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January 9, 1989

MEMORANDUM FOR THE RECORD

RE: JOHN TUCK'S FILES ON DRUGS

Last week, John Tuck sent to ORM two accordion folders containing files relating to Drugs.

Enclosures filed in  
Oversize Attachments #

~~18424~~

DRUG ABUSE - AMERICA'S NUMBER ONE DOMESTIC PROBLEM -  
INSATIABLE DEMAND AND UNLIMITED SUPPLY

A. DOD ACCOMPLISHMENTS:

- o Military Drug Testing: A 67 percent reduction in reported drug use since 1980.
- o Surveillance: 16,288 flight hours in FY87.
- o Maritime Support: 2,512 ship days in FY87 with USCG reps aboard.
- o SATCOMM and secure tactical communications provided.
- o Training of law enforcement personnel.
- o Intelligence sharing.
- o Aircraft and equipment loans: Total of \$303.5M in FY87.
- o Support to Hat Trick and OPBAT (OPNS in Bahamas and Caribbean).

B. DOD LIMITATIONS:

- o Posse Comitatus Act and Foreign Assistance Act prohibit participation of military in law enforcement activities.
- o Reimbursement is required for equipment or services (Economy Act) unless:
  - Support is provided incident to training or operations; or
  - DoD derives substantially equivalent training or operations benefit.
- o Assistance must not have an adverse affect on military readiness (P.L. 97-86).

THE WHITE HOUSE  
WASHINGTON

Date: 4/15/88

TO: John Tuck

*Handwritten signature/initials*  
for

FROM: Alan M. Kranowitz  
Office of Legislative Affairs

F.Y.I.

THE WHITE HOUSE

WASHINGTON

April 14, 1988

NOTE FOR ALAN M. KRANOWITZ

FROM:

NANCY DORN *N.Dorn*

SUBJECT:

Drug Legislation Update

Several noteworthy events occurred today on the drug front.

- Michel has appointed Jerry Lewis and Mickey Edwards co-chairmen of the Republican drug task force. Additionally, Bill McCollum has been chosen to lead in this effort.
- The Democrats are expected to drop their omnibus drug bill in next Tuesday with Speaker Wright at the helm. Wright, Rangel, Obey, English and Larry Smith requested and received a drug briefing from the State Department today. Two major points emerged:
  - 1.) The Democrats would like to find a way to transfer DOD assets to Columbia to fight the drug war.
  - 2.) The Speaker would like to funnel more money into foreign aid for eradication/prevention.
- Clay Shaw has been in close touch with the Vice President's staff and has crafted legislation (summary attached) which he will introduce Tuesday.

## SUMMARY OF POTENTIAL REPUBLICAN DRUG BILL ITEMS

(This list is a staff compilation of ideas and proposals. The list is not complete, and some of the ideas contained in this list are subject to criticism)

### I. RESPONSES TO DRUG SUPPLY

#### A. Stopping drugs at their source (eradication)

Authorize security measures for law enforcement and government officials of drug producing countries whose lives are threatened by drug traffickers.

Source: staff

Amend the certification process in which the U.S. determines whether to cut off U.S. aid to any drug producing or transit nation as a result of noncompliance to include as a factor: the financial and political threat such decertification imposes upon democracy in that nation.

Source: staff

Funding:

#### B. Interdiction and investigation

Exclusionary rule reform allowing for the good faith exception in searches without search warrants.

Source: Justice Dept.

History: This proposal has been a law enforcement priority for this Administration.

Establish federal crime for corruption of and by public officials and fix super-penalties for drug-related bribery and other corruption.

Source: bill would have to be developed in response to recent Supreme Court case severely limiting federal prosecution of state and local corruption.

Expand the role of the military in drug interdiction by reducing the posse comitatus limitations.

Source: H.R. (Shaw)

Require the registration of precursor chemicals (used in the manufacture of controlled substances).

Source: DEA: H.R. 2585 (Hughes)

History: This appeared for the first time in the Administration's 1986 drug bill. An improved version is currently being drafted by the Subcomm. on Crime. The Chemical mfr. industry is opposed this bill.

Provide Foreign DEA agents with the same benefits (housing, etc.) allotted to other U.S. overseas officials under the foreign service rules.

Source: Staff

Provide explicit extraterritorial application of federal simple possession statute.

Source: Staff

History: This provision would give investigators a tool to use when traces of drugs are located on ships, etc. after an off-loading of drugs during shipment has taken place.

Provide criminal and civil penalties for the non-forcible impeding or obstructing of a member of the Coast Guard in performance of lawful duties.

Source: Staff

Provide criminal/civil sanctions against masters/operators of U.S. documented and state numbered vessels who fail to truthfully respond to inquiries regarding vessel's destination, origin, ownership, registration, nationality, cargo and crew; permit a boarding by USCG, and obey reasonable directions of the USCG boarding party.

Source: Staff

Provide for US payment of any personal liability of a USCG enforcement personnel arising from allegations of violations of constitutional rights by law enforcement personnel in performance of official duties. If this concept is acceptable, it may need to be expanded to include interdiction personnel from other agencies.

Source: Staff

Remove the words "drug Interdiction area" from the statute codifying the use of USCG personnel conducting law enforcement from Navy vessels as a Posse Comitatus exception.

Source: Staff

Provide statutory criteria defining nature, inception and termination of U.S. vessel's nationality.

Source: Staff

Clarify the Coast Guard's air interdiction mission.

Source: Staff

#### Funding:

- Freeze expenditures on Customs South Boarder CCCI centers, if necessary, until they are fully coordinated with DoD CCCI centers, and all barriers to cooperation and coordination with all other agencies with interdiction responsibility have been removed.  
Source: Staff
- Require the National Drug Abuse Policy Board to review the need for the Customs South Boarder interdiction CCCI in Oklahoma as a prerequisite to any further expenditure of that CCCI. Require the NDPB to report to Congress on alternative interdiction improvements that could be funded

by the money saved by eliminating the Oklahoma CCCI.

Source: staff

- Authorize DEA's proposed supplemental needs for its Latin American mission.

Source: Staff

- Reauthorize the Drug assistance grant program or fold it into the existing Justice Assistance grant program for state and locals.

Source: Dear Colleague (T. Lewis)

History: Authorization for this two-year, \$235 per year, funding expires in FY 1988. The administration has been subject to criticism for budget submissions below the authorized amount.

### C. Enhanced penalties

Death penalty for high level drug trafficking resulting in death as a result of use of drugs or victim of drug trafficking related murder.

Source: H.R. 1095 (Gekas), 1986 Administration drug bill, H.R. 4230 (English) and S. 2206 (DiConcini)

History: Mr. Gekas successfully added this amendment to the 1986 drug bill 3 times. Each time the Republican Senate removed it in the face of threats of a filibuster and a drug czar amendment.

Death penalty for killing law enforcement officials.

Source: H.R. 4302 (Gallegly)

Require the deportation and exclusion of aliens believed to have possessed or used drugs.

Source: S. 1543 (Roth)

History: This issue focused several years ago as a prison overcrowding issue. States are spending huge sums of money housing illegal immigrants. It is uncertain how many alien drug users are in state and local prisons. Deportation of drug traffickers was included in the 1986 law.

Expand current super-penalty provision for trafficking within 1000 feet of a school to include trafficking within 1000 feet of any school bus or school bus stop.

Source: New Jersey statute

Lower the amount of cocaine needed to trigger the five year mandatory sentences for the second and third convictions.

Source: H.R. 3508 (DioGuardi)

Prohibit the re-issuance of an airman certificate to any pilot whose certificate has been previously revoked for an aviation related drug offense (currently, a five year prohibition exists).

Source: H.R. 4115 (Daub)

Permit the use of all available state sanctions for drunk and drugged driving in a federal prosecution for drunk or



drugged driving on federal land (including the revocation of a driver's license).

Source: H.R. 1349 (DeWine)

Authorize the Secretary of State to revoke the passport of any individual convicted of a felony narcotics violation.

Source: H.R. 4230 (English)

History: Customs officials are now seizing passports at the border when drugs are found. There are constitutional questions regarding whether this proposal interferes with the constitutional right to travel.

Funding:

#### D. Improving prosecution

Review and improve existing federal victims restitution law to ensure that drug users and victimized neighborhoods can receive restitution from drug traffickers.

Source: NYT article on NYC judge who ordered drug trafficker to pay \$2 million in fines for treatment based on formula: amount of heroin seized from dealer, the estimated number of addicts who would use the heroin and the minimum cost of drug rehabilitation per addict per year.

Eliminate the Doctor-Patient evidentiary privilege in any situation in which the patient is attempting to unlawfully obtain a controlled substance by giving the doctor false information.

Source: New Jersey statute

Make technical corrections to existing drug laws including:

- Clarify that mandatory sentences and other penalties apply to conspiracies and attempts to commit drug trafficking offenses;
- Improve forfeiture of drug assets in foreign nations;
- Clarify the coverage of the controlled substance analogue provisions (designer drugs);
- Clarify the relationship between parole and mandatory drug terms;
- Make technical drafting corrections;
- Create mandatory penalties for trafficking in methamphetamine and related chemicals;
- Include tax evasion crimes in money laundering statutes;
- Clarify that federal civil forfeiture proceedings can be stayed when related state, local, or federal criminal charges are also pending;
- Clarify that mandatory penalties apply for possession of a firearm in connection with possession with intent to distribute and drug conspiracies and attempts; and
- Establish forfeiture for non-cash items used to commit drug crimes (i.e. leather jackets and gold chains used to pay teenage mules who distribute drugs).

Source: DoJ, DEA

Require the EPA to work with DEA to determine and report back to Congress regarding: (1) ways to improve upon the efficiency and effectiveness of DEA's ability to obtain environmental impact standards prior to spraying paraquat on cannabis crops and (2) ways in which local, state and federal officials can dispose of seized controlled substances (toxic wastes) more efficiently.

Source: staff

Require, if necessary, the more prompt elimination of seized controlled substances.

Source: staff

Provide some or all of the U.S. Marshall's Service Act.

Source: DoJ

History: Included in the Administration's 1986 drug bill.

Funding:

#### E. Improving prison construction availability

Authorize the Federal Bureau of Prisons to enter lease-purchase agreements in addition to traditional up-front prison construction appropriations (\$50 million each). Under a lease purchase agreement, a private group funds and constructs the prison, which would then be leased to the Bureau of Prisons for a 20 year period (\$7-10 million per year) at the end of which the Bureau would purchase the prison for \$1.

Source: State examples

Require drug traffickers to pay for costs of prison confinement

Require all federal arrestees to pay fine used to fund construction of state prisons.

Source: H.R. 4186 (D. Smith)

History: Federal arrestees now pay a fine

Funding:

- As many federal prisons as possible (\$50 million each)

Source: staff

History: The new (1986) 5 and 10 year mandatory sentences for drug traffickers are causing a dramatic increase in the federal prison population. 35% of the federal prison population was convicted of drug crimes. Federal prisons are already 60% overcrowded. Continued and increased expenditures on interdiction will result in higher prison populations. Without prison construction, a prison crisis will become the next major criminal justice issue, especially at the federal level.

#### F. Enhancing enforcement cooperation

Authorize DoJ to appropriate funds to host INTERPOL activities and permit private donations for such activities.

Source: DOJ

History: Included in DOJ authorization request, Senate passed authorization bill, recently submitted to the Speaker as a separate proposal.

Rename the federal narcotics assistance grant program to states after Edward Byrne, the NYC police officer recently slain by drug traffickers

Source: H.R. 4214 (Rangel)

Provide increased death and retirement benefits for law enforcement officers.

Source: H.R. 4230 (English)

This proposal, strongly supported by police groups has been around for several years. The administration opposes the increases in cost.

Funding:

**RESPONSES TO THE DRUG DEMAND (Administration Themes: Intervention and user accountability)**

A. Deterring demand

Mandate DEA to develop a model state statute to revoke drivers licenses upon a drug possession conviction.

Source: New Jersey is one of four states with this type of legislation. In N.J., the license is suspended for six months. If the drug possessor is not yet of driving age, he must wait an additional 6 months beyond his eligibility.

Alternative: condition federal highway funds on the establishment of this type of prohibition.

Establish, or require DEA to develop a model state statute to establish, drug possession fines equal to 5% of the drug possessor's adjusted gross income from the previous year. Collected fines (probably a small amount at the federal level) could be applied to prison construction, drug rehabilitation, victim's rights, or local law enforcement, etc.

Source: staff

Upgrade the existing general possession offenses to equal the stronger possession offenses for federal land.

Source: staff

History: The 1986 Administration bill included tougher possession penalties across the board. These were reduced to coverage of federal land by the House Judiciary Committee.

Establish federal standards or require the President to establish standards for drug testing labs to be used in federal drug testing.

Source: H.R. 4230 (English) has stronger requirements

Require drug testing of all persons arrested, subject to parole and during parole and probation.

Source: H.R. 3506 (DioGuardi)(parole only)

History: DoJ already has authority to provide this type of drug testing and has done so on a test basis in NYC and Washington, D.C. The results were alarming.

Subject all federal contractors to the drug testing requirements of Executive Order 12564 on drug testing

Source: Committee on Mainstream Adults, National Drug Enforcement Policy Board (NDPB)

Establish a heavy tax on the manufacture or purchase of drug paraphernalia.

Source: staff

Establish greater federal criminal penalties for the possession of drugs and drug paraphernalia in places that endanger the public, i.e. cocaine freebasing in airplane restrooms and manufacturing PCP with ether in apt. buildings.

Source: staff

Prohibit any person convicted for any controlled substance offense from receiving any non-essential federal aid (student loans, agricultural programs, Small Business Administration grants, etc.) for a period of three years.

Source: staff

History: The Rules Committee refused to make in order an amendment to the 1986 drug bill an amendment to prohibit federally subsidized student loans for three years after a drug conviction.

Repeal or amend the existing Hoyer/Mikulski requirement that all federal agencies must have drug testing procedures established before any can be implemented.

Source: Staff

Funding:

#### B. Improving Drug Abuse Prevention Education

Require schools receiving federal education grants to file accountability reports to the states and require states to summarize these reports and forward the information to the Dept. of Education. The Secretary would then have authority to review the reports.

Source: Dept. of Ed.: Included in S.J.Res. 26 & adopted by Senate

Make technical corrections to the education grant sections of the 1986 drug bill.

Source: Dept. of Education, included in S. 2205 (DeConcini)

Prohibit the award of education grants to states that prohibit

drug testing in educational institutions..

Source: Senate Republican 1986 drug proposal.

Funding:

C. Making our neighborhoods drug free

Provide Republican economic, job training, etc. reform to urban areas to provide hope, and jobs, etc. in effort to eliminate despair and the "no escape" mentality that promotes the escape of drug use.

Source: staff

Make being "drug free" a lease requirement on all federal housing programs.

Source: staff

Make job training and literacy opportunities a part of anti-drug use and trafficking efforts.

Source: staff

Funding:

D. Treatment

Make urinalysis part of drug treatment programs and expel institutionalized treatment patients who make clear that they are not serious about stopping their drug use to make room for treatment of others.

Source: staff

Enact strict penalties for drug users in treatment who divert methadone.

Source: staff

Improve capabilities within the criminal justice and treatment systems to provide early detection of individuals with severe behavioral disorders and to require appropriate treatment.

Source: staff

Funding:

**III. SOURCE OF FUNDING**

Fund Republican initiatives by repealing some or all of the \$4 billion "pork" the President highlighted in his State of the Union address.

Source: Staff

Establish an excise tax on Chloroflourocarbons (CFC) that harm the ozone and apply the estimated \$1.5 billion over three years to the drug effort.

Source: H.R. 2854 (Stark) (excise tax only)

Findings

To date, a blueprint has not been drawn for a drug free America through a total elimination of the importation, distribution and manufacture of illegal drugs.

The use of illegal drugs is one of the nation's most serious problems threatening both the economy and national security.

The control and elimination of drugs is an international problem requiring the involvement and cooperation of all nations.

Drug use is not a victimless crime.

The present policy of containment must be replaced with plan to ensure victory in the war on drugs.

Illegal drugs affect the quality of life of all Americans.

Purpose

To provide for a drug free America:

By eliminating the supply illegal drugs entering in the United States.

By stiffening civil and criminal sanctions for the possession and use of illegal drugs to stem demand.

By stimulating international cooperation for effective narcotic control.

By providing assistance to foreign nations in eradicating the cultivation of illegal drug crops and their distribution through the sharing of intelligence information and joint civilian and military law enforcement operations with host nations.

By send a signal to America's youth that those who use illegal drugs are accountable for their behavior by restricting Federal education and other assistance to youth's convicted of illegal drug use or possession.

By continuing the federal role as a catalyst for encouraging further development of comprehensive state and local responses to illegal drug use.

By enhancing and expanding the use of the U.S. military in controlling the cultivation and trafficking of illegal drugs in areas outside the continental United States.

By providing for the construction and operation of additional Federal and state detention facilities.

By eliminating the potential for profit through the seizure and forfeiture of assets.

### Asset Forfeiture

#### 1. Administrative funds for U.S. Marshall Service

This provision would streamline procedures used by the U.S. Marshall's Service in the administration and disposal of assets seized and forfeited in accordance with the Comprehensive Drug Abuse and Control Act.

#### 2. Concealment of assets

This provision would make it a criminal offense to knowingly assist an individual conceal assets, which may be subject to seizure or forfeiture, from law enforcement agency investigating possible drug law violations.

#### 3. Postal Service forfeiture authority

This provision would permit the Attorney General to enter into an agreement with the Postmaster General to assist in the enforcement of the Comprehensive Drug Abuse and Control Act and to conduct forfeitures under that Act in postal related drug cases.

#### 4. Federal forfeiture judges

This provision would authorize the establishment of new federal judges to be responsible for the consideration and disposition of assets seized and forfeited pursuant to the Comprehensive Drug Abuse and Control Act.

### Coast Guard

#### 1. Authorization of funds

This provision authorizes \$45 million to the Coast Guard for fiscal year 1988 to make up a their budget shortfall and ensure adequate funding is provided for drug interdiction activities.

#### 2. Drug testing of boat operators

This provision would amend P.L. 98-557 by requiring intoxication standards be established for drugs for operators of vessels in waters under the jurisdiction of the Coast Guard.

### Commerce

#### 1. Ports of entry

This provision would restrict commercial vessels with cargo originating or transshipping from countries certified by the State Department to be a drug producing country to specific ports of

entry and quarantined for such periods as are necessary to provide sufficient time for a thorough search of all goods and products by the U.S. Customs Service. The Customs Service is authorized to assess special fees or charges to cover any additional costs to the Custom's Service for such inspection. *Customs?*

### Customs Service

#### 1. Use of deadly force

This provision would provide authority to the U.S. Customs Service to use deadly force during drug interdiction efforts in the interception of planes entering or leaving the United States. Further, the Customs Service would be indemnified from liability for damages or injuries resulting from such interdiction efforts.

### Department of Defense

#### 1. Posse Comitatus

This provision, which is essentially the same as language which has passed the House several times in past years, would amend Title 10 of the U.S. code to allow U.S. military forces to actively participate in drug interdiction outside the borders of the United States and/or its territories or dependencies.

Two changes in the provision from past years would be the inclusion of language which would allow military forces to continue "hot pursuit" of smugglers from international air space or waters into U.S. territory and language which would require the Secretary of Defense to prepare, within one year, a plan detailing how military forces will be utilized in drug interdiction activities. Legislative language would require that such a report be prepared assuming that the full range of conventional resources of the defense department be made available for drug interdiction. Finally, the provision would authorize the use of deadly force to apprehend or prevent the escape of smugglers attempting to flee from international airspace or waters to the airspace or waters of a foreign nation subject to previous agreement with the foreign nation.

#### 2. Suppression of international narcotics is a major U.S. national security objective

This sense of the Congress provision states that suppression of international narcotics trafficking is a major national security objective of the United States and our number one national security objective within the Western Hemisphere.

### Department of Education

#### 1. Grant and loan prohibition

This provision would prohibit the Secretary of the Department



of Education from making federal student aid (guaranteed student loans, National Direct Student Loans, Pell Grants, work-study grants) available to anyone convicted of a drug-related offense. If an individual is receiving financial assistance at the time of the conviction, such assistance is to be terminated. No funds would be granted to (or used to guarantee a loan for) anyone who has been convicted of the possession, use, manufacture, or distribution of a controlled substance as defined under 21 U.S.C. 802. The Secretary of Education shall be required to confirm that all applicants comply with this section.

### Drug Testing

#### 1. Research

Authorize the National Institute of Justice necessary funds to set up a block grant for 5 years to perform research on Drug Use Forecasting (similar to research performed in 1986 by Narcotic and Drug Research, Inc of NIJ). The purpose of the research is to interview and obtain voluntary urine specimens from persons who had recently been arrested. The results will provide statistics regarding the linkage between drug-use and criminal offenses.

#### 2. Eligibility for parole

This provision would amend title 18 of the United States Code to require mandatory drug testing of individuals requesting release on parole. The individual would be required to test negative to be eligible for parole.

#### 3. Random testing of individuals on probation.

This provision would require random drug tests of individuals on probation. If an individual tests positive for drugs at any time during the probation period probation would be suspended.

### Drug Treatment

#### 1. Center of Pregnant Women

This provision would amend the Anti-Drug Abuse Act of 1986 by authorizing a demonstration project for the establishment of residential drug treatment centers for pregnant women. Further, the provision prohibits discrimination by any individual or organization receiving funds under the Act against any woman who is pregnant and requests assistance.

### Federal Lands

#### 1. Investigative authority for National Forest Service law enforcement personnel

This provision would amend the National Forest Drug Control

Act of 1986 by removing the constraint on National Forest Service law enforcement officers from investigating drug related offenses occurring on Forest Service lands beyond the boundaries of such land. The current restriction has created a major obstacle to the accomplishment of an effective National Forest System drug control program. This provides consistency with Forest Service jurisdiction for other violations related to the administration of the National Forest System.

## 2. Illegal use of poisons and chemical on Federal lands

This provision amends the National Forest Drug Control Act of 1986 to provide that any person who willfully endangers the environment, or human or animal life may be sentenced to a term of imprisonment and fined and held liable for the costs of removal, decontamination, and appropriate disposal of such chemicals. The use of poisons on and around marijuana plots in National forests to deter wildlife from feeding on the plants is a serious problem. Currently, there are no penalties for the use of such poisons or chemicals on Forest Service property.

## 3. Increased penalty for use of boobytraps on Federal property

This provision amends the National Forest Drug Control Act of 1986 to increase the monetary penalties to \$50,000 for the first offense and \$100,000 for one or more prior convictions for the use and placement of a boobytrap on Federal property where a controlled substance is being manufactured, distributed or dispensed.

## Foreign Country Initiatives

### 1. Reporting of foreign financial transactions

This provision would provide the Secretary of the Treasury with authority to require any financial institution which transmits or receives a wire transaction with a foreign country to report to the source, amount, destination and route of funds transferred.

The Secretary of The Treasury is to designate an agency to receive the report and insure that its contents are available to interested law enforcement agencies. The information contained in this report is to be considered classified unless used in a criminal prosecution and would not be available under the Freedom of Information Act. Unauthorized disclosure of information in the report is punishable as a felony.

The agency designated to receive the report is to issue regulations regarding the frequency of reporting, the format of the report and the medium on which the report is transmitted including magnetic medium capable of being loaded directly into government computers. The designated agency is to issue regulations governing access to and use of information contained in the report and consult with interested law enforcement agencies

before issuing such regulations.

## 2. Assistance to foreign countries for drug interdiction

This provision would allow the Secretary of Defense to provide military personnel and equipment to assist foreign nations in drug interdiction efforts. Assistance would be provided upon request of the head of State of a foreign nation and upon the recommendation of the Drug Enforcement Agency. Further, assistance would be in accordance with a plan prepared by the foreign government, the DEA and the Department of Defense. Law enforcement personnel of the country requesting assistance are to be used to the greatest extent feasible and U.S. military equipment and/or forces would be used where needed. Once the plan was approved by the President of the United States and the head of state of the foreign nation, the plan would be implemented. The President and the head of the foreign nation are to determine the sharing of costs associated with such assistance.

## Penalties

### 1. Mandatory Federal death penalty for drug kingpins

This provision amends the Controlled Substances Act by requiring a mandatory Federal death penalty sentence if an individual knowingly or willfully contributes to the death of another individual in a drug related crime.

### 2. Crack

This provision would increase the penalty for the possession of crack and lower the amount (in grams) for which possession is considered a criminal offense. A mandatory prison term would be required for conviction of the possession of a minimum of 5 grams, for the possession of 3 grams if a second offense, and the possession of 1 gram if a third offense.

### 3. Precursor drugs/chemicals

This provision would require manufacturers, distributors, importers and exporters to keep records and report certain precursor chemicals and drugs to the Attorney General. Violators would be prohibited from manufacturing, distributing, importing and exporting of such drugs for up to ten years and forfeiture of substances and subject to criminal penalties.

### 4. Increased monetary penalties and sanctions

This provision would increase the monetary penalty for drug related offenses to \$100,000 for a first offense and \$500,000 for a second offense. Also, any individual convicted of a drug related offense would be ineligible for any license or permit issued by a federal agency.

## Postal Service

This provision permits Postal Service Inspectors to investigate individuals and organizations for the purposes of enforcing the Drug Abuse Act in cases where they use the postal service mail system to distribute controlled substances as defined by 21 U.S.C. 802.

## Prisons

### 1. Prison construction

This provision would authorize an additional \$200 million in each of the next three fiscal years to the Bureau of Prisons for prison construction.

## State and Local Law Enforcement Activities

### 1. Grants

This provision would amend Subtitle K of Title I of the Anti-Drug Abuse Act to require state/local governments to provide matching funds (50-50 share) for programs supported with funds from the State and Local Law Enforcement Assistance Act.

## Miscellaneous

### 1. Clarification of handicapped status

This provision would amend Section 504 of the Rehabilitation Act to clarify that an individual using a controlled substance as defined by 21 U.S.C. 802 is not considered a handicapped individual and therefore, is not a protected class in civil rights cases.b

THE WHITE HOUSE  
WASHINGTON

4/14/88

To: Senator Baker

From: Marlin Fitzwater

Attached is the fact sheet  
on drugs that you asked for  
and some wire stories.

r w am-drugs 4-14 0696

Senate challenge of Mexico's cooperation on fighting drugs@<

@ By E. MICHAEL MYERS@=

WASHINGTON (UPI) - The Senate moved Thursday to a vote on a politically sensitive resolution ordering mild economic sanctions against Mexico for its lack of cooperation in stopping the flow of drugs into the United States.<

President Reagan urged the Senate to defeat the resolution as harmful to U.S. interests, but Sen. Jesse Helms, R-N.C., said the time is passed for diplomacy.<

"Let's send an undeniable, unmistakable message that enough is enough," Helms said.<

In a preliminary victory for Reagan, the Senate voted 54-40 to defeat a resolution that would have overturned his finding that the Bahamas are not fully cooperating in the war on drugs.<

It also approved on a voice vote a resolution ordering that Haiti be placed on a list of countries that should be scrutinized as a possible drug producing or transit point.<

The House must approve any Senate resolution to overturn Reagan's certifications.<

The Bahamas allows virtually unrestricted access to its air space and territorial waters in chasing drug smugglers, Sen. Christopher Dodd, D-Conn., said. He warned that decertification of the small island nation and of Mexico could cause a political backfire and wreck what anti-drug cooperation there is with the United States.<

Reagan sent a letter to the Senate leadership opposing the resolutions on Mexico and the Bahamas.<

"Passage of these resolutions could result in more drugs entering the United States, not less," Reagan said. "In the case of Mexico, significant damage to a broad range of major U.S. interests would also result."<

The proposed sanctions against Mexico have no major economic punch, but Dodd said the cost could be an end to its cooperation in stopping shipments of marijuana and cocaine into the United States and in opening up its nationalized banking system to detect millions of dollars in illicit drug profits.<

Under the sanctions, the United States would be required to vote against loans for Mexico, its economically troubled No. 3 trading partner, in international lending institutions without the certification.<

Reagan reported to Congress on March 1 that Mexico is "cooperating fully" with the United States in combatting narcotics, although a much greater effort is required.<

A 1986 law requires that a country that fails to be certified as cooperating fully in fighting narcotics loses its U.S. foreign assistance unless the president rules the certification is necessary to national interests.<

The only U.S. aid Mexico receives is \$14.5 million in anti-narcotics assistance, but this is exempt from the proposed sanction.<

Helms said the State Department recommended approval of Mexico's drug-fighting record for diplomatic reasons, despite criticism by the U.S. Customs Service that corruption is pervasive among Mexico's law enforcement system.<

"Cooperating fully? Come on," Helms said. "Tell that to the mother of a teen-ager who dies as a result of drug traffic. That's baloney, in thick slices."<

He said the department had the same warnings years ago about government drug corruption years by Gen. Manuel Antonio Noriega, Panama's military leader, but looked the other way. Noriega was indicted by two federal grand juries in February on drug trafficking charges. For years Washington had considered him important in helping contain Nicaragua's perceived subversion of Central America.<

"Look at Panama, we're botching that," Helms said of Noriega's efforts to survive an economic and political squeeze by Washington to step down. "Anytime you lie down with dogs, you get fleas, and deserve it. If we had done what should have in the past 10 years, General Noriega would not be in power today."<

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Kennedy pushes for amnesty deadline extension@<

@ By PHILIP J. GARCIA@=

WASHINGTON (UPI) - Sen. Edward Kennedy, D-Mass., taking note of

WASHINGTON (AP) President Reagan's advisers are prepared to recommend vetoing any legislation imposing sanctions against Mexico because of drug problems there, White House spokesman Marlin Fitzwater said Thursday.

Taking note of votes in which House and Senate panels refused to accept Reagan's certification of Mexico as "fully cooperating," Fitzwater acknowledged "the concerns expressed on the Hill."

But he said "we feel that attempts to overturn the president's certification would not only undermine the growing Mexican efforts in combating drugs, it could lead to even greater drug flows into the United States."

There has been growing criticism of U.S. drug interdiction efforts in recent weeks, and suggestions by Education Secretary William Bennett and others that the military be given a greater role in interdiction efforts.

Fitzwater said Reagan's advisers would likely recommend a veto if Congress passed legislation overturning Reagan's certification of Mexico and the Bahamas as "fully cooperating" nations.

Under a 1986 anti-drug abuse law, the president must make such certifications to Congress, to prevent curtailments of aid and trade preferences to nations considered source countries or transit points for international drug trafficking.

On March 1, Reagan made such a good-faith certification on behalf of 17 of 24 countries on the source and transit list, including Mexico and the Bahamas.

But House and Senate foreign affairs panels this week failed to muster sufficient votes to back up Reagan's certification of these two countries.

The Senate Foreign Relations Committees reached a 6-6 impasse on the question Tuesday, and a House Foreign Affairs subcommittee on Western Hemisphere affairs also deadlocked Wednesday, so the issue remains unresolved.

Fitzwater said Reagan's certification of Mexico, which came about two weeks after the president met with President Miguel de la Madrid in Mazatlan, Mexico, noted that country's "substantial longterm commitment to narcotics enforcement efforts."

"President de la Madrid has been responsive to our call for strengthening his country's cooperation in our drug effort," the spokesman said. He said Reagan's certification letter had "noted some of Mexico's shortcomings, particularly that they need to undertake greater efforts in combating production and trafficking."

But Fitzwater urged reporters to "keep in mind the broader national security interests of our two countries and other interests such as trade, immigration and so forth. ..."

"And, should the Senate move to decertify Mexico, the president's senior advisers are prepared on the basis of national security concerns to recommend a veto," he said.

During their Feb. 13 meeting in Mexico, de la Madrid complained to Reagan that Mexico's efforts to curb drug production and trafficking "are still not appreciated to their full extent" and are the target of "disinformation."

He said it was unlikely that any country devoted as much resources to the fight as Mexico.

In a pointed reference to the United States, de la Madrid said the battle against drugs cannot be won unless drug consumption is attacked with the same vigor as the fight against production and trafficking.

Fitzwater also urged the Senate to back up Reagan's certification of the Bahamas as a cooperative country, saying that to do otherwise "would be counterproductive."

"In fact, our certification of the Bahamas indicated that they had a 300 percent seizure increase of marijuana and cocaine in 1987," Fitzwater said.

"And they're the only country in the world to enter U.S. law enforcement units to enter its territory in hot pursuit of drug targets, and their country has never turned down an operations request by United States authorities, so we're equally concerned about that move."

Fitzwater said the White House was "very sensitive" to criticism of anti-drug efforts "because we feel the administration has launched an unparalleled attack on the drug problem in the last seven or eight years."

The spokesman denied that the administration had sacrificed efforts to interdict drugs at the expense of foreign policy and national security goals.

"I would say that that's totally false, that drug interdiction and drug efforts are extremely important," he said. "They are a part of our national security and foreign policy concerns with regard to all countries, particularly Central America and Latin America, where so much of the drug trafficking occurs."

But Fitzwater also said: "You can't just become isolationist and shut off a continent because of drug trafficking. You have to try to find constructive ways to solve it."

## Fact Sheet on Administration Drug Effort

**The Goal:** Move Toward a drug-free society

Prevention/Treatment/Education to reduce demand

Enforcement to reduce supply

**The Budget:** FY '89 -- three times higher than FY '81.

Total U.S. spending: (in billions)	1981	1988	1989
	\$1.138	3.464	3.902
Enforcement:	\$0.800	2.524	2.858
Prevention/Treatment (includes Education)	\$0.337	0.940	1.044

### Reducing Supply/Enforcement Actions:

-- Seizures (1987): DEA (Drug Enforcement Admin) asset seizures reached \$501 million, up 25%

Clandestine laboratory seizures reached 682, up 34%.

Cocaine seizures -- a record -- estimated at 92,000 pounds.

-- Convictions: FBI drug convictions reached record high in '86; DEA arrests and convictions are the highest ever.

Between '79 and '87, average sentence length increased 44% from 51 months to 73 months.

-- Dollars: DOJ enforcement budget is 16% in '89 over '88

The number of Federal drug investigators increased from 3,151 in 1981 to an estimated 6,230 in 1988.



- Military: The military now supports drug law enforcement providing air surveillance, ships and resources. In 1987, DoD provided over 16,000 flight hours, 2600 ship days and the loan of over \$400 million in equipment.
- NNBIS: In 1983, RR requested that the V.P. establish the National Narcotics Border Interdiction System which has led to an unprecedented level of cooperation between federal, state and local law enforcement agencies.

**Reducing Demand/ Education and Treatment:**

--Dollars: Treatment funding is up 14% from \$378 million in '88 to \$432 million in '89.

From 1982 to '86, between \$212 million and \$250 million in block grants was distributed annually to state and local governments to pay for drug and alcohol abuse treatment.

The budget for drug education, prevention and treatment is \$1,044 billion (up nearly 10% over '88) including:

- increased alcohol, drug abuse and mental health grants;
- grants to states for I.V. drug abuses to prevent AIDS;
- increased substance abuse grants for state and local treatment programs;
- treatment for all veterans with drug dependence;
- and provide new monies for DOD drug education, testing, counseling and rehabilitation for both active duty personnel and recruits.

--Awareness: Mrs. Reagan's "Just Say No" program has raised awareness of drug abuse to all-time high; survey of High School Seniors showed -- for the first time -- a growing disapproval of drug use; also showed cocaine use down to the lowest level since 1978 -- and the lowest level of marijuana use since 1975.

Drug use in the military has dropped 67% since 1981.

--Testing:

In 1986, RR issued an Exec. Order requiring Federal agencies to establish programs to educate their employees, to identify drug users -- through testing as appropriate-- and to provide treatment and counseling.

HHS issued the final technical guidelines for drug testing on 4/11/88, opening the way for each agency to implement testing programs.

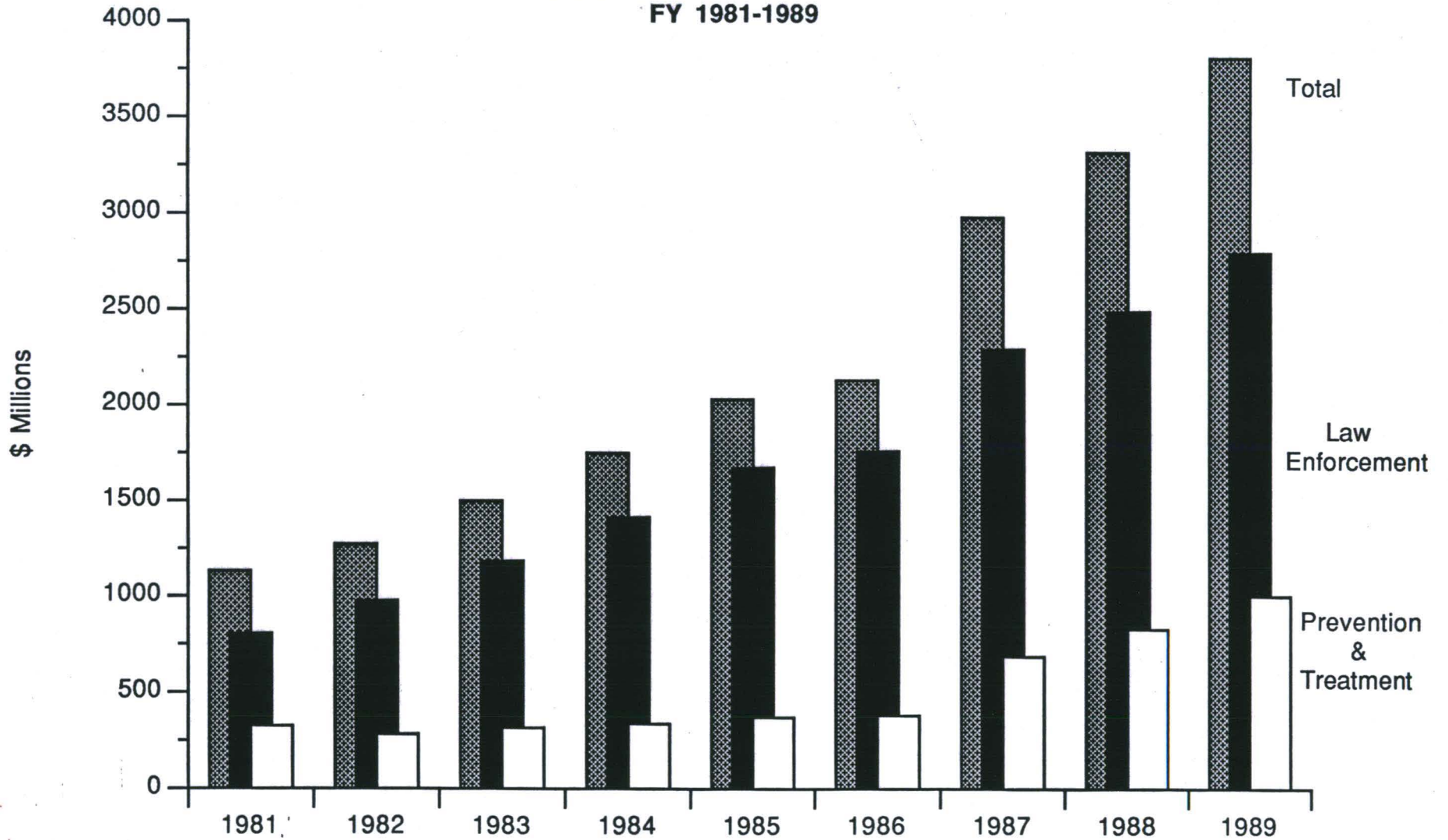
**Foreign Policy:**

U.N. Int'l Conference on Drug Abuse and Illicit Trafficking was held in Vienna in June '87 at which all 138 nations agreed to commit to vigorous international actions against drug abuse and international trafficking.

In 1981, one country was eradicating narcotic plants; today 20 countries are.

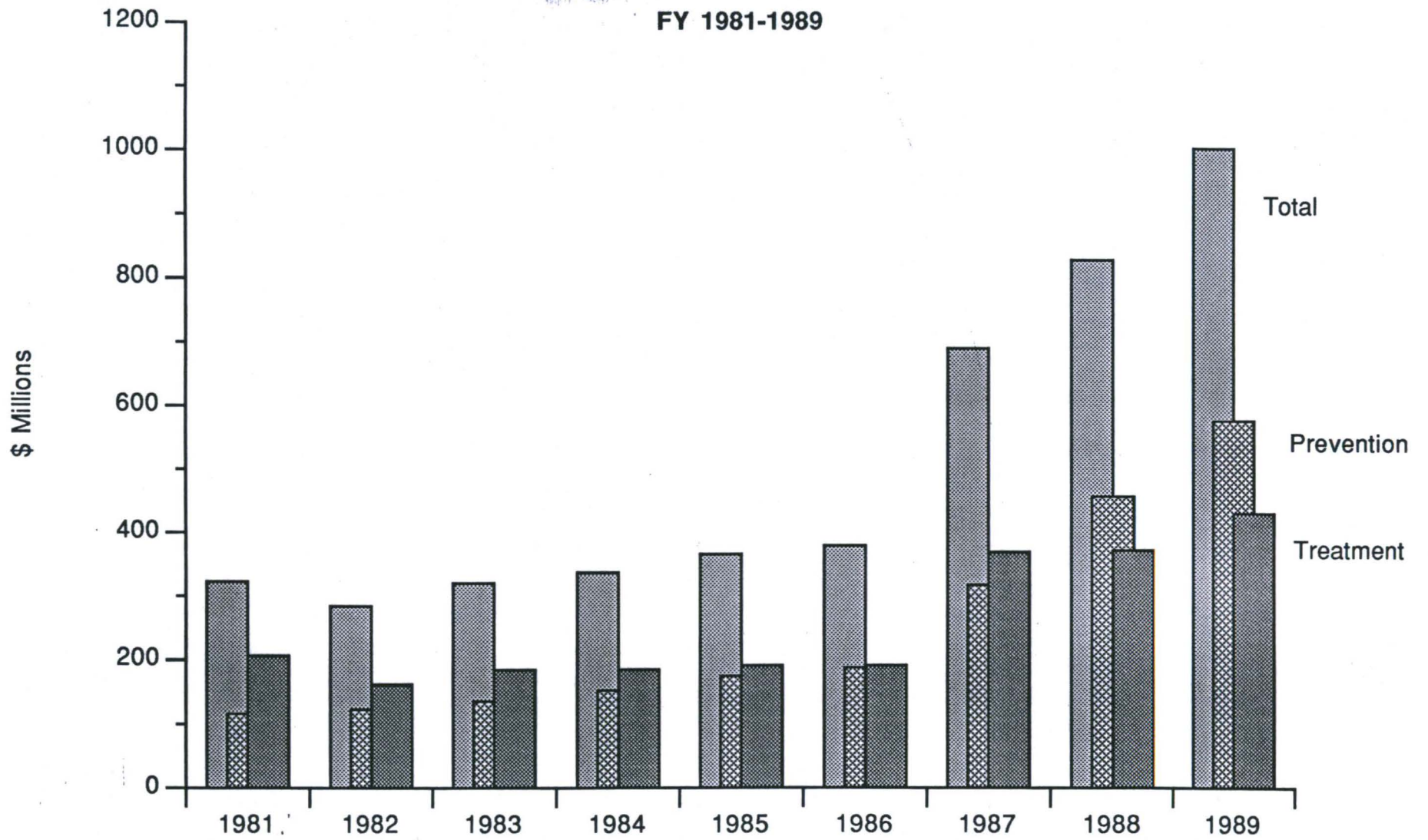
# Total Federal Drug Expenditures

FY 1981-1989

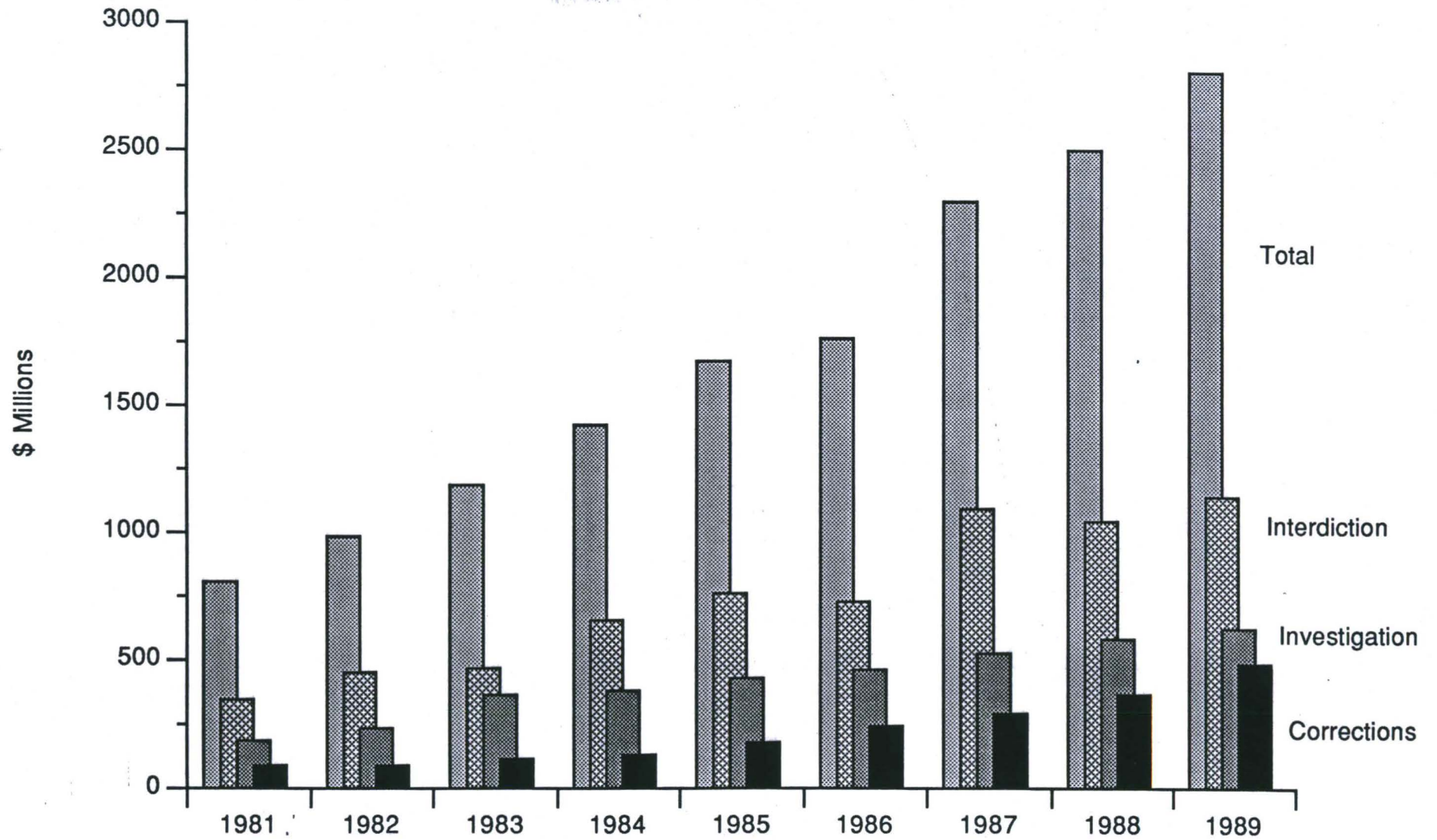


# Drug Abuse Prevention and Treatment

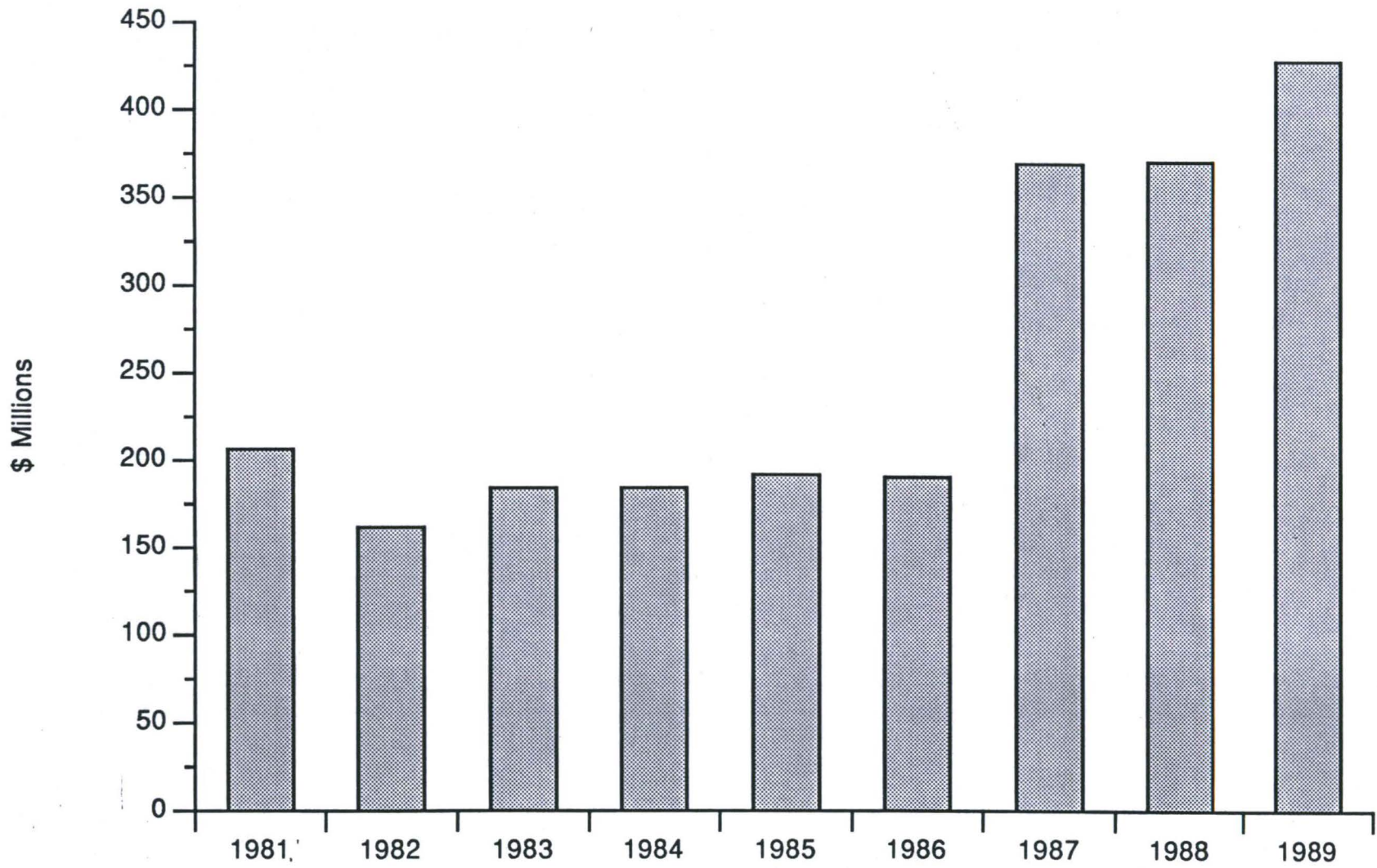
FY 1981-1989



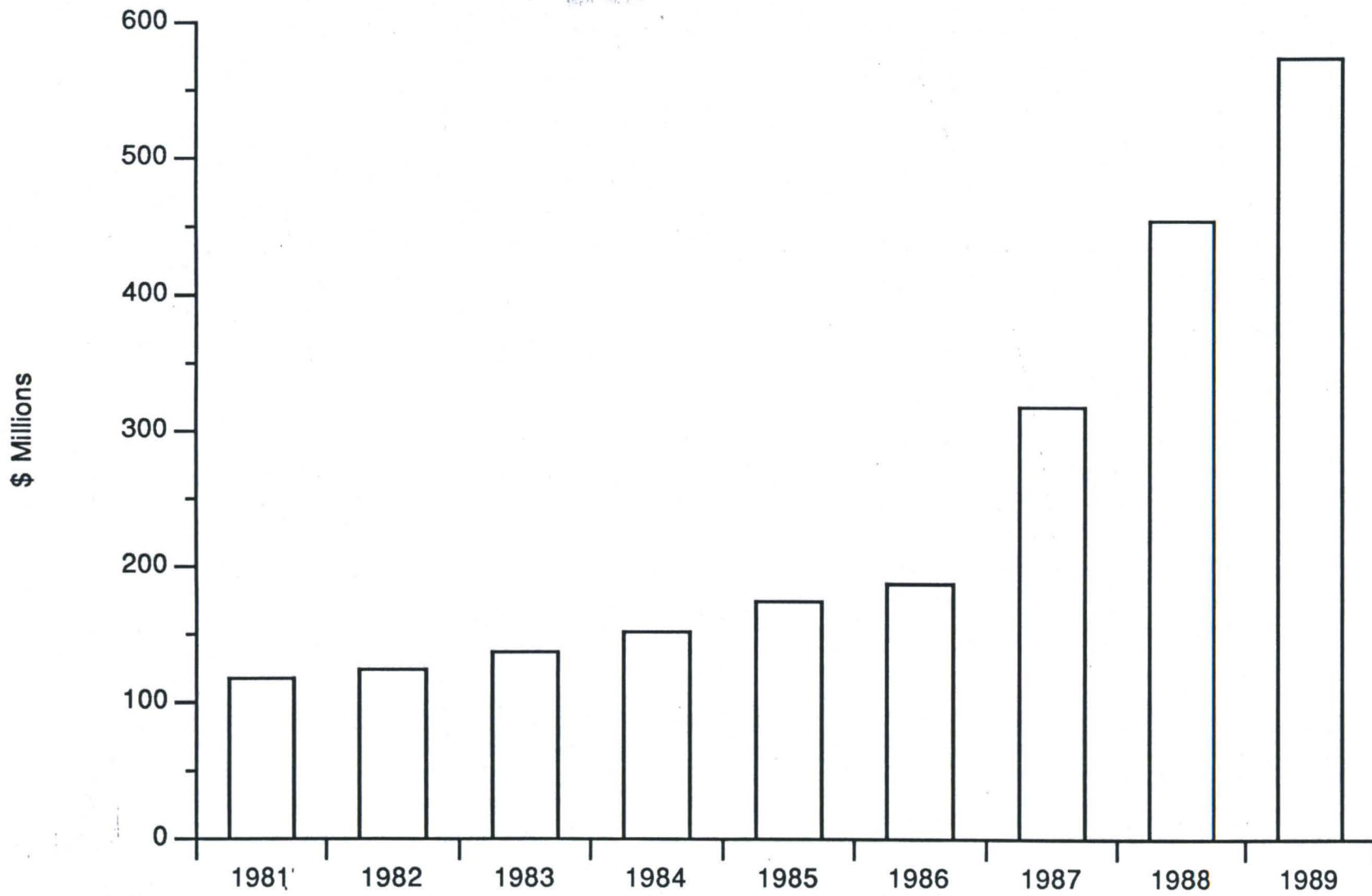
# Federal Drug Law Enforcement FY 1981-1989



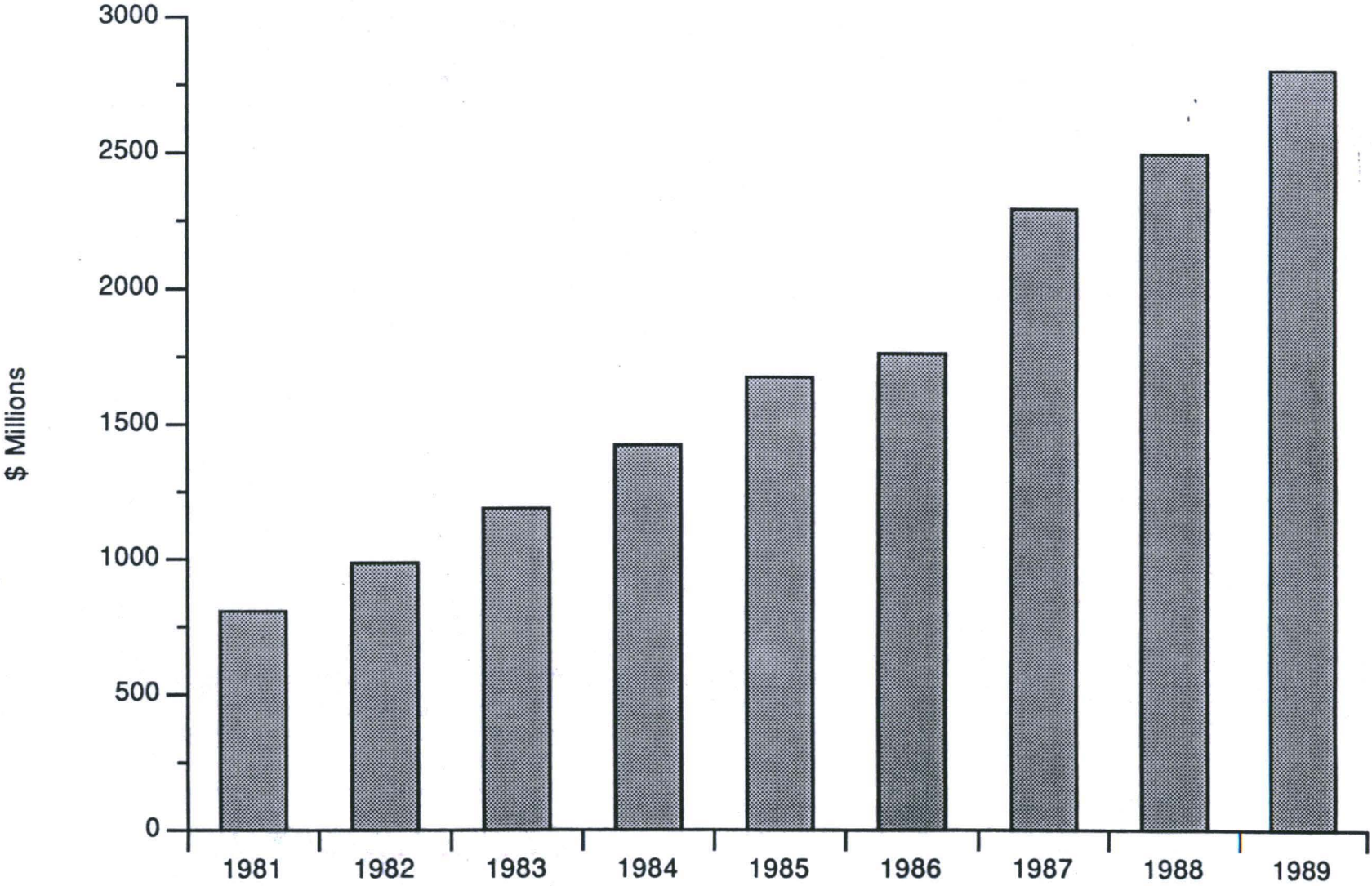
**Drug Abuse Treatment  
FY 1981-1989**



**Drug Abuse Prevention  
FY 1981-1989**

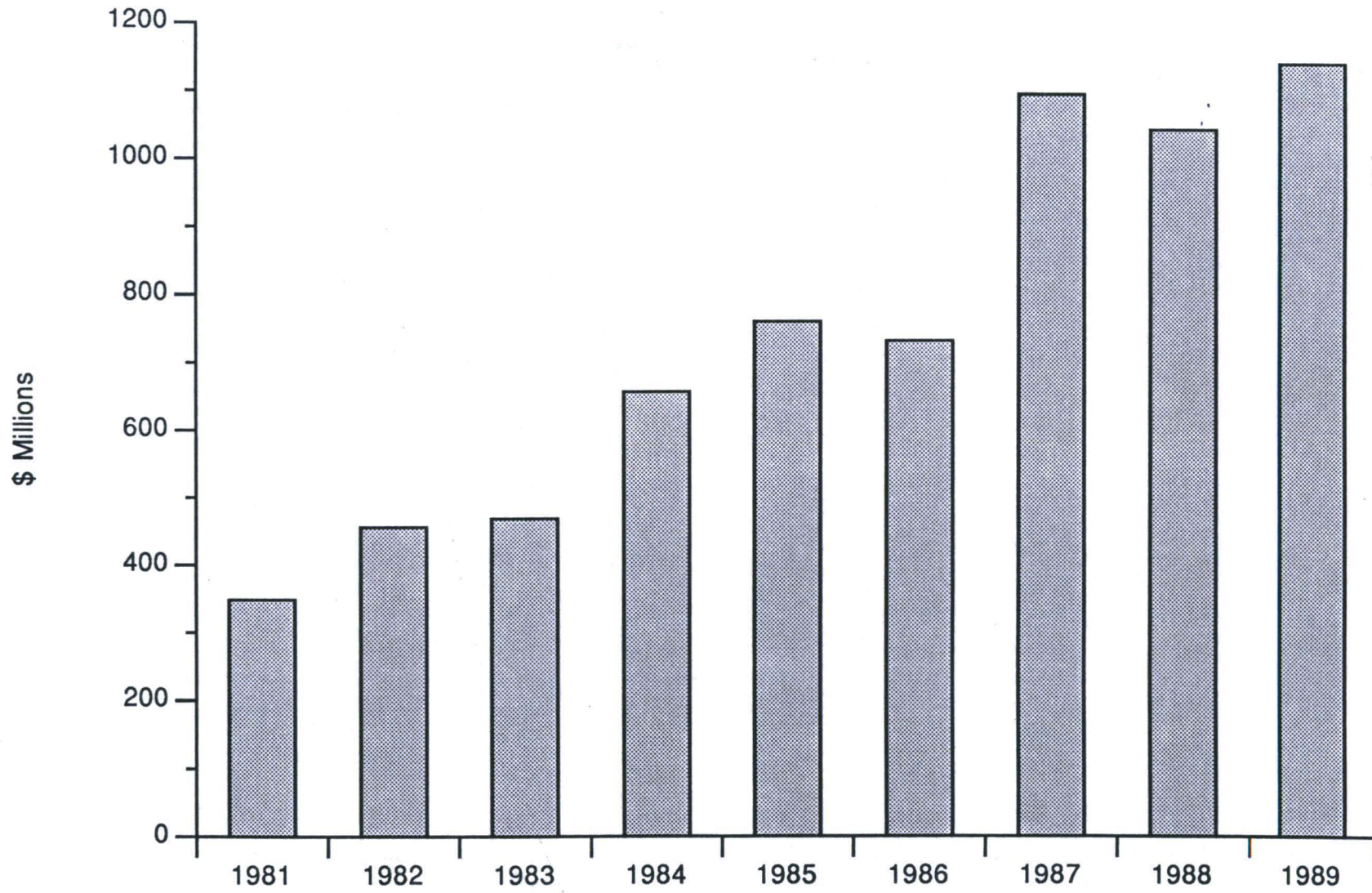


**Total Drug Law Enforcement  
FY 1981-1989**

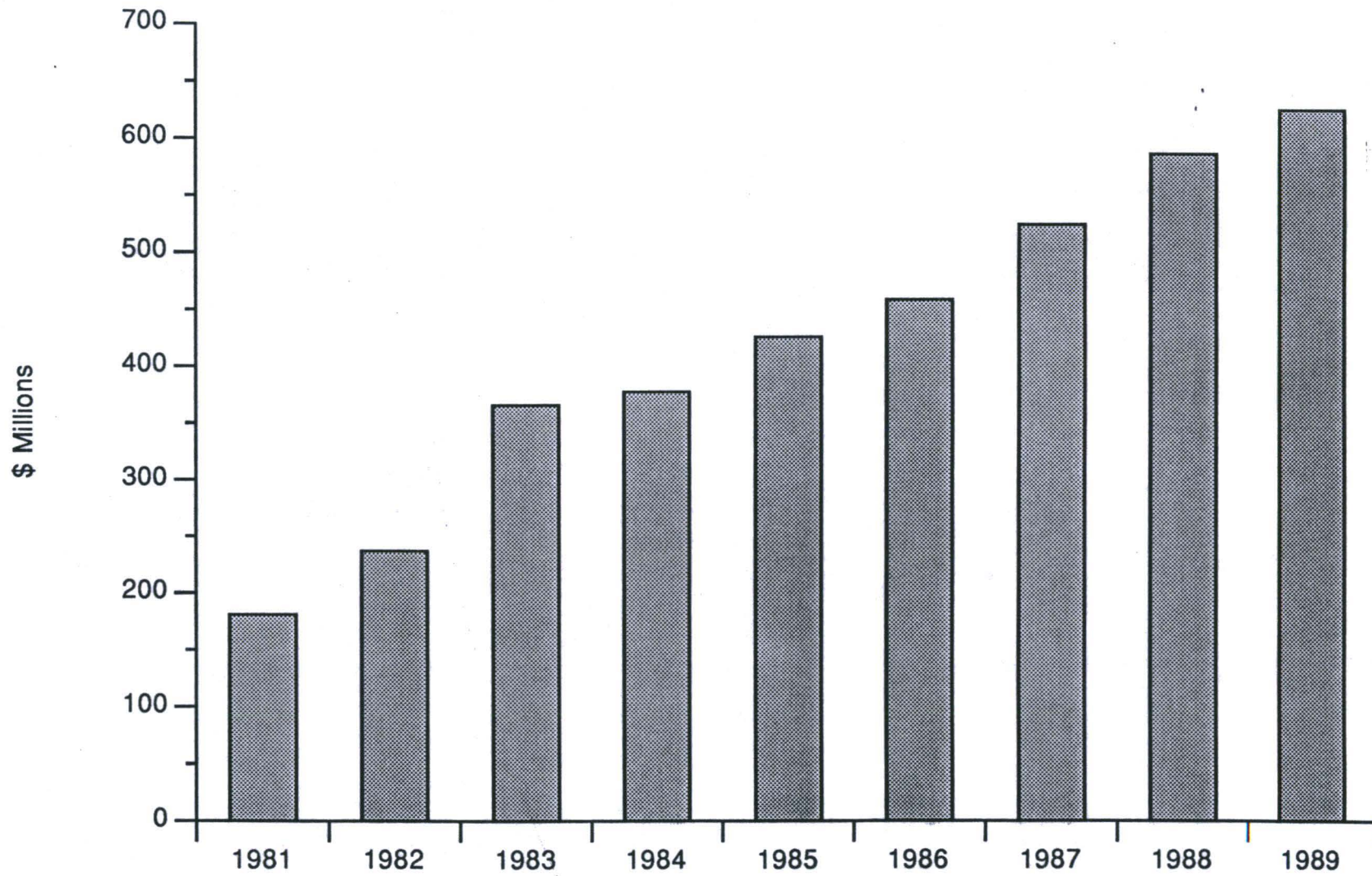




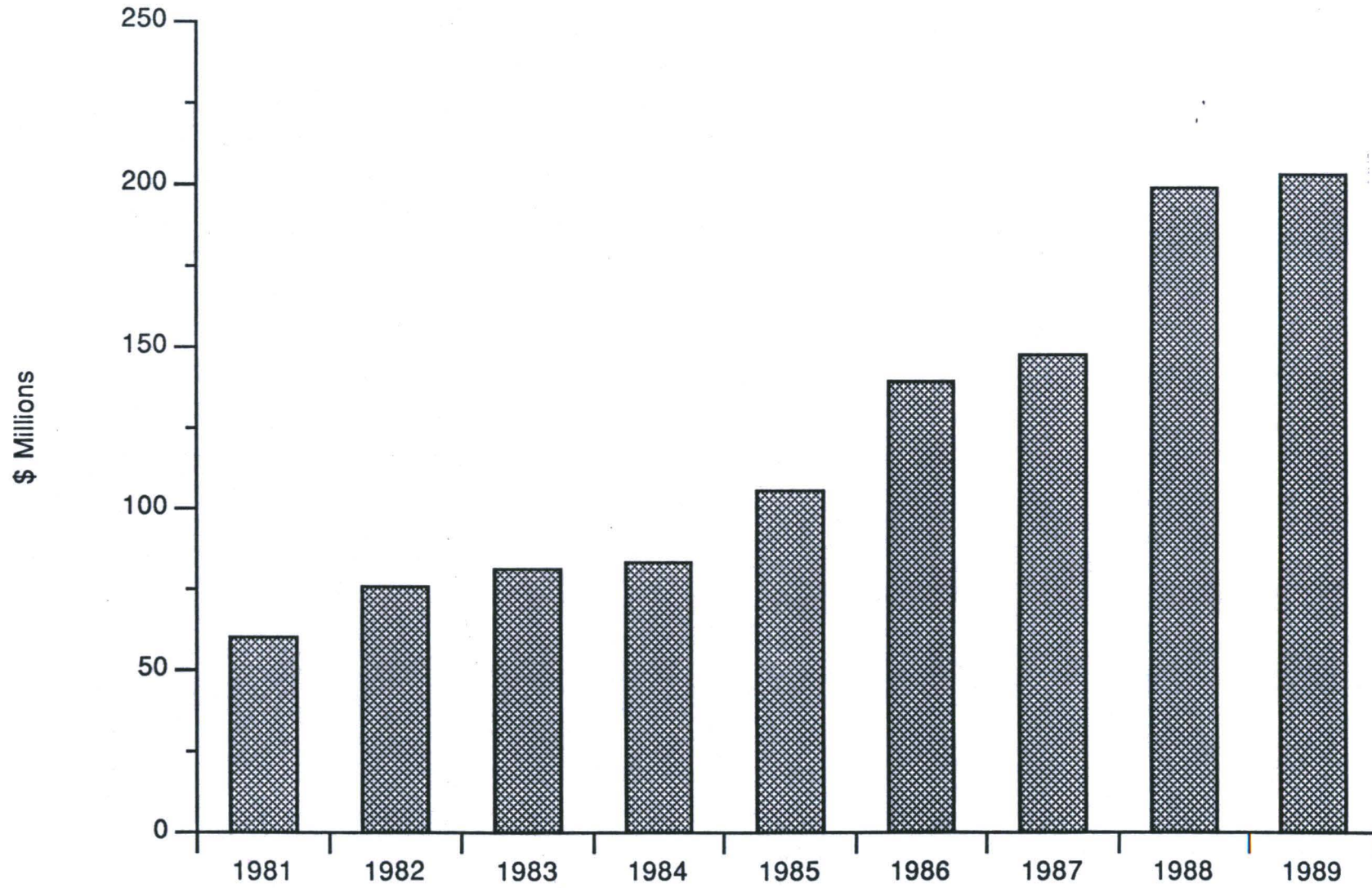
**Drug Interdiction  
FY 1981-1989**



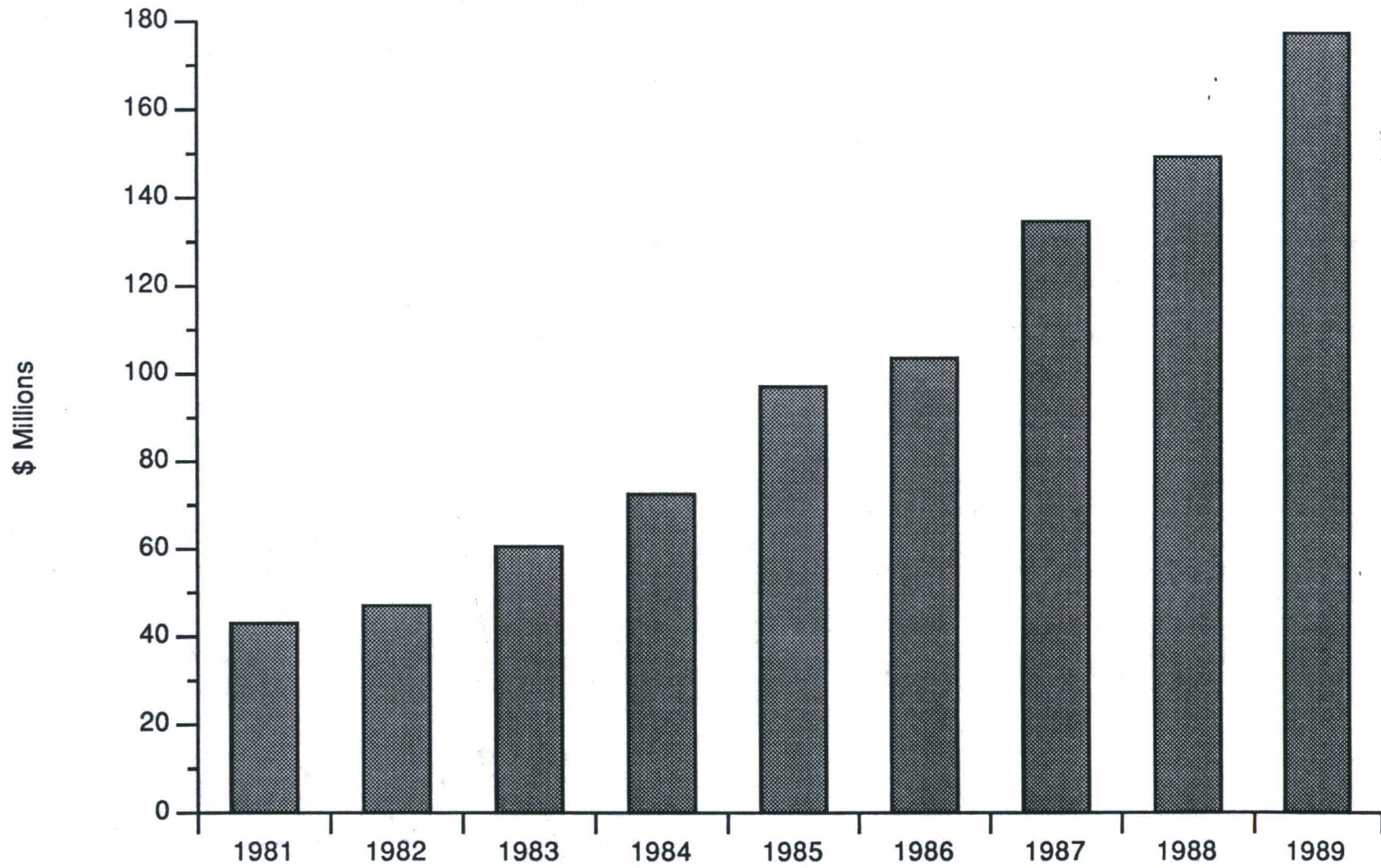
**Drug Investigations  
FY 1981-1989**



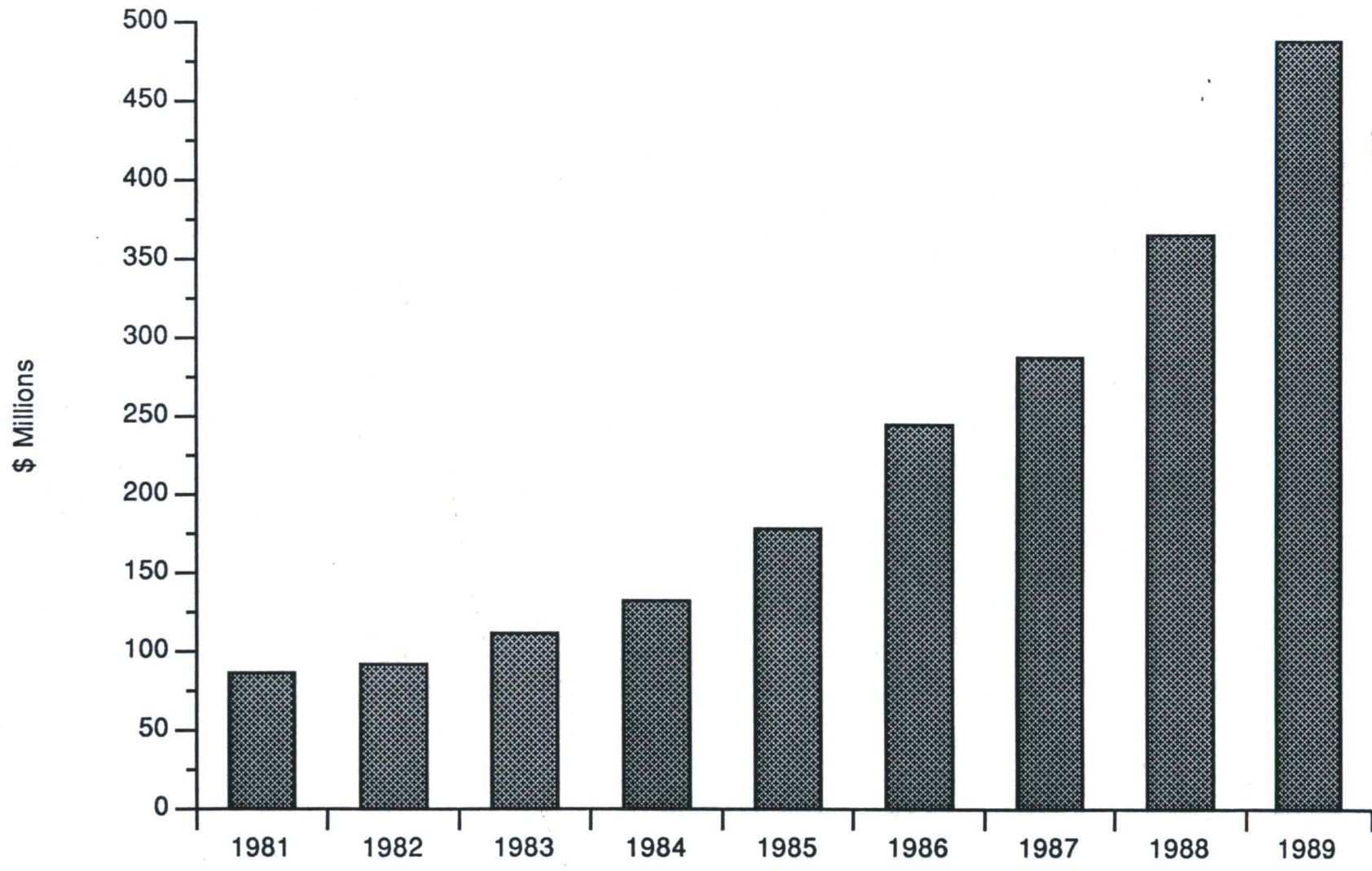
**International Drug Operations  
FY 1981-1989**



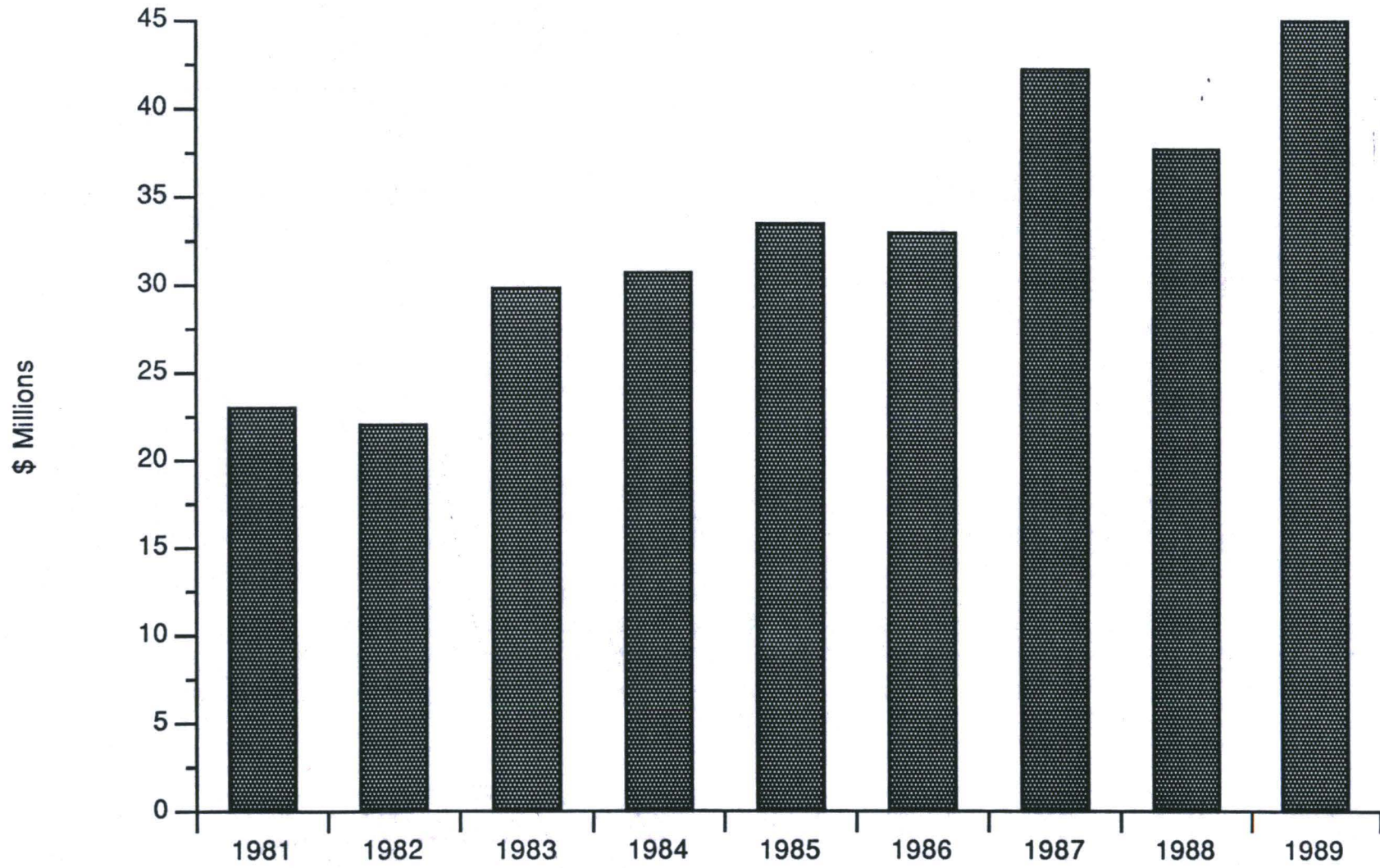
**Drug Prosecution  
FY 1981-1989**



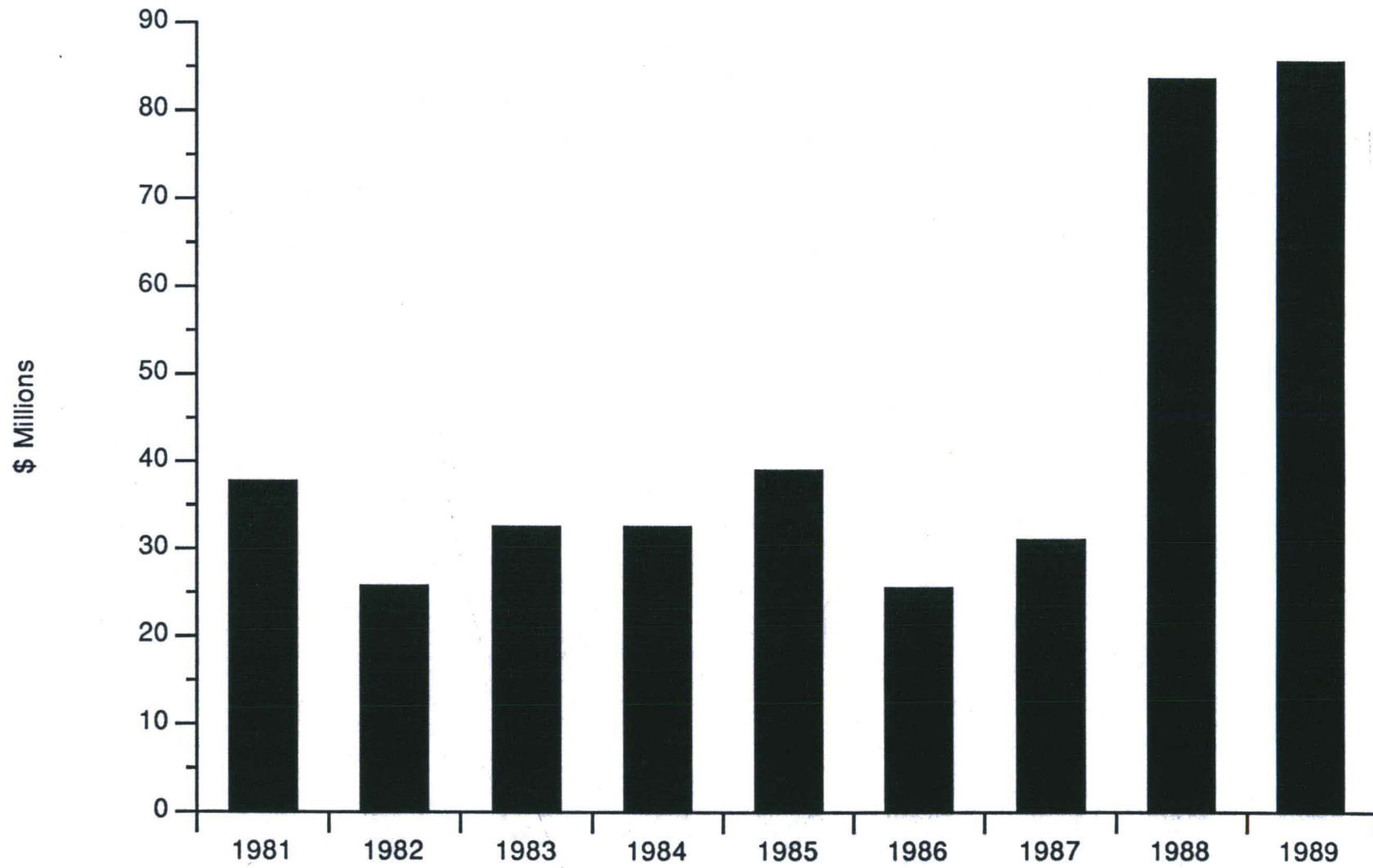
**Drug Corrections  
FY 1981-1989**



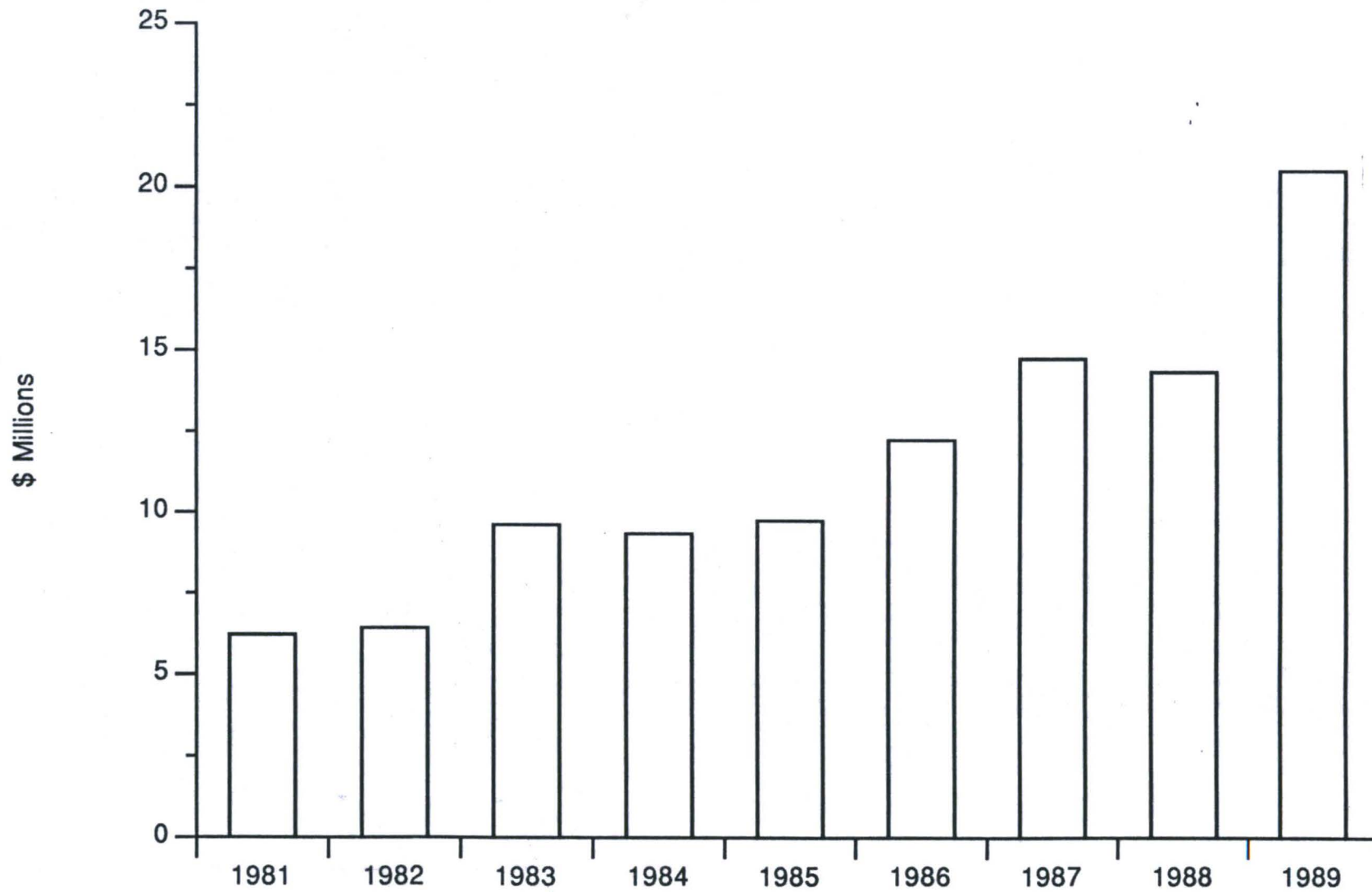
**Drug Intelligence  
FY 1981-1989**



**State & Local Drug Assistance  
FY 1981-1989**



**Drug Research & Development  
FY 1981-1989**





**Drug Regulation & Compliance  
FY 1981-1989**

