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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 4, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Testimony of DEA Assistant
Administrator Monastero Before the
House Committee on Foreign Affairs

DEA Assistant Administrator Frank Monastero has submitted testimony he proposes to deliver April 6 before the House Committee on Foreign Affairs, concerning DEA's international efforts. The testimony reviews DEA's efforts to promote crop eradication and substitution in heroin, cocaine, and marihuana source countries. With respect to heroin, it discusses initiatives in Pakistan, the only "Golden Crescent" country with which the United States has normal relations, and support of Royal Thai Government actions against the drug warlords who control opium cultivation, processing, and traffic in the "Golden Triangle." Turning to cocaine, the testimony reviews eradication efforts in South America and recent improvements in DEA liaison programs in that area. The testimony also discusses marihuana eradication in Central and South America, noting that the success of paraquat programs abroad depends in large measure on our own willingness to use paraquat in the United States.

I see no legal objections to the proposed testimony.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



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Name of Correspondent: Frank V. Monastero

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Subject: Statement re: DEA's perspective on our international narcotics control programs and policies

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>83103131</u>
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| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy Only/No Action Necessary R - Direct Reply w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> A - Answered B - Non-Special Referral C - Completed S - Suspended |
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Roberts

STATEMENT

OF

FRANK V. MONASTERO
ASSISTANT ADMINISTRATOR FOR OPERATIONS

DRUG ENFORCEMENT ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE

BEFORE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
CLEMENT J. ZABLOCKI, CHAIRMAN

APRIL 6, 1983

Chairman Zablocki and distinguished Members of the Foreign Relations Committee,

It is a pleasure to appear before you today to discuss the Drug Enforcement Administration's (DEA) perspective on our international narcotics control programs and policies, to elaborate on DEA's role overseas and, to explain how our work overseas contributes to our domestic operations.

Mr. Chairman, you, and other members of the committee have been acutely aware of the international dimensions of the U.S. drug problem. Anyone who has given serious thought to our nation's drug problems knows that we cannot succeed here in the United States unless illicit drugs are controlled at their source. All of the good will, commitment and resources devoted to domestic drug law enforcement, drug prevention, education and rehabilitation merely serve to contain the problem and limit its impact. If we are to have any significant reduction in the availability of illicit drugs in the United States, then we and the governments of other nations must work to eliminate the cultivation and production of illicit drugs in the source countries where the drug supplies are most heavily concentrated.

In his testimony before you last April, Mr. Mullen described in detail the dimensions of the international drug problem. I will not dwell on the scope of the problem today for the situation has not drastically changed in the past year. Suffice it to say that we still suffer from the widespread availability of heroin,

cocaine and marihuana from other countries and our economic structure is still being undermined by illicit profits from the international drug trade. In 1981, our last year of official record, we estimate that between 30 and 60 metric tons of cocaine, 8,700-12,700 tons of marihuana and 4 metric tons of heroin were imported into the United States.

Given the continued seriousness of the drug problem and the continued need for support of our foreign program, I would like to discuss today our views on the Federal Government's international narcotics control policies and the programs we have instituted or in which we participate to implement these policies.

On August 20, 1982, the President released the 1982 Federal Strategy for the Prevention of Drug Abuse and Drug Trafficking. The Strategy sets the tone and direction for the Administration's overall effort to reduce drug abuse during the coming years. DEA is most heavily involved in the drug law enforcement and international aspects of this Federal response.

In the international forum, the Administration has begun to develop and implement a long-range, organized effort to eliminate illicit drugs at their source and to interdict drugs in transit. Specific initiatives of the Strategy include:

- o Encouraging and assisting other countries to develop programs to eradicate illicit drugs grown or produced within their borders and to address their own drug problems;
- o Including drug control related clauses in relevant international agreements;
- o Encouraging the international banking community to include drug considerations in their lending and operating protocols;
- o Exploring with foreign governments ways to monitor and to impede the substantial cash flow generated by illicit drug transactions; and
- o Participating in international drug control and enforcement organizations to gain greater cooperation among all nations in which illicit drugs are produced, transited and/or consumed.

Over the past year, we have worked to accomplish many of these objectives. Specifically in the area of assistance to other countries, DEA has assigned 273 individuals to 62 offices in 41 countries throughout the world. Our country attaches, agents and support personnel overseas encourage, advise and assist host countries in the development and implementation of effective measures to control licit drug crops, reduce illicit cultivation

and conversion and interdict illicit drugs at staging areas in-country and along the trafficking routes. Let me give you a few recent examples of this assistance.

Southwest Asia continues to produce the majority of the heroin used in the United States. At the end of 1982, Southwest Asian heroin accounted for 55 percent of the domestic market. The major producers of opium in Southwest Asia are Iran, Afghanistan and Pakistan. Historically, Turkey had been an opium producer but the Turkish Government's 1974 opium poppy ban effectively eliminated illicit production of diversion.

Of the three opium producing countries in Southwest Asia, Pakistan is the only country in which DEA maintains a presence. It is also the only country in the region to remain largely unaffected by changes in government during the past four years. DEA enjoys a good relationship with the Pakistan Narcotics Control Board (PNCB) and has assisted the PNCB in the identification of trafficking organizations and the location of heroin processing laboratories. Unfortunately, the tribal area of the Northwest Frontier Province is a free zone over which the Government of Pakistan exerts little influence and in which narcotics traffickers freely smuggle opium and convert it into heroin. The Government of Pakistan is extremely cautious in taking any measures that could upset the balance of the relationship it now has with the Pathan tribes of the NWFP. The Soviet invasion of Afghanistan has heightened this sensitivity and has made it even more difficult for the Government to take steps that might

antagonize these fiercely independent tribes. Despite all of these difficulties, we are continuing to work with the Government of Pakistan in its steps to eliminate the heroin laboratories in the tribal belt of the Northwest Frontier Province.

This reluctance to take stern measures, however, may soon be overshadowed by a growing public awareness of Pakistan's alarming heroin addiction rate. In a few short years, Pakistan may possibly become the largest heroin abuse country in the world.

DEA is, therefore, working with the Government of Pakistan and specifically the PNCB and Pakistan Customs, to encourage them to deal with their nation's own drug problem and consequently assist us in reducing the amount of heroin available on the streets of the United States. We are assisting the Government of Pakistan in implementing the INM rural development program to provide income alternatives to the opium farmers in the Northwest Frontier Province. We are providing the PNCB with intelligence that has led and will continue to lead to major seizures and the identification and immobilization of major trafficking organizations and heroin conversion laboratories. We have, since 1980, assisted the PNCB and Pakistan Customs in providing basic and advanced narcotics enforcement training to more than 750 Pakistan enforcement officers. We have supported the PNCB development and institution of joint narcotics task forces to conduct major drug investigations and involve the police, the PNCB and excise officers from the four provinces of Pakistan.

The severe consequences of increased supplies of Southwest Asian heroin are still being experienced in several Western European nations and the United States. DEA's timely response to this problem has enabled us, with the active support of European nations, to prevent this influx from reaching the record high level of abuse experienced in 1976. Together with the international enforcement community, especially in Italy, we have had significant success in penetrating drug trafficking networks and disabling heroin conversion laboratories in Italy and Southwest Asia. Though much more needs to be done, we believe that the United States, the Government of Pakistan and the European nations are making substantial progress in dealing with this problem in a very difficult environment.

Let me turn to another part of the world - Southeast Asia - to give you another example of DEA's work overseas. The cultivation of the opium poppy is a longstanding tradition in Southeast Asia among the hill tribes of Burma, Laos and Northern Thailand. It is estimated that in the 1981-82 season Burma produced 550 tons of opium, Laos produced 50 tons and Thailand 55 tons. The primary refinery area remains the Thai/Burma border over which the Shan United Army (SUA) exerts the major influence. Prior to 1982, the Shan United Army controlled about 70 percent of the narcotics activity in this area. The Royal Thai Government, however, launched several suppression operations against the Shan United Army in 1982, thus disrupting operations and causing severe financial losses. Despite these actions, there is no shortage of opiates in this area.

DEA is, therefore, working with Thai and Burmese authorities to develop intelligence on trafficking groups operating along the Thai/Burma border so that the Royal Thai Government can continue its suppression operations and reduce the amount of opium grown and converted into heroin. We are also relying on our personnel in Southeast Asia to support our domestic investigations of Thai nationals who are trafficking in Thai heroin and have settled primarily in Los Angeles and New York.

As many of you know, the cocaine problem in the United States has reached unprecedented dimensions. In past years cocaine use was restricted to the affluent, but in 1982 hard medical evidence confirmed both its health hazards and widespread prevalence among all social and economic groups. In 1981, between 30 and 60 metric tons of cocaine were imported into the United States.

While the importation of cocaine into the U.S. is wreaking havoc on our public health and safety, it is also siphoning off approximately \$30 billion annually from the United States economy. Nowhere is this more visible than in South Florida where a dangerous U.S. currency drain has been created by the laundering and transfer of traffickers' assets between U.S., Cayman Islands, and South American banks and currency exchanges. Cocaine trafficking has been established as the most lucrative enterprise of all underworld ventures.

Of all the foreign countries involved in international drug trafficking, Colombia is our number one priority. It dominates the supply of three principal illicit drugs to the United States, furnishing at least 75 percent of the cocaine, as much as 86 percent of the imported marihuana and large quantities of dangerous drugs such as methaqualone and diazepam.

Colombia's dubious distinction as a principal drug source country may be attributed to its strategic location on the South American continent, its geographic makeup, the tolerance of corruption within its society, and the ruthless tactics of an experienced, well-ordered trafficking community.

Together with the Department of State, we are supporting a regional approach to the cocaine problem. Coca eradication in Colombia has begun. In Peru, a coca eradication campaign conducted in early 1980 proved to be very encouraging, however, there has been little follow-up to this effort. The Bolivian ~~military~~ government did not appear ready to undertake any eradication measures until the installation of the Silas Government last October. Since then, despite declared intentions the Bolivians have not embarked on a promising anti-narcotics program, but have consulted with the United Nations with regard to funds to support an eradication effort. We are looking forward to some specific accomplishments of this initiative.

A number of initiatives have been undertaken against the supply of chemicals such as ether and acetone which are used in the cocaine conversion process. For the past several years Brazil has imposed effective controls on the production of both ether and acetone, all of which has simplified the process of tracing the chemicals to the users. In January of this year, Colombia also imposed controls on the importation of cocaine essential chemicals. DEA is now looking for ways to establish a complimentary program which would provide for voluntary compliance in the U.S. pharmaceutical and chemical industries to ensure that cocaine essential chemicals do not become available to Colombian cocaine traffickers. We are also seeking the cooperation of German and other foreign chemical suppliers in this compliance effort through appropriate government channels.

Recent policy changes in some source (Colombia) and transit countries (Panama, Venezuela) are providing DEA agents abroad and in the United States with operational opportunities to conduct more fully coordinated cases involving large scale cocaine seizures in the United States. Permission by source and transit countries, allowing clandestinely smuggled drugs to leave foreign soil, en route to U.S. financiers and distributors, targetted in DEA undercover probes, has become an invaluable asset in our operations. These policy changes have taken place as a result of outstanding DEA liaison programs with foreign counterparts in the aforementioned Latin American nations. During 1983, we will continue to promote, through programming and funding, the steadily increasing number of interdivisional multi-national investigations.

Colombia also continues to be our largest marihuana supplier -- between 7,500 and 11,000 metric tons are estimated to have reached the United States in 1982. In October 1978, the Colombian Government began an aggressive campaign to suppress the production and trafficking of marihuana and other illicit drugs in the northeastern part of the country. Reporting indicates that the government presence in the Guajira Peninsula forced some Colombia traffickers to scale down their marihuana trafficking activities. Taken together with the interdiction operation conducted by the Vice President's South Florida Task Force, the amount of marihuana entering the United States from Colombia declined in 1982. We are hoping that this trend will continue in 1983.

While we believe we are making some progress in dealing with the cocaine and marihuana in South America, political influences, fragile economies, and long-standing ties between traffickers and enforcement authorities all serve to thwart crop eradication and control efforts in these South American countries.

Central America is the last of the source areas of the world which I will discuss today. While somewhat diminished from recent years, heroin from Mexico represented approximately 30 percent of the United States domestic market. A very successful Mexican eradication and enforcement program resulted in significant decreases in the availability of Mexican heroin up until 1982. Recent intelligence indicates a significant rise in the purity and quantity of Mexican heroin in the Southwest and North Central United States. DEA is constantly monitoring the Mexican heroin

situation and actively pursuing investigations leading to the identification and immobilization of key traffickers and financiers responsible for the Mexican heroin trade to the United States.

Although Mexico is still a major source country for marihuana destined for the United States, its share of the overall illicit United States market has declined in the past three or four years because of the use of paraquat in the Mexican eradication program. Mexican marihuana made up about six percent of the total United States marihuana supply in 1982, compared to eight percent in 1980.

Since the mid-1970's, Jamaica has also been an important source country for the illicit United States marihuana market. During the past three years, there have been indications of increasing demand for Jamaican marihuana in the United States. We estimate that in 1982, Jamaica was the source of approximately 15 percent of the total supply of imported marihuana - about 2,300 - 2,500 short tons.

Many of the current major marihuana source countries have shown some degree of willingness and ability to eradicate marihuana. However, they are often hesitant to initiate drug crop eradication programs unless we are willing to undertake the same effort in the United States. It is important that we continue to seek eliminate marihuana production in this country. Towards this end, DEA is engaged with state authorities in a national marihuana

eradication program. In 1982, this effort resulted in the eradication of 1,800 short tons of U.S. marihuana. This program which expanded from 5 states in 1981 to 25 states in 1982 will include 40 states in 1983.

Our Ambassadors in Colombia, Peru and the Bahamas all note that the enforcement actions being carried out in the United States are important motivating factors in the cooperation and initiatives undertaken by the marihuana sources countries in South and Central America.

Mexico is currently the only country using herbicides and appears to be the only country committed to this approach as a matter of national policy. Our use of herbicides on Federal lands in 1983 will be a key factor in convincing countries such as Colombia to take more aggressive action in controlling its marihuana production.

Beyond the eight specific source countries I have discussed today, we are also faced with a serious problem of licit drug diversion to the United States from international sources. Approximately one year ago, Mr. Mullen testified before this committee concerning our efforts to combat the trafficking of methaqualone to the United States from European and Asian sources. Methaqualone, a powerful sedative-hypnotic drug, had been this country's fastest growing drug problem. However, the growth of this problem was stemmed by a series of diplomatic, regulatory and enforcement initiatives developed by the DEA and the State

Department. These initiatives were directed toward the key source and transitting countries. I am proud to say that these initiatives have continued and that last fall the People's Republic of China agreed to impose strict controls on the exportation of methaqualone.

This recent success with the People's Republic of China means that each of the known producing countries has agreed to limit or cease production and to control or cease exportation of methaqualone. The effectiveness of these measures is reflected in recent seizure data. While over 57,000 kgs. of methaqualone were seized in 1981, less than 11,000 kgs. were seized in 1982. It is interesting to note that of the 11,000 kgs. were seized in 1982, 82 percent or 8,705 kgs. were seized in the first six months of the year, indicating a continuing downward trend. Further evidence of our success is found in the fact that, both in Florida and in Mexico, laboratory equipment and precursor chemicals necessary to produce methaqualone have been seized. The Florida seizure involved chemicals and equipment destined for a clandestine laboratory in Colombia which had previously tabletted methaqualone powder diverted from European sources. These seizures clearly demonstrate the effectiveness of our efforts to curtail the diversion of bulk shipments of methaqualone powder into the illicit market forcing traffickers to look for other sources of supply.

We are also encountering a growing number of other drugs of legitimate foreign origin in our illicit market. Some of these drugs, such as diazepam and other benzodiazepines, are being used as a substitute for methaqualone in certain counterfeit tablet formulations. A number of these counterfeit tablets have been found to contain as much as 25 times the normally recommended amount of these other substances and therefore demonstrates the increasing health hazard of these counterfeit substances.

Other products are developing their own share in the United States illicit market. Among them are codeine cough preparations, the stimulant phentermine, and fenethylamine, also a stimulant but one which is not marketed in this country.

In our efforts to combat this developing problem, we are employing many of the same diplomatic and enforcement techniques which have met with such great success against methaqualone. I can already tell you that we have identified and eliminated the ultimate source in Mexico of the codeine cough preparations. Our activities against the other drugs are continuing.

As you can see, Mr. Chairman and Members of this Committee, drug trafficking and abuse are truly worldwide problems. Our resolve to solve our own drug problems in the United States must be matched by a parallel commitment to work with foreign nations in solving their drug problems. Long term success requires that we work just as hard overseas as we do at home. We must work equally on all fronts - at the local, national and international levels.

We must place particular emphasis on the source countries where illicit drug supplies are most heavily concentrated. The President and the Attorney General have visibly demonstrated this emphasis during their trips last year to Colombia and Southwest Asia during which drug control ranked as the number one topic of their bi-lateral discussions with foreign governments. In the coming year, we will continue to seek this high level commitment from foreign governments particularly in the source countries. Within the Federal Government strong coordination must be enhanced to ensure that all aspects of United States policy support our drug control interests overseas and that we are aggressively moving forward in this area.

I am optimistic that with your support significant inroads are being made and will continue in the year ahead. Thank you for this opportunity to discuss our activities and for your assistance and support.

THE WHITE HOUSE

WASHINGTON

April 20, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Testimony of DEA Acting Deputy Administrator
John C. Lawn on Cultivation and Eradication
of Marihuana in the United States

The above-referenced testimony is scheduled to be delivered April 19 before the Subcommittee on Government Information, Justice and Agriculture of the House Committee on Government Operations. The testimony notes the increase in domestic cultivation of marihuana in recent years, and some of the obstacles -- remote cultivation sites, societal acceptance, financial attractiveness -- in the way of effective eradication programs. The bulk of the testimony reviews DEA's eradication efforts, including training programs for state and local officials, air surveillance, guidance on use of herbicides, and direct aid in eradication of crops. I see no legal objection.

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Subject: *Cultivation and Eradication of
Marijuana in the United States,
Apr 19, 1983*

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Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u><i>W Holland</i></u>		ORIGINATOR	<u><i>83.04.25</i></u>		<u><i>1 1</i></u>
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Statement of

John C. Lawn
Acting Deputy Administrator

Drug Enforcement Administration
U.S. Department of Justice

on

Cultivation and Eradication of Marihuana
in the United States

Committee on Government Operations
Subcommittee on Government Information, Justice and
Agriculture
United States House of Representatives

Glenn English, Chairman
April 19, 1983

Chairman English, Members of the Subcommittee, I am pleased to appear before you to discuss the Drug Enforcement Administration's (DEA) efforts with other Federal, state and local authorities to counter the illicit cultivation of marihuana in the United States.

Nature and Extent of the Problem

The rapidly escalating problem of illicit cannabis cultivation poses a new challenge to narcotics law enforcement in the United States. The seriousness of this problem can be judged in terms of the quality and the quantity of marihuana produced domestically. From the standpoint of quality, the cultivation of sinsemilla has increased substantially in the United States. Through the process that produces sinsemilla, a single plant can yield approximately one pound of product that has on the average a higher THC (Delta-9-Tetrahydrocannabinol) content than standard marihuana. The quality of the marihuana produced is significant from a commercial merchandising standpoint and in terms of its potential health hazards; i.e., the higher the THC content, the more serious are the health consequences associated with its use.

In terms of quantity, the estimated size of the cannabis crop grown in the U.S. has considerably increased in recent years. The estimated amount of marihuana crop for 1981 as reported by the National Narcotics Intelligence Consumers Committee (NNICC) was 1200 metric tons. Based on information reported to DEA by state and local authorities, over 2 1/2 million cannabis plants were destroyed during the 1982 season. Using this plant count and a conservative weight-per-plant factor, it was estimated that 1,653 metric tons of marketable marihuana were eradicated through these efforts. These figures indicate, therefore, that considerably more domestic marihuana was eradicated in 1982 than was previously believed to exist.

It should be noted, however, that these estimates and the methods used to calculate the amount of marketable marihuana are imprecise. In order to develop a more accurate estimate of the weight ratio of marketable marihuana per plant, samples of plants from sites throughout the country will be submitted to the University of Mississippi's Research Institute of Pharmaceutical Sciences for analysis. In addition, Dr. Carlton Turner, a renowned expert in this field who presently serves as the President's Special Assistant on Drug Policy, has recently initiated an effort to establish standards in this area.

I believe, however, that despite possible variations in total weight estimates, there is a substantially greater amount of marihuana being produced in the United States than ever before.

Obstacles to Law Enforcement

Based on our experience so far, we have learned that our knowledge of the trafficking patterns of domestic marihuana is very limited. We share this problem with our state and local counterparts. Part of this dilemma, however, may be accounted for by the fact that there is an extremely broad cross-section of Americans engaged in cannabis cultivation. No generalities can be applied here. Growers range from counterculture holdouts to former moonshiners; from out-of-work lumberjacks to legitimate farmers and to the marihuana user who wants to try to grow his own. Other than certain outlaw motorcycle gangs, we have seen no single group, such as organized crime elements, emerging in control of a significant part of the market at this time.

Extensive cannabis cultivation in some areas has spurred locally depressed economies. Marihuana production requires tools, herbicides, fertilizers, irrigation equipment and other financial outlays which benefit local merchants. Profits are often spent on residence, vehicle and luxury purchases within the community. In a number of areas, marihuana has been a boon to local businesses and has resulted in passive community resistance to law enforcement efforts.

Recent weather extremes and natural disasters in many states have drained the resources of such elements as the National Guard which would be otherwise capable of contributing to the marihuana eradication program. This situation is particularly true in Hawaii where National Guard troops, which have previously played a significant role in the support of law enforcement, have been dedicated to rescue and restoration efforts in the wake of the disastrous volcanic activity in that State.

The prosecution of individual marihuana growers is also a new challenge for many prosecutors. Given terrain and security measures that often make pre-raid surveillance impossible, it is difficult to establish an association between growers and specific marihuana plots. Ground access to mountain top or other remote sites is often limited to one road. Under such conditions, one lookout or cooperative resident some miles from the growing site can warn the growers of intruders by CB radio. DEA, in cooperation with several U.S. Attorneys, is currently developing seminars for prosecutors to educate them in techniques to offset these problems.

Another problem is that, because of societal acceptance of other lifestyles, prosecutors are often reluctant to indict and judges and juries are likewise hesitant to convict and adequately sentence growers. Further, budget restrictions which have resulted in layoffs of deputies have prevented some sheriffs from applying the manpower to the program which they would otherwise be able to.

Finding a site and the means to safely destroy thousands of pounds of wet, bulky cannabis plants is a challenge for any law enforcement officer. The DEA Office of Science and Technology is currently attempting to find solutions to these problems.

For U.S. Forest Service and Bureau of Land Management (BLM) employees, personal and resource safety has become a major factor as growers retaliate for the destruction of their marihuana crop. U.S. Forest Service and BLM officials know of far too many occasions where their employees have been threatened and their personal and agency equipment damaged or destroyed by angry growers. Forest officials have told us they suspect that many forest fires have been set by individuals seeking to retaliate for enforcement action.

DEA's Marihuana Suppression/Eradication Program

Prior to 1981, DEA's cooperative eradication programs were limited to Hawaii and California. This was expanded during 1981 to include Oregon, Florida, Missouri and Kentucky. Since that time, the program has expanded rapidly to include 25 states in 1982 and 40 in 1983. While some states are more significant than others with regard to the amount of marihuana production discovered thus far, all of the participant states are experiencing some commercial growth.

DEA's strategy has been to provide a varying level of support, depending upon the perceived volume of cultivation, but in every case sufficient to support an aggressive search program in each state. DEA's role in this cooperative venture has been to encourage state and local efforts and to contribute training, equipment, funding, investigative and aircraft resources to support their efforts. The planning process for the current suppression/eradication program has been highly coordinated at the Federal level by all related agencies. Regular strategy and policy guidance sessions are conducted by the White House Drug Abuse Policy Office and frequent contact is maintained with the U.S. Forest Service and the Bureau of Land Management.

Our headquarters program coordinators have held meetings with DEA field division Special Agents in Charge (SAC) and their division Program Coordinators. Those planning sessions are being repeated by the DEA division coordinators with their respective state and local counterparts. Together they are developing an operational plan for each participating state. The plans will be the basis for the allocation of resources by DEA and other Federal agencies.

In 1983 the number of DEA-sponsored training schools will increase from 4 to 17. These schools are designed to train state and local law enforcement officers in aerial observation techniques, the legal requirements to obtain search warrants in their state, methods to conduct raids to destroy the marijuana crop, and procedures to arrest and prosecute those individuals

identified with the cultivation. Participants will include not only state and local officers, but agents of the U.S. Forest Service and Bureau of Land Management who will play an active role in the program. We are also planning to sponsor a number of seminars for state and Federal prosecutors to enhance their awareness of the cultivation problem and to address legal questions regarding warrants, asset seizures, appellate review, defense tactics and the cross certification of state/Federal prosecutors.

In 1983, DEA will commit 11 aircraft to complement state and local air surveillance efforts. The importance of aircraft in the eradication/suppression effort cannot be overstated; of the 481 missions flown by DEA in support of the program in 1982, 82 percent resulted in positive sightings of marihuana plots. In addition to their critical role in locating plots, aircraft are required to move enforcement personnel into the often remote growing areas and to remove the plants once eradication takes place.

Our Office of Science and Technology is developing methods to assist states prepare for the use of herbicides which will occur (where deemed appropriate) during the 1983 season. Those plans are being developed in keeping with the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking and in close coordination with appropriate Federal agencies. Guidance will also be provided to states planning to use herbicides.

DEA will also work with the states and other Federal agencies to enhance public awareness of the cultivation problem. As a part of this initiative, we have produced a film depicting the Federal and state effort in 1982, which will be broadly distributed in order to make state executive, legislative, law enforcement personnel and the general public more aware of the marihuana productionn problem and of the steps being taken to counter it. In producing the film, we were very fortunate to have had Mr. Ricardo Montalban provide his very ~~significant~~ ^{IMPRESSIVE} talent as a narrator. This was a voluntary public service contribution by Mr. Montalban which certainly deserves recognition.

As I have pointed out several times throughout this testimony, the marihuana program depends on the efforts of many agencies. In addition to the U.S. Forest Service and Bureau of Land Management activities described earlier, the Department of Defense Liaison Office is advising state National Guard commanders of the logistical assistance they can provide to law enforcement elements. In addition, agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) have participated in raid teams throughout the country, and have been instrumental in reducing the threat of injury to raid teams by identifying and neutralizing concealed traps which are sometimes deadly. ATF has also conducted followup investigations on certain of the 785 weapons seized in the 1982 raids.

Because of the centralized funding of the program through DEA, the role of the FBI has been limited thus far. In the ongoing planning sessions across the country, we are asking the FBI to use their extensive informant system to aid in meeting the need for increased intelligence regarding the domestic marihuana distribution system.

The involvement of multi-state intelligence networks in the program has been at the discretion of the states; however, the Western States Intelligence Network (WISIN) will play a major role in the joint operation currently being planned for California.

I mentioned that there are a number of variables in this program. One of those is the ability of some states to provide more for themselves than others. A second is the gradual increase in the number of state agencies, such as State Forest Services, Offices of Emergency Services, etc., which have begun to make equipment and expertise available to the state enforcement elements. A third is the attempt by the states to identify and use alternate labor sources to cut down cannabis plants. The process of manual eradication is highly labor intensive. As noted, the plot sites are often remote, and in states such as California, Oregon and Washington, are in steep rugged terrain. Law enforcement officers must secure the area, arrest cultivators found there, check for concealed traps,

perform a plant count, take photographs and process samples in response to search warrant and evidentiary requirements.

Only then can they begin the task of cutting the cannabis plants which can reach 12-15 feet in height and, in some circumstances, grow in groves as thick as bamboo thatches. The plants must be bundled and tied and then carried some distance to the nearest trail or road to be loaded on trucks. Irrigation hoses, which often run for considerable distances and have been buried to avoid detection, must be dug up and other equipment, vehicles and weapons must be removed from the site. The seized cannabis plants must then be trucked to a suitable site for burning. This represents an extensive use of law enforcement manpower.

In an attempt to offset this problem, some states are looking to possible alternate labor sources. Law enforcement personnel would still control the raid teams and conduct all of the appropriate legal tasks; however, once the site is secure, non-law enforcement personnel could conduct the actual cutting, bundling and hauling under law enforcement supervision at a greatly reduced cost. There are obviously a number of problems related to the use of non-law enforcement personnel, but we are encouraging the states to consider alternate labor as a means to reduce costs and spare law enforcement personnel for more critical tasks.

In 1982, DEA committed \$923,340 from its operating funds to support the eradication/suppression effort which included expenditures for 25 states to defray their costs for fuel, tools, vehicle and aircraft rental and per diem for off-duty officers. Funds were also expended in conducting the four observer schools and for costs incurred by our own Air Wing. This year (FY 83), DEA has set aside \$1.9 million from its operating budget to support the program. We have programmed a like amount as a line budget item for FY 1984.

Future funding costs for DEA will be offset by the better coordinated efforts with the Forest Service and Bureau of Land Management. DEA coordinates funding to county sheriffs who have U.S. forests within their jurisdiction with the U.S. Forest Service to ensure there is no duplication. Often, the Forest Service will fund the program in one county, while DEA supports an adjacent county that has no U.S. forest within its limits. In some areas, the Forest Service and Bureau of Land Management are able to provide forest camp housing and feeding facilities for raid team personnel.

Conclusion

In closing, I would like to note that there are a number of factors on our side as we face the challenge of domestic marihuana production. While previous Federal strategies concentrated on the so-called "hard" drugs, this Administration has eliminated the distinction between "hard" and "soft" drugs. Accordingly, the marihuana problem is now addressed with the

same intensity as any other drug problem.

The Congress has demonstrated its concern by passing significant legislation. During the 97th Congress, Public Law 97-113 was enacted to remove restrictions to providing foreign assistance funds to countries for use in herbicidal eradication programs aimed at cannabis cultivation. Public Law 97-86 was also enacted which permits the assistance of the military to civilian law enforcement authorities. This has proven to be of particular importance in our efforts to attack the large-scale smuggling of marihuana to the United States. The 98th Congress presently has before it several bills to strengthen law enforcement, particularly the Comprehensive Crime Control Act of 1983 (S-829 and HR-2151) which contains marked improvements to our bail, sentencing and forfeiture statutes among others. We encourage this continued Congressional support.

If we are to make serious inroads in the marihuana production problem in the United States, there are challenges that all of us in government must face. Members of Congress and other government leaders should lend their voices and help make the public more aware of the threat that illegal cultivation of marihuana represents to both the health of the nation and the rights of the citizens to move freely and safely through the parklands and national forests of this country. The military should be encouraged to incorporate marihuana production detection as a regular part of their ongoing air training

activities and state governors should be encouraged to consider using the National Guard and other state agencies for the detection and suppression of marihuana production. In addition, the states should be encouraged to support the use of herbicides (under appropriate circumstances), in order to effectively and efficiently eradicate large marihuana plots and to reduce the prohibitive labor costs of manual eradication programs. This would have the added benefit of sending a signal of encouragement to foreign governments faced with even greater marihuana production problems than our own.

I am optimistic that, with your support, significant progress has been made and will continue to be made in our effort to suppress the illicit production of marihuana in the United States. Thank you for this opportunity to discuss our activities and for your assistance and support.

THE WHITE HOUSE

WASHINGTON

April 27, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Testimony of Roger M. Olsen, Deputy
Assistant Attorney General Re:
H.R. 2643 - Extradition Act of 1983

Cary Copeland of the Office of Legislative Affairs has submitted the above-referenced proposed testimony, to be delivered April 28 before the Subcommittee on Crime of the House Judiciary Committee. The testimony discusses H.R. 2643, which is substantially similar to the Administration's proposal, embodied in H.R. 2151. H.R. 2151 is also Title XIV, Part M of the Comprehensive Crime Control Act of 1983. Both proposals are designed to modernize the antiquated extradition statutes, which were enacted in the previous century. The testimony reviews the dramatic rise in extradition matters, and applauds the improvements common to H.R. 2643 and H.R. 2151. It then objects to certain aspects of H.R. 2643, primarily its unilateral revision of certain treaty provisions and its liberalization of bail requirements.

This testimony is consistent with the Administration's previously-cleared endorsement of H.R. 2151. I see no legal objection.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

D - OUTGOING

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Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Cary Copeland

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Testimony of Roger M. Olsen, Deputy Assistant Attorney General re: H.R. 2643 Extradition Act of 1983

ROUTE TO:

ACTION

DISPOSITION

Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHD11</u>	<u>ORIGINATOR</u>	<u>83104126</u>			
	Referral Note:				
<u>DUAT1B</u>	<u>D</u>	<u>83104126</u>		<u>S</u>	<u>83104127</u>
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ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

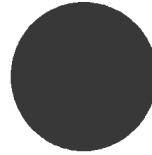
Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEGB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



Office of the
Assistant Attorney General

Washington, D.C. 20530

April 26, 1983



To: Fred Fielding
Counsel to the President
The White House

From: Cary Copeland
Office of Legislative Affairs

Please provide your comments regarding
the attached testimony of Roger Olsen,
Deputy Assistant Attorney General, Criminal
Division to Greg Jones at 395-3802.

STATEMENT OF ROGER M. OLSEN
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
U. S. DEPARTMENT OF JUSTICE

CONCERNING H.R. 2643
EXTRADITION ACT OF 1983

BEFORE THE
SUBCOMMITTEE ON CRIME
HOUSE COMMITTEE ON THE JUDICIARY

APRIL 28, 1983

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before this Committee on behalf of the Department of Justice to express its views on H.R.2643—a bill designed to modernize the very outdated laws implementing this country's extradition treaties. The Administration also has recognized the need for such legislation, and has included its own extradition bill in the President's Comprehensive Crime Control Act of 1983 which has been introduced in the House of Representatives as H.R. 2151. 1/

Mr. Chairman, as you know, the Criminal Division of the Department of Justice is responsible for advising federal and state prosecutors in preparing extradition requests to foreign countries, processing those requests, and serving as liaison with the appropriate foreign and State Department officials in connection with the execution of those requests. It also is responsible for representing, or supervising the representation of, foreign extradition requests in the federal courts. Consequently, the Criminal Division plays a central role in the execution and litigation of all requests to the United States--the principal concern of H.R.2151 and H.R.2643.

Our present international extradition laws were enacted in the 1840's and 1880's to implement extradition treaties in an era in which transnational criminal activity and, therefore, extradition to and from the United States was very rare because of the slowness of international travel and the facilities of international commerce.

1/ Title XIV, Part M.

Indeed, until the 1970's, it was a rare year that the Criminal Division handled more than ten extradition requests to the United States, and a similar number by the United States.

With the tremendous growth of wide-bodied jet international air travel and high speed telecommunications in the past decade, and with the United States' increased realization, during that same period, of its responsibilities to the international community and to itself in effectively combatting the rapidly increasing volume of transnational criminal activity--particularly international narcotics trafficking and terrorism--there has been a corresponding growth in the number of extradition requests by and to the United States. While the volume of such requests seldom exceeded twenty per year prior to 1970, in 1979 we opened 127 extradition cases, and in 1982, 338 cases. The laws designed to deal with international extradition in the world of the "horse and buggy" and "tall ships" simply do not meet the needs of a world in which a criminal can transfer millions of dollars from one country to another in a matter of seconds and can flee half way around the world in less than a day.

The volume of extradition requests we are presently making and receiving, and the expected continued rapid growth in this volume, plainly requires effective United States laws to implement our treaty responsibilities. Present United States laws simply do not fulfill this need. Moreover, because of the substantial translation and

transportation costs frequently attendant to international extradition, the cases in which the United States and foreign countries seek extradition are generally among the more important cases being prosecuted by the respective authorities. Approximately one-third of these cases relate to serious crimes of violence, another one-third to serious narcotics offenses, and the remaining one-third to serious white collar crimes.

Both H.R.2151 and H.R.2643 would make the following important improvements in United States extradition law:

(1) They would permit the United States to obtain a warrant for the arrest of a foreign fugitive although his location or even his presence in the United States is not known. The entry of such warrants in NCIC and TECS should greatly facilitate the arrest of such fugitives.

(2) They would provide a statutory procedure for waiver of extradition for foreign fugitives apprehended in the United States. This procedure would greatly facilitate the expedited return of such fugitives if they do not wish to contest their extradition.

(3) They would permit the direct appeal of court orders granting or denying extradition rather than forcing fugitives to use the more cumbersome habeas corpus review process and denying any

review to countries requesting extradition, except through the extremely circuitous and undesirable route of filing a new extradition complaint before a different judge.

(4) They would establish clear statutory procedures and standards for the handling and litigation of all critical phases of the extradition process.

(5) They would limit access to our courts in extradition cases to those cases filed by the Attorney General.

(6) They would permit the Attorney General to ask for the issuance of a summons rather than a warrant of arrest where he believes there is no risk that the person sought would flee prior to the court's decision.

(7) They would codify the rights of foreign fugitives to legal representation in extradition cases and to the speedy resolution of those cases.

(8) They would stop the United States from being a haven for Americans who commit crimes abroad and who cannot be extradited under many of our older treaties.

(9) They would facilitate the temporary extradition of fugitives to the United States who are serving sentences or being tried in foreign countries.

While we believe that H.R.2643 makes a number of technical improvements in the Administration's bill, we think that the Administration's bill generally accomplishes the mutual objectives of both bills in a clearer, more direct manner.

Additionally, we believe that legislation designed solely to implement extradition treaties should limit itself to providing the procedures by which the substantive agreements contained in the treaties are to be implemented. In two instances, H.R.2643 would unilaterally revise the substantive agreements contained in the great majority of United States extradition treaties. These instances concern extradition requests by more than one country for the same person (Section 3192(a)(3)), and the minimum sentence by which an offense must be punishable in order for it to qualify offense for which extradition may be granted by the United States (Section 3194(d)(i)(c)). We believe such unilateral revision of our extradition treaties is unwise and inappropriate, and should be avoided.

Our principal objection to H.R.2643, however, is that we believe the benefits it seeks to achieve would be almost totally undermined by the changes it would effect concerning the release of fugitives during the extradition process. Moreover, we believe those release provisions would make it so difficult, if not impossible, for us to meet our extradition treaty commitments that our failure to meet those commitments would have a significant adverse effect on our relations with our treaty partners, and would be especially damaging

to our efforts to improve international law enforcement cooperation in general, and to combat international terrorism and narcotics trafficking in particular.

In entering into an extradition treaty, the United States undertakes a solemn commitment to its treaty partners to make every effort to apprehend foreign fugitives located in the United States whose extradition is requested. We further commit ourselves to surrendering to our treaty partners all such fugitives who have been found extraditable by our courts and the Secretary of State. We believe that the excessive liberalization of the conditions of release contained in H.R.2643 would, with great frequency, prevent us from honoring this latter commitment.

First, the Supreme Court has long recognized that "bail should not ordinarily be granted in cases of foreign extradition."^{2/} In so ruling, however, the Court held that despite the lack of any bail provisions in the present United States extradition laws, courts have the inherent implied authority to release persons sought for extradition where the existence of "special circumstances" warrants such release. The Courts have applied this special circumstances test wisely, and we have very seldom been placed in the position of being unable to deliver up a fugitive whose surrender has been ordered. Because the special circumstances test has worked well in practice, it has been adopted, with only minor technical improvements, in the

^{2/} Wright v. Henkel, 190 U.S. 40 (1903)

Administration's bill, which was passed by the Senate in the 97th Congress. We strongly urge this Committee to support the Administration bill's approach to the release of persons arrested for extradition and not to attempt to "fix" a problem that does not exist.

Second, both the Committee and the Administration bills provide that, at the Attorney General's request, the court can issue a summons rather than a warrant of arrest in extradition cases. It is our intention to use this summons procedure whenever the person sought presents no apparent flight risk or danger if released. For this reason, we anticipate using it most frequently with respect to American citizens and permanent resident aliens with strong family and economic ties to the community. We believe that our use of a summons rather than a warrant of arrest, where appropriate, will largely ameliorate any perceived undue harshness of the special circumstances test.

Third, extradition, by definition, deals with a class of persons who are fugitives from justice in foreign countries. Although a small minority of them may not be aware of the pendency of charges against them in foreign countries, the vast majority of them fled from those countries knowing that charges had been, or were likely to be, brought against them. Thus, the typical subject of an extradition request has a demonstrated propensity to flee rather than face charges, and in general is likely to continue his flight if released

pending extradition. The tremendous relaxation of the standards for release of subjects of extradition requests, which would be brought about by H.R.2643, would only facilitate such further flight and make the United States an attractive haven for fugitives including international terrorists.

Fourth, by placing the burden of proof on the United States, acting on behalf of its treaty partners, to show that the fugitive will not appear if released pending extradition, or that he will constitute a danger to the safety of another person or the community, if released, the bill in practice would lead to the release of many persons who are likely to be long gone by the time their surrender for extradition is ordered--if indeed their presence during the earlier stages of extradition proceedings permits the case to progress to the point at which an order of surrender can be issued. In this regard, it must be remembered that unlike typical bail hearings in the United States on State or Federal charges, where the prosecution has access to significant information on the accused and can readily obtain the testimony of law enforcement officers who are familiar with him, in extradition bail hearings we are wholly dependent on information furnished to us by a foreign country. The fugitive, however, will be able to testify himself and often obtain local witnesses on his behalf. Given the relative availability of evidence relevant to the issue of the fugitive's release, the burden of proof should remain where the special circumstances test places it--on the person sought.

To provide otherwise will greatly undermine our ability to carry out our treaty commitments to be able to effectively guarantee the surrender of fugitives who are found extraditable from the United States.

On behalf of the Administration, I respectfully request this Committee reconsider the wisdom of H.R.2643's bail provisions, and support provisions of H.R. 2151. The latter provisions will enable the United States to meet its treaty commitments and will further, not undermine, this country's efforts in fostering international law enforcement cooperation--particularly in combatting international terrorism and narcotics trafficking.

Both this Committee and the Administration recognize new extradition legislation is extremely important to the United States ability to meet its international law enforcement responsibilities. Except for the issue of release pending extradition, H.R.2643 and the Administration's bill are in general accord. It is our hope that the Department of Justice and this Committee can work together to resolve this critical issue so that this important legislation can be enacted.