangerous Drugs, and Customs on foreign assignments regularly received intelligence data on movements of ships, automobiles, and traffickers from the Customs Service. After July 1973, this information was no longer provided, since those special agents remaining with Customs were no longer permitted to engage in narcotics activities as a primary mission. (See p. 29.)

State Department involvement and host country action

There is room for Embassies to improve drug enforcement actions, and provide Embassy officials with familiarization training in drugs, trafficking, and enforcement activities. (See p. 42.)

Extradition

One of the most important U.S. goals is to immobilize traffickers, either in the United States or in other countries. The Drug Enforcement Administration needs to either retrieve violators who have fled from the United States and prosecute them in U.S. courts or to have them prosecuted in the country to which they fled. Extradition agreements permit the transfer of alleged criminals from one nation to another. In 1966, the then Acting Commissioner of Narcotics stated that obtaining the extradition of narcotics offenders had become a problem. Now, in 1975, this is still the case. (See p. 44.)

The Drug Enforcement Administration, and the Departments of Justice and State are considering various approaches to improving extradition procedures, such as efforts to negotiate new treaties and the hiring of local attorneys in various countries to handle extradition paperwork and procedures. New treaties need to be negotiated or workable alternatives found that will provide the necessary tools to insure that drug traffickers are immobilized. (See p. 46.)

Judicial system

There are many barriers to stopping the flow of cocaine and heroin coming to the United States--some are beyond the control of U.S. agencies.

One is that the judicial system is not being effectively used as a deterrent to trafficking. Drug Enforcement Administration officials said that the judicial districts that adhere to the spirit of the law in

processing drug cases are a distinct minority and that lax procedures and weak sentences are the rule. (See p. 31.)

Inadequate utilization of intelligence to make drug interdictions at U.S. ports

Adequate intelligence on drug traffickers, their travel patterns and modus operandi, was not being furnished to the United States Customs Service to permit them to cut off drugs at U.S. ports. Customs Service said that since the Drug Enforcement Administration became the primary source for this information,

--narcotics suspects being furnished decreased by 56 percent during fiscal year 1974,

--license tags provided is less than one-tenth of the number previously furnished, and

--narcotics seizures based on prior information had decreased from 11 to 5 percent. (See p. 31.)

Host country effectiveness

There have been increases in activities by local enforcement agencies to impede the flow of drugs in most South American countries. But, further progress is impeded by

--corruption and political instability;

--lack of qualified and dedicated enforcement personnel and needed equipment;

--lack of effective laws in some countries concerning penalties for drug offenses or for the destruction of seized drugs; and

--low salaries and an inadequate reward system to motivate local police to increase drug enforcement efforts.

Immobilization of major traffickers

The Drug Enforcement Administration claims that most of its enforcement effort should be directed toward immobilizing major violators. In South America less than 50 percent of enforcement time is directed to this task. One of the main reasons for this was that requests from domestic regions, not involving major violators, required too much of the local Drug Enforcement Administration's time. (See p. 59.)

Problems exist with the identification and systematic immobilization of major traffickers. The Drug Enforcement Administration's Regional Office did not retain a current listing of those major traffickers operating within the region, and the major traffickers being worked in the district offices were not always the same as those on file in the Regional Office. (See p. 61.)

A solution to the problem of focusing resources on major narcotics traffickers has recently been developed jointly by the Central Intelligence Agency and Drug Enforcement Administration and approved by the Cabinet Committee on International Narcotics Control. This joint program has been undertaken to identify and collect intelligence on the major international narcotics traffickers operating throughout the world.

These individuals are listed in the Major International Narcotics Traffickers Register which is available to the Central Intelligence Agency and Drug Enforcement Administration in Washington and overseas. This register does not include American citizens. (See p. 35.)

The Major International Narcotics Traffickers Program and the specialized computer system appear to be a practical means of focusing limited resources where they will have the greatest impact through systematically collecting and processing intelligence on the traffickers of greatest priority. This information with adequate physical description can be of great assistance to the Customs Service in performing its interdiction role. (See p. 31.)

RECOMMENDATIONS

GAO made several recommendations to the Attorney General and the Secretary of State which should help slow the flow of cocaine and heroin from and through South America. (See pp. 36 and 54.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

GAO did not submit this report to the Department of the Treasury for written comments; however, pertinent sections were discussed with officials of the United States Customs Service and their comments and suggestions were considered. GAO did submit the report to the Departments of Justice and State, and to the Central Intelligence Agency for written comments. These agencies agreed in general with GAO's recommendations and provided GAO with corrective actions (included in the report) they are taking. (See apps. I, II, and III.)

The Administrator, Drug Enforcement Administration, told GAO on April 3, 1975, that he plans to establish a second regional office in South America. GAO believes that this will provide greater control and supervision over drug programs, increase their effectiveness, and eliminate some of the problems noted in this report.

Some of the problems discussed in this report describe the situations that existed during 1972 and 1973. Agency officials told GAO that some of these situations no longer exist and improvements are

being made in others. The current status of these findings are discussed in the report.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report advises the Congress of efforts needed and being taken to slow the flow of drugs into the United States from South America and should be useful in future hearings on the overall drug abuse problem. To insure that greater numbers of major international drug traffickers are immobilized, there is a need for increased intelligence, better interagency cooperation, and more realistic extradition agreement. Because these areas involve several agencies and past jealousies have reduced their effectiveness, the Congress may wish to inquire periodically into what is being done in these three vital areas.

CHAPTER 1

INTRODUCTION

Cocaine is increasingly becoming the choice for many drug users in the United States. Arrests and seizures involving cocaine during 1973 were 149 and 185 percent higher than in 1970, respectively. The Drug Enforcement Administration's (DEA's) foreign cooperated arrests during the first half of fiscal year 1975 numbered 689 of which 236 were arrested for cocaine. While cocaine is not physically addicting, its high stimulant, hallucinatory and ecstatic effect combined with the severe depression which occurs during withdrawal, impels the abuser to seek a new high. Also, chronic use may result in paranoid delusions or aggressive action. For example, it is said that the heroin addict commits crime to obtain the drugs, but the cocaine user commits crime while under the influence of the drug.

According to U.S. authorities, all cocaine abused in the United States comes from the Andes Mountain area in South America, where it is cultivated. South America, to a lesser extent, is also an indigenous source for marihuana, heroin, and various hallucinogenic drugs. However, enforcement effort in South America is mainly directed toward cocaine and the use of South America as a transshipment point for European and Asian heroin.

DEA estimated that more than 50 percent of the heroin seizures in the United States during 1973 passed through Latin America on its way to drug users in the United States. DEA officials indicated that this had decreased during 1974. Several factors make South America a very attractive place for drug transactions, including (1) South America's expanding role in international commerce and travel, (2) the political climate, (3) the number of inhabitants that have ethnic and family ties to Europe and Asia, and (4) its history of contraband smuggling activities.

U.S. ENFORCEMENT EFFORT IN SOUTH AMERICA

To achieve its objectives of stopping the flow of drugs as close to the source as possible, the former Bureau of Narcotics and Dangerous Drugs (BNDD) established a regional

office in South America in January 1972. Before that time enforcement effort in South America had been coordinated by BNDD's Mexico regional office. On July 1, 1973, BNDD, along with the Office for Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and drug enforcement personnel from the Bureau of Customs were merged to form DEA in the Department of Justice.

DEA has responsibility for U.S. drug enforcement programs in South America. As of January 31, 1975, 32 of DEA's 2,086 agents were stationed in South America, either in the regional office or one of 11 district offices. For fiscal year 1976, DEA requested about $151 million. The 1974 and 1975 budget is divided into the following areas:

Budget activity	Appropriation 1974	Appropriation 1975
	(000 omitted)	
Law enforcement:		
Criminal enforcement	$ 81,004	$ 96,044
Compliance and regulation	9,078	10,776
State and local assistance	10,188	11,475
Intelligence	5,516	9,461
Research and development	6,491	6,734
Executive direction	222	510
Total	$112,499	$135,000

U.S. EMBASSY INVOLVEMENT

In 1971, U.S. Embassy involvement in drug law enforcement increased in many countries as a result of the President's directive establishing the Cabinet Committee for International Narcotics Control to coordinate activities of curtailing and eventually eliminating the flow of illegal narcotics and dangerous drugs into the United States. To complement the Washington effort, drug control committees have been formed in some foreign nations to stop illicit drug trafficking. The committees are responsible for coordinating and guiding U.S. anti-drug activities in their respective countries. The committees' first task was to develop plans

outlining, among other topics, the (1) host country's influence on the U.S. drug problem, (2) U.S. goals and objectives to counteract this influence, and (3) specific steps to achieve these goals and objectives.

Committees have been formed in various countries in South America and action plans have been developed. In some countries full-time drug coordinators have been assigned. Committee membership usually includes representatives from the Department of State, DEA, Central Intelligence Agency (CIA), Agency for International Development, and the United States Information Service. To assist in gathering and analyzing pertinent data, a subcommittee on Narcotics Intelligence was established in some countries.

Because of national concern, GAO has provided the Congress with several reports over the past few years on drug enforcement. A list of some of these reports is included as appendix IV.

SCOPE OF REVIEW

We reviewed U.S. efforts to stem the flow of illicit drugs from South America and examined the programs and efforts being made by DEA, Department of State, and CIA to confront the problem. Our review was made at:

--DEA's Washington, D.C. headquarters and South America regional offices;

--U.S. Embassies in 10 countries in South America;

--Department of State, Washington, D.C.; and

--CIA headquarters, Langley, Virginia, and CIA Stations in South America.

We examined DEA, CIA, and Department of State documents; and DEA, CIA, Department of State, and other agencies' files on drug control activities. We also discussed the illicit drug situation in South America with numerous agency officials.

Photographs and maps in this report were supplied by DEA unless otherwise indicated.

CHAPTER 2

OBJECTIVES, PROGRESS, AND DRUG SITUATION IN SOUTH AMERICA

The U.S. strategy of reducing drug abuse consists of various programs in the areas of law enforcement and control, treatment and rehabilitation, education and training, and research. Success, if obtained, will be the result of a balanced effort in these areas.

U.S. objectives in South America are to identify and disrupt major drug distribution organizations operating through or from there. Prime emphasis is directed toward heroin and cocaine systems, with secondary emphasis directed toward marihuana or dangerous drugs. Under DEA's Geographical Drug Program important drug producing and distributing countries have been divided into geographical areas by drug or drugs for concentrated intellingence gathering and enforcement effort. Latin America, including Mexico, Central, and South America, is one of the six principal drug trafficking networks so designated. This area has been identified for concentrated activity dealing with heroin and cocaine.

As of September 1973, 52 major heroin and cocaine traffickers had been identified by the South American regional office for priority enforcement effort. Regional officials stated that in order to achieve their overall goal they must

--improve intelligence gathering,

--improve flow of intelligence among U.S. agencies,

--encourage improvement in local drug enforcement through training and equipment grants,

--obtain major traffickers for trial in the United States when local laws and judicial systems are not adequate,

--encourage improvement in local laws and judicial systems,

--foster cooperation among the various South American countries,

--encourage increased participation of other local agencies (customs, military, etc.) in drug control, and

--overcome administrative and personnel problems.

PROGRESS

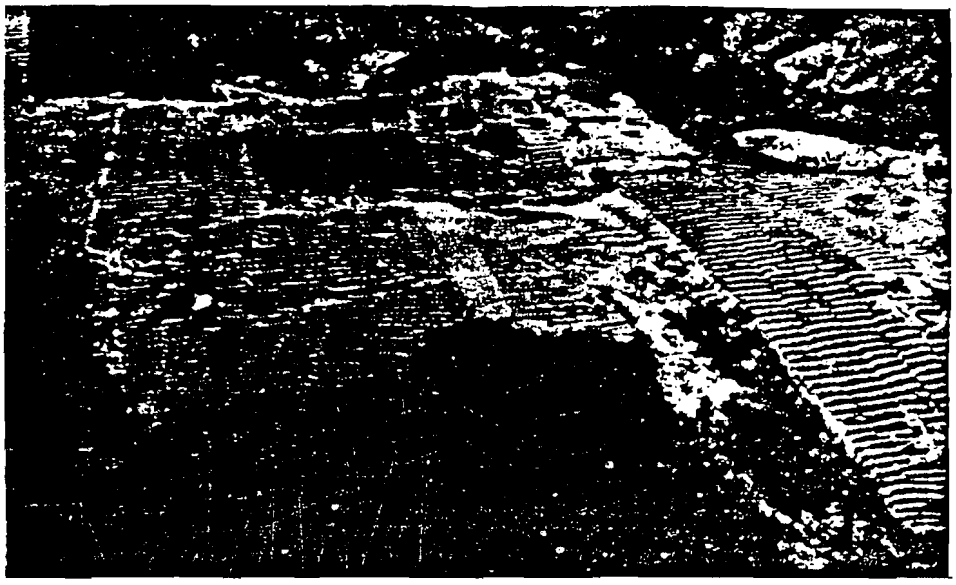
Progress has been made although it has been slow. In most South American countries there has been an increase in local drug enforcement efforts which can be attributed largely to U.S. influence. Many countries established narcotics enforcement groups to combat the increasing international drug problem and some countries even revised or changed their laws to increase the penalties for drug cultivation, use, or trafficking.

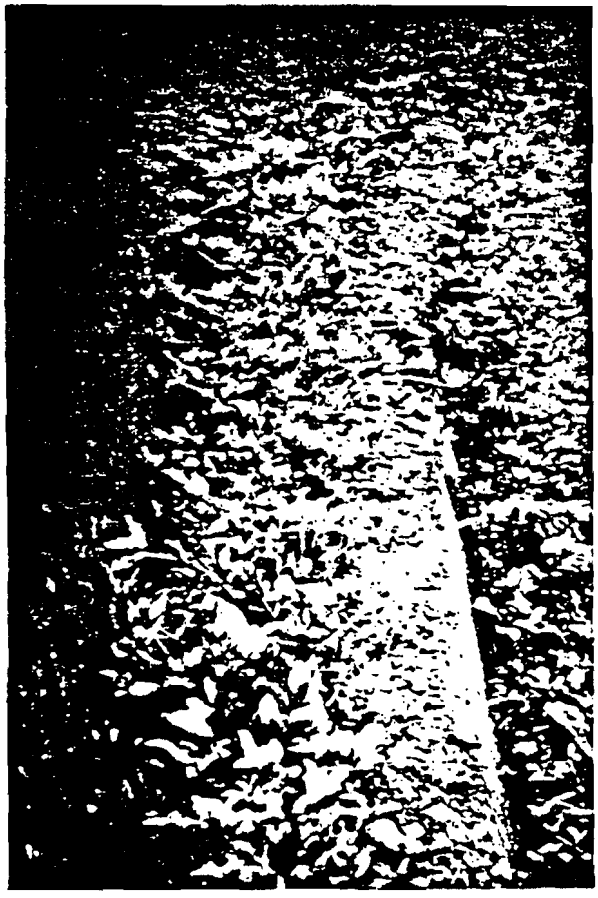
The local drug enforcement unit in one country has been in existence for four years, whereas, another country's drug unit only became operational in 1973. In one country, three local enforcement agencies have each formed narcotics enforcement units. Other similar units have been formed throughout South America.

The laws in some countries have been revised or changed to make the use or trafficking of drugs less desirable. For example, on October 17, 1973, one country unanimously adopted a new narcotics law which culminates various diplomatic moves and overtures by the U.S. mission seeking more stringent laws. In another country, the drug law has been revised to include penalties of from 8 to 12 years for drug trafficking.

There have been arrests of drug traffickers, seizures of drugs, and extradition and expulsion of drug traffickers to the United States for prosecution. For example, DEA reports the arrest of 14 high-level traffickers during fiscal year 1973.

However, it is unrealistic to expect within the near future that large quantities of cocaine and heroin will no longer reach the United States from South America. Some of the delays in progress can be expected because of difficulties





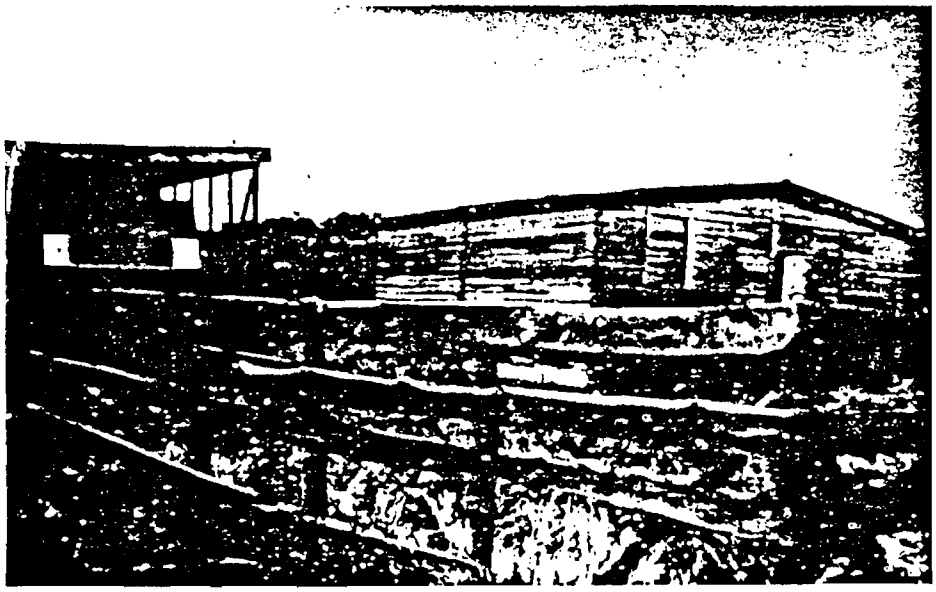
Cocaine is an alkaloid contained in Erythroxylon coca Lamark, probably indigenous to the region. Here, on steep terraced slopes, it is legally cultivated to this day.

The coca plants are harvested from two to six times a year by stripping the leaves from the plant.

:er the leaves have been removed from the plant, they are dried in the sun before shipment. elatively small amount is exported to the United States where the leaves yield flavoring ex- cts for an expanding beverage industrv. and cocaine is used for medical purposes.

In South America, the coca leaf is chewed for refreshment and relief from fatigue, much as North Americans once chewed tobacco. The ancient custom of coca-chewing is illustrated by a pot from the Mochica Culture that dates from 600 to 800 A.D.

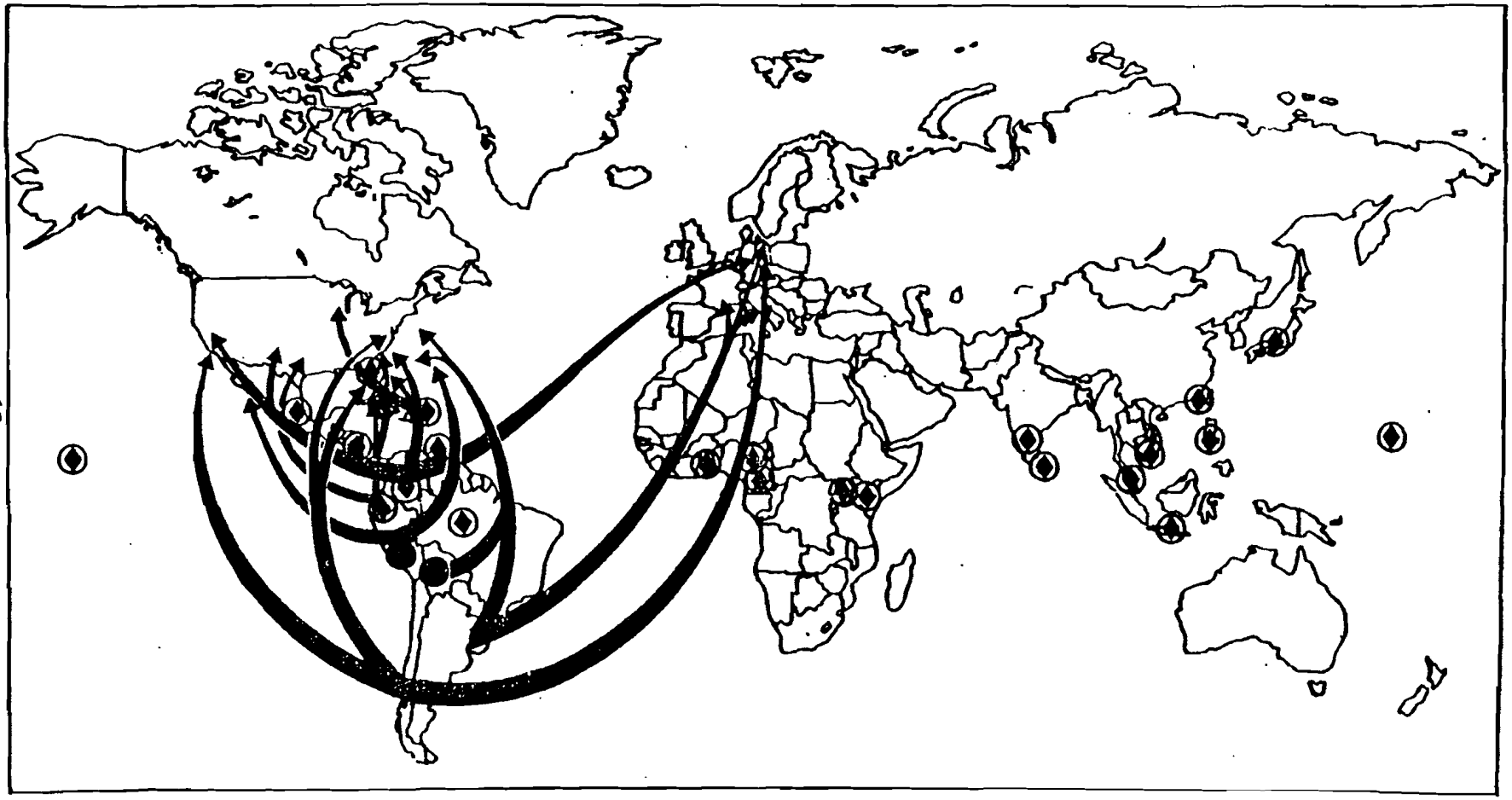
The coca leaf is converted to coca paste in a large number of primitive or mobile laboratories. These laboratories have small production capacities, making batches of coca paste of about two to three kilograms at a time.



This illicit laboratory had an estimated production capacity of 110 pounds of cocaine per month.

Coca leaves and cocaine hydrochloride. The cocaine paste (above to left) is converted to the crystalline cocaine and smuggled into the United States. Above right is an unusual crystalline form of cocaine; below, cocaine (nickname "snow") as it normally appears on the illicit market. Abusers in the United States generally inhale it ("snort"), or inject it into the body after mixing the crystalline powder with heroin.

Coca Cultivation & General Trafficking Routes



● Principle areas of commercial coca cultivation

◈ Some other sites where coca grows or has been grown

in dealing with corruption, political instability, insufficient equipment and trained personnel, and lack of uniform laws in South America.

DRUG SITUATION

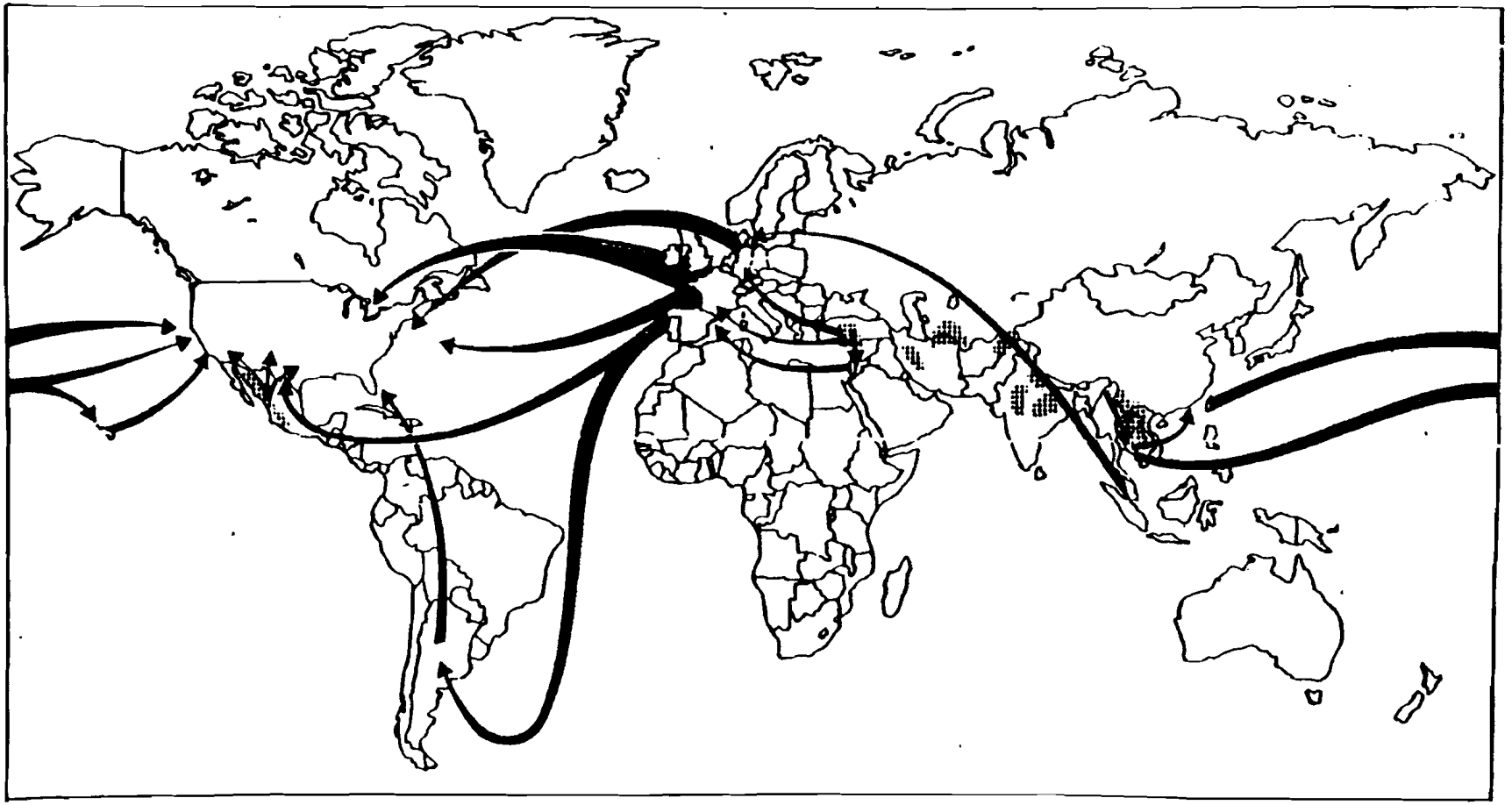
Cocaine

The majority of coca leaves are grown in two countries (see pictures and map on pp. 6 to 12) with limited growth in three other countries. This use of coca dates back to the time of the Incas and today tea made from the leaves is very common. Because the yield of cocaine is about 1 kilogram to 100 kilograms of leaves, production of coca paste (the first processing step in the production of cocaine) is usually in laboratories close to the small coca farms located along the Andes. The paste is then moved to major processing laboratories in three countries. Small amounts also move to four other countries with current data indicating that these latter routes may be expanding in overall importance. The paste is converted in small laboratories to cocaine hydrochloride, the finished product, which usually requires two simple chemical processes. In some cases the coca paste is changed to cocaine base in intermediate laboratories closer to the growing areas. In one country, a November 1973 U.S. Embassy study indicated that laboratories had produced 770 to 880 pounds of cocaine. The agent in charge in another country estimated that from 550 to 1,100 pounds are either produced or transshipped to the United States each month. In July 1973, 68 pounds of cocaine were found in a load of bananas aboard a ship in Baltimore, Maryland, which had recently arrived from South America.

Heroin

While several small illicit poppy fields have been located in three countries in South America, its involvement with heroin has been basically as a transshipment point for European-produced, and to a lesser extent, Asian-produced heroin. (See map on p. 14.) Large seizures of from 36 to 136 pounds have been made in three countries and the major cocaine and contraband routes on the west coast have also been used to move heroin. A current situation developing is the exchange of cocaine in Europe (where demand is

Opium Growing Areas & General Trafficking Routes



growing) for heroin to be shipped to the United States. A major trafficker, now serving a 20-year sentence in New York for heroin conspiracy, handled large volumes of heroin via contraband routes from one South American country, across to the Pacific Coast through two other South American countries and various Caribbean Islands to the United States. After the trafficker's arrest and the arrest of various associates, traffic in heroin appeared to decrease.

Marihuana and hashish

The main source of marihuana is in one country, with smaller crops in most other South American countries. The marihuana grown in South America is usually locally consumed and marihuana abuse seems to be the major drug problem in South America, except for the high use of coca by the Indians living in the growing areas and to a lesser extent by those living in several cities. While there is little data available on South American production of hashish, shipments have been seized in two countries.

Hallucinogens

LSD and other hallucinogens found among certain groups or communes in South America have usually come from the United States and are not considered an important problem at the present time. However, many varieties of plants indigenous to South America, when ingested, cause LSD-type effects and in some cases have not been placed on the controlled substance list, making them a potential target for future importation and abuse. Also, a DEA agent stated that a drug firm in one country is producing ergotamine, which is a basic precursor used in the production of LSD.

Other dangerous drugs

Amphetamines and barbiturates are abused by local citizens; however, there is little effort to control over-the-counter sales and there are no indications that South America is being used to supply dangerous drugs to the United States. However, several countries have the industrial capacity to do so and may increase production if the United States is successful in stopping the traffic from other countries.

CHAPTER 3

LACK OF INTELLIGENCE SHARING AND AGENCY COOPERATION

DEA has established a number of programs to obtain information on drug trafficking routes and methods used in South America and during fiscal year 1973 a total of 54 traffickers were arrested in South America of which 19 were high-level (class I) traffickers. (For fiscal year 1974, a total of 168 South American traffickers were arrested, of which 48 were class I.) In each of the countries we visited, however, agents and other officials expressed concern over the lack of good intelligence on the size and nature of traffic in specific regions and on the location of drug conversion laboratories.

The effectiveness of enforcement effort--making important arrests and seizures--depends upon the quality and quantity of information (intelligence) that is available to those making enforcement decisions. While some arrests and seizures are made cold (without intelligence), the arrest of a major drug trafficker is usually the result of long and tedious hours of gathering and analyzing information. In South America, information gathering is even more important, since most countries lack effective drug and customs laws and sufficient professional and well-trained enforcement personnel to work the streets and borders on a regular basis.

Intelligence is obtained from a variety of sources using several techniques such as informers, undercover buys, and surveillance. Also, other agencies may already have valuable information that, if made available, could be very useful. At the time of our review, the South American regional office had implemented several intelligence probes to obtain additional information. However, we found that intelligence activities were not effective because:

--DEA and CIA disagreed on intelligence roles thereby limiting cooperation and data sharing.

--Data available on the movement of international traffickers was not systematically obtained from or provided to all agencies involved.

--Customs' intelligence previously developed was no longer available due to its changing role.

--Intelligence was not gathered with Customs' requirements in mind.

--Additional funds were needed for purchasing information.

--Data was not developed on dangerous drugs.

DISAGREEMENT BETWEEN DEA AND CIA ON NARCOTICS INTELLIGENCE ROLES

The development of foreign narcotics intelligence is a prime responsibility of certain DEA and CIA officers stationed overseas. This dual responsibility for narcotics intelligence was assigned to DEA and CIA by Presidential directive.

Until 1969, BNDD had the primary responsibility for collecting and analyzing foreign narcotics information. In 1969, CIA was requested directly by the Executive Office of the President to use its foreign intelligence resources to support the U.S. international narcotics control program. With the formation of the Cabinet Committee on International Narcotics Control (CCINC) in 1971, CIA was assigned the responsibility for collecting and analyzing international narcotics intelligence by clandestine means.

On July 27, 1972, the President issued Executive Order 11676, establishing within the Department of Justice an Office of National Narcotics Intelligence. The order assigned the Director of ONNI responsibility for developing and maintaining a National Narcotics Intelligence System in conjunction with Government measures for (1) restricting the illegal flow of narcotics from abroad, (2) strengthening domestic law enforcement activities of Federal, State, and local agencies in the narcotics area, and (3) initiating programs for drug abuse prevention, education, treatment, and rehabilitation. Issuance of the Executive order was followed by an appropriation request which the President transmitted to the Congress specifying that the mission of Narcotics Intelligence is "to coordinate the determination of narcotics intelligence requirements and the collection, analysis and dissemination of narcotics intelligence from both overseas and domestic sources."

This responsibility was transferred to DEA by Reorganization Plan #2 which created DEA on July 1, 1973. Under this

plan, all drug intelligence responsibilities previously vested in BNDD, ONNI, Customs, and other agencies involved in drug enforcement were transferred to DEA's Office of Intelligence.

According to the "Federal Strategy for Drug Abuse and Drug Traffic Prevention 1974":

> "The Cabinet Committee has assigned the highest 1974 overseas priority to efforts designed to improve the collection, analysis, and use of drug intelligence and to upgrade the quality of foreign drug law enforcement. The CIA has been directed by the President to assume lead responsibility for the collection of international drug intelligence. Their effort will be augmented by the DEA which has significantly increased its number of overseas agents."

CIA officials provided us with the following summary of guidelines issued by CCINC on how the CIA should be used to collect narcotics intelligence.

--Designate the CIA Chief of Station as the focal point within the U.S. mission for coordinating narcotics intelligence collection.

--Direct other mission elements to submit their plans for "special collection" for prior and continued coordination to the Chief of Station.

--Direct the Chief of Station to keep narcotics intelligence collection priorities and targets under continuous review to insure maximum effectiveness of mission collection efforts.

--Require that all narcotic sources be registered with the Chief of Station prior to operational use.

--Depending on local conditions, designate the Chief of Station as central depository for all narcotics intelligence.

--Assign to the Chief of Station the responsibilities for advising the Chief of Mission as well as other officials on using the intelligence product locally.

Guidelines in South America

Various documents obtained in different embassies in South America outlined basically the same structure as presented above, stating that the CIA will coordinate all intelligence activities related to narcotics suppression, and that all intelligence activities and informants will be cleared through them. However, these documents are not clear on just what constitutes useful intelligence or how it will be obtained or disseminated.

While we have information on the number and activities of DEA agents in South America, CIA officials would or could not provide specific information on the number of their men assigned or time spent in gathering drug intelligence. However, from various documents and discussions it was apparent that CIA had played an active role.

DEA/CIA relationship causes problems for both agencies

DEA agents throughout South America stated that CIA intelligence is of little or no value, while CIA officers claimed that their intelligence efforts had resulted in a number of important arrests and/or seizures, and that DEA has failed to follow up effectively in some instances.

A review of CIA narcotics intelligence on Latin America revealed the intelligence reporting not only gives specific actionable leads for DEA enforcement action but also an overall picture of major narcotics trafficking throughout Latin America. There have also been a number of major arrests and seizures based on CIA intelligence. Better investigative followup of CIA intelligence by DEA should be possible when the intelligence analysis capability of DEA is strengthened. Based on an evaluation of DEA files and through discussions with DEA and CIA agents and officials, the following problems were identified.

1. CIA is precluded through legal restriction from conducting foreign intelligence operations against U.S. nationals. This also applies to narcotics intelligence. At times, DEA has expressed concern because CIA does not assist in collecting intelligence in cases involving narcotics traffickers who are American citizens.

2. There are legal restrictions on using CIA intelligence in the enforcement process and because it concentrates on clandestine collection, CIA must protect sensitive intelligence sources and methods.

3. DEA, because of inherent short-term limitations of an enforcement approach and a lack of or inability to effectively use trained intelligence officers overseas, has not been able in the past to exploit intelligence leads provided by CIA as effectively as it would like to. This is improving as the intelligence collection and analysis resources of DEA are expanded.

4. DEA and CIA were not keeping each other advised fast enough concerning drug operations, thereby setting the stage for embarrassing encounters that jeopardized cases, agents, and the informer involved.

5. Local enforcement agencies were reluctant to work with DEA because of its relationship with CIA.

6. There is a need for an increased effort by both CIA and DEA officers overseas to share and exchange techniques and information on a regular basis.

Problems arise because of different DEA and CIA approaches

While some of the problems between DEA and CIA in South America arise from the natural jealousies of competing intelligence/enforcement groups, we found that these problems were also the result of (1) different objectives, (2) different modes of operation, and (3) lack of trust.

Different objectives

DEA's objective is to stop the flow of drugs by having traffickers arrested and drugs seized. Informers they cultivate must lead to this end, and in many cases the informers are working for DEA because of their own involvement in illegal activities. In other words, they are helping DEA apprehend other drug traffickers in hopes that DEA will be able to help reduce or eliminate their chances of serving a jail sentence. DEA also buys information from informers not

involved in illegal activities, taking the necessary precautions to protect their identity when possible. However, DEA's protection of these sources is hampered because cases are made in cooperation with local enforcement groups and are subject to trial by the courts.

CIA's main mission is to develop intelligence on the security of the United States, usually through covert operations. Much of its intelligence comes from highly paid informers that have been cultivated and groomed over many years. DEA wants to verify information provided by CIA or use it to make an arrest or seizure but CIA informers are then subject to being "burned" (identified) by those involved. Because these informers are valuable and work under risk, CIA takes every precaution to protect them.

CIA's role in narcotics intelligence requires clandestine collection from which DEA can pursue effective enforcement operations. CIA's sensitive intelligence sources and methods cannot be brought into the prosecution process developed by DEA because they would be exposed and rendered ineffective.

Mode of operation different

DEA activities are overt and any police work in a foreign country must be accomplished in cooperation with local police. Usually the basis for making an arrest comes under as much or more review as it would in the United States but in most instances DEA wants to take credit for their own efforts and give credit to local officials for their assistance.

CIA activities are usually covert and the one thing CIA officers do not want is to be given publicity for their actions. While local agents may work with CIA or eventually take the necessary actions desired or requested by them, this relationship is held in the strictest confidence. Because DEA agents work openly, a CIA station chief stated that DEA agents may become open targets for violence.

Lack of trust

Because of their covert operations, the way in which documents and reports are classified, and especially the way in which their facilities are openly protected, the name CIA causes much awe and wonder. It is not uncommon for DEA agents to refer to the CIA as the "spooks" or to express amazement at how such a large organization can operate without any outward

signs, such as arrests or seizures, to justify their existence. In most countries we visited, the CIA added to this veil of mystery that surrounds it by refusing to provide us with any drug intelligence reports or to divulge their level of effort in this endeavor. DEA agents also express bitterness over CIA's authority and responsibility to coordinate the registration of informers.

Further investigation showed that this was not a deliberate effort to be uncooperative. CIA reports are restricted to executive agencies and appropriate congressional oversight and other committees. In Washington, CIA permitted GAO to review a number of narcotics intelligence reports on Latin America. In our opinion, these reports made it clear that CIA has indeed provided DEA with a large amount of important information on the narcotics situation in Latin America.

To help alleviate any confusion or duplication of effort, CIA was directed to establish an informer-source register to screen and monitor informers used by Federal agencies in foreign countries. While this does help prevent the United States from paying informers for the same information more than once and prevents the possibility of one informer working against another agency's informer, DEA feels that this places limits on its intelligence-gathering capabilities. DEA agents complain that through this system CIA is able to keep all good informers for their use or that knowledgeable informers working for other agencies being used for relatively unimportant purposes are not available to develop narcotics intelligence. We were told that when requested to query another agency concerning the possible use of their informer by DEA, CIA takes an unreasonable length of time to obtain approval. This sometimes results in DEA losing the opportunity to make a case.

In investigating this allegation, CIA officials told us that in the context of its overall foreign intelligence mission, it maintains the narcotics register as a service to DEA and other U.S. Government agencies to prevent overlap of contact with the same individual or the acquisition of a previously reported unreliable source or intelligence fabricator. They said that DEA requests for information on a prospective informer are processed as soon as a thorough check of the pertinent records can be made.

CIA officers expressed concern about DEA agents with little or no foreign experience and in some cases with limited enforcement experience being allowed to operate in foreign

countries. Embassy officials have also expressed concern over this, stating that DEA agents in some cases are a real threat to the in-country relationships that have built up over many years. Also, embassy officials in two countries stated that they did not like the idea of having DEA agents responsible to a regional director, nor did they see why DEA regional responsibilities would take precedence over in-country activities.

DEA officials disagree on what DEA and CIA roles should be

While all DEA officials agreed that CIA could provide valuable information, DEA enforcement division officials stated DEA should be given complete authority for drug intelligence with CIA reverting to its role of providing assistance when requested. Intelligence division officials stated that until DEA can fully develop and refine its own capability in foreign countries, CIA should retain its current responsibility but that more specific guidelines should be issued. The DEA administrator agreed that CIA should continue in its present capacity, stating that it would be several years before DEA could develop sufficient expertise to take over. He also stated that it would be necessary to meet with both DEA and CIA field agents and officials to overcome any problems and to insure that they are cooperating fully.

DEA

DEA intelligence officials told us in October 1974 that:

--The CIA mandate to take the lead in collecting narcotics intelligence does not conflict with DEA's mandate to coordinate the determination of narcotics intelligence requirements and the collection, analysis, and dissemination of narcotics intelligence from both overseas and domestic sources.

--While conflicts have arisen in some areas, as a whole the cooperation between the two agencies has been extremely close and mutually beneficial. Individual agents, special agents in charge, and even regional managers do not have the entire picture of this cooperation in every instance. Numerous investigations by BNDD and DEA have been initiated and jointly followed to conclusion as a result of this cooperative effort.

Enforcement activity has, on occasion, during the early period, been hampered by individual conflicts, all of which have been resolved on local or headquarters level.

--Joint CIA/BNDD and CIA/DEA cables clarifying operating guidelines were sent to the field in June 1973, and again in late 1973. Followup meetings and discussions have further clarified this role and, in fact, served to cement relationships between both field operatives and headquarters personnel.

DEA enforcement officials told us in October 1974 that notwithstanding the above comments by DEA intelligence officials there were still serious disagreements as to what DEA/CIA's role should be.

CIA

CIA officials told us in October 1974 that:

--DEA/CIA cooperation has at times been hindered because of a lack of understanding by DEA field officers of the nature and scope of CIA's approach to collecting foreign narcotics intelligence. CIA's primary responsibility is developing information that requires clandestine means to produce important leads for enforcement followup. CIA concentrates on developing an intelligence springboard from which DEA can launch investigative followup. At times, this may cause delays in using such information for enforcement action but this is a natural outcome of the conflict between a long-term intelligence collection approach versus a short-term police oriented methodology. Two different techniques are being applied to the same problem. These are sometimes incompatible in the short-term, but both are needed to achieve the ultimate objective. The conflict of interest that may arise during the early stages of a particular narcotics case over minor procedural issues does not have a major impact on the final outcome of enforcement actions which are pursued. [Note: The Department of Justice told us that CIA's comment concerning the impact of this conflict of interest may be understated. Since DEA investigations must ultimately stand the test of due process of law, "minor procedural issues" such as illegally obtained or tainted evidence,

or CIA association in any manner with a DEA investigation, have a vital impact on the final outcome of prosecutions. Thus, the conflict is not just "a long-term intelligence collection approach versus a short-term police-oriented methodology," as CIA puts it. The conflict is "usable versus unusable drug intelligence." To overcome this conflict, new guidelines for DEA/CIA coordination are now being formulated.]

--In reality, there are long-term advantages from implementing a dual, clandestine, intelligence collection approach used by CIA and the enforcement approach pursued by DEA. CIA has the capability to acquire the difficult and most protected information from which DEA enforcement operations can evolve. The development of the International Intelligence Division in DEA, which includes regional intelligence units, should improve interagency cooperation. DEA intelligence officers will form the working-level linkage between the information produced by CIA collectors and the needs of DEA enforcement officers. Through the newly developed DEA regional intelligence units, CIA information can be collated, analyzed, and processed in a form most meaningful to enforcement officers. Many of the issues are procedural questions which unavoidably develop from the working-level doctrinal differences between DEA and CIA professional methods of operation. They are not, however, problems of sufficient gravity to have an important impact on the success of the U.S. international narcotics control program. [Note: The Department of Justice told us that DEA is also establishing the capability to acquire difficult and protected information from which DEA enforcement operations can evolve. Once established, DEA's capability can be more accurately targeted to mesh with enforcement action and support prosecution.]

--CIA and the DEA International Intelligence Division have substantial resources to establish a coordinated program of intelligence exchange. An important amount of narcotics intelligence concerning Latin America, has already been shared between the two agencies in Washington and overseas. A large effort has been made to develop the working-level framework of procedures to insure this exchange on an ongoing basis.

--There is a great potential for increased effectiveness of U.S. antinarcotics programs in Latin America because of the present complementary relationship of DEA and CIA objectives. DEA officers will be concentrating primarily on enforcement actions and upgrading the host government narcotics control program. The CIA objective is collecting intelligence for use by DEA and the Embassy Narcotics Control Committee. CIA does not conduct intelligence collection operations against American citizens trafficking in narcotics overseas but intelligence reports that are actionable in enforcement terms are disseminated rapidly to DEA for followup. DEA and CIA have worked together to establish an efficient system for exchanging such intelligence, including collection requirements, in a matter of hours if necessary.

--DEA intelligence and enforcement officers engage in followup enforcement action and analysis of CIA intelligence to the extent that the present available manpower permits. Many CIA intelligence reports give an overview of specific narcotics trafficking networks and their activities which makes available timely descriptive material to DEA for developing enforcement operations. It is expected that the increased allocation of DEA manpower and resources to intelligence activity in Latin America will increase its capability to exploit CIA intelligence more thoroughly, leading to enforcement action against major traffickers.

--Some of the complaints originally raised by CIA and DEA people about each other result from their early contact over the differences in methodology and doctrine. However, these irritants have been resolved in the field and at the headquarters level by developing new procedures.

State Department officials told us on February 19, 1975, that guidelines in this area, insuring the establishment of an effective system for sharing intelligence, have been prepared and distributed to all concerned and appropriate overseas posts.

The Department of Justice told us that it agrees with our observation that the dual DEA/CIA responsibility relating to narcotics intelligence has created problems and that only limited cooperation existed between the two agencies in 1973.

However, it said that after the creation of DEA in July 1973, many of the problems were resolved because of closer cooperation between the agencies and that these cooperative efforts continue on a daily basis.

LIMITED EXCHANGE OF INTELLIGENCE ON INTERNATIONAL DRUG TRAFFICKERS

South American countries have long been involved in all types of smuggling activities and many have been havens for criminals of all types. Combine this with corruption and the lack of effective laws, regional cooperation, and adequate communications. South America then emerges as a very attractive place for drug activities. Drug traffickers understand and exploit these weaknesses, moving back and forth among countries with relative ease on legal or illegal citizenship documents. Also, many traffickers travel to the United States or are fugitives from U.S. courts.

Because of ineffective extradition laws and the difficulties encountered by DEA in having traffickers prosecuted in South America, one of DEA's main objectives is to find some way to get traffickers to the United States for trial on drug conspiracy charges. Since most countries will expel third-country nationals, it is also to DEA's advantage to have them arrested when they are not in their own country. To accomplish this, DEA needs, but has not been receiving, current and continuous data on the movement of these individuals.

Information available from other agencies not being fully utilized

The Immigration and Naturalization Service (INS), Bureau of Prisons (BOP), and the Department of State have information concerning aliens who are involved with drugs. INS has a system to monitor the entry of aliens, including a lookout system, to identify the entry of individuals wanted by other agencies. BOP prepares a computer list showing aliens released from prison and deported, and the Department of State has a lookout book in each embassy to identify and deny visa requests from undesirables.

Several agents and the Regional Director in South America told us that DEA was not receiving information from INS, BOP, and the Department of State on the movement of drug traffickers. They stated that drug traffickers had been denied visas in some cases but that DEA was not informed of this

action. If DEA had been involved they may have requested the Department to grant the visa and then arrested the violator when he entered the United States. For example, when a trafficker applied for a visa the DEA agent was informed and was able to follow the trafficker to obtain additional information. Also, officials indicated that drug violators with open warrants have been deported from the United States on false document charges before DEA was informed or was able to make an arrest.

Of 395 aliens deported by INS in fiscal year 1973 for drug violations, 57 were deported to countries included in our review. We obtained a computer list from BOP showing the aliens released from prison during fiscal year 1973; 25 were deported to South America. We were informed that the old Bureau of Narcotics in the Treasury Department did receive information on aliens released from prison and deported, but that this information is no longer received. Agents believe this data would be very helpful, since many violators return to their homeland and enter drug trafficking again. For example, a major trafficker serving a prison term for a 100-kilogram cocaine case was released and deported. When he reappeared in South America, it was the local enforcement agency that informed DEA of his whereabouts.

DEA agents and officials agreed that more could be done to obtain and use information from other agencies but also cautioned that because of the presence of local employees in visa offices, care must be exercised in disseminating trafficker lists or blanket requirements for data on individuals. We were told that DEA had established a formal agreement with INS to share information. Both agencies designated liaison in March 1974 to implement the agreement.

The Department of Justice informed us on March 12, 1975, that:

--DEA agrees that the intelligence exchange among INS, BOP, and DEA is limited and should be increased. BOP has expressed its concern in drug trafficking matters and has agreed to make available to DEA's office of intelligence a list of aliens released from its facilities for deportation. No problems are anticipated in implementing this procedure in the immediate future.

--The operational agreement between INS and DEA, completed on November 29, 1973, provided in general terms

for a free and full exchange of information between the two agencies.

--Further progress in cooperation is being achieved through establishing and activating the multiagency El Paso Intelligence Center. The Center is currently operating under the leadership of a DEA Director and an INS Deputy Director. Presently, plans call for the Center to provide a complete intelligence picture of drug trafficking between Mexico, Central America, South America, and the United States. Raw intelligence data will be gathered from concerned agencies within the Department and through cooperation with other appropriate agencies.

--Developing procedures and requirements, in consonance with the cooperative arrangements between DEA, BOP, and INS, and the current efforts of the Center, will provide a viable base for the ultimate attainment of worldwide interagency exchange of information.

Loss of Customs data

Before BNDD merged with narcotics agents working with the Bureau of Customs in July 1973, Customs agents were stationed in five South American countries. Their mission was to gather information on all types of smuggling and in cooperation with BNDD, to monitor the movement of ships, vehicles, and individuals identified by Customs as being involved in drug trafficking. This information was collated and made available to other agencies including BNDD. Of particular help was Customs' data on "smugglers profile," which shows the methods they use to conceal the drugs in false-bottom suitcases and bottles, body packs, and ski poles. We were told in February 1975 that such information as available is regularly provided to DEA by Customs through its information bulletins.

A Customs agent now with DEA, however, told us previously that this information is being withheld so that Customs agents stationed at the U.S. borders can make additional drug seizures there. Even if DEA receives all Customs products routinely, this mode of operation only works effectively when the drugs go directly to the United States. If the ship, individual, or vehicle transits another country the drug trafficker could easily transfer the drugs to an unknown ship or vehicle.

For example, a common method of smuggling is to offload cocaine in one country and drive through another country into the United States. Under the new system, Customs would lose control of the vehicle and if the dealer was alert he could easily transfer the drugs to another less suspicious vehicle.

DEA officials in Washington stated that Customs no longer was permitted to gather and collate this data; however, they did believe it was helpful and important enough for DEA to pursue. In March 1974, DEA intelligence officials stated they would contact Customs to determine how they could best obtain this information to prepare their own reports. Customs officials told us that their narcotics intelligence system was still operating but that it has been weakened because DEA does not provide intelligence data which Customs special agents had provided in the past. They further maintained that DEA is still using a number of its programs.

Concerning the loss of Customs' data, the Department of Justice informed us on March 12, 1975, that DEA does not feel that it has suffered a large loss of intelligence data from Customs as a result of the merger of BNDD and Customs' narcotics agents in July 1973 because:

--Before the creation of DEA by merger, U.S. Customs agents stationed overseas represented Customs' major source of narcotics-related intelligence. At the time of the reorganization, these agents were transferred to DEA. Customs does not presently engage in narcotics intelligence work abroad.

--Persons arrested and narcotics seized as evidence at ports of entry by the Customs Service are relinquished immediately along with pertinent information to DEA.

--DEA's Office of Intelligence regularly collates data on smugglers' profiles, new trafficking routes, and concealment devices, and disseminates the data to DEA offices and to other interested agencies such as Customs and the INS Border Patrol. In addition, Customs and DEA computerized data bases interface through direct access terminals located in each other's headquarters, thereby facilitating the rapid exchange of DEA/Customs data.

LACK OF COOPERATION BY THE COURTS TO DETER TRAFFICKING

There are many barriers to stopping the flow of cocaine and heroin into the United States, and some of these barriers are beyond the control of U.S. agencies having this responsibility.

One such major barrier is that the judicial system is not cooperating to become an effective deterrent to traffickers. DEA officials told us that the judicial districts that adhere to the spirit of the law in processing drug cases are a distinct minority and that lax procedures and weak sentences are the rule.

As an example, from July 1973 to March 1974, DEA conducted a study of all persons arrested at Los Angeles International Airport in the act of smuggling cocaine from South America. Of 17 persons arrested during that period, 9 had been tried by June 1974. Of the 9 tried, only 4 received prison sentences, the stiffest of which was 18 months (one for 1 year and two for 6 months). Two were deported, two were given suspended sentences, and one fled the jurisdiction of the court. One of the persons given a 6-month sentence had a history of narcotics arrests and at the time of his arrest for smuggling cocaine was on parole following an arrest for distributing heroin.

In another instance, a judge in Miami released a fugitive on his own recognizance. The fugitive had been brought from South America to Miami en route to Pittsburgh where he was to stand trial. In a similar instance, a fugitive released on his own recognizance once more fled the country where he proceeded to again smuggle cocaine into the United States and threaten a DEA agent with death and, not surprisingly, the foreign liaison raised questions about the seriousness of U.S. intentions.

INADEQUATE USE OF INTELLIGENCE FOR DRUG INTERDICTIONS AT U.S. PORTS

We found that adequate intelligence on drug traffickers, their travel patterns and modus operandi was not being furnished to the U.S. Customs Service to permit them to make interdiction of drugs at U.S. ports.

U.S. Customs Service operates a Treasury Enforcement Communications System. The Communications System computer makes enforcement-related data available on a real-time basis at border crossing points, airports, and seaports, throughout the country. This capability has been used very successfully to intercept known or suspected traffickers, associates, and cargoes for firms engaging in smuggling. The types of information which can be entered into the system are

--name, race, sex, height, weight;

--date and place of birth;

--address information;

--identifying numbers including social security number, drivers license, passport number, and NCIC number;

--license plate(s), aircraft numbers, etc.

Customs officials told us that the availability of this type data for input into the System has decreased since DEA became the primary source. They also told us that:

--Lookout entries on narcotics suspects dipped by 56 percent in fiscal year 1974 and have since remained low.

--Customs is currently entering less than one-tenth the number of license plate lookouts previously entered into the Communications System at the height of Customs special agent involvement in the narcotics problem.

--Approximately 5 percent of Customs seizures are now being made as a result of prior information; when Customs was charged with narcotics investigative and intelligence gathering functions, in excess of 11 percent of narcotics seizures was made as the result of prior information supplied. Customs had expected this percentage to increase to 15 or 20 percent within the next 2 years.

Customs officials told us that it has become difficult to trace the movements of narcotics as well as to pinpoint changing travel patterns for narcotic traffickers from the smuggling source to the entry port, because DEA is not providing such information developed from interrogations of drug traffickers in the United States or abroad.

Customs personnel are no longer involved in interrogations of narcotics smugglers apprehended at U.S. borders, and some of the information Customs obtained at the initial apprehension is incomplete, inaccurate, or both. Further information developed during interrogations by DEA which contributes to interdiction action is frequently not made available to Customs.

Additional verification of travel patterns was previously available to Customs agents stationed abroad from foreign governments when they apprehended smugglers associated with labs or who had been caught attempting to export narcotics. In these cases destination, projected conveyance, and method of concealment, were important in analyzing data to obtain targeting intelligence for interdicting action. Much of this type of information is still available to U.S. agencies abroad including DEA, CIA, and Department of State.

Customs is able to position resources after a change in traffic patterns if the information is received. This information could assist Customs in its enforcement mission against all forms of smuggling.

Customs officials told us that they are not receiving information from DEA on drug traffickers' changing modus operandi. They said that some new techniques that had penetrated U.S. Customs defenses were developed abroad and used before Customs became aware of them. Information on them became available only after a cold bust (accidental discovery).

Customs said that information on changing techniques when received is disseminated on a real-time basis within Customs by means of the Treasury Enforcement Communications System. For less critical data, bulletins are drafted and distributed to Customs as well as to other U.S. and foreign enforcement agencies. CIA and DEA should be able to collect this type of information abroad and should provide it to Customs.

Customs officials indicated that other general information could be of use to Customs in dealing with narcotics traffickers. This would include the proximity of growing areas and processing facilities to transportation centers (airports, seaports, etc.) with routes or connecting routes into the United States; the takeover or penetration of major foreign or domestic commercial enterprises by known or suspected narcotics traffickers; any information indicating

narcotics being smuggled by manipulating or using international agreements which carry transit-in-bond provisions; any data concerning the complicity of foreign governments, or officials of those governments, in the smuggling of any form of contraband including narcotics.

LACK OF FUNDS FOR PURCHASING INFORMATION

Many of the leads developed by enforcement agencies come from paid informers or cooperating individuals. DEA regional and district offices receive specific funds for this purpose. The amount allocated per month in district offices in South America varied from $100 to $2,000. The whole allocation for the South American region was $13,200 a quarter for purchasing evidence and intelligence. Additional amounts could be drawn from headquarters central funds if needed.

Limited funds for purchasing information was described by the Regional Director as one of their most pressing problems. In many of the district offices informers had quit or were working on credit.

The South American region, in requesting $4,000 to pay cooperating individuals involved in a successful operation in another country which resulted in six arrests and a seizure of 30,000 pounds of marihuana, stated that

> "if DEA headquarters cannot assist in the payment of their reward, the regional office will be forced to utilize the allotments already budgeted to the district offices which would severely curtail enforcement activity throughout the entire region."

In one case the agent received an additional $750 to pay informers; this was only sufficient to cover a 10-day period, bringing the operation to an untimely end. During the fourth quarter of fiscal year 1973, the South American regional office had to request all districts to cease reward payments.

Beyond the problem of an inadequate budget, authorization to expend budgeted funds was not received by the South American region on a timely basis. The authorization for the second quarter of fiscal year 1974 was received 20 days after the quarter began, forcing the region to cut allocations to the districts, which limited the payment of informant rewards.

Officials in Washington stated that requested intelligence funding was increased in fiscal year 1975 by over $420,000; however, with the increase in agents, the per agent amount requested has decreased by 10 to 15 percent per man-year.

THE REGISTER PROGRAM

An important new development which has the potential to overcome many of the problems concerning the collection of narcotics intelligence and interagency cooperation is the implementation of the major international narcotics trafficker (MINT) Register Program which was proposed by CIA and the Foreign Intelligence Subcommittee of the Cabinet Committee on International Narcotics Control (CCINC). It was approved by the Cabinet Committee and developed by the participating agencies including Customs.

The concept of the MINT Register Program is to identify and accord the highest priority to intelligence collection and enforcement action against the leaders of large-scale narcotics trafficking organizations throughout the world. It is an effort to focus the limited resources of the U.S. Government where they will have the greatest impact. Experience of the past few years has shown that a major factor contributing to the disruption of the flow of illicit narcotics into the United States has been the immobilization of a relatively small number of persons who play a major role in the international narcotics traffic--the small group of major traffickers immobilized a few years ago that disrupted the France/Latin America connection.

CIA and DEA have jointly identified and compiled basic data on major international narcotics traffickers in Latin America, Europe, the Near East and East Asia. This inventory was formally approved by the CCINC Working Group and was designated as the MINT Register. This Register contains the names of approximately 250 persons who are regarded by DEA and CIA as the principal active international narcotics traffickers at this time.

DEA and CIA field representatives have each been instructed to make the MINT Register Program their top priority effort. This is a Foreign Intelligence Subcommittee project, and is evolving into the working foundation of cooperation between DEA and CIA. It is also becoming a mechanism for systematic and efficient intelligence sharing between DEA and

CIA and other participating agencies. MINT target personalities are jointly evaluated to determine operational priorities, strategy, and division of labor. CIA has developed a special computerized information retrieval system to manipulate and analyze intelligence concerning individuals on the MINT Register. Intelligence from DEA and CIA will jointly be input into the system and the output produced will be used by DEA and CIA personnel in Washington and overseas.

CONCLUSION

In every country we visited the common problem centered around the need for better intelligence. Not only did DEA agents lack data on the overall production and transshipment of drugs in the various countries, but they lacked data on specific drug traffickers and the location of processing laboratories. Even with these very obvious needs, we found that intelligence efforts by DEA and CIA were undermined by disagreements over individual objectives, responsibilities, and authority; intelligence previously available from Customs was no longer being developed; no effective system had been established for sharing intelligence among DEA, INS, BOP, Customs, and the Department of State on the movement of international traffickers; and, the South American region had limited funds for purchasing intelligence.

While certain of these problems will be difficult to solve, we believe that DEA, through an increased awareness of the situation and improved management, should be able to overcome them.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General in cooperation with CIA take the necessary action to insure that:

--Respective drug intelligence roles are defined clearly as to specific objectives and targets; methods and procedures used, if any; and type and frequency of their reporting.

--Agents are cooperating and exchanging information at the working levels through personal discussion with individuals involved, and that regular meetings between

headquarters intelligence units, and representation of counterparts at important agency meetings and seminars are held.

--Individuals on the MINT Register become the top priority targets for intelligence collection and enforcement operations. The MINT Register should continue to be the primary basis of CIA and DEA cooperation, including joint use of the information retrieval system for intelligence gathering and enforcement purposes. Efforts to explore broader Federal participation in this effort should be undertaken.

Also, within the Department of Justice and in cooperation with other appropriate agencies, DEA should:

--Establish procedures with the United States Customs Service, BOP, and INS to exchange necessary intelligence, information on major traffickers, and data on false documentation cases.

--Review the need for increased funds to solicit and obtain intelligence data.

--Increase emphasis on the gathering of intelligence concerning dangerous drugs.

AGENCY ACTIONS

We did not submit this report to the Department of the Treasury for written comments; however, pertinent sections were discussed with officials of the U.S. Customs Service and their comments and suggestions were considered. We did submit this report to the Departments of Justice and State, and to the CIA for written comments.

The Administrator, DEA, told us on April 3, 1975, that he plans to establish a second regional office in South America. GAO believes that this will provide greater control and supervision over drug problems, increase their effectiveness, and eliminate some of the problems noted in this report.

Department of Justice

In general, the Department found our report to be accurate and agreed with its basic recommendations (see app. I.)

Concerning the recommendation on the immobilization of major traffickers and use of the MINT Register, the Department said that:

--The MINT Register is viewed by DEA as essentially a listing of major foreign violators as compiled under DEA's Geographic Drug Enforcement Program.

--The Register will be useful for collating information on major violators.

--According to a CIA estimate, DEA would provide about 85 percent of the input data to CIA's computerized information retrieval system (MINT Computer System).

--This system would be competitive with and, to a large extent, duplicate DEA's computer system.

--The MINT Computer System would be less responsive to DEA's needs than DEA's own system because (1) the MINT Computer System's programing reflects CIA operational needs rather than DEA enforcement needs, (2) DEA would not have direct access to it, and (3) the MINT Computer System would not include or make reference to U.S. citizens or joint domestic/international operations.

--Negotiations are now underway between DEA and CIA to resolve these problems, and CIA informed us on April 18, 1975, that DEA will eventually incorporate the basic MINT Register in its own computer system thus overcoming any duplication of DEA's existing programs. In the meantime, CIA is storing the MINT data in its computerized retrieval system because DEA estimates it will be 3 to 6 months before its own computer system is ready to accept the information.

Central Intelligence Agency

The CIA agreed with our recommendations (see app. III) and said that:

--"In our opinion, U.S. agencies involved in the anti-narcotics effort can take a real measure of satisfaction from the job done so far. At the same time, we agree with the conclusion * * * that there is a need for better intelligence. We have and will continue to work towards improving DEA-CIA cooperation and we see

the MINT Register Program as one of the best available management tools to reach this end.

--"We concur in the recommendations * * * and suggest that these recommendations be discussed and carried forward under the aegis of the CCINC. * * *

--"* * * There is statutory prohibition against CIA engaging in law enforcement activities, * * * there is the legal problem which can arise when intelligence clandestinely gathered by CIA abroad is used in U.S. criminal prosecution. In this instance there is a separate statutory mandate on the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. Thus, a good case against a drug trafficker may have to be dismissed because CIA cannot respond to the defendant's request to identify sources or methods used to collect the intelligence that pertains to his particular case.

--"Regarding the specific recommendation that the respective drug intelligence roles be clearly defined, we suggest that once the DEA Intelligence Division has established its proposed overseas regional and district level intelligence offices, the question of division of responsibility between DEA and CIA overseas will be far easier to define. CIA supports DEA's plan to expand its intelligence collection capability. However, until this stage is operational, CIA will continue its active role abroad in the collection of clandestine intelligence against the foreign narcotics target."

CHAPTER 4

NEED FOR MORE INVOLVEMENT BY THE DEPARTMENT OF STATE AND ACTIONS BY HOST COUNTRIES AGAINST DRUG TRAFFICKERS

DEA's success in stopping the flow of drugs from and/or through a specific country depends greatly on the cooperation and help provided by the Department of State and the foreign government. Our work in South America was directed toward determining the extent of cooperation among DEA, the individual embassies, and the foreign governments.

DEPARTMENT OF STATE ACTIVITIES

In 1971, recognizing the need for better international cooperation, the President established CCINC to formulate and coordinate Federal Government policies for eliminating the illegal flow of narcotics and dangerous drugs into the United States from other countries. The Secretary of State serves as chairman, and membership includes the Attorney General; Secretaries of Defense, Treasury, and Agriculture; U.S. Representative to the United Nations; and Director of the Central Intelligence Agency. A working group within the Cabinet Committee is composed of assistant secretary-level personnel from each member agency. This group supports the Cabinet Committee and consists of eight functional subcommittees; Legal and Treaties, Intelligence, Law Enforcement, Public Information, Training, Program Review, Treatment, and Research and Development.

A subcommittee was also established to coordinate narcotics control activities among interested agencies and departments and for other duties. The Chairman is the Deputy Senior Advisor to the Secretary of State.

The Cabinet Committee has specific responsibility for formulating and coordinating all policies of the Federal Government relating to curtailing and eventually eliminating the flow of illegal narcotics and dangerous drugs into the United States from abroad. To the maximum extent permitted by law, Federal officers and Federal departments and agencies are to cooperate with the Cabinet Committee in carrying out its functions under this directive and shall comply with the policies, guidelines, standards, and procedures prescribed by the Cabinet Committee. The Cabinet Committee is to

--develop comprehensive plans and programs for implementing these policies;

--insure that all diplomatic, intelligence, and Federal law enforcement programs and activities of international scope are properly coordinated;

--evaluate all such programs and activities and their implementation;

--make recommendations to the Director of the Office of Management and Budget concerning proposed funding of such programs; and

--report to the President, from time to time, concerning the foregoing.

It directs U.S. international drug control efforts toward interdicting narcotic drugs, particularly heroin and its precursors. To accomplish this interdiction, the Cabinet Committee assigned highest foreign priority to improving the collection, analysis, and use of drug trafficking information and to upgrading the quality of host country drug law enforcement.

The Cabinet Committee requested narcotic control plans from U.S. Embassies in countries thought to be involved in producing, consuming, or transiting illicit hard drugs. These plans include a description of the drug situation, statement of goals, estimated costs, priorities, and a general timetable. They are reviewed by the Department of State's regional Interagency Narcotics Control Committee, the Cabinet Committee's working subcommittees, and finally, by the Cabinet Committee. When the plans are approved they serve as a basis for opening discussions with host governments for negotiating bilateral control plans.

DEA agents working in South America are assigned to DEA's South American regional office; however, as attaches of the various embassies, agents are also responsible to the various ambassadors and to key personnel in the embassies' drug program. In all the countries we visited, drug committees had been organized, drug action plans had been prepared, and embassy involvement in drug matters generally had a very favorable impact; however, some DEA agents felt that their efforts were hampered from the lack of a more aggressive stand by the Department in support of DEA agents and programs. We also noted that workable extradition treaties or alternatives,

which would improve DEA's chances of immobilizing international narcotic traffickers, had not been developed or negotiated.

Support provided by embassy officials

Embassy drug committees were formed to encourage host governments to increase drug interdiction, to develop an atmosphere for enforcement cooperation, and to gather drug intelligence. Also embassy officials, in order to protect U.S./host country relationships, exercise control over the way in which DEA agents, assigned to their countries, perform their duties. In some cases embassy officials have found it necessary to restrict DEA drug enforcement efforts which they believed would have had a detrimental effect on the U.S./host country relationship. Such restraining influence is in the purview of the role and responsibility of the embassy to avoid endangering the long-term enforcement effort in the host country.

For example, DEA requested that agents be located in two major cities of a country for over 2 years without success. As a result of the host government's request, DEA's agent was assigned to the capital city. Embassy officials supported this action because agents assigned to the two cities would have to work closely with the local police instead of the Federal police as currently done in the capital city. Because conflict already existed between the Federal and local police, this would increase the tension. Thus, DEA's only permanent agent in this country (as of February 1975) continues to operate from the capital city where there is limited drug activity or opportunity to develop intelligence, and the two major drug centers are not receiving adequate coverage. The DEA agent stated that the Federal police have indicated to him that they would favor DEA agents in the two major cities and he could not understand why the embassy was against it. A CIA officer stated that the Chief of the Federal Police informed him that he was not concerned about where the DEA agent was assigned. He added that, in his opinion, the problem was that the embassy was reluctant to discuss the matter with the host government.

State Department officials told us on February 19, 1975, that a request for the approval of the assignment of four more agents in this country is now pending with the Foreign Ministry.

Other examples of restraints were noted in our visits. In one country, embassy officials claimed that they were receiving good cooperation from the host government on drug matters while the agent in charge felt that more pressure was needed to improve cooperation and drug enforcement. The embassy in another country has also been against assigning an additional agent. When the district office in a third country was first opened, the Ambassador opposed DEA activities and indicated that the CIA should handle source, intelligence, and covert aspects of drug enforcement on a contract basis for DEA. Subsequently, DEA became operational in this country and through Department of State assistance, enforcement efforts have increased. In December 1973, DEA was successful in obtaining custody of nine major violators from the police in this country.

We also found that embassy officials assigned to drug matters had received little drug or enforcement familiarization. In most embassies the position of drug coordinator is part-time and is usually held by the Deputy Chief of Mission or a political officer. In South America none of the part time drug coordinators had received any drug familiarization training nor have the two full-time coordinators assigned to two countries.

Embassy officials feel that sometimes DEA agents pose a real threat to country relations because they lack foreign service experience, they encourage publicity, and their enforcement activities must be coordinated with host country officials causing conflicts within the host government. They stated that DEA agents were often not mission oriented and usually were not willing to balance enforcement efforts with the overall objectives of the mission. In two countries the Deputy Chiefs of Mission felt that the agents' first responsibility should be to the embassy and not to DEA's regional office.

DEA officials told us in October 1974 that since GAO's review:

> "DEA feels support received from the Department of State has improved considerably and continues to improve. DEA at present feels no reason to complain about the quality of the support it receives from the Department of State."

The Department of State told us on February 19, 1975, that agents are being directed to assume a participating role in drug control committees at the present time, and that the training for key embassy officials has been accomplished and will be part of a continuing program for the future. It also said that the Department of State and DEA have held two conferences in Latin America to provide the "general orientation training" needed for embassy officers who carry specific responsibilities in the drug enforcement program abroad.

The Department of Justice stated on March 12, 1975, that "In recent months, we have noted a significant improvement in our relations with the State Department because Embassy officials have gained additional confidence in [DEA's] professionalism."

Extradition

In 1966, the then Acting Commissioner of Narcotics stated that obtaining the extradition of narcotic offenders had become a problem. In 1975 this was still the case. While new extradition treaties have been negotiated with some countries, difficulties still arise as a result of language and procedural differences. In South America 3 of the 10 countries we visited had new treaties with the United States, while the others had treaties dating as far back as 1873. Also, drug offenses are not specifically mentioned in some of these old treaties so extradition can only be sought if the drug offense constitutes a crime and is punishable under the laws of both the demanding and surrendering state.

In one country, a new treaty was negotiated in 1972; however, no drug traffickers have been extradited to the United States under the new treaty because of various problems. As of November 13, 1973, local courts refused five consecutive extradition requests. The reasons for the denials include, but are not limited to, the following:

1. The overt acts listed in the indictment occurred before the September 1972 signing of the extradition treaty regarding narcotics.

2. The country's judicial officials are of the impression that once a defendant is arrested, any conspiracy involving this individual is ended, negating the U.S. legal theory of a continuing conspiracy.

3. The country's judicial officials also maintained that the statute of limitations continues to run even though a suspect has fled the United States to avoid prosecution.

The extradition problem most frequently encountered is the refusal of foreign governments to surrender their citizens for trial. Under the internal laws of most countries and many extradition treaties, the extradition of nationals is prohibited or is nonobligatory. Since extradition of nationals also appears to be enshrined in tradition, no solution seems possible under the current treaties.

To overcome the reluctance of countries to extradite citizens suspected of drug trafficking, DEA agents in South America try to arrange the arrest of offenders when they are in countries other than their own. Operation Springboard was established to obtain open indictments on foreign nationals and gain custody in this manner. We were informed that most of the countries will expel third county nationals to the United States if requested by DEA.

In some cases the methods used to produce an alleged offender before a court in the United States may be considered by some to be questionable. DEA obtained 50 traffickers from South America during 1973, some of whom may have been expelled under questionable circumstances. In the past the courts have maintained that they have jurisdiction to try individuals regardless of the manner in which they are brought before the court. This precedent, however, has recently come under review because of appeals by two alleged South American drug traffickers.

The law of the United States governing the method by which suspected offenders may be brought from other countries for trial was established by the Supreme Court in the case of Ker v. Illinois, 119 U.S. 436 (1886) and restated in Frisbie v. Collins, 342 U.S. 519, 522 (1952) as follows:

> "This Court has never departed from the rule announced in Ker v. Illinois, 119 U.S. 436, 444, that the power of a court to try a person for crime is not impaired by the fact that he had been brought within the court's jurisdiction by reason of a 'forcible abduction.' * * * No persuasive reasons are now presented to justify

> overruling this line of cases. They rest on the sound basis that due process of law is satisfied when one present in court is convicted of crime after having been fairly apprized of the charges against him and after a fair trial in accordance with constitutional procedural safeguards. There is nothing in the Constitution that requires a court to permit a guilty person rightfully convicted to escape justice because he was brought to trial against his will."

That the methods which may be used to produce an alleged offender before a court for trial are not unlimited was brought into question in the case of United States v. Toscanino, 500 F2d 267 (1974). In that case, decided in the U.S. Court of Appeals, Second Circuit, the Court was required to divest itself of jurisdiction over the person of the defendant where "it has been acquired as the result of the government's deliberate, unnecessary, and unreasonable invasion of the accused's Constitutional rights." However, in a later case decided by the same Court, United States ex rel Lujan v. Gengler, 510 F2d 62, 65 (1975), the Toscanino case was distinguished as follows:

> "Yet in recognizing that Ker and Frisbie no longer provided a carte blanche to government agents bringing defendants from abroad to the United States by the use of torture, brutality, and similar outrageous conduct, we did not intend to suggest that any irregularity in the circumstances of a defendant's arrival in the jurisdiction would vitiate the proceedings of the criminal court. In holding that Ker and Frisbie must yield to the extent they were inconsistent with the Supreme Court's more recent pronouncements [concerning outrageous and reprehensible conduct by agents of the United States] we scarcely could have meant to eviscerate the Ker-Frisbie rule, which the Supreme Court has never felt impelled to disavow."

The Lujan decision further cited cases decided in other circuits upholding the rule of Ker and Frisbie.

The Department of State said that the Toscanino case appeared to limit the ability of obtaining the return of drug defendants while the Lujan case appears to be an attempt at clarification of the of the Toscanino case. According to the Department, the net result is some confusion with respect to the legal situation, at least in the Second Circuit.

The Department of Justice said that:

> "The Toscanino case represents a solitary departure from a long line of authorities holding that the manner in which a defendant is brought before the court does not give the defendant the right to question the jurisdiction of the court to try him. See e.g., Frisbie v. Collins, 342 U.S. 519 (1952); United States v. Caramian, 468 F. 2d 1370 (5th Cir. 1972); Taylor v. Alabama, 465 F. 2d 376 (5th Cir. 1972); United States v. Cotten, 471 F. 2d 744 (9th Cir. 1973), cert. den. 410 U.S. 967 (1973). The decision in Toscanino was brought about by Toscanino's allegations of unconscionable behavior on the part of United States and [host country] authorities in effecting his expulsion to the United States. It is doubtful that such allegations will be made in many such cases or, more importantly, that a defendant could prove such charges. Thus, Toscanino should not pose a serious hindrance to the government's attempts to obtain jurisdiction over third country nationals."

Another situation that adds to the problem of obtaining the extradition of nationals is the granting of dual citizenship. As pointed out in our report, B-175425, December 31, 1974 (see app. IV), U.S. citizens, or citizens of any other country, with Mexican parents are considered Mexican citizens regardless of their place of birth. DEA believes that at least 250 fugitives on drug charges are living in Mexico and are still participating in drug acitivities.

New approaches and improvements being considered

The Departments of Justice and State are considering various ways to improve extradition procedures or to find alternatives. In addition to undertaking various evaluations of current treaties and negotiating several new ones, consideration is being given to using local attorneys to prepare the paperwork and represent the United States at host country hearings; DEA has established an objective to increase the use of third-country expulsions.

Efforts to evaluate treaties now in force and to negotiate new ones have only been done on a limited basis. We found that even the new treaties are not fully adequate. For example, wording should be thoroughly reviewed and evaluated from the standpoint of both the U.S. and the host countries' legal systems.

One U.S. treaty uses the word conspiracy which fits current U.S. drug laws but when translated and considered in the host country courts, it may take on a completely different meaning. The U.S. interpretation relates to two or more individuals involved in an illegal act, while the local courts have limited their concept to "gangstering" or crimes of a continuing nature. The number of individuals involved is important, too, since the U.S. law requires two or more while some countries in South America stipulate three or more.

While officials of DEA and the Department of State have recommended and approved using local attorneys to represent the United States in extradition cases, the Department of Justice, which has final authority, questions the need for and the use of local attorneys. Their primary objections are:

1. Under the treaty agreements the surrendering country is to provide the needed legal counsel.

2. Supervising the work of foreign attorneys would be extremely difficult.

DEA and State Department officials pointed out that if local representation would improve their chances of obtaining the extradition of major violators it should be available if needed.

HOST COUNTRY EFFECTIVENESS

Since establishing embassy drug control committees and coordinators, there have been increases in drug interdiction activities by local enforcement agencies in almost all South American countries. This interaction and exchange of ideas and data between U.S. and local enforcement groups has resulted in establishing local narcotics enforcement units and revisions to laws concerning the cultivation, use, and trafficking of drugs. However, our review showed that further progress in South American countries was being impeded by:

--Corruption and political instability in many South American countries.

--Lack of interest, qualified individuals, equipment, and incentive among local officials and enforcement personnel.

--Lack of effective laws in some South American countries concerning penalties for drug production, possession, use, or shipment.

--Lack of effective procedures for destroying seized drugs.

--Lack of appeal to all possible host country agencies; customs, military, etc.

Corruption and political instability

Some South American countries have difficulties with either corruption or political instability. The U.S. drug enforcement teams have no control or influence concerning these factors; however, their enforcement efforts are greatly affected by corruption and instability. In one country, corruption has been reported in the three drug enforcement agencies. The customs service of that country has been reported to be directly involved in the flow of contraband and narcotics. In addition, the judiciary is considered corrupt and inept. After being arrested, it is very easy to buy one's way out of jail. DEA documents disclosed "pay-offs" to judges of up to $65,000.

In another country, smuggling has been a way of life for many people and it would be almost impossible to completely eliminate it. It has been estimated that $35 million annually is brought into the economy by illegal drug trafficking. People involved in illicit drug trafficking in this country include an honorary consul, the biggest single stockholder in a bank, and a naval commander. Another example of military corruption involves an army major caught accepting $400 to allow two narcotic suspects to go free. When press officials exposed and wrote about the incident, they were immediately jailed by the army. Similar situations exist in other South American countries.

Political instability is a problem for many South American countries. A new leader in power is constantly bombarded by national and international problems. But the international drug situation is not viewed as a major problem. In fact, in one case a major drug trafficker was released as a result of amnesty granted to "political prisoners" as part of the presidential inauguration.

The Department of Justice informed us on March 12, 1975, that corruption and political instability are common problems in many Latin American countries and are rarely affected by outside action. These problems serve as a challenge to the professionalism of DEA agents, who must learn to cope with and work around them. DEA agents are frequently successful even where these problems exist. Moreover, the problems are often relative in time; that is, temporary instability in a given country may fade as political and economic factors settle into a more permanent mode. In two countries, the corruption problem virtually ceased after it was publicly exposed and severe corrective action was taken. DEA recognizes, however, that it is less effective and is hampered in countries where extensive corruption does exist.

Locals lack interest, incentive, qualified personnel, and equipment

We found that local enforcement efforts had been greatly reduced in some countries because of little interest among high-level government officials, insufficient incentive for law enforcement personnel to become involved in drug interdiction, and a lack of qualified enforcement personnel and adequate equipment to perform enforcement activities.

Little interest

In some South American countries, the high-level government officials lacked both interest and knowledge of the local and international drug problem. These officials viewed the local situation as not serious and the international situation as a U.S. problem. This was particularly true in three countries. In certain other South American countries, the lack of interest was due to their existing political instability.

The Department of Justice informed us on March 12, 1975, that a major effort is being made by U.S. missions in South America to raise the level of awareness and interest of local

governments in international drug matters. So far, DEA is pleased with the success of this effort. The Department believes that past apathy, so common towards narcotic problems in South America, is changing to an attitude of responsibility and concern.

Insufficient incentive

Throughout South America, the seizure of illegal contraband by local enforcement personnel results in a reward. This reward is normally a percent of the value of seized goods when sold. However, there is no reward system established for the seizure of drugs; thus, there is no incentive for local enforcement groups to devote their time to drug interdiction. This was a problem in each country visited. The narcotics coordinator in one country said he believed the effectiveness of the local enforcement group in the drug area would be greatly improved if a reward system was established for drug seizures. This problem and the problem of low police salaries were discussed in our report to the Congress, B-175425, December 31, 1974. (See app. IV.)

Lack of qualified personnel

The interdiction efforts of local enforcement groups were also affected by inexperienced or untrained personnel. We found instances in four countries where the personnel assigned to narcotic units had either no training or insufficient training to adequately perform their jobs. For example, in one country, the supervisors of Technical Judicial Police have a mandatory 2-year rotation policy from division to division. In some cases, the expertise obtained in one division is of limited value in subsequent assignments.

In one country, one of the three enforcement agencies involved in interdiction is highly political and with each change in power, there is about a 70 to 80 percent turnover of drug personnel. While this agency has the legal authority to investigate and prosecute narcotics and dangerous drug cases, the frequent change in personnel has greatly affected their enforcement efforts.

Lack of equipment

The lack of equipment such as automobiles, two-way radios, and boats, had a major impact on the interdiction efforts of local groups in five countries. The Embassy Drug

Committee in one country believed a major shortcoming of the local unit was the lack of equipment. They stated that the locals could not be expected to provide much beyond manpower, and if the United States wanted serious efforts in narcotics interdiction, they would have to provide substantial resources.

In another country there was a firm and growing conviction that the requests for U.S. equipment were not being processed fast enough. U.S. congressional officials who visited this country in January 1973, indicated that they believed that cooperation programs were not moving ahead fast enough because of bureaucratic delays by the United States when foreign governments requested equipment to aid them in their battle against narcotics traffic. There is normally a very long leadtime on vehicles and a 4- to 6-month leadtime on other items. The Department of State told us on February 19, 1975, that it had moved the funding authority from the Agency for International Development to the Office of the Senior Advisor for International Narcotics and that progress had been made in reducing allocation delays through this centralization of administrative function.

Lack of effective laws

We found that there were no uniform and effective laws in some South American countries concerning the penalties for drug production, possession, use, or shipment. Each country had its own unique set of laws and regulations and according to DEA, in some instances these laws contained loopholes which would allow international drug traffickers to avoid prosecution. In addition, as explained on page 47, conspiracy, an important element in developing cases in the United States, is complicated because of its definition. Thus, major traffickers are often able to avoid prosecution as long as they remain in countries which have ineffective laws.

Lack of effective procedures for drug destruction

We found that there was a lack of effective procedures for destroying seized drugs. In one country, the final disposition of seized narcotics was unknown. The DEA agent in charge never witnesses the destruction of drugs and those cases in which drugs were seized have never come to trial; therefore, the location or existence of the evidence is unknown. The Deputy Chief of Mission said he believed the local

newspaper articles, which indicated that the evidence had disappeared.

In two countries, the opposite situation existed. For example, the President of one country signed a decree dated May 10, 1973, providing for public destruction of confiscated drugs. This decree allowed for retaining a sample for judicial purposes with the remainder to be destroyed promptly thereafter. On June 20, 1973, government officials began the public destruction of the illegal drugs by dissolving 175 kilograms of cocaine and pouring it down a drain. In another country, the DEA agent in charge has witnessed on several occasions public destruction of seized drugs. However, in most other South American countries, Embassy Drug Committee officials have been unable to determine the final disposition of confiscated drugs.

Lack of appeal to all possible host country agencies

Although efforts have been made to involve local enforcement agencies in controlling the flow of drugs, we generally found that little effort had been made in South America to encourage participation of all possible host country agencies.

Cocaine and heroin usually pass through a number of countries on their way to the United States. Therefore, every time they cross a border or pass through a port of entry, interdiction could occur. Likewise, traffickers usually move or operate in more than one country and could expose themselves to local emigration officials.

In addition, cocaine and heroin poppies are usually grown in remote areas which might be visited by other agencies of the local government, such as military, agriculture, or mining officials.

We believe that there is a potential in most South American countries to get other agencies involved in locating sources of drugs, identifying traffickers and interdicting the flow of drugs to the United States. One way of creating an interest by other agencies in wanting to participate in drug programs is to send U.S. advisory teams to explain the problem and how they can help. We noted that the U.S. Customs Service has advisory teams available which could be used to provide information and assistance to all local customs agencies. We believe that teams from other U.S. agencies, such as the

military and agriculture, could be formed to provide this service in South America.

CONCLUSIONS

Success in stopping the flow of drugs from and through South America depends greatly on the actions of the Department of State and various host governments. We found that the Embassies have responded to the President's directive to increase drug efforts; however, there is still some room for improvement. We also found that efforts for improving extradition procedures or finding workable alternatives when compared with the importance and size of the task at hand were limited.

Host governments have increased their drug enforcement interest and efforts; but corruption, political instability, ineffective laws, and limited resources have limited them.

RECOMMENDATIONS TO THE SECRETARY OF STATE

We believe that, in light of the President's directive, the Secretary of State should encourage the Embassies to implement actions or increase efforts to

--encourage the preparation and use of effective drug laws, including drug destruction procedures, throughout South America;

--develop a program acceptable to host countries for rewarding foreign police officers for drug trafficking information leading to meaningful arrests and/or seizures; and

--establish a working committee of Departments of Justice and State specialists to evaluate, develop, and implement workable extradition treaties or alternatives.

AGENCY ACTIONS

The Departments of Justice and State generally agreed with our conclusions and recommendations. (See apps. I and II.) In addition, the Departments have provided us with actions taken or being taken; we have included their comments in the applicable sections of this report.

Concerning our recommendation on extradition the Department of Justice told us on March 12, 1975, that it agrees a committee of extradition experts from the Departments of State and Justice should be formed to insure the extradition of narcotic traffickers to the United States. It also stated that

> "there is no question that difficulties have arisen from time to time with South American countries regarding the interpretation and implementation of extradition treaties. Two examples of such difficulties are the proper interpretation to be given the word 'conspiracy,' as used in such treaties, and the degree of assistance officials of signatory governments should afford each other in processing extradition requests."

CHAPTER 5

MANAGEMENT AND FUNDING

Since the supply of drugs for most abusers in the United States comes from other countries, enforcement efforts ultimately lead to these countries. Of DEA's 2,086 agents at January 31, 1975, only 162 were stationed outside the United States; 32 of these were in South America. In effect, about 1,900 DEA agents in the United States (referred to as domestic agents) were developing cases that, in many instances, ultimately required police work in a foreign country. Add to this the drug efforts of the many other Federal, State, and local enforcement groups, and the task facing foreign police or U.S. agents becomes enormous.

In many countries, especially those that are highly developed, the local enforcement groups can generally provide the assistance required; however, we found that in South America these groups were not capable of, or in some cases not even interested in, responding to this need. We also found that along with limited manpower and funding, the effectiveness of DEA agents was reduced by the lack of

--a system to assign priorities to requests from domestic regions,

--accurate and complete data on major traffickers, and

--administrative support.

MANPOWER

On January 31, 1975, 32 agents were assigned to DEA's regional office or to one of its 11 district offices in South America. Each district office consisted of from one to four agents. In two district offices, the number of assigned agents did not appear to be commensurate with the area of responsibility. One office had one agent with the responsibility for all of the country, an area of approximately 3.3 million square miles.

It had been determined to be a transshipment point for heroin and cocaine because of its numerous seaports

and the Amazon River. Even without this large area to cover, it is very difficult for one agent to operate effectively. When he is out on a case or working with the locals, he has no one to back him up or to handle the day-to-day operations of the district office. Also, since the district office is so far from the major ports and population centers where most drug cases occur, the need for other agents in these locations is very apparent. As of January 1975, there was still only one permanent agent assigned to this country.

One office, as of January 1975, still had only two agents with responsibility for four countries and part of the Caribbean Islands. Because of the numerous islands and unguarded seaports, the agent in charge believed his geographical area of responsibility was far too large to be effectively patrolled by two agents. For example, as of December 1973, the agents have only been to three locations once, and even though the region is known for drug activity, the agents have spent insufficient time there. One district office has received some help. Since the inception of this office in November 1971, temporary agents have spent 570 days working the district. While this has helped reduce workload, the permanent agents have not had time to develop a full understanding of the situation or to develop the lasting ties with the local enforcement groups that are necessary.

A similar situation existed in another district office. A proposed suboffice at one seaport was delayed 10 months due to a lack of manpower and funds. The importance of this suboffice related to the region's reputation as a haven for major violators and cocaine processing laboratories. DEA officials opened the office in May 1974. Also, in March 1973 an additional agent had been authorized for another country but was not assigned until January 1974.

Officials at DEA headquarters said that the lack of manpower was a major problem in South America. However, they were hopeful that additional staff could be added in fiscal year 1975.

The Department of Justice told us on March 12, 1975, that the Department of State has been particularly helpful

in facilitating the rapid expansion of DEA's work force in Latin America during the past 3 years. This increase in staff has been largely responsible for the inroads DEA has made in immobilizing South American trafficking networks. However, Justice also said that as DEA places intelligence personnel overseas, DEA believes more support should be forthcoming from the State Department.

OPERATING FUNDS

The allocation of operating funds has also apparently hindered DEA's achieving its enforcement objectives in South America. The 11 district offices receive monthly operating funds ranging from $333 in two countries to $3,000 in two other countries. A complaint from several district offices was the lack of sufficient funds to carry on normal operations. For example, a specific problem mentioned was the poor and expensive telephone communications. The telephone represents a vital link between the different offices but because of the cost it must be used sparingly.

Additional problems caused by a shortage of operating funds occurred in two district offices. In both of these offices, agents did not have the funds to rent vehicles when investigations entailed travel to the interior of the country. As a result, the agents remained in town and requested the local enforcement agencies to perform the necessary work. The agents in another office could not leave their offices to carry out investigations due to a lack of operating funds. An investigation on one island scheduled for July 1973 had to be delayed because of insufficient funds for transportation and lodging.

As discussed in chapter 3, the lack of DEA funds to purchase intelligence has also seriously affected the enforcement capabilities of the district offices.

Headquarters officials agreed that limited operating funds have had a major impact on the enforcement efforts of their South American agents. However, they believed the situation would improve in fiscal year 1975 with an increase in the region's operating budget.

PROBLEMS WITH IMMOBILIZING MAJOR TRAFFICKERS

DEA's geographical drug program sets forth criteria for assigning drug traffickers a priority of I, II, III, or IV depending on their level of drug activity. It was DEA's intention that about 70 percent of its enforcement resources be directed toward the arrest and prosecution of class I, II, or III violators, and that current, accurate, and complete data be maintained and reported for evaluating the success and needs of the program. While arrests of major violators in South America had increased, we found that the large number of requests from domestic regions and the lack of data and files on major violators hindered further success of this program.

No system for assigning priorities to requests from domestic regions

We were informed that in South America less than 50 percent of enforcement time was directed toward immobilizing major violators. In two countries only about 10 and 15 percent was spent on major traffickers. One of the main reasons for this was that there was no system requiring domestic regions to establish priorities for requests sent to foreign regions. This was particularly true in the one district office where approximately 70 percent of the workload involved domestic assist requests. A high percentage of time--40 to 50 percent--was also spent by other district offices on assist work.

Although the one district office had identified the immobilization of major traffickers as its primary objective, the agents did not have time to perform the research and prepare the paperwork necessary for gaining approval of class I or II traffickers by headquarters, and the office was able to spend only 15 percent of its enforcement time investigating these individuals. The remaining 85 percent was spent on requests from domestic regions, targets of opportunity, normal administrative workload, and assist work requested by local enforcement agencies.

During October 1973, the district office received more than 45 requests for action and 13 requests for domestic region agents and/or informers to engage in operations.

The agent in charge of one district office informed us that while some of these cases did involve major violators operating in South America, many did not. Also, he stated that with this many requests and only three agents and himself, it was impossible to coordinate the use of domestic agents and informers with the three local enforcement groups and provide sufficient cover and backup for the agents when the drug buy or deal was being made.

DEA officials in Washington informed us that in most countries, especially Europe, U.S. agents are happy to receive assistance requests because local enforcement groups are able to help in the information-gathering process and case development. However, local enforcement groups in South America do not usually have the capability, desire, and in some cases, the integrity to perform needed enforcement efforts. This situation creates additional workload for U.S. agents resulting in less efforts aimed at local major violators.

The DEA Los Angeles regional office told us that all their requests for foreign assistance were screened and approved by various assistant regional directors in charge of enforcement groups, but that these assistants had little information on South American operations to determine the importance of their requests for assistance. Their main basis was knowing the level of the trafficker's involvment in Los Angeles. One assistant stated that Los Angeles agents traveling to South America are not being given adequate support by the South American agents, which seemed to substantiate the statement made above by the agent in charge in one district office.

At the South American regional office, our review indicated only limited screening of assist requests by DEA headquarters in Washington, D.C. For example, when requested to pay a domestic region's informer for his assistance in two domestic-region requested investigations made in one country, the South American regional director stated that his resources were geared to investigating class I and class II violators and these two investigations would have limited priority and would not justify the reward requested. We also found there was not sufficient knowledge about domestic requests made to the South American regional office to determine the justified priority.

Some domestic requests involve the travel of agents/informers to South American countries. These requests require clearances from the local governments before implementing an operation. An official at DEA headquarters stated that the necessary clearances usually are obtained in 95 percent of the cases. However, in the remaining cases problems may arise. For example, the agent(s) may be on his way before an operations approval. This situation presents a danger to: (1) the operation, (2) the agent/informer, and (3) DEA's position in the country. On July 25, 1973, the agent in charge of one district office communicated the following complaint:

> "* * * It appears that domestic offices are conducting investigations and making seizures involving [a country] and working informers here without advising us. I'm not opposed to domestic offices making cases however, I find it embarrassing when an investigation has been in progress for several weeks * * * without informing the district office."

Lack of data/files on major violators

Our review disclosed major problems with the identification and systematic immobilization of major traffickers. The regional office did not retain a current listing of those major traffickers targeted for priority effort within the region, and the major traffickers being worked in the district offices did not always agree with those on file in the regional office.

In addition, we found the list of major traffickers at the regional office was not in agreement with the geographical drug program listing of major traffickers from Washington. While the geographical listing included the names of all approved class I and class II violators in the South American region, the regional office's listing omitted some of these names and included names of individuals not formally designated as major violators. The reason given for this situation was the lack of adequate manpower to maintain a current and accurate listing.

In addition, the geographical drug program system provides for lists to be maintained of the major violator assigned to regional offices and the major violators apprehended in that region. Because the December 31, 1973, lists for comparison and analysis were unobtainable we were unable to evaluate the effectiveness of the major violator interdiction program in South America.

In the district offices, we found that the list of major violators being investigated was not always in agreement with that on either the geographical drug program or the regional office listing. In addition, the agents in one district office were not aware of the major violators included in the region's list for their area. The regional director requested from each district office, on June 12, 1973, an immobilization work plan on each major trafficker operating within their district. At the time of our visit in November 1973, several districts had submitted partial plans; however, one district office had to contact the regional office to verify their list of major traffickers before they were able to respond. Other district offices had not or had only partially responded because (1) they had insufficient time and/or resources to research and submit the necessary paperwork, or (2) their files were not up to date or cross-indexed to permit retrieval of specific information for work plans. (See pp. 62 and 63.)

The failure to maintain and organize data on major violators and their associates has also created problems in responding to domestic office requests for background information on suspected drug traffickers. Valuable time must be spent searching the files, and local enforcement effort is impeded. An official at DEA headquarters told us that in some instances more information is available in Washington on a specific trafficker than is available in the district office where the individual is assigned for priority effort.

DEA officials told us in October 1974 that:

--Since the GAO review, the South American region has corrected this deficiency through the regional intelligence unit. A current list of major traffickers now maintained at the regional level has been reconciled with headquarters and district office lists.

--They cannot avoid some instances where more information is available in Washington on a specific trafficker than is available in the field. Given the frequent movement of traffickers and the volume of scattered references to important traffickers, the only viable alternative would be virtually to reproduce headquarters files at each district office--a patent impossibility. However, there are no instances known in South America of cases not being effectively or aggressively pursued because of lack of information on headquarters files. Summaries of pertinent information are routinely made available.

The Department of Justice told us on March 12, 1975, that it should be remembered that foreign and domestic classification criteria for major violators differ in several areas, and that domestic requests for foreign assistance almost always involve major domestic traffickers. The Department said that, although the points that the domestic regions did not provide sufficient background information on particular requests and the domestic regions did not always obtain the necessary clearance from host countries represented serious problems at the time of the our review; corrective action taken since then has resulted in satisfactory resolution of the problems. The Department also said that discrepancies between the regional and district offices in listing major traffickers have now been reconciled.

LACK OF ADMINISTRATIVE SUPPORT

Our review showed that a lack of adequate secretarial support created filing problems in the regional and five district offices. In each of these offices, a number of files had not been cross-indexed to the major violator name files. This situation generally impeded local enforcement efforts and necessitated extensive work when a domestic office requested background data on suspected drug traffickers.

One district office lacked cross-indexing (case files had not been indexed to name files) for 85 percent of its files. The agent in charge stated that local enforcement efforts were hindered, particularly on the research and paperwork required to solicit headquarters' approval to

classify an individual as a major drug trafficker. Before the BNDD and U.S. Customs merger, the office had two secretaries. In November 1973, there was only one secretary for the four DEA agents.

In another district office, the agents were without secretarial support from DEA's inception to November 19, 1973. During this 4 1/2-month period, the necessary paperwork was both typed and filed by the agents. At the time of our review, at least 25 percent of investigative reports were still on tapes or in note form. A similar situation existed at another district office where there was no secretarial support from November 1971 to April 1972. The agent in charge believed there was a 1-year backlog in filing and cross-indexing of files.

The Department of Justice told us on March 12, 1975, that

--it agreed that more secretarial help is required to support the district offices and to free the agents from those clerical tasks which reduce their enforcement effectiveness;

--in fiscal year 1975, DEA plans to assign additional personnel, both agents and clerical support, to South America; and

--the number assigned, however, may still be inadequate and requests for additional personnel for fiscal year 1976 do not look encouraging.

CONCLUSIONS

Although South America has seen large increases in the enforcement efforts of U.S. and local enforcement agencies, the overall effectiveness of these efforts has been reduced by management and funding problems. We believe the lack of a system for assigning priorities to requests from domestic regions has plagued and hindered the successfull accomplishment of South American enforcement goals. This was particularly true when (1) requests for foreign assistance did not contain sufficient data for an adequate determination of its importance in light of DEA's other objectives, and

(2) there was a lack of understanding and procedures involving foreign operations requiring travel by domestic agents or informers. Also, the failure of regional and district offices to retain, share, and communicate data on major violators has resulted in each office working toward accomplishing its own objectives without the needed coordination for accomplishing regional goals. We do not believe that DEA can effectively evaluate the success of its major violator efforts in South America without preparing, analyzing, and using the lists of major violators assigned and apprehended as provided by the geographical drug program system.

We further believe there was a problem in DEA's allocation of manpower in South America to adequately cover the areas of responsibility. Also, there was an apparent problem in DEA's allocation of funds for accomplishing enforcement objectives. We recognize that prudent management dictates that allocations of manpower must be based on DEA's overall needs and should be consistent with overall U.S. goals and objectives in each individual country. We do believe, however, that when agents are assigned they should be given adequate support and sufficient funds to effectively carry out their assignment. We believe the overall effectiveness of enforcement efforts is reduced when agents must spend time performing clerical tasks because there is a lack of secretarial support to provide this necessary service.

The Departments of Justice and State have told us of actions taken or being taken which have been included in each of the above sections. Because of these actions we are not making recommendations in these areas.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

March 12, 1975

Address Reply to the Division Indicated and Refer to Initials and Number

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter provides our comments on the draft report titled, "Barriers to Greater Progress in Stemming the Flow of Cocaine and Heroin From and Through South America." In general, we find the GAO draft report to be accurate and we are in basic agreement with its recommendations. Although we have reservations on minor matters of fact and interpretation, we do not feel they affect the overall tenor or recommendations of the report. Several of the matters we believe should be called to your attention are discussed below.

Some problem areas identified in the report, while valid at the time the study was undertaken in 1973, are no longer valid either because circumstances have changed or because corrective action has been taken. Among these are:

[See GAO note 2, p. 73.]

1. State Department Involvement (pages 6 and 7). In recent months, we have noted a significant improvement in our relations with the State Department because Embassy officials have gained additional confidence in the Drug Enforcement Administration's (DEA) professionalism. The Department of State has been particularly helpful in facilitating the rapid expansion of DEA's workforce in Latin America during the past 3 years. This increase in staff has been largely

APPENDIX I

responsible for the inroads DEA has made in immobilizing South American trafficking networks. However, as we place intelligence personnel overseas, we believe more support should be forthcoming from the State Department.

2. Immobilization of Major Traffickers (page 9 and 10). The GAO report states that DEA's domestic regions levy requests on foreign DEA agents not involving major violators, that the domestic regions do not provide sufficient background information on particular requests, and further, that the domestic regions do not always obtain the necessary clearance from host countries before permitting agents or informants to travel abroad on investigations. Regarding the first point, it should be borne in mind that foreign and domestic classification criteria for major violators differ in several areas, and that domestic requests for foreign assistance almost always involve major domestic traffickers. Although the second and third points represented serious problems at the time of the GAO review, corrective action taken since then has resulted in satisfactory resolution of the problems. The report refers to discrepancies between the regional and district offices in listing major traffickers. These listings have now been reconciled.

We agree with GAO's observation that the dual DEA/Central Intelligence Agency (CIA) responsibility relating to narcotics intelligence has created problems and that only limited cooperation existed between the two agencies in 1973. However, after the creation of DEA in July 1973, many of the problems were resolved because of closer cooperation between the agencies. These cooperative efforts continue on a daily basis. Our comments regarding several statements in the draft report involving DEA/CIA relationships follow:

1. Pages 11 and 12 contain remarks relating to the immobilization of major traffickers and use of the Major International Narcotics Traffickers Register (MINT List). This register, initiated by CIA, is viewed by

DEA as essentially a listing of major foreign violators as compiled under DEA's Geographic Drug Enforcement Program. The register will be useful for collating information on major violators.

According to a CIA estimate, DEA would provide about 85 percent of the input data to CIA's Computerized Information Retrieval System (MINT Computer System). This system would be competitive with and, to a large extent, duplicate DEA's computer system. The MINT Computer System would be less responsive to DEA's needs than DEA's own system because (a) the MINT Computer System's programming reflects CIA operational needs rather than DEA enforcement needs, (b) DEA would not have direct access to it, and (c) the MINT Computer System would not include or make reference to U.S. citizens or joint domestic/international operations. Negotiations are now underway between DEA and CIA to resolve these problems.

2. The CIA comment on page 38 of the draft report which states "the conflict of interest that occurs during the early stages of a particular narcotics case over minor procedural issues does not have a significant impact on the final outcome of enforcement actions which are pursued," may be understated. Since DEA investigations must ultimately stand the test of due process of law, "minor procedural issues" such as illegally obtained or tainted evidence, or CIA association in any manner with a DEA investigation, have a vital impact on the final outcome of prosecutions. Thus, the conflict is not just "a long-term intelligence collection approach versus a short-term police-oriented methodology," as CIA puts it. The conflict is "usable versus unusable drug intelligence." To overcome this conflict, new guidelines for DEA/CIA coordination are now being formulated.

3. GAO states on page 38 and 39 that the "CIA has the capability to acquire the difficult and most protected information from which

APPENDIX I

DEA enforcement operations can evolve." DEA is now establishing the same capability. Once established, DEA's capability can be more accurately targeted to mesh with enforcement action and support prosecution.

DEA agrees that the exchange of intelligence between the Immigration and Naturalization Service (INS), the Bureau of Prisons (BOP), and DEA is limited and should be increased. The BOP has expressed its concern in drug trafficking matters and has agreed to make available to DEA's Office of Intelligence a list of aliens released from its facilities for deportation. No problems are anticipated in implementing this procedure in the immediate future.

As mentioned on page 43 of the draft report, an operational agreement between INS and DEA was completed on November 29, 1973. This agreement provided in general terms for a free and full exchange of information between the two agencies.

Further progress in this area of cooperation is being achieved through establishment and activation of the multi-agency El Paso Intelligence Center (EPIC). The Center is currently operating under the leadership of a DEA Director and an INS Deputy Director. Presently, plans call for EPIC to provide a complete intelligence picture of drug trafficking between Mexico, Central America, South America, and the United States. Raw intelligence data will be gathered from concerned agencies within the Department and through cooperation with other appropriate agencies.

We believe the development of procedures and requirements, in consonance with the cooperative arrangements between DEA, BOP and INS, and the current efforts of EPIC, will provide a viable base for the ultimate attainment of world-wide interagency exchange of information.

With reference to GAO's comments on pages 43 and 44, regarding the loss of Custom's data, DEA does not feel that it has suffered a significant loss of intelligence data from Customs as a result of the merger of BNDD and Custom's narcotic agents in July 1973. DEA's reasons for this belief are:

1. Before the creation of DEA by merger, U.S. Customs agents stationed overseas represented Customs' major source of narcotics-related intelligence. At the time of the reorganization, these agents were transferred to DEA. Customs does not presently engage in narcotics intelligence work abroad.

2. Persons arrested and narcotics seized as evidence at ports of entry by the Customs Service are relinquished immediately along with pertinent information to DEA.

3. DEA's Office of Intelligence regularly collates data on smugglers' profiles, new trafficking routes, and concealment devices, and disseminates the data to DEA offices and to other interested agencies such as Customs and the INS Border Patrol. In addition, Customs and DEA computerized data bases interface through direct access terminals located in each others Headquarters, thereby facilitating the rapid exchange of DEA-Customs data.

[See GAO note 1, p. 73.]

Corruption and political instability, discussed on pages 60 and 61 of the report, are common problems in many Latin American countries and are rarely affected by outside action. These problems serve as a challenge to the

APPENDIX I

professionalism of DEA agents, who must learn to cope with and work around them. DEA agents are frequently successful even where these problems exist. Moreover, the problems are often relative in time, that is, temporary instability in a given country may fade as political and economic factors settle into a more permanent mode. In two countries, the corruption problem virtually ceased after it was publicly exposed and severe corrective action was taken. We recognize, however, that we are less effective and hampered in countries where extensive corruption does exist.

A related problem, mentioned on page 62 of the report, is the alleged low level of interest of senior government officials in certain countries in local and international drug problems. A major effort is being made by U.S. missions in South America to raise the level of awareness and interest of local governments in international drug matters. DEA is pleased with the success of this effort to date. The apathy so common towards narcotics problems in South America has, in most instances, been changed to an attitude of responsibility and concern.

Because of the fluidity with which changes can occur in South American countries based on corruption, political instability and drug interests, and because of the delicate diplomatic nature of DEA's efforts to overcome or to cope with them, we suggest that GAO not mention specific countries when discussing these problems. If countries named become aware of the specific references to them, we believe our enforcement efforts will be made more difficult.

We also wish to comment briefly on the extradition aspects of the report. The report, on pages 51 and 66, recommends that a committee of extradition experts from the Departments of State and Justice be formed to ensure the extradition of narcotic traffickers to the United States. We agree that such a committee should be formed. There is no question that difficulties have arisen from time to time with South American countries regarding the interpretation and implementation of extradition treaties. Two examples of such difficulties are the proper interpretation to be given the word "conspiracy," as used in such treaties, and the degree of assistance officials of signatory governments should afford each other in processing extradition requests.

On pages 8 and 58, the draft report notes a Second Circuit decision adverse to the government concerning the expulsion from Brazil of a "third country national." The case referred to is United States v. Toscanino, 500 F.2d 267 (2d Cir. 1974), reh, en banc denied September 27, 1974. In Toscanino, the defendant claimed that he had been tortured by Brazilian authorities with the knowledge, and sometimes in the presence, of United States authorities. The defendant also alleged that he had been kidnapped from Uruguay and taken to Brazil without the knowledge or consent of Uruguayan authorities. The Second Circuit Court of Appeals remanded the case for an evidentiary hearing regarding the defendant's allegations.

The Toscanino case represents a solitary departure from a long line of authorities holding that the manner in which a defendant is brought before the court does not give the defendant the right to question the jurisdiction of the court to try him. See, e.g., Frisbie v. Collins, 342 U.S. 519 (1952); United States v. Caramian, 468 F.2d 1370 (5th Cir. 1972); Taylor v. Alabama, 465 F.2d 376 (5th Cir. 1972); United States v. Cotton, 471 F.2d 744 (9th Cir. 1973), cert. den. 410 U.S. 967 (1973). The decision in Toscanino was brought about by Toscanino's allegations of unconscionable behavior on the part of United States and Brazilian authorities in effecting his expulsion to the United States. It is doubtful that such allegations will be made in many such cases or, more importantly, that a defendant could prove such charges. Thus, Toscanino should not pose a serious hindrance to the government's attempts to obtain jurisdiction over third country nationals.

Finally, we agree with the conclusion that more secretarial help is required to support the district offices and free the agents from those clerical tasks which reduce their enforcement effectiveness. In fiscal year 1975, DEA plans to assign additional personnel, both agents and clerical support, to South America. The number assigned, however, may still be inadequate and our requests for additional personnel for fiscal year 1976 do not look encouraging.

The Department has no objection to transmittal of the classified information in the proposed report to the appropriate congressional committees, individual members of the Congress and executive agencies.

We appreciate the opportunity to comment on this draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

GAO notes:

1. Deleted comments pertain to material deleted from the final report.

2. Page references in this appendix may not correspond to pages of the final report.

DEPARTMENT OF STATE
Washington, D.C. 20520
February 19, 1975

Mr. J. Kenneth Fasick
Director
International Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fasick:

I am replying to your letter of January 15, 1975 addressed to the Secretary, which forwarded copies of your Draft Report: "Barriers to Greater Progress in Stemming the Flow of Cocaine and Heroin From and Through South America".

The enclosed comments have been prepared by the Senior Adviser to the Secretary and Coordinator for International Narcotics Matters.

We appreciate having had the opportunity to review and comment upon your Draft Report.

Sincerely yours,

Don C. Eller
Acting Deputy Assistant
Secretary for Budget
and Finance

Enclosure:
Comments.

APPENDIX II

DEPARTMENT OF STATE COMMENTS ON GAO DRAFT REPORT: "Barriers to Greater Progress in Stemming the Flow of Cocaine and Heroin From and Through South America"

In the main, we believe the GAO Report to be a well-written study containing several important observations and recommendations. Specific areas of agreement and disagreement are cited below. We are concerned about the sensitivity of material in the report even though it is classified * * *. Inadvertent disclosure could cause serious damage to the U.S. international narcotics control program. Besides the elimination of specific names from the body of the report as we suggest below, the distribution should be limited to the extent possible. We suggest that the "Digest" contain a more detailed summary of the entire report with an emphasis on the time of the observations made and a notation of those corrective actions already taken by the various agencies involved in ameliorating the problems and shortcomings noted in the body of the report.

Following are suggestions for deletion, addition, or substitution in the text with rationale when appropriate:

[See GAO note 1, p. 82.]

APPENDIX II

[See GAO note 1, p. 82.]

[See GAO note 2, p. 82.] Page 3, Concerning the -- need for increased intelligence sharing ..., periodic reviews are conducted by the Department of State and guidelines are issued to the overseas posts for policy and substance in the area of increasing the effectiveness of drug intelligence.

Page 3, Concerning ... the problems in allocating funds and manpower to accomplish enforcement objectives... The Department of State has moved the funding authority from the Agency for International Development to the Office of the Senior Adviser for International Narcotics. Progress has been made in reducing delays in allocation through this centralization of administrative function.

Pages 6 and 7, In the last paragraph, we suggest the rewriting of the last sentence ... Embassy officials maintain close control over Drug Enforcement Administration

activities and the Mission Chiefs have the authority to restrict any drug enforcement efforts that could have a detrimental effect on United States-host country relationships.

Page 7,

[See GAO note 1, p. 82.]

... embassy officials had received little familiarization training in drugs, trafficking and enforcement activities ... may be true in the strict sense of the language, but it is not relevant to the role of the Embassy official in the drug enforcement program abroad. The Department of State and the Drug Enforcement Administration have held two conferences in Latin America to provide the "general orientation training" needed for Embassy officers who carry specific responsibilities in the drug enforcement program abroad.

Page 7, We suggest deletion of paragraph 3 and substitution of: "The Department of State, after consultation with the Department of Justice, which in turn had consulted the DEA, has undertaken a new effort to update and improve extradition treaties." (The background and facts are not clear at this time concerning extradition requests cited from * * *)

Page 8, For paragraph 1, suggest deletion of sentences * * * with substitution of: "There are two decisions in the U.S. Court of Appeals, 2nd Circuit Court (New York). One appears to limit the ability of obtaining the return of drug defendants. The other appears to be an attempt at clarification of the first and the net result is some confusion with respect to the legal situation, at least in the 2nd Circuit."

Page 8, For paragraph 2, suggest adding the following sentence * * * : "It is anticipated that the hiring of local counsel in foreign countries would be limited to particular cases involving difficult problems."

[See GAO note 1, p. 82.]

Page 14, First line: Change ... In cooperation with ... to "The Department of State should insure that:"

[See GAO note 1, p. 82.]

Page 41 and 42, Limited Exchange of Intelligence, Guidelines in this area have been prepared and distributed to all appropriate posts which are designed to insure the establishment of an effective system for sharing intelligence among concerned agencies at overseas posts.

[See GAO note 1, p. 82.]

[See GAO note 1, p. 82.]

Page 54, The cases cited could be eliminated in view of reference * * * for page 12 in which the request for an additional four agents is mentioned. The examples of problems in obtaining approval for assignment of additional agents or cited interpretations of inadequate Embassy cooperation in obtaining more aggressive host country narcotics programs must be viewed country by country in the light of existing political realities and in appropriate time periods. Depending upon the level of the drug problem in each country, the Department of State insures that the effecting of dynamic drug enforcement programs is and will continue to be a priority item

in each country program. In cases where the position of drug coordination is part-time, it has been decided that the work load does not warrant the efforts of a full time officer.

[See GAO note 1, p. 82.]

Page 60-63, We think that details of the problems encountered should not be expressed in the report to the extent that countries can be identified. The delicacy of relations with many of the countries if endangered by unintentional offense through inadvertent publicity of a report such as this could reduce or halt existing cooperative working relations with the host countries in the drug enforcement area, * * *.

[See GAO note 1, p. 82.]

Page 63, Last Paragraph, Delays in procurement of equipment has been a problem. The administrative responsibility and procedures have now been changed (see above reference for page 3 citation) and recent experience shows that much if not all of the delay has been eliminated.

[See GAO note 1, p. 82.]

Sheldon B. Vance
Senior Adviser and Coordinator for
International Narcotics Matters

GAO notes:

1. Deleted comments pertain to material deleted or modified in the final report.

2. Page references in this appendix may not correspond to pages of the final report.

APPENDIX III

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

January 30, 1975

The Honorable Victor L. Lowe, Director
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

Thank you for giving us the opportunity by your letter of December 17, 1974, to comment on the proposed report to the Congress, "Barriers to Greater Progress in Stemming the Flow of Cocaine and Heroin From and Through South America." Our comments, which are made solely in the interest of accuracy and balance, are enclosed.

We appreciate the recognition in the report of the Agency's positive efforts to stem the flow of illicit narcotics to the United States from abroad, the Agency resources devoted to this effort, and of the resolution of most of the early problems.

This Agency has absolutely no objections to transmittal of the classified information in the proposed report to the appropriate congressional committees, individual members of the Congress, and executive agencies. However, we would appreciate being advised when the final report is transmitted so that we can make whatever report is deemed appropriate to those committees in the Congress which have oversight of this Agency.

Sincerely,

W. E. Colby
Director

Enclosure

APPENDIX III

SUBJECT: CIA COMMENTS ON GAO DRAFT REPORT

"Barriers to Greater Progress in Stemming the Flow of Cocaine and Heroin From and Through South America"

General

In our opinion, U.S. agencies involved in the anti-narcotics effort can take a real measure of satisfaction from the job done so far. At the same time, we agree with the conclusion on page 50 of the draft GAO report that there is a need for better intelligence. We have and will continue to work towards improving DEA-CIA cooperation and we see the MINT Register program as one of the best available management tools to reach this end.

[See GAO note 2, p. 87.]

We concur in the recommendations on pages 50 - 51. We suggest that these recommendations be discussed and carried forward under the aegis of the CCINC. The GAO report does not, however, address two significant points which we believe have a direct bearing on the ability of CIA to support DEA. First, there is the statutory prohibition against CIA engaging in law enforcement activities. Second, there is the legal problem which can arise when intelligence clandestinely gathered by CIA abroad is used in U.S. criminal prosecution. In this instance there is a separate statutory mandate on the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. Thus, a good case against a drug trafficker may have to be dismissed because CIA cannot respond to the defendant's request to identify sources or methods used to collect the intelligence that pertains to his particular case.

Regarding the specific recommendation that the respective drug intelligence roles be clearly defined we suggest that once the DEA Intelligence Division has established its proposed overseas Regional and District level intelligence offices, the question of division of responsibility between DEA and CIA overseas will be far easier to define. CIA supports DEA's plan to expand its intelligence collection capability. However, until this stage is operational, CIA will continue its active role abroad in the collection of clandestine intelligence against the foreign narcotics target.

We have some general comments and suggestions to make regarding the initial findings and conclusions set forth in the beginning section of the GAO report. Because the report is cast in an imprecise time frame, the reader is presented with GAO "Findings and Conclusions" which introduce certain problems that may have existed during the 1972-73 period but which have now been largely solved to the extent that these are valid issues.

As the report correctly observes, these problems grew out of the differences in objectives and modes of operation of the two agencies. These differences are introduced on page 4 where the report states that DEA agents in South America claimed that only limited intelligence was provided by the CIA and that it was of little or no value. This issue stems from CIA's primary responsibility for collecting long-range strategic foreign intelligence as opposed to short-term, actionable information intended for making isolated cases. This point should be clarified immediately following the charge rather than waiting for the explanation of operational differences that appear on pages 36 - 41.

[See GAO note 1, p. 87.]

We suggest that the report would be better balanced and more representative if the beginning portions were reorganized to show where progress has been made in overcoming the various problems. It would also help if the report indicated that the field survey was conducted more than a year and a half ago and that many of the original areas of concern have either been clarified by subsequent GAO investigation or rectified by the joint efforts of the participating agencies.

Specific

The following are several specific editorial changes we recommend be made in the GAO report.

[See GAO note 1, p. 86.]

that the sentence would read -- "The Central Intelligence Agency (primary foreign clandestine intelligence collection agency) . . ."

Page 2: As explained above, we believe that the statement which begins at the bottom of page 2 . . . "GAO noted that U.S. enforcement efforts have been hampered by the need for increased intelligence sharing . . ." needs to be clarified in this section of the report rather than on page 32 where in our opinion this particular problem has been placed in proper perspective.

[See GAO note 1, p. 87.]

Page 3: Suggest that the phrase -- "the need for an increased use of resources to identify and systematically immobilize major traffickers" -- be revised to include reference to the MINT program explained on pages 11 and 38 - 50. The sentence might read -- "--the need for an increased use of resources, such as the MINT program explained later in this survey, to identify . . ."

Pages 3 - 4: The sentence stating that the Central Intelligence Agency was assigned the responsiblity for the collection and analysis of international narcotics intelligence by clandestine means would be clearer if rewritten as follows: "The CIA was assigned the responsibility for collection of foreign narcotics intelligence by clandestine means, and the analysis and dissemination of such intelligence."

Page 4: In our opinion the "dual responsiblity" mentioned in the report has not interfered with the collection roles of either CIA or DEA. While DEA seeks intelligence primarily for actionable case making purposes, CIA has been assigned the role of obtaining foreign intelligence through clandestine means of a strategic and tactical nature for U.S. policy-makers.

Page 11: When the reader is introduced to the MINT program it is imperative that he understand clearly that the Register does not include American citizens and refers to foreign nationals only. CIA's initial instructions to its overseas personnel concerning the MINT program, sent to the field on 24 January 1974, may well be quoted here: "You will note that the Register does not include American citizens. We have advised DEA that CIA is precluded from working directly against American citizens except as a by-product of operations against foreigners."

Page 28: The report makes the point that there is concern over the lack of good intelligence concerning the location of drug conversion laboratories. It should be explained that these laboratories are frequently vest pocket type operations which can be easily disguised and are highly mobile. The reader should, therefore, not be allowed to envision a South American laboratory as a sophisticated collection of test tubes and other readily identified equipment.

[See GAO note 1, p. 87.]

Page 41: (first paragraph) Corruption, which often reaches near institutionalized sophistication, should be cited as one of the factors making South America attractive for narcotics trafficking.

GAO notes:

1. Deleted comments pertain to material deleted or modified in the final report.

2. Page references in this appendix may not correspond to pages of the final report.

GAO REPORTS ON DRUG ENFORCEMENT

Title	B-number	Date
"Efforts to Prevent Dangerous Drugs from Illicitly Reaching the Public"	B-175425	4-17-72
"Efforts to Prevent Heroin from Illicitly Reaching the United States"	B-164031(2)	10-20-72
"Heroin Being Smuggled Into New York City Successfully"	B-164031(2)	12- 7-72
"Difficulties in Immobilizing Major Narcotics Traffickers"	B-175425	12-21-73
"Identifying and Eliminating Sources of Dangerous Drugs: Efforts Being Made, But Not Enough"	B-175425	6- 7-74
"Efforts to Stop Narcotics and Dangerous Drugs Coming From and Through Mexico and Central America"	B-175425	12-31-74

PRINCIPAL OFFICIALS RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office From	To
DEPARTMENT OF JUSTICE		
ATTORNEY GENERAL OF THE UNITED STATES:		
Edward M. Levi	Feb. 1975	Present
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork, Jr. (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	Apr. 1973
Richard G. Kleindienst (acting)	Feb. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION:		
John R. Bartels, Jr.	Oct. 1973	Present
John R. Bartels, Jr. (acting)	July 1973	Oct. 1973
DIRECTOR, BUREAU OF NARCOTICS AND DANGEROUS DRUGS (note a):		
John E. Ingersoll	Aug. 1968	July 1973
DEPARTMENT OF STATE		
SECRETARY OF STATE:		
Henry A. Kissinger	Sept. 1973	Present
William P. Rogers	Jan. 1969	Sept. 1973
SENIOR ADVISOR TO THE SECRETARY AND COORDINATOR FOR INTERNATIONAL NARCOTICS MATTERS:		
Ambassador Sheldon B. Vance	Apr. 1974	Present
Ambassador William J. Handley	May 1973	Mar. 1974
Harvey R. Wellman (acting)	Feb. 1973	May 1973
Nelson G. Gross	Aug. 1971	Jan. 1973

	Tenure of office	
	From	To
CENTRAL INTELLIGENCE AGENCY		
DIRECTOR:		
William Colby	Sept. 1973	Present

a/Effective July 1, 1973, BNDD and other Federal agencies involved with drug enforcement merged to form the new DEA. All BNDD functions were transferred to DEA.