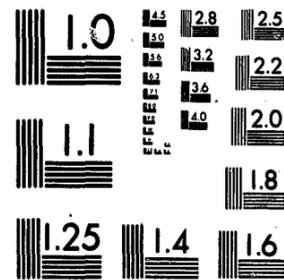


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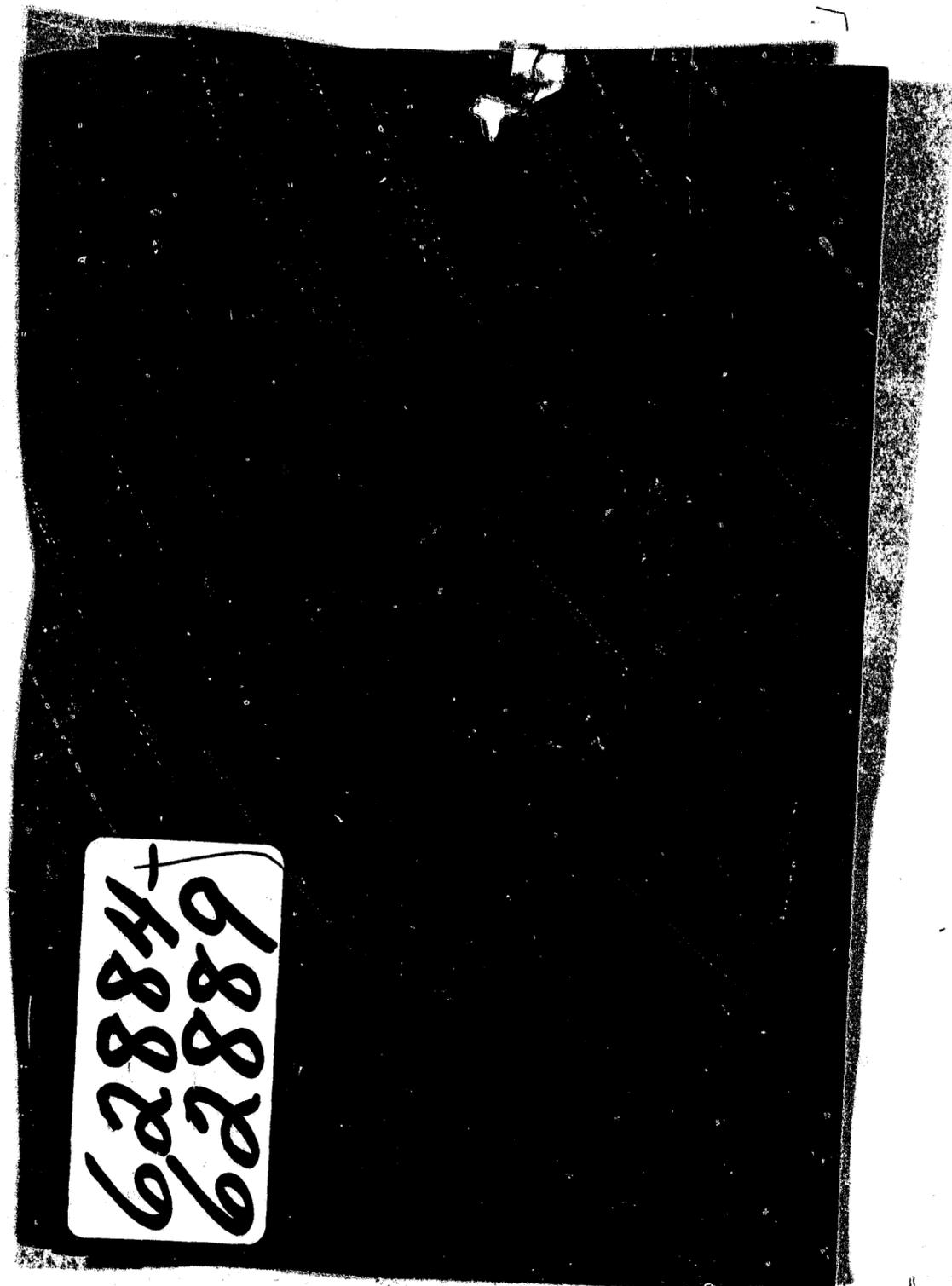
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8/13/81



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THE MEXICAN CONNECTION

HEARINGS

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY**

OF THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

**UNITED STATES EFFORTS TO HALT HEROIN IMPORTATION:
ERADICATION AND ENFORCEMENT IN MEXICO
SOUTHWEST BORDER CONTROL**

FEBRUARY 10 AND APRIL 19, 1978

Printed for the use of the Committee on the Judiciary



NCJRS

JUL 23 1979

U.S. GOVERNMENT PRINTING OFFICE

25-024

WASHINGTON : 1978

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BORDER MANAGEMENT AND INTERDICTION

- AN INTERAGENCY REVIEW -

September 7, 1977

THE OFFICE OF DRUG ABUSE POLICY
THE EXECUTIVE OFFICE OF THE PRESIDENT

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September 7, 1977

BORDER MANAGEMENT AND INTERDICTION

EXECUTIVE SUMMARY

An interagency Review Team, under the leadership of the Office of Drug Abuse Policy, conducted a comprehensive review of Federal border control and associated law enforcement activities. The basic assumption is that improved effectiveness of border control will enhance all related programs (drugs, aliens, guns, revenue, etc.), as opposed to the traditional, but self-limiting response of dedicating resources to a single purpose.

The report describes the vastness and distinctness of our border areas, as well as the operation of land, sea and air ports of entry. Many problems associated with effective law enforcement at ports of entry and with patrolling between ports are attributed to past and present practices of dealing with border management in a fragmented manner. The current organizational structure contributes to the problem with personnel from eight agencies representing seven different departments directly involved in border operations.

The two principal functions of border control are inspection of persons and goods at ports of entry, and patrolling between ports to prevent surreptitious entry. The principal agencies involved in these key functions are the U.S. Customs Service (Treasury) and the Immigration and Naturalization Service (Justice). Other agencies provide support and specialized skills in their areas of responsibility.

After a thorough problem analysis, two major issues are identified; overall lack of coordinated border management, and the overlap and duplication of effort in the principal border control functions. The principal overlap and duplication is in the patrolling between land ports of entry (Immigration and Customs) and in the primary inspection at ports of entry (Immigration and Customs). Massive workloads and duplicate management systems compound the problems.

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Several options are considered, ranging from assigning budget priority to selected functions to creation of an expanded border management agency. The report concludes that a revised management structure is needed which can achieve maximum effectiveness with available resources, respond to changing priorities, and provide adequate border control, as well as better service to the public. Further, the first phase of any reorganization should be directed at correcting the fundamental problems. From this basic foundation, border management can evolve toward further improvements in effectiveness and efficiency.

The Review Team recommends a consolidation of the Customs Service and the Immigration and Naturalization Service into a border management agency to provide central management over the key border functions and resources. Specific criteria are suggested to minimize opposition and turbulence associated with reorganization.

Comments received from the departments and agencies involved in border operations reflect general agreement with the findings, but lack agreement regarding which department should have responsibility for a new border management agency.

The President's Reorganization Project in the Office of Management and Budget (OMB) has responsibility for developing specific reorganization plans and the Office of Drug Abuse Policy will assist OMB in developing any reorganization plan related to this review. Additionally, the report will be used in conjunction with other policy reviews in preparing a new Federal drug abuse strategy.

CHAPTER 1 - INTRODUCTION

BORDER MANAGEMENT AND INTERDICTIONPURPOSE

This report summarizes the observations and findings resulting from a comprehensive review of Federal border control and law enforcement activities. The review was designed to meet the following objectives:

- To review Federal policies and management of resources committed to control of the land, water, and air borders of the United States and to assess their effectiveness.
- To review operating policies, procedures and practices to identify areas where potential exists for improvement in effectiveness, efficiency or economy and to make appropriate recommendations.

BACKGROUND

Conducted under the guidance of the Office of Drug Abuse Policy (ODAP) and in coordination with the Office of Management and Budget (OMB), this is one of a series of policy reviews of all Federal drug abuse functions conducted under the provisions of Public Law 94-237.

In establishing the Office of Drug Abuse Policy, the President asked the Director to "assume the lead role in studying and proposing changes in the organization and management in Federal drug abuse prevention and control functions, as part of my promise to reorganize and strengthen Government operations."

The Federal effort to reduce the availability of illegal drugs is directed toward disrupting the supply chain at any point where it may be susceptible; from crop eradication in the foreign countries of origin to disrupting domestic interstate drug trafficking networks. The U.S. border provides a unique opportunity in this chain of drug trafficking to intercept the drugs, arrest the person and, perhaps, to trace the source or ultimate destination of the contraband.

Therefore, the interdiction of drugs as they are smuggled into the United States is an important function in the overall Federal program for controlling illegal drugs.

Border management is a piecemeal activity with numerous Federal agencies responsible for various functions. Numerous studies of segments of border management have been conducted in recent years. However, these studies have focused on a specific function or problem rather than taking a comprehensive view of the entire border control problem.

ODAP and OMB agreed that as part of the President's goal to achieve greater effectiveness in Government operations, attention should be directed towards a broad and long-term goal of improving the management of the overall border effort. Therefore, this review addresses all border law enforcement activities and other Federal functions and resources associated with border control. Any reorganization proposals made to the President related to this study will be made by the President's Reorganization Project of OMB, with the full participation of ODAP and any affected departments and agencies.

THE PROCESS

The team reviewed the functions necessary to border management and collected a comprehensive listing of problems having an adverse impact on operational effectiveness. A "new start" approach was developed which viewed the requirements for border management as if there were no organizational structure. The existing system was then compared to the hypothetical system.

Extensive field trips were conducted to test the analysis and to obtain current observations of border enforcement operations. These observations were considered in developing team findings and potential options for improvement.

A draft report was then furnished to the departments and agencies for comment on the options. Their views were incorporated in the final report.

SOURCES OF INFORMATION

Previous studies of border management were used as background to minimize duplication of effort. However, no prior conclusions or recommendations were accepted unless they were revalidated as part of the current review.

Conversations were held with representatives of numerous agencies involved with border enforcement operations, including the Immigration and Naturalization Service, the U.S. Customs Service, the Drug Enforcement Administration, the U.S. Coast Guard, U.S. Attorneys, Canadian inspectional services, the Royal Canadian Mounted Police and the El Paso Intelligence Center operated by the Drug Enforcement Administration, as well as with

inspection and patrol personnel along the borders. Additionally, the Air Interdiction Program was discussed at the North American Air Defense Command at Luke Air Force Base in Arizona and with the Airborne Warning and Control System (AWACS) Project Manager at Tinker Air Force Base, Oklahoma.

Officials were interviewed on a non-attribution basis to assist the Review Team in receiving a frank and objective view of internal management problems and interagency relationships. The broad experience, objectivity and dedication of the team members contributed significantly to the analysis process.

CONTENT

This report contains a description of our borders which goes beyond the physical characteristics to address the nature and philosophy of borders. Through a presentation of the various functions necessary to meet border control requirements and of the Federal agencies currently performing these functions, the complexity of controlling our land, sea and air borders is described.

The report then identifies those problems and issues which are sufficiently important to demand Executive Office consideration and presents a discussion and alternative solutions to these problems.

CHAPTER 2

OUR BORDERS AND THEIR CONTROLA. BORDERS AS AN INSTRUMENT OF NATIONAL POLICY

Border control is not simply a matter of regulating the international flow of persons, merchandise, and carriers. Borders define a political entity and their control expresses a national definition and purpose -- legally, economically, environmentally, and even philosophically. Thus, borders are important as an instrument of national policy.

In our world of both highly industrialized and under-developed countries, limited resources, and expanding populations, border policies may have a dramatic international and domestic impact. Rapid long distance transportation and communications have changed the nature of the borders, but the requirement to control the entry of persons and material continues.

Nations develop border policies which both protect and further domestic goals and interests and project a constructive international image. The two extremes of border control range from a totally open border to a totally closed one. Either extreme would have a major impact on domestic activities and international relationships. Most nations have intermediate policies which reflect their current interests and which change over time to reflect new situations.

The United States has a generally unstated border policy which attempts to enhance the flow of beneficial ideas, goods and people to this country while simultaneously limiting illegal entry. However, these interests tend to compete with each other in actual implementation. Measures to keep out the harmful inhibit the passage of the desirable, and vice versa. Therefore, a balanced policy of selected enforcement measures is necessary to keep out the most serious threats to our Nation while facilitating international relations and commerce.

Historically, the U.S. Government has responded to border management problems in a fragmented manner. As a crisis occurred or a major National program was threatened, resources and manpower were allocated to deal with the immediate problem. Border management has been addressed piecemeal without deliberate considerations of how changes in one segment may affect border policy and management as a whole. Special interests have grown around the specific commodities or organizations and they are not receptive to any effort which is perceived to endanger their priority for attention or resources. As a result, our present border agencies are basically a set of activities directed at a single purpose or commodity, e.g., immigration, customs, public health, agriculture, wildlife.

B. THE DISTINCTNESS OF THE BORDER AREA

The concept of the border and border policy is broader than a series of laws, regulations and operations applying to a political boundary. To millions of persons living in and near our land borders, the border is a way of life, a third world distinct in character from the interior of either of the adjoining nations. Border ties are far more complex than demography and geography might dictate. There is a border culture encompassing the arts, family ties and language. There is a border economy intertwining industry, agriculture, tourism, services and trade. Larger border cities adjoin each other on opposite sides of the border where it is a way of life to cross the physical border regularly, often several times daily, to shop, visit with family and friends, enjoy recreation opportunities, or to work. This tradition is manifested in our law which facilitates the movement across both the Mexican and the Canadian borders.

In many areas along the Canadian border, the international boundary bisects a playground, and children play a ballgame in both countries at the same time. Next door neighbors are in different countries with the backyard fence marking the international boundary. Along the Southwest border, the theory of AZTLAN (the Aztec word for the territory encompassing Northern Mexico, California, New Mexico, Arizona, Texas and parts of Colorado) persists, maintaining that "rights" exist to access this border territory which should not be violated by artificial political boundaries. This unique cultural affinity and economic interdependence of border communities must be considered as an integral part of our border policy and management of our borders.

C. DESCRIPTION OF OUR BORDERS1. GENERAL

The borders of the United States are long and complex. In addition to extensive land and sea borders, the advent of international air travel extended the geophysical features of the border, creating interior borders of points of arrival for international travelers and cargo. The roughly 96,000 miles of total land border and coastline present many diverse elements

in terms of geography, workload, and problems faced as they adjoin Mexico, Canada, the seas, or as they extend to international airports in the interior.

2. SOUTHWEST LAND BORDER

a. Geographic Description: The almost 2,000 mile border adjoining Mexico varies from rolling hills, international lakes, rugged mountains, vast deserts, wasteland, and thick brush to cultivated farmland immediately adjacent to the border on both sides as it extends from San Ysidro, California, to Brownsville, Texas. In many areas, twin border cities exist. Typically, these twin cities are interdependent and the border ports of entry provide a mutual link to facilitate shopping, entertainment, recreation and visiting. High chain-link fencing marks the border for some 26 miles through five of these border cities, but elsewhere, the border is a barely discernible line between concrete boundary markers. Although the Rio Grande River forms approximately half of the border, it does not present a significant physical barrier because it is narrow, shallow and slow-moving much of the time. The weather along the Southwest border varies from hot and dry to cool and rainy but is temperate most of the year.

b. Workload: Legal traffic, including some 50 million vehicles, 170 million persons, and an enormous volume of cargo annually comes through 24 ports of entry and over 14 rail lines. Another 1.5 million persons are apprehended annually as they attempt illegal entry at or between the ports of entry.

c. The Problem: The Southwest land border has historically posed a unique problem to law enforcement agencies attempting to control that area. Nowhere else in the world does a greater difference in per capita income exist between two adjacent nations than between Mexico and the United States. Mexico is among the fastest growing nations in the world, with extreme population pressures, especially in the border cities. The standard of living and the economy of the United States have attracted millions of Mexicans who have migrated to the border area in Mexico and then on into the United States. Additionally, in recent years Mexico has become the chief source of heroin smuggled into the United States.

This influx of illegal entry and smuggling of all forms of contraband and aliens from Mexico into the U.S. has exacerbated Southwest border enforcement problems. Although in many areas the natural terrain serves to channel much of the illicit flow of people, drugs and other contraband, illegal crossings are made all along the border.

Within the ports of entry, a similar problem occurs because of the enormous inspectional workload of persons, vehicles, and cargo along the Southwest border. Smugglers use a variety of ingenious modes and tactics for smuggling aliens, merchandise, or narcotics into the U.S. The use of hidden compartments in conveyances or merchandise, and the intentional mislabeling of merchandise are common. Additionally, thousands of persons who are not qualified to enter the United States attempt to do so at the ports by presenting fraudulent documents or by misstating the purpose of their visit. In addition to efforts to stem these attempts at the illegal entry of aliens, drugs and merchandise, there is also a major effort to facilitate the entry of legal traffic and to ensure that cargo arriving by rail and truck complies with revenue laws and other Federal requirements. These factors, both at and between the ports of entry, make the Southwest border a particularly complicated control problem.

3. THE NORTHERN LAND BORDER

a. Geographic Description: The 4,000 mile long Northern border is called the longest undefended border in the world. Terrain varies considerably from mountains, to vast expanses of great plains, the Great Lakes, rolling farmland, and forests. The weather is far more variable than that on the Southern border, with sub-zero temperatures and several feet of snow prevalent several months of the year. In contrast, in the summer much of this same border region becomes a major recreation area and attracts millions of people annually.

b. Workload: Some 30 million vehicles and 80 million persons enter annually through the 94 ports of entry along the Northern border. Additionally, numerous small waterports (primarily on the Great Lakes) are located along the border.

c. The Problem: Although the illegal entry of aliens, narcotics, and merchandise pose a problem along the Northern border, the magnitude of the problem is much less than that encountered along the Southwest border. Even though the numbers of illegal entries may be small, border control is still required to protect the interests of the United States as well as those of the States along the border. The greatest problem on the Northern border is the vastness of the border and the limited manpower available to cover it.

4. SEA BORDERS

a. Geographic Description: The U.S. seacoasts include the long Pacific and Atlantic coastlines, the Gulf coast from Florida to Texas, the St. Lawrence Seaway, the Great Lakes,

Alaska, Hawaii, and Puerto Rico, the Virgin Islands of the U.S., Guam and American Samoa. The coastline is comprised of countless inlets, bays and thousands of miles of inland waterways.

b. **Workload:** The Nation's seaports and sea borders are a significant part of the overall border activity. Representing the bulk of \$250 billion in import and export trade, 160,000 vessels arrive at our seaports each year carrying 3 million crewmen and passengers to the U.S. In addition to the required inspection of people and cargo, several special navigation laws must be enforced regarding the reporting of the arrival of vessels.

Special regulations have been developed to reduce the enormous inspection workload by facilitating local traffic by boat along the Northern border waterways. For instance, crewmen of Great Lakes vessels and ferries operating between Canada and the United States are inspected for immigration purposes only once each year, on their first arrival each spring.

c. **The Problem:** Our sea borders are frequently used to evade the established importation controls and the prohibitions against specific items such as drugs. Additionally, stowaways or alien crewmen deserting ship are common problems. The inherent difficulties of searching vessels for these persons or merchandise present a unique enforcement problem. Ingenious methodologies for concealing drugs and contraband have been developed by smugglers. Items can be concealed in cargo, in the vessel itself, below the waterline of the ship, dropped overboard, or on the persons of crewmembers or passengers. To combat the wide range of smuggling activity requires special skills and techniques on the part of Federal law enforcement agencies. Pilferage of imported cargo at waterfront locations is a traditional problem to carriers, importers and insurance companies.

Hundreds of thousands of arriving private yachts and small boats have also become a major law enforcement problem. Along the Florida/Gulf and Southern California coasts these vessels are capable of reaching foreign ports and returning to U.S. ports anywhere on the waterways. This technique is a relatively safe way to smuggle aliens, contraband, or narcotics because of the volume of small boats in these areas and the comparably small law enforcement presence to combat illicit traffic.

5. AIR BORDERS

a. **Geographic Distribution:** Arriving international passenger and cargo flights are inspected at over 50 international airports of varying size scattered across the country. The

majority of international air arrivals are centered in thirteen major international airports: J.F. Kennedy, Miami, Honolulu, Los Angeles, O'Hare, Logan, San Juan, San Francisco, Houston, Philadelphia, Dulles, Dallas, and Seattle.

b. **The Workload:** In recent years, the number of international flights has increased dramatically. Large numbers of inexpensive package tours and charter flights have become available for travel to all parts of the world. During the past decade, air arrivals have grown at the rate of eight to ten percent per year. Annually, 20 million persons and huge volumes of air cargo arrive in the United States on 350,000 commercial, military and private flights. To help reduce some of the pressure at the overcrowded U.S. international airports, some 4 million passengers and their baggage are precleared at selected foreign locations for both commercial passenger and military flights.

c. **The Problem:** Air arrivals pose a considerable risk of illegal entry of aliens, contraband, agriculture pests, and drugs. The alien visitor arriving by air who intends to violate his legal status is generally more sophisticated than the land border crosser. He usually has money to sustain his visit and can blend easily into city populations, find employment and remain illegally. To further complicate the inspection, many aliens and U.S. citizens attempt to bring forbidden or undeclared merchandise or illegal drugs into the United States. Under the pressures of long lines of passengers waiting for inspection, the need for a thorough inspection must be balanced with the need to facilitate the entry of U.S. citizens, legal aliens and their baggage.

Inspection of air cargo is subject to the same pressure to facilitate entry. Because of the premium freight charges, air shippers expect Federal inspectional agencies to show a concomitant interest in the quick release of the merchandise to the importing public.

During the past decade, there has been increasing use of private aircraft for smuggling drugs, contraband, and aliens. The use of aircraft enables the smuggler to cross the border at a time and place of his own choosing and with a minimal risk of detection or interception. The southern border is a natural gateway for smuggling by air. There are thousands of landing fields or suitable isolated landing places within a short distance of each side of the border. The thousands of legal air crossings occurring each month offer the smuggler even further concealment from detection. Interdiction of illegal entry by air is difficult. Development of intelligence and use of the short and long range radar capabilities of the Federal Aviation Administration (FAA) and the North American Air Defense Command

(NORAD), mobile ground radar, airborne radar in patrol and pursuit aircraft all contribute to interdiction efforts. Current estimates indicate that some 4,000 to 6,000 illegal smuggling flights are crossing the Southern border each year.

D. PRINCIPAL AGENCIES WITH BORDER INTERESTS

Presently eight agencies representing seven cabinet departments have a physical presence in border operations and enforce over 400 Federal laws and regulations involving entry and departure of people and goods across the border. This diversity of organizational response is a reflection of the multiplicity of problems inherent in border control. Protection of agriculture and industry, control of immigration and illegal entry, and detection of drugs and other contraband are some of the contributions to the constant problem of border control which has manifested itself throughout our history.

The Immigration and Naturalization Service (INS) and the U.S. Customs Service work side by side in enforcing laws and providing service to people and goods entering the U.S. They face many common problems and use many common techniques while pursuing their individual enforcement goals. The U.S. Coast Guard is also responsible for law enforcement and service to the public, but works in a different element, the high seas and U.S. waters. A number of other agencies have an interest in and participate in border operations. These include the Drug Enforcement Administration of the Department of Justice, the Animal and Plant Health Inspection Service of the Department of Agriculture, the Center for Disease Control in the Public Health Service (HEW), Fish and Wildlife in the Department of the Interior, and other investigative agencies. These agencies routinely support and are supported by each other. The Review Team focused on the functions performed by these agencies to include how they complement or conflict with each other and how overall effectiveness might be improved.

Following are brief descriptions of the Federal agencies with border management responsibilities. All of these agencies or activities have varying degrees of border and interior responsibilities. The personnel and budget data represents the total for both responsibilities. Attached to this report is a more complete description of the principal agencies as submitted by the individual agencies. (See Appendices)

AGRICULTURE

Animal, Plant Health Inspection Service

Prevents the entry of foreign plant and animal pests and the introduction of plant and animal diseases through the inspection of imported plants and plant products and animals and animal products. Provides export certification of the same.

FY 1977 Budget: 650 Positions, \$24.8 million
(plus 177 man years and \$4.3 million for veterinary services)

COMMERCE

U.S. Travel Service

Works with U.S. Government agencies to reduce official barriers to international travel.

FY 1977 Budget: 141 Positions, \$14.6 million

HEALTH, EDUCATION, AND WELFARE

Public Health Service

Prevents the introduction, transmission and spread of communicable diseases from foreign countries into the United States, and supervises the medical examination of aliens abroad seeking admission to the U.S. and aliens in the U.S. applying for permanent residence.

FY 1977 Budget: 53 Positions, \$1.9 million

INTERIOR

Fish and Wildlife Service

Monitors the importation and exportation of all wildlife and parts of wildlife through the use of wildlife inspectors and criminal investigations.

FY 1977 Budget: 271 Positions, \$8.6 million

JUSTICE

Drug Enforcement Administration

Provides a leadership and coordination role in narcotics and dangerous drug suppression programs at the National

and international level and develops overall Federal drug enforcement strategy, programs, planning and evaluation.

FY 1977 Budget: 4,365 Positions, \$168.3 million

Immigration and Naturalization Service

Controls entry and stay of persons into the U.S. by inspection of persons to determine admissibility; adjudication of requests for benefits under the law; prevention of illegal entry; investigation, apprehension and removal of illegal aliens; and the examination of applicants wishing to become citizens through naturalization.

FY 1977 Budget: 9,452 Positions, \$244.5 million

TRANSPORTATION

U.S. Coast Guard

Exercises plenary jurisdiction over all violations of Federal laws upon the high seas and U.S. waters; renders aid to persons and property in distress on, over, and under the high seas and waters of the U.S.; facilitates the safe and expeditious passage of marine traffic in U.S. waters; prevents environmental harm to navigable waters and adjacent shore areas; and maintains an effective and ready armed force.

FY 1977 Budget: 45,336 Positions, \$1.4 billion

Federal Aviation Administration (Support Only)

Regulates air commerce and assures its safe and proper development; ensures the safe and efficient use of the national airspace; develops and operates a common system of air navigation and air traffic control for both military and civil aviation; assists in the development of an effective national airport system; and does all these things with due regard to the safety, environment and economic factors involved.

FY 1977 Budget: 75,626 Positions, \$2.6 billion

TREASURY

U.S. Customs Service

Protects and collects revenue of the U.S. from imports by inspection of baggage and cargo imports, prevention of contraband smuggling, investigation of import violations, and enforcement of border-related laws of other Government agencies.

FY 1977 Budget: 14,707 Positions, \$359 million

CHAPTER 3

FUNCTIONS

A. GENERAL

The principal enforcement functions at the border are:

- Inspection of people and goods crossing the borders.
- Patrolling land borders between ports of entry, at seaports and air and marine patrol.
- Investigation or follow-up on illegal acts and violators.

These functions are supported by communication and computer systems, as well as administrative activities. In addition, the assessment and collection of duties produces \$5 billion annually. While other activities such as processing of immigration applications, naturalization procedures, and drug trafficking and fraud investigations may not be performed at the border, they are tied directly to border interests.

Each function and related activities are described in this chapter, followed by Review Group findings. No attempt is made to repeat the quantitative analysis contained in other recent reports regarding the level of threat or the relative priority of functions.

B. THE INSPECTION FUNCTION

The inspection function is performed at air, sea and land ports of entry by inspectors of five different agencies from five different departments.^{1/}

- Customs (Treasury)
- INS (Justice)
- Animal and Plant Health Inspection Service (Agriculture)
- Public Health Service (Health, Education, and Welfare)
- Fish and Wildlife Service (Interior)

^{1/} Representatives of the U. S. Travel Service (Commerce) are also present at some ports of entry to greet arrivals and serve as interpreters. However, they do not perform inspection.

1. (a) Purpose: The purpose of inspection is to determine the admissibility and conditions of entry for arriving persons and cargo. The object of the inspection may be a person; baggage; a vehicle, vessel or aircraft; or cargo and the container in which it arrived. Customs and INS are the principal inspection agencies.

The individual inspector must be cognizant of the functions and requirements of the various agencies. However, inspectors place greatest emphasis on the specific laws and regulations of the agency which they represent. At land borders, inspectors are cross-designated with the authority of all involved agencies to allow them to do a full range of inspection as required. The inspection function is designed to be responsive to a number of potential threats to the economy and well being of the United States.

(b) Immigration Threats: The United States prohibits some persons from entering the country, such as known terrorists, narcotics violators, anarchists, etc. Immigration quotas exist and must be enforced. On the other hand, foreign tourists are encouraged to visit, providing they depart the country at the scheduled completion of their visit. The Immigration Inspector examines the arriving persons to determine if they are aliens and, if so, determines whether they can be admitted and under what conditions. He must also identify and exclude those aliens who attempt to enter with fraudulent documents or false claims. Four hundred thousand immigrants enter the United States each year. An additional 14,000,000 alien visitors have immigration controls placed upon their stay and 269,000,000 people are examined on entry.

(c) Health Threats: Historically, the first uniformed inspector that an arriving person met was a Public Health Inspector. The inspector asked questions and examined documents regarding immunizations, x-rays, places visited and visually examined the person to determine if his entry would pose a public health problem. The present strategy is to support the elimination of disease overseas, rather than attempt to stop it entering the country by assigning hundreds of inspectors to ports. Immigration inspectors perform the Public Health interrogation and visual inspection. Public Health provides only a small backup force at selected ports.

(d) Customs Threats: The Customs inspector is responsible for preventing the entry of narcotics and other contraband through the ports of entry. Customs inspectors examine baggage and vehicles and collect duty on certain imported articles carried by arriving persons. Arrivals are questioned regarding things they are bringing with them and an intensive search of persons, baggage, or vehicles may be conducted on a selective basis. An inspection is also performed on all arriving cargo for the purpose of assessing duties or permitting free entry. Customs also enforces over 400 laws for 40 other agencies thus reducing the requirement for additional border inspection agencies. Over 475 million tons of cargo were processed in 1975.

(e) Agriculture Threats: A major economic threat to the United States is the possible entry of animal and plant pests and diseases that could prove disastrous to the U.S. agriculture. The Agriculture and Customs inspectors work together to detect any potential carrier of insect pests or disease.

(f) Endangered Species Threats: Laws aimed at protecting domestic and foreign endangered wildlife require that wildlife be accompanied by proper documentation to enter the United States. A small contingent of Fish and Wildlife inspectors as well as Customs and Agriculture inspectors enforce these laws. Additionally, the Fish and Wildlife Service uses Special Agents to inspect and clear fish and wildlife importations at various ports of entry.

2. (a) Process: The process of inspection differs from port to port and between different types of ports. Procedures also vary depending on whether the inspection station is at an air, sea or land port.

Fundamental to the process is the principle of primary and secondary inspection. Primary inspection is performed by the initial inspector who meets the arriving person. The arrival may be identified as low risk or with no complications and may be cleared immediately. If there is reason to require a more detailed inspection, the primary inspector will refer the arrival to a secondary inspector who completes the inspection. Reasons for referral may be:

- to detect and exclude fraudulent alien entrants
- to complete required forms
- to obtain specialized inspection assistance

- to conduct a detailed search for drugs or other contraband
- to collect duty on imported merchandise

(b) Land Ports of Entry Inspection: Cross-designated inspectors of both INS and Customs staff the primary inspection posts on both vehicular and pedestrian lanes. A few Agriculture Inspectors are also cross-designated and staff a small number of pedestrian lanes on the Mexican border. Primary inspectors have the authority to clear persons for entry or refer them for a more detailed inspection in the secondary areas of the appropriate agency. Temporary visitors, immigrants, suspect aliens, and border crossing card applicants are referred for Immigration secondary inspection. Referrals are made to Customs secondary for the collection of duty, baggage examination, and personal or vehicle searches. Potential health, agriculture or wildlife threats are referred to the appropriate office for secondary inspection.

(c) Airport Inspection: A two-stop inspection process is used at airports. The person initially is inspected for public health and immigration purposes by Immigration inspectors. All names of arriving persons are checked in an INS lookout book and appropriate controls are placed on all aliens. Referrals may be made to an Immigration or Public Health secondary area.

After clearing Immigration, passengers pick up their baggage and proceed to a Customs inspection area. A Customs inspector enters the traveller's name into the Customs automated lookout system, completes the inspection or refers the passenger to a secondary inspection. Referrals are made to Customs secondary for the payment of duty or for a more detailed search of the traveller and baggage.

(d) Seaport Inspection: Immigration inspection of passenger vessels is typically conducted by inspectors boarding the ship and performing crewman and passenger inspection prior to docking. Public Health inspection is accomplished by "Radio Practique," by which a responsible ship's officer reports the absence of disease among the crew. The Customs and Agriculture inspection is typically done at dockside with inspectors and patrol officers boarding the ship and searching for contraband. The hundreds of seaport facilities and different types of ships require a wide variety of inspection procedures.

(e) Preclearance Inspection: To reduce inspection workloads at U. S. airports and to facilitate travel, passengers departing by air for the U. S. are inspected by U. S. inspectors at selected locations in Canada, the Bahamas, and Bermuda.

FINDINGS - INSPECTION

1. Current low levels of staffing create significant problems in providing adequate inspection during peak arrival times. The result is a faster, less detailed inspection for each arrival.
2. Expanding the number of secondary inspections would improve the effectiveness of law enforcement at land ports of entry.
3. A more effective inspection process overall would enhance the entire border control effort.
4. There is a significant duplication of management overhead between INS and Customs at most ports of entry and added duplication of an Agriculture management structure at large ports.
5. Levels of interagency cooperation vary, but there is a general sense of conflicting priorities and less than full cooperation between agencies. Both personality conflicts and process conflicts appear to be magnified by the lack of personnel to meet the workload.
6. The most obvious inspection problems are the duplication of effort and management difficulties associated with the number of agencies present with separate responsibilities for portions of the inspection process.
7. A single agency responsible for the inspection process and for the entire inspection force would provide more flexibility in scheduling and a more balanced inspection program.
8. Single management would significantly improve primary inspection at land ports and could eliminate the current two-stop inspection process at airports.

9. There is a need for special expertise for the more technical secondary inspection. Even with single management, specialists in immigration, customs, agriculture, etc., will be required to handle referrals. However, this requirement for specialists could be met either by a limited number of secondary inspectors from the responsible agency or specialized career fields within a single agency.

C. THE PATROL FUNCTION

1. Purpose: The purpose of the patrol activity is to detect and prevent the surreptitious entry or smuggling of aliens or contraband into the United States. All persons seeking to enter the United States for any purpose are required to present themselves at a port of entry for inspection. Consequently, anyone crossing the border between the ports is entering the U. S. illegally. The patrol function is performed by the U. S. Border Patrol of the Immigration and Naturalization Service and the Customs Patrol of the U. S. Customs Service.

2. Process:

(a) U. S. Border Patrol: The U. S. Border Patrol guards the land borders as well as the Gulf and Florida coasts against the entry of persons without inspection and is charged with apprehending those who try to enter surreptitiously. The Border Patrol collects information and watches the rivers, land, and coastal border areas. They also intercept illegal border crossers by checking the various modes of transportation and maintaining traffic check points on highways leading from the border. Their aim is to prevent the illegal aliens from moving into the interior of the United States. The Border Patrol also checks employees of farms, ranches and industries in the border area and apprehends illegal entrants who have evaded detection and obtained employment.

Because of its substantial presence along the border, the Border Patrol interdicts significant quantities of marihuana and other contraband as a by-product of its primary mission. Many Border Patrol agents are cross-designated with Customs search and seizure authority. In areas where Border Patrol agents are not cross-designated, they exercise citizen arrest rights under state law to apprehend drug smugglers.

(b) Customs Patrol: The Customs Patrol's primary responsibilities are patrolling between the ports of entry to detect and prevent the smuggling of contraband and providing port security at ports of entry. Between the ports of entry, the principal tactic is to maintain surveillance at locations where smugglers of contraband are known to cross. To meet its port security function, the Customs Patrol is stationed throughout the United States at air, land and sea ports of entry. Customs Patrol Officers (CPOs) also operate air and marine interdiction programs which are discussed below.

Air and Sea Patrolling: Surveillance and interdiction of illicit air and sea traffic are two of the most complex and difficult tasks for Federal law enforcement agencies.

(a) Air Interdiction: The monitoring of illegal air traffic across the borders is a joint Federal effort with the Customs Air Patrol Units supplying the lead. Supported by the North American Air Defense Command (NORAD), the Federal Aviation Administration (FAA) and the El Paso Intelligence Center (EPIC), Customs currently provides our anti-smuggling air interdiction capability. NORAD, FAA and U. S. Customs mobile radar units are used in the detection and identification of aircraft crossing the border areas. Procedures have been developed with the FAA to require pilots to fly into designated airports along the Southwestern border or obtain previous Customs permission to overfly into the interior. Aircraft which fail to comply can be more readily identified and an interdiction may be attempted.

Smuggling by private aircraft has long been acknowledged as a major threat in the southern border area. The recent Domestic Council Report on the Southwest Border indicated that marihuana is the predominant drug smuggled by air.

A successful air interdiction program requires effective intelligence support. While the present air interdiction effort creates some deterrent effect, additional information on smuggling activities would allow the resources to be used much more effectively in apprehending the smuggler.

However, one of the principal objectives of the air program must be to determine the volume of illegal air traffic and its characteristics. The Air Force Airborne Warning and Control System (AWACS), is being considered as a possible source of additional air traffic information which might be collected during AWACS training flights. Customs is engaged in discussions with the Air Force to develop this potentially valuable support.

The Customs air support consists of 75 aircraft of mixed capabilities. Additional air-to-air radar capability combined with a better mix of aircraft would enhance the potential capability of air interdiction.

(b) Sea Interdiction: The Customs Patrol has responsibility for interdiction of smuggling attempts along the water borders of the United States. Customs maintains a small fleet of boats for their own use and has made a number of marine interdictions using radar aboard their boats.

The United States Coast Guard (USCG) is the lead agency for maritime law enforcement because it is the only Federal agency with plenary jurisdiction over all violators of Federal laws upon the high seas and waters over which the United States has jurisdiction. The Coast Guard has several primary missions other than law enforcement. Therefore, most Coast Guard personnel, vessels and aircraft are multi-mission oriented including such functions as enforcing the 200-mile limit for fishing rights; public safety; maritime assistance; aids to navigation; and pollution control. An estimated 10 percent of the Coast Guard's patrolling activities involve law enforcement.

FINDINGS - PATROLLING

1. The land, sea and air patrol functions are vital to successful border control principally due to their deterrent effect.
2. The U. S. Border Patrol on the Southwest border was observed to be highly motivated and skilled in interdicting larger numbers of illegal border crossers. However, their efforts are somewhat frustrated by the overwhelming volume of illegal aliens.

3. The Customs Patrol is doing an excellent job in the area of seaport security. While INS has responsibility for crew member control at seaports there was no reported conflict between the two efforts.
4. Along the Southwest border, the air interdiction function is a combination of patrol and investigative activities that are supported with a variety of sophisticated Air Force and FAA equipment.
5. The use of additional technologies, such as the Airborne Warning and Control System (AWACS) of the Air Force and expanded support by the Federal Aviation Administration can provide a more accurate picture of the amount of illegal air traffic.
6. A better mix of aircraft would be likely to provide a good return on the investment by increasing the effectiveness of the Customs air interdiction effort.
7. The U. S. Coast Guard was judged to be responsive to the needs of the existing border enforcement agencies. However, it was noted that the Coast Guard's law enforcement activities in support of the border control effort are only a small part of their overall responsibilities.
8. The major shortcoming in the patrolling function is the duplication of effort and lack of cooperation between the Border Patrol and the Customs Patrol on the Southwest border.

D. INVESTIGATIONS

Purpose: The purpose of the investigation function is to gather evidence leading to the prosecution of violators of U. S. laws. The analogy often used is the uniformed policeman and the detective. The uniformed policeman provides the physical presence to apprehend violators in the act and present a visible deterrent to wrongdoers. The detective in plain clothes is called in to investigate a specific case and prepare evidence for prosecution. The investigation function also supports border interdiction through the collection of intelligence.

Each agency involved in border law enforcement has its own force of criminal investigators (special agents). Customs, INS, DEA, and Fish and Wildlife have special agents who are located near the border, as well as in the interior of the United States. By definition the smuggling

of drugs and contraband and the illegal entry of aliens are violations which originate outside our borders. The illegal activity continues throughout the border zones to interior destinations of aliens or distribution points for narcotics or controlled merchandise. The international nature of border crime assures that aliens are likely to be involved as either the victim or the violator.

1. Immigration and Naturalization Service

INS currently has some investigators assigned to the land border area. However, most INS investigators are located at coastal and interior cities with large concentrations of aliens and frequent sea and air arrivals from abroad. Investigators, usually responding to a specific report, apprehend aliens in the interior cities. Information gained from this activity, called "area control," may lead to major investigations involving organized crime and conspiracies.

Investigative emphasis is placed upon alien smuggling and fraudulent documents. Joint investigations with Customs or DEA may be generated when a multi-purpose smuggling conspiracy is involved. INS also investigates cases of fraudulent, criminal or immoral acts by aliens or suspect aliens seeking benefits through the adjudications or naturalization process.

The U. S. Border Patrol also uses investigative techniques in collecting information and pursuing alien smuggling in the vicinity of the borders. However, Border Patrol agents, rather than criminal investigators, are assigned these duties.

2. Customs Service

The Customs Office of Investigations investigates a wide variety of violations of Customs and related laws including, but not limited to, smuggling of merchandise such as diamonds or jewelry, fraudulent invoicing, currency and neutrality violations. Fraud investigations currently account for approximately 25 percent of their case load with the remainder in currency, neutrality and other categories. Although the Customs Special Agents are prohibited from investigating drug smuggling, the Customs Patrol has adopted a limited investigative mode and provides some direct support to DEA on narcotics cases.

3. Drug Enforcement Administration

DEA is the lead agency for all Federal drug investigations. DEA supports cooperative efforts in foreign countries which are designed to reduce the availability of illegal drugs, such as the eradication of illicit opium and the disruption of the flow of illegal drugs in international traffic. DEA is responsible for operating a national drug intelligence system and is charged with providing information on drug smuggling to the border law enforcement agencies.

Drug arrests and seizures made by inspectors or patrol officers are referred to DEA investigators who take custody of the violators and drugs, initiate appropriate follow-on investigations and prepare the case for criminal prosecution. In cases where the Federal system will not accept the case for prosecution, DEA or Customs may attempt to secure a prosecution in state courts.

4. Interagency Considerations

The current U. S. policy on drug trafficking requires a full range of supply reduction activities, from eradicating the source of the drug at its overseas origin, disrupting the transportation or processing systems which bring it to the U. S. in a more refined form and destroying distribution networks within the U. S. DEA is designated the lead agency to implement the Federal drug strategy. Other Federal agencies responsible for border law enforcement are required to pass their drug smuggling cases to DEA for further investigation and prosecution.

The creation of DEA in 1973 was justified largely on the basis of the then existing conflict over the drug smuggling investigations in the U. S. Customs Service and the domestic drug conspiracy investigations of the Bureau of Narcotics and Dangerous Drugs (BNDD). It was alleged that Customs and BNDD were unable to work together. The intent of the 1973 reorganization was to make DEA responsible for all drug investigations, with Customs retaining responsibility for border interdiction. Customs disagrees with the current policy regarding drug investigations.

On most smuggling violations, Customs exercises investigative jurisdiction over the entire process. However, Customs investigators are not permitted to pursue drug smuggling investigations. Therefore, Customs has a strong desire to resume investigation of drug smuggling to maintain the continuity of the Customs overall effort in the belief that it will enhance the availability of drug smuggling information for use at the border itself.

FINDINGS - INVESTIGATIONS

1. The principal border control functions are inspection and patrolling. Investigation is an important supporting activity in responding to seizures and developing information. However, investigators have many other responsibilities which are less directly tied to the principal border control functions. Border management should be organized around the principal control functions with investigations organized to provide the best possible support consistent with other priorities.
2. Customs disagrees with the relative priorities assigned to drug trafficking investigations versus drug interdiction at the border. Customs' principal mission is border interdiction. DEA is responsible for developing Federal drug enforcement strategy and programs and for handling high level drug conspiracy cases. The different perspectives result in some conflict between the two agencies.
3. As long as the U. S. has a single purpose agency charged with the overall drug control mission, that agency should have the principal voice in determining the most effective approach to drug trafficking investigations. Therefore, any change in Customs' responsibility for domestic drug smuggling investigation should be contingent on DEA's agreement.
4. The Review Team found wide disagreement regarding current CPO/DEA relationships. Some Customs representatives felt that the current CPO/DEA working arrangements are a significant improvement in the relationship between drug interdiction and drug investigation. Others felt that the total responsibility for drug smuggling should be in Customs.
5. If the current National priority given to drug trafficking investigations is changed or DEA should cease to exist in its present form or role, consideration should be given to restoring Customs authority to pursue drug smuggling investigations.
6. A significant potential for reducing the impact of new illegal aliens on the domestic economy exists in expanding the investigative effort aimed at the interstate conspiracies which transport the smuggled aliens from the border crossing location to their ultimate destination in the U.S. Additional investigative resources should be committed in this area.

E. SUPPORT FUNCTIONS

In addition to the operating functions, there are a number of direct support activities which are vital to effective border management. The physical facilities (buildings, inspection areas, etc.), computer systems, and communications systems form the operational support base for border law enforcement.

1. Facilities: Physical facilities in many areas were observed to be inadequate. Many major land border crossings on both the Northern and Southwestern borders process a high volume of passenger and cargo traffic through facilities that are not designed to facilitate the flow of traffic and do not provide adequate space for secondary inspections. Emphasis on construction of standard port facilities, such as the one at Nogales, Arizona, could enhance the inspection function. Additional ports of entry could be opened to distribute the workload. However, political pressures to protect the economies along current entry routes have restricted management decisions.

Several major airports have recently undertaken efforts to remodel the international arrival areas to improve the passenger and baggage processing cycle. For example, the Seattle/Tacoma International Airport provides separate levels for Immigration and Customs processing. The smooth flow of passengers provides a valuable assist to the inspection process.

Observations at other locations supported the problem perceived by the study team. In Dallas, for example, the physical layout of the airport inspection area was viewed as small and cramped. Problems concerning airports, land border crossings and detention center facilities were noted at other locations. In addition, inadequate facilities at Montreal and Vancouver hampered effective Customs inspection at these preclearance locations. Passenger control, baggage control and ramp security are all viewed as problem areas in the preclearance facilities in these Canadian cities.

Summary: Most of the physical facilities provided for border operations are inadequate to meet current workloads. A high priority should be given to improving and expanding the facilities to provide both better service and more effective law enforcement.

2. Computer and Telecommunications Systems: Each of the principal agencies operates its own computer system. The DEA and Customs systems are modern and capable of meeting the requirements of these agencies. INS is in the process of expanding their computer system with some procurement action currently underway. The agency budget for computer procurement and operations for Fiscal Year 1977 were:

Customs	\$24.0 million
DEA	18.1
INS	8.2
TOTAL	\$50.3 million

A brief description of the systems follows:

(a) Customs

With almost 900 terminals located throughout the United States and at preclearance sites, the Treasury Enforcement Communications System (TECS) gives the greatest user coverage of the systems reviewed. In addition to an information storage and retrieval capability, TECS has a real-time enforcement administrative message switching capability, an intelligence function and interfaces to several other enforcement systems. TECS provides information to and receives information from several other agencies in the Federal community, e.g., ATF, IRS, DEA, and the Coast Guard. Department of State and the National Central Bureau of Interpol also use TECS. The principal use of TECS is to query the names of passengers arriving at airports, and license plate numbers of vehicles entering at land ports of entry. TECS provides a number of specialized systems for aircraft inspection reporting, vessel violation profiles, and currency violations. The hardware used for the TECS system also supports the Customs Activity Reporting (CLEAR) System which includes several statistical reports.

In addition to TECS, Customs also operates administrative computer support systems and is developing an automated merchandise processing system.

(b) DEA

The Narcotics and Dangerous Drugs Information System (NADDIS) is composed of centralized automated files on some 660,000 narcotics traffickers, a secure nationwide computerized telecommunications network which supports approximately 190 terminals.

While not a computer system, the El Paso Intelligence Center (EPIC) is an interagency sector intelligence center where six Federal agencies work toward a common goal -- a more secure U.S./Mexican border. They use all available information systems including TECS, NADDIS, NCIC, etc. The EPIC objective is to provide a complete and accurate picture of drug trafficking and alien and contraband smuggling along the Southwestern border of the United States. Working under DEA leadership, INS, FAA, Customs, Coast Guard, and ATF, render direct and immediate services to enforcement officers of the member agencies for border interdictions, seizures, arrests and/or prosecutions. EPIC provides timely information directly to Headquarters and field elements of participating law enforcement agencies. The processing and dissemination of this intelligence also contributes to strategic analyses by member agencies.

(c) INS

Currently, INS has limited computer capability. The INS system is largely a Headquarters support system which is rapidly developing agency-wide support capabilities. However, there is no INS equivalent of either TECS or NADDIS.

INS has devoted considerable systems design effort in recent years to plan a modern computer support system. INS' most promising development is the Alien Documentation, Identification and Telecommunications System (ADIT). ADIT will replace the 17 existing editions of the alien registration receipt and border crossing cards concurrent with the development of similar documents by the Visa and Passport Offices. The new cards contain fraudulent document control features which, when used in the automated ADIT System, are virtually counterfeit-proof and unalterable. When fully implemented on a nationwide basis in 1981, ADIT will consist of an alien ID card plus automated card and visa readers at approximately 200 U. S. ports of entry; telecommunications lines; mini-computers and automated access from field locations to the massive documentation for files which INS is legally responsible.

3. Radio Communications Systems: The U.S. Border Patrol, the Customs Patrol and the Drug Enforcement Administration all have radio communications systems. The telecommunications capabilities described in the preceding section supplement commercial and government telephone lines. The radio system is designed primarily to provide communication with mobile units. All agencies are interested in complete area coverage because of the need to maintain contact with the individual law enforcement officer both to give instructions and to provide for the safety of the individual officers. Therefore, each agency has an area radio system with repeaters located at appropriate locations to relay radio signals.

The Immigration and Naturalization Service, utilizing VHF radio equipment, has the only nationwide radio system of all border agencies. INS maintains a network of 340 radio base stations along U.S. borders and at the offices in the interior U.S. All INS districts, all Border Patrol Sectors, all ports of entry and suboffices are tied into this nationwide system.

The U.S. Customs Service, utilizing VHF radio equipment covers the U.S. borders everywhere except along certain sections of the Canadian border. For area coverage in these locations, there is a system to monitor INS frequencies. Customs plans to expand its own system to include this area.

The Drug Enforcement Administration, utilizing UHF radio equipment, maintains a radio network which supports the operating offices.

Customs Patrol and the Border Patrol have the most obvious need to communicate directly with each other. Even though the radios are compatible, the assigned frequencies are different and the mobile radios cannot communicate between patrols. At some locations, the field unit may call its communication center and the message is relayed by phone to the communications center of the other agency who relays it on its own radio system to the intended receiver. At some locations both INS and Customs acquire "scanners" so they can monitor each other's transmissions at the base stations and relay the message to the intended receiver.

Neither Customs nor the Border Patrol can communicate with DEA because VHF and UHF systems are incompatible. However, the need for routine radio communications between the patrols and DEA does not appear to be as important as the need for direct communication between mobile patrols.

4. Other Support Systems: R&D, Laboratory Support, Technical Equipment Program and Training: All investigative agencies have developed support programs to enhance enforcement effectiveness and provide more efficient operations and improved delivery of service. Research and development, laboratory support, use of technical equipment, and training are essential tools in improving the effectiveness of law enforcement. To minimize duplication, agencies with common or related objectives coordinate their "support" activities.

(a) Research and Development: Research and development supports investigation, interdiction, intelligence or regulatory programs and policy development and evaluation. Two categories of programs exist -- those resulting in hardware developments; and those providing data and analysis relative to policy or procedural development.

Hardware research and development programs include the requirements analysis, systems design, fabrication and test and evaluation of technical equipment required (1) to meet immediate specific operational needs, and (2) to meet long-term requirements of a general nature. Other research and development programs include: analytical studies primarily consisting of the application of systems analysis, operations research and social and behavioral sciences techniques to identify problem areas and recommend solutions.

Many of the projects have applications in other Federal, state and local law enforcement and drug abuse control organizations; consequently, research and development is coordinated with other agencies having similar functions. Examples include coordination between DEA, the U. S. Customs Service and the Department of Defense interdiction sensing devices and research on methodologies to assess abuse potential of drugs with Food and Drug Administration and the National Institute on Drug Abuse.

(b) Laboratories:1. Customs

The Customs Service has laboratories in each of its nine regions, at Headquarters and in Puerto Rico. The labs are equipped to analyze samples of all merchandise entering the United States. Analysis of merchandise is essential since tariffs often depend on the component parts of the imported commodity.

Prior to DEA's becoming responsible for drugs, the Customs laboratories analyzed all seizures of drugs made by Customs officers and testified in Federal and State courts as to their findings. Customs laboratories continue to analyze samples of significant heroin and cocaine seizures made by Customs officers. Additional analysis of these seizures is done in DEA laboratories. Customs also analyzes drug seizures made by Customs officers when the Federal Government declines prosecution or when prosecution is accepted by state or local agencies.

2. DEA

The primary purpose of DEA's eight laboratories is to analyze drug evidence in support of the prosecution cases. The evidence analysis also provides a potential for linking suspects to achieve conspiracy indictments and providing strategic intelligence on the nature of illicit traffic.

Much of DEA's strategic intelligence is based upon laboratory analysis. Also, DEA supports state and local agencies when they need assistance to prepare drug cases for prosecution.

(c) Technical Equipment Programs:1. Customs:

The Customs Technical Equipment Program is working to expand surveillance of air smugglers and to develop Regional Communication Centers which will cover the entire Nation. The expansion of computer facilities is also part of the program. Customs is now using mobile radar, night vision devices, forward looking infrared devices and ground sensor systems to track smuggling suspects. Customs R&D effort is geared toward support of the Customs Air Interdiction Program and operation of ports of entry.

2. DEA

DEA's Technical Equipment Program is designed to identify, develop and/or provide required advanced technical investigative equipment, and is managed by the Technical Operations Division with several field area technical operations groups who insure availability, utilization, maintenance and training in the use of technical equipment. In addition to radio and other communication systems and devices, technical equipment includes vehicle position location and tracking systems and a remote multi-spectral opium poppy sensor system.

3. INS

The Immigration Technical Equipment Program includes their nationwide radio communications system.

In support of its border interdiction program, Immigration has installed extensive systems of commercially designed and procured ground sensors which are tied into the radio base stations through a series of repeaters. Minicomputers are being used in a number of Border Patrol sectors to record, analyze and verify signals transmitted to the base station by the unattended ground sensors.

(d) Training:1. Customs:

Customs maintains its own training academy for inspectors, patrol officers, import specialists, and other Customs personnel. CPO's and Special Agents also receive training at the Federal Law Enforcement Training Center at Glynco, Georgia.

2. INS

The training academies at Glynco, Georgia, conduct basic and journeyman programs for all INS officers including Border Patrol agents, immigration inspectors, criminal investigators, detention and deportation officers and naturalization examiners.

3. DEA:

DEA's National Training Institute (NTI) conducts a full range of agent and support training to provide U. S. and foreign law enforcement officers with the drug law enforcement skills.

REVIEW TEAM FINDINGS - SUPPORT SYSTEMS

1. Facilities -- High priority should be given to improving and expanding the physical facilities at ports of entry to provide better services and more efficient enforcement.
2. Computer and Telecommunication Systems -- The systems developed by each agency appear to be appropriate for that agency's use. However, increased effectiveness could be realized through joint use of existing capabilities.
3. Radio Communications Systems -- If two separate land patrol forces are continued, the mobile VHF radios currently in use should be modified or replaced to provide direct radio communication between patrol elements operating in the same area.
4. Other Support Systems -- Some basic duplication exists, but there are no major advantages in consolidation unless there is a merger of the parent agencies.

F. INTELLIGENCE SUPPORT

Other policy review efforts are addressing the intelligence function in detail. Therefore, this section will address only the relationship of intelligence to border enforcement activities.

Border interdiction intelligence consists of two types of information which are reflective of the differing missions and attitudes of the various agency's interests in controlling the borders:

- Major trafficking networks or conspiracies which deal in the high priority drugs (heroin and cocaine) and with the smuggling of aliens from foreign areas into the interior of the United States.

- Activities within the local border area aimed at interdiction of narcotics and other contraband, illegal entrants and those smugglers who assist aliens in crossing the border itself.

1. National Intelligence

The major alien and narcotic trafficking network intelligence (National level) is aimed at disrupting and eliminating major trafficking rings wherever it is possible and where the greatest impact can be achieved. This intelligence effort supports crop eradication in foreign areas, foreign prosecution of narcotics violators, and domestic prosecution of major traffickers in both aliens and hard narcotics. Although some of the resulting cases may be terminated with an interdiction at the border to avoid exposing confidential informants and investigative methods, this National intelligence is not generally supportive of the alien or narcotic interdiction function at the borders. DEA concentrates its resources on national level intelligence.

2. Local Intelligence

In the border areas, however, the situation and the information required to deal with it are quite different. Border area smugglers trade in anything which is profitable and which provides the least risk, such as aliens, marijuana, parrots and pinto beans. Border area smugglers build effective supply and distribution networks on the basis of these relatively "safe" commodities. Border area smugglers are directly affected by successful interdiction efforts. High-level international drug traffickers normally do not participate directly in the border activity and, consequently, are insulated from the effects of successful interdiction.

The local intelligence required for the interdiction function is normally gathered by the Border Patrol, the Customs Patrol and DEA through their daily contacts with the local population. Local persons and businesses have proved to be a valuable source of local interdiction intelligence.

3. EPIC

To coordinate the collection, analysis and dissemination of border-related intelligence, DEA, with the cooperation of INS, formed the El Paso Intelligence Center (EPIC) which was described earlier in this paper. All intelligence information gathered by the DEA and Border Patrol relating to marihuana, narcotics, alien smugglers, fraudulent documents, etc., is processed through EPIC for analysis and dissemination to the appropriate agency. Customs does not believe that DEA assigns a high enough priority to the collection of intelligence to support the border interdiction function. It is, therefore, Customs' view that EPIC, under DEA management, is of limited utility to the principal border management agencies, and, to be effective, EPIC must be under the control of the principal border management agency.

FINDINGS - INTELLIGENCE SUPPORT

1. All intelligence gathered in the border area should be processed through a central location and tied into the communications and intelligence systems of all concerned agencies. The most logical "clearing house" for this intelligence function is the El Paso Intelligence Center (EPIC).
2. EPIC will never be fully capable of providing adequate information for border interdiction until Customs, as a principal border enforcement agency, is also a major user of the analysis capability of the Center. Customs should participate in the management of EPIC and reconsider the potential benefit of EPIC's border interdiction information function for use by Customs officers.
3. If a border management agency is created, EPIC is a logical resource to be utilized by the border management agency and should provide border interdiction information as well as supporting DEA's drug investigative requirements.

G. NON-BORDER FUNCTIONS

In addition to those functions performed at the border, there are functions which, although performed in the interior, are natural extensions of border operation. Those functions performed by INS include such areas as adjudications, naturalization, investigations, detection and deportation, and certain other functions performed by the inspectors and Border Patrol Officers. Customs, however, by virtue of its mission, focuses its resources almost exclusively on the border and border-related activities. The preponderance of DEA's resources are allocated to non-border areas.

For a more detailed description of non-border functions, see Appendix G.

CHAPTER 4
PROBLEMS AND ISSUES

A. INTRODUCTION

Over the past five years, Federal efforts to stop illegal drug trafficking have received a high priority through Federal attention and budget increases. Similarly, the illegal alien problem and its impact on the U.S. economy is causing a great deal of concern in both the Congressional and the Executive branches of our government. Border control is an important part of the solution to both of these National problems.

This report addresses overall border management and what can be done to improve border control. The preceding chapters describe the organizations and functions which contribute to the complexity of border operations. The wide variety of responsibilities create a challenge to management in balancing service to the public with effective law enforcement.

In the midst of this complexity, it is difficult to address individual problems. What is a significant problem at a major airport may have no relevance to a small northern land port. A multitude of examples can be collected to support either side of any discussion regarding border operations.

The review process has been designed to identify those problems which are having the greatest impact on overall effectiveness and to propose solutions which will improve border management. The review is not intended to solve all border problems, but to provide a framework within which problems can be solved as they occur.

Following a problem identification phase, problems were grouped into categories and used as the basis for discussion during field visits. The principal categories were:

- The magnitude of border problems.
- Duplication of effort.
- Lack of cooperation and coordination.
- Inadequacy of border management resources.
- Service to the public.
- Inadequacy of intelligence.
- Border policies and priorities.

Specific problems associated with these categories are discussed throughout the report. The organizational implications have been included in the options in the following chapter.

During the analysis of problems, two areas were identified as the major obstacles to effective border control. Both issues are appropriate for Executive Office consideration as beyond the control of any single agency or department.

ISSUE 1 -- Lack of coordinated border management.

ISSUE 2 -- Overlap and duplication of effort.

Two other areas were considered as having a serious impact on border interdiction, but are directly associated with National policy and priorities regarding drug law enforcement; drug investigations and drug intelligence. The Federal strategy and relative priorities given to these two areas are the subject of other policy reviews. Therefore, this report only summarizes the border perspectives. Their impact on border interdiction is described in the preceding chapter.

ISSUE 1

ISSUE: THE LACK OF COORDINATED BORDER MANAGEMENT

Effective border control is an important part of insuring the economic and social well-being of the United States. Yet, the Federal effort to control the borders is not a coordinated activity. Various responsibilities are vested in eight agencies in seven departments. Current border management policy exists only in the form of separate laws, regulations and operating priorities of the various agencies with border management responsibilities.

Problem Resolution:

Each of the border agencies is responsible for a specific part of border control and each agency pursues its own mission, sometimes in competition with the other Federal border agencies and interests. When conflict between agencies appears, there is no effective mechanism to resolve the problem. Even though interagency agreements exist in writing, the operating problems continue along the borders.

Flexibility:

The current organizational structure of border agencies creates a lack of flexibility in responding to crisis and difficulty in providing a coordinated interdepartmental response to new or existing threats. When a major problem or a crisis situation grows beyond the control of the responsible agency, it generates a lengthy process of study, Executive Office decision, Congressional consideration and eventual commitment of new resources to the agency most concerned with the problem. More flexibility in management would encourage timely use of all existing Federal border resources before new resources are considered.

New Approach:

The unique characteristics of the border area and the increasing interest in border control suggest a broader approach to management of our border resources. The expanded use of the term "border management" in itself suggests a more appropriate view of border requirements. A long range plan for border management is needed to set overall operational and budget priorities.

FINDINGS:

The Review Team found that two levels should be addressed in improving coordination, operating management and policy direction.

1. Eliminate the basic cause of lack of operational coordination by consolidating the principal border functions in one agency. By reducing the requirement for interagency and interdepartmental coordination, agency operating policies will be more representative of the total Federal interests.
2. Provide a continuing overview mechanism within the Executive Office to develop a long-range border management plan and necessary policies to insure that border operations are supportive of all Federal programs.

ISSUE 2ISSUE: OVERLAP AND DUPLICATION OF EFFORT

Findings of overlap of responsibilities and duplication of effort are the common theme in previous studies of border operations. This review also identified overlap and duplication in both the operating and support functions and attempted to assess the resulting impact on effectiveness.

Several factors were considered in determining effectiveness. The obvious need for economy and efficiency was balanced with the observation that the differing perspectives of a variety of specialities may enhance successful detection of illegal activities. Duplication of effort was considered in the light of reported resource deficiencies by the principal border enforcement agencies. Both INS and Customs reported a lack of personnel, equipment and other resources required to perform their respective missions. The Review Team found it difficult to determine the degree of resource shortage because both agencies have duplicate functions and support structures, e.g., inspection, patrol, and investigation; computer systems, radio systems, boats, aircraft, vehicles, etc. It is not possible to make a definitive judgment on overall resource shortages because of the existing duplication. Therefore, observations regarding resources shortages are based on inability to meet workload requirements.

Likewise, the total amount of illegal activity taking place is unknown and makes the determination of "adequacy" particularly difficult. It was evident that considerable illegal activity is continuing to take place despite a high level of effort by the current Federal border enforcement force. Following is a summary of the Review Team's observations in each functional area.

Inspections:

- a) At land ports of entry, Immigration inspectors and Customs inspectors jointly man the primary inspection area. Differences in inspection priorities and duplication of management structure were observed. While duplication of inspection personnel was evident, the workload was sufficiently large to suggest that the duplication is not, in itself, inefficient.

There are informal local agreements regarding the ratio of Customs inspectors to INS inspectors assigned at primary inspection points. Shortages of inspectors

resulted in an undesirable ratio or balance between primary and secondary inspection and, in one case, caused a major part of the facility to be closed.

Part of the illegal alien problem is attributed to lack of adequate Immigration inspection, particularly on the Southwest border. Further, lack of Customs inspectors to fully man secondary inspection was identified as a serious shortcoming in detecting smugglers. Both problems appear to be resource sensitive, but one contributes directly to the other. When INS cannot meet the desirable 50/50 ratio in staffing primary inspection of vehicles, Customs inspectors are diverted from secondary to fill the gap. Therefore, both conditions exist; understaffing of Immigration interests and of Customs secondary. Increasing the number of INS inspectors would contribute to the solution of both problems by restoring a balanced staffing of primary inspection and releasing Customs inspectors to do secondary inspections.

The dual management structure complicated local policy and operating decisions. Various attempts have been made to consolidate management of inspection by alternating responsibility between INS and Customs, but the basic problem remains.

Consolidation of inspection responsibility at land ports would allow better utilization of the existing inspection force and eliminate the duplication in management structures. However, continued availability of qualified specialists would be required for all areas of secondary inspection.

b) At most airports of entry there is a two-step passenger inspection configuration; Immigration followed by Customs. Elimination of the duplicative management structure and the potential efficiencies in a consolidated inspection force could improve airport inspection. A single-stop inspection process would be the likely outcome of a merger of inspection forces. Again, the need for specialized secondary inspectors would not be eliminated by consolidation. However, consolidated management could include procedures which would insure availability of specialists.

c) At sea ports of entry, overlap and duplication of inspection efforts is apparent. Customs has responsibility to board vessels for the purpose of checking cargo manifests and ship's papers. Immigration and Naturalization Service inspectors board vessels to ascertain the Immigration status of the crew and/or passengers. Also, Agriculture

inspectors board vessels and check the food lockers, cargo manifests and garbage control. A single inspection service could perform all ship inspections.

Patrol:

The most obvious example of overlap and duplication of effort was observed in the patrolling of the land borders between the ports, particularly along the Southwest border. Customs Patrol officers and INS Patrol officers cover the same territory. The Customs Patrol interdicts drugs and other contraband. The Immigration Border Patrol apprehends illegal aliens. Both use similar methods of patrol by uniformed officers and intercept persons in the vicinity of the border. Both use sophisticated technology such as sensors and night vision devices to detect intruders. Each patrol was observed to pursue the mission of his respective agency with little regard for cooperation with the other.

Consolidation of responsibility and resources for patrolling would eliminate the overlap and duplication of effort with the land patrol function and should improve overall effectiveness.

Investigation:

DEA, INS and Customs all have criminal investigators. Each agency uses these special agents to investigate violations of laws which they enforce. As a general observation, the duplication of investigative staff does not create inefficiency.

However, there are allegations of fragmentation of drug smuggling investigative responsibilities. The issue focuses on the relative priority of border interdiction compared to the National priority on narcotics trafficking investigations. As stated earlier, this policy question is addressed in a separate report on Drug Law Enforcement.

Air Surveillance and Patrol:

The Customs Air Program uses seized and purchased aircraft, augmented by military type gap-filler radar to detect and intercept smugglers of narcotics and other contraband. INS uses light aircraft to support its ground operations through surveillance of the actual border. DEA uses aircraft in support of its investigations. The use of aircraft provides both operational support and visible deterrence.

There is little overlap or duplication of effort in the various aspects of the air activities. Each agency uses its aircraft in a different mission orientation. The geographic dispersion of the aircraft suggests that consolidation of air support or maintenance activities does not appear to offer either significant savings or increased effectiveness.

Support Functions:

The support functions are generally duplicated in each agency. It appears that each of the border agencies will continue to develop their own systems with duplicative management structures and processes.

In the absence of consolidation of agencies, the consolidation of support functions is unlikely to be successful. The history of lack of cooperation between border agencies mitigates against a central support activity. As an example, the joint use of the Customs computer support system has been recommended for several years. The agencies have not been able to get together on this obvious solution. INS is developing its own computer support system and current efforts to force joint use of a Customs system are not likely to produce a solution acceptable to both agencies.

However, if agencies are consolidated, significant potential exists for greater efficiency and effectiveness in consolidation of the following support functions:

- computer support systems
- radio communications systems
- telecommunications systems
- training activities
- research and development activities

The El Paso Intelligence Center (EPIC) is an intelligence support activity designed to integrate the information data bases of DEA, Customs, INS, FAA, the Coast Guard, and other agencies, and provide a clearinghouse service to meet border enforcement needs. The potential exists for significant improvement in intelligence support if all border agencies integrate the full use and support of EPIC into their operations.

Other Considerations:

Secondary Inspection: Another factor considered was the absence of conflict when one set of personnel have independent duties, but operate in support of the primary function. For example, there was no conflict attributed to the specialized inspectors who normally do not work in primary inspection (Agriculture, Public Health, Fish and Wildlife). Several factors contribute to this lack of conflict; very small numbers of personnel present, clearly defined and specialized duties, and physical separation from the massive workload of primary inspection.

The Review Team felt that the continued need for specialized inspectors and the existence of other responsibilities outside of inspection combined with the absence of conflict provided sufficient justification to set aside these smaller contingents of specialized inspectors from considerations of consolidation. In the long term, a consolidated border management agency would be able to accommodate the requirements for specialized inspectors by establishing appropriate career fields within its inspection service.

Other Activities: In reviewing the operating problems in border management, inefficiency and conflict inevitably involved physical presence. Where patrol officers or inspectors have similar responsibilities and operate in the same facility or same geographic area, the opportunity for conflict is greatest. Where agencies have similar responsibilities but operate apart from each other in different areas or in a different element, the problems are greatly reduced.

The primary example of operating in a different element is the U.S. Coast Guard. The current interagency relationships and the support provided by the Coast Guard to other law enforcement agencies were judged to be satisfactory. Further, the Coast Guard may enforce Customs laws because every officer of the Coast Guard is empowered, by statute, with the authority of a Customs officer.

FINDINGS:

1. Overlap and duplication were noted in the functions of patrolling the land borders between ports of entry and in the inspection process at ports of entry. Elimination of this condition would enhance overall effectiveness.

2. Some support activities are duplicative but are not, in themselves, likely candidates for consolidation. However, consolidation of the principal agencies would allow consolidation of support activities.

3. Universal duplication of effort in each function was not found. For example, the port security function of the Customs Patrol at seaports was not duplicated by another agency. However, each port of entry had a dual management structure of both INS and Customs managers. In some larger ports, there is an added management structure in the Agriculture inspection force.

4. A merger of the principal border enforcement agencies would significantly reduce overlap and duplication of effort and greatly enhance the overall effectiveness of border operations. It would allow management greater flexibility in responding to peak workloads and to immediate crises. A single border management agency would also allow consolidation of management and support functions which should create significant savings.

CHAPTER 5

OPTIONSINTRODUCTION

The purpose of this chapter is to set forth a range of options identified by the Review Team as the most viable alternatives for achieving more effective border management. The objective in the selection of options is to be more responsive to current needs and have inherent flexibility to adjust to future needs.

The policy findings discussed in the preceding chapter should serve as general guidelines for any border management organization. The options selected range from additional resources within the existing organizational structure to a major reorganization. For example, additional resources should be allocated to reinforce selected functions even if a reorganization option is selected. In summary, the options are:

OPTION 1 - No change in organization. Budget priority to selected functions.

OPTION 2 - Limited consolidation involving specific functions.

OPTION 3 - Creation of a multi-purpose border agency (INS and Customs)

OPTION 4 - Creation of an expanded multi-purpose border agency (INS, Customs and Coast Guard)

A detailed discussion of each option follows.

OPTION 1

NO CHANGE IN ORGANIZATION. EXISTING AGENCIES
CONTINUE TO PERFORM THEIR CURRENT DUTIES.
ADDITIONAL BUDGET PRIORITY GIVEN TO SELECTED
FUNCTIONS.

DISCUSSION OF OPTION 1

This option provides direct additional resources to meet specific needs identified during the review. In response to current National problems of aliens and drugs, there is a need for additional border resources to strengthen the inspection, patrol and air interdiction functions. This approach continues the policy of applying resources to the specific commodity or function that is deficient and responding directly to critical areas such as the illegal alien and drug smuggling problems. Budget and other resource decisions should give priority to the following:

1. Add INS and Customs inspectors to meet expanding workloads and provide for increased level of secondary inspections.
2. Increase the number of U.S. Border Patrol (INS) officers to improve the interdiction and deterrence capabilities between the ports of entry on the Southwest and Northern borders.
3. Increase the force of INS investigators to conduct interstate conspiracy investigations of alien smuggling rings.
4. Expand the capability of the Customs Air Interdiction Program to detect and intercept smuggling attempts by air.
5. Expand Customs participation in the management and use of the border intelligence center (EPIC).

ADVANTAGES

- . Adds resources in areas of greatest potential for effectiveness.
- . Provides additional resources to specific problem areas.
- . Permits agencies to continue emphasis in area of specific expertise.

- . Enhances the deterrent effect of more visible enforcement.
- . Least disruptive of all options in that existing organizational structures are not changed.

DISADVANTAGES

- . Does not consider border management as a total package.
- . Continues a form of crisis management focusing on current problems.
- . Does not eliminate existing overlap and fragmentation of effort.
- . Continues duplicative management and support structures.
- . Higher budget priority does not insure better use of existing resources which may be available in other activities.
- . Does not correct the continuing interagency competition and lack of coordination.
- . Little probability of improved management or procedures.

OPTION 2LIMITED TRANSFER AND CONSOLIDATION OF
SPECIFIC FUNCTIONS AND RESPONSIBILITIES.DISCUSSION OF OPTION 2

This option provides for substantial increase in effectiveness through consolidating responsibilities and resources for the key border enforcement functions. While this option would not result in a decrease in the number of border agencies, it would minimize jurisdictional and geographical overlap by focusing one agency on a particular aspect of border management activities. This option would result in some short-term disruption but it would provide more flexibility in meeting workloads. The major candidates for consolidation and transfer under this option are:

- . Responsibility and resources committed to the inspection function at all ports of entry could be transferred to either INS or Customs.
- . Responsibility and resources committed to the patrol function on the land borders between ports could be transferred to either INS or Customs.

ADVANTAGES

- . Provides a single manager responsible for each of the key border functions.
- . Minimizes disruption, since existing agencies would continue.
- . Assigns responsibility to a single agency to focus attention and expertise within each functional area.
- . Eliminates duplication in local management structure.
- . Permits some flexibility in that agencies would have broader responsibilities within each function.
- . Eliminates the source of existing competition and lack of cooperation within the principal operating functions.

DISADVANTAGES

- . Does not view border management in its entirety.
- . Would not completely eliminate competition between agencies.
- . Creates high probability of conflict over how well the single manager is performing services for the other agency.
- . Continued duplication on part of the management structure.
- . Specific emphasis and expertise could be lost for those functional and commodity responsibilities transferred into the other agency.
- . Would create some personnel turbulence and disruption during changeover.
- . Likely to receive intense opposition from unions currently representing inspectors and patrol officers.
- . Has been tried and failed on several previous occasions because of special interest opposition.

OPTION 3

CREATION OF A MULTI-PURPOSE BORDER MANAGEMENT
AGENCY INCLUDING INS AND CUSTOMS

DISCUSSION OF OPTION 3

Option 3 represents a major change from the existing structure. It would provide greater management flexibility in the use of existing resources and would allow the consolidation of the inspection and patrol functions included in Option 2. Option 3 would result in fewer Federal agencies with the transfer of functions and resources into a consolidated multi-purpose agency. All agencies which have border enforcement responsibilities were considered in developing this option. For reasons discussed in the preceding chapter, this option sets aside consideration of Agriculture, Public Health, Fish and Wildlife and supporting agencies in favor of correcting the fundamental problem of the overlap and duplication between the two principal border enforcement agencies, INS and Customs. If these two agencies were transferred into a new border management agency, it would provide the basic foundation for a full service organization which might expand later to include secondary inspection functions performed by such agencies as the Fish and Wildlife Service, Agriculture, and Public Health.

Option 3 focuses on the transfer of all functions and personnel of INS and Customs, as well as the management of the border support function within the El Paso Intelligence Center. Consideration of Option 3 included:

1. Which agencies and functions should be involved.
2. How such a transfer would be handled to minimize opposition and turbulence associated with the organizational changes.
3. Which Cabinet department should be responsible for the new agency.

Many of the current problems are tied closely to the existing organizations. The border agencies have a long history of service to the United States. Tradition should not be lost through merger of one into the other. Any reorganization effort should provide for the continuation of special expertise where necessary to enforce specific laws and regulations.

The Review Team selected the following set of agencies and conditions to be the most practical approach to improving effectiveness through reorganization:

1. INS and Customs resources and functions should be joined together under single management. Management of the border interdiction portion of the El Paso Intelligence Center (EPIC) should be assumed by the single border management agency.
2. Rather than specify a date certain for the disestablishment of INS and Customs, the consolidation should be accomplished over a specified period of time and under the control of the single manager ultimately responsible for the new organization. Accordingly, the reorganization should provide for an umbrella management structure to direct the new organization and for a special transition staff within the new agency to accomplish the reorganization.
3. As previously stated, the reorganization should not be considered as a merger of INS into Customs or vice versa. It should be considered as creation of a new agency with the virtues of both organizations. Along these lines, a proposed name for the new agency might be the U.S. Customs and Immigration Service.
4. Both Customs and INS should continue their current organizational structure at the transfer. Priorities for internal reorganization and consolidation should be established and a target date should be specified for the initial consolidation of selected functions. The following functions should be considered by the new agency for early consolidation:
 - A. Primary inspection at all ports.
 - B. Patrolling of the land borders.
 - C. Operational support functions, particularly communications and computer systems.
 - D. Management structures and administrative support.
5. The new Director should be required to report to the President and to the Congress at the end of 18 months on the accomplishments during the transition period and the plan for the next phase.

6. In determining the appropriate Cabinet department for a consolidated border enforcement agency, the most likely candidates are the Department of Justice and the Department of the Treasury. The review suggests that the principal considerations should be the size and nature of the border presence, the relative strength of each agency's ties to its current department, the relative contribution to control over entry and the potential impact on the revenue function.

Viewing Option 3 and an appropriate implementation process as a package, the advantages and disadvantages are:

ADVANTAGES

- . Provides central management for principal border enforcement functions.
- . Eliminates existing overlap, duplication and fragmentation of effort.
- . Recognizes the interrelationships of border management functions; i.e., inspection, patrol, revenue collection and support services.
- . Responds to current problems of interagency coordination, competition and parochialism.
- . Provides flexibility of a multi-purpose organization in responding to a variety of both transitory and long-term problems.
- . Provides opportunity to provide better services to the public.
- . Better utilization of Federal resources.
- . Reduces the number of Federal agencies.
- . Does not disrupt those areas which were not identified as problems, e.g., Agriculture, Coast Guard, etc.

DISADVANTAGES

- . Possible reduction in effectiveness during reorganization period.
- . Generates some personnel turbulence particularly at mid-level and senior management as duplicate organizations are merged.
- . Larger organization may present more complex internal management problems.
- . Change may be opposed by various special interest groups.

OPTION 4

CREATION OF AN EXPANDED MULTI-PURPOSE
BORDER MANAGEMENT AGENCY WHICH INCLUDES
INS, CUSTOMS, AND THE U.S. COAST GUARD

DISCUSSION OF OPTION 4

Option 4 is an expanded version of Option 3 which provides a more comprehensive border management agency. It goes beyond control over entry to consolidate management of the major Federal resources involved in control of the borders and U.S. waters forming the perimeters of the United States.

As in Option 3, agencies with minor presence and support responsibilities are set aside. Options 3 and 4 both provide for the elimination of overlap and duplication between INS and Customs. Option 4 greatly expands the size and responsibilities of the new organization to include the broad responsibility of the Coast Guard for the seas surrounding the United States. Currently, the Coast Guard is responsive to the support requirements of border law enforcement agencies and coordinates directly with the agencies involved. However, border law enforcement was found to be a relatively small portion of the Coast Guard's total responsibilities.

Option 4 requires the same considerations as Option 3 for implementation regarding INS and Customs. It assumes that the Coast Guard would remain a separate entity within the border management agency to facilitate its transfer for national security purposes in time of war. A logical alternative to Option 4 might be to include the U.S. Coast Guard in the same department as the new border management agency. Assuming an appropriate implementation process, Option 4 presents the following advantages and disadvantages.

ADVANTAGES:

The advantages described in Option 3 also apply to the expanded multi-purpose border management agency. The principal advantages which would result from such a consolidation are:

- Places Federal responsibility for the entire perimeter of the U.S., both borders and U.S. waters, in a single organization.

- Likely to enhance the priority of the border law enforcement role within the U.S. Coast Guard.
- Significant increase in the total amount of resources within the border management agency.
- Possible elimination of separate Customs Marine Patrol activities.

DISADVANTAGES:

The disadvantages identified under Option 3 would also apply if the U.S. Coast Guard were included. Additional disadvantages are:

- Increased emphasis on border law enforcement could detract from the safety and other non-law enforcement responsibilities of the U.S. Coast Guard.
- The large size of the Coast Guard and its broad range of responsibilities could detract from the desired border law enforcement orientation of the remainder of the border management agency.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONSA. GENERAL

As the last step in the process of developing this report, the preceding chapters were furnished to the involved agencies and departments for review and comment. Upon receipt of the comments, they were given careful consideration and appropriate changes were made to insure that the report accurately reflects the intent of the Review Team.

The responses from the departments and agencies are attached as appendices to this report. They are included in their entirety with the exception of the remarks from the Department of Agriculture. The Agriculture comments were in the form of notations on the original draft and have been incorporated in the final report.

The comments acknowledge the existence of overlap and duplication and the need for some consolidation of effort. However, the comments reflect different opinions regarding which Cabinet department should receive the new agency. Further, other questions are raised regarding Federal law enforcement in general which are beyond the scope of this review.

The President's Reorganization Project in the Office of Management and Budget has the ultimate responsibility for developing reorganization plans in conjunction with the overall reorganization study of the Federal Government. Therefore, this report is intended to provide OMB with a current evaluation of and recommendations regarding border management. The Office of Drug Abuse Policy will assist OMB in developing any specific reorganization plan related to this review. Additionally, the report will be distributed to the participating departments and agencies and will be used in developing a new Federal drug abuse strategy.

B. CONCLUSIONS OF THE REVIEW TEAM

The Review Team discussed the entire set of comments received from the departments and agencies. The objective of a long-term solution to observed problems of lack of central management, overlap of responsibilities, and duplication of effort in border management was reaffirmed and the Review Team findings are:

1. The current organizational structure was determined to be the underlying cause of the majority of current operating problems. Therefore, the solution to existing border management problems lies in a revised management structure which can achieve maximum effectiveness with available resources, respond to changing priorities, and provide adequate border control as well as better service to the public.

2. Any major change in organization must be planned to provide clear responsibility for the result. The need for long-term effectiveness was weighed against potential disruption in on-going efforts. The first phase of any proposed reorganization should be directed at correcting the fundamental problems underlying the entire area of border management. From this basic foundation, border management should evolve toward further improvements in effectiveness and efficiency.

3. The basic causes of lack of coordinated border management can be eliminated by consolidating the principal border functions in one agency. By reducing the requirement for interagency and interdepartmental coordination, agency operating policies will be more responsive to the total Federal interests. It would also allow consolidation of selected management and support functions which should create significant savings.

4. The Coast Guard should not be included within a consolidated border management agency. However, the option of including the Coast Guard in the same department was not eliminated from consideration. The President's Reorganization Project has indicated that further consideration of the relative priorities of the Coast Guard's law enforcement functions may be warranted.

5. A continuing overview mechanism should be established within the Executive Office to develop a long-range border management plan and necessary policies to insure that border operations are supportive of all Federal programs. The overview mechanism would also be useful during the transition period for any reorganization effort.

6. In addition, there should be immediate action to increase resources available to the functions of inspection, patrol of land borders and adjudication.

C. RECOMMENDATIONS

The Review Team makes the following recommendations:

- A multi-purpose border management agency should be created by consolidating INS and Customs in a new agency (Option 3).
- An appropriate reorganization plan should be developed by the President's Reorganization Project to include placement of the consolidated border management agency in a Cabinet department consistent with overall government reorganization planning.
- The emphasis and direction of the reorganization planning should be to provide the optimum organization for long term effectiveness in overall border control. This approach enhances control over all the border threats (drugs, aliens, loss of revenue, gun smuggling, etc.).
- Consolidation of the agencies and functions should be achieved through an umbrella management concept. The reorganization plan should provide a set of initial priorities, but allow the new Director some flexibility in determining the internal structure of the new agency. The following functions should receive high priority for early consolidation.
 1. Primary inspection at all ports.
 2. Patrolling of the land borders.
 3. Operational support, particularly communications and computer systems.
 4. Management structure and administrative support.

APPENDIX A

UNITED STATES CUSTOMS SERVICE

The United States Customs Service of today is a dynamic organization, characterized by a burgeoning workload, a professional workforce, and an increasingly wide and more complex range of responsibilities. It is a relatively large and a widely dispersed organization, performing a diversity of functions which profoundly impact the travelling public, the importing and exporting community, and the health and welfare of American business and the general public. Additionally, its annual collections of over \$5 billion contribute significantly to the National revenue.

Customs Organization

The Customs Service is comprised of approximately 15,000 employees assigned to over 300 offices located throughout the United States and at various overseas locations. A major reorganization in 1965 - 66 resulted in a significant decentralization of management control by establishing nine regional offices, overlaying a regional structure upon existing district offices which previously had reported directly to Headquarters. Today there are 45 districts which supervise the activities of 303 ports-of-entry located at airports, sea-ports and land border crossings. Additionally, we have Customs Attaches and Representatives at ten foreign offices and Customs Military Advisors in four countries.

Several factors, including: the wide geographic dispersal of the organization; the requirement that enforcement and operational programs be coordinated among the several offices; the scope and complexity of functions performed; and the requirement that policies and laws enforced by Customs be consistently applied; have presented formidable difficulties in assuring effective management and control of Customs activities. In response to this challenge, in recent years Customs has implemented several management improvements designed to enhance communication, consistency, coordination, and cooperation among Customs managers. These innovations have included the restructuring of field activities to conform to common geographic boundaries; the collocation of Principal Field Officers in the same building in the regional headquarters city and the institution of regular meetings among them; the initiation of annual conferences of neighboring regions for discussion of inter-regional enforcement and operational programs; and the increase of emphasis on face-to-face meetings between key headquarters and field managers.

Customs Mission and Functions

The mission of the Customs Service is to collect the revenue from imports and to enforce Customs and related laws. Customs administers the Tariff Act of 1930, as amended, and other Customs laws. Additionally, at ports-of-entry, Customs administers over 400 statutory or regulatory requirements for 40 other agencies. Among the specifically assigned responsibilities are: properly assessing and collecting Customs duties, excise taxes, fees, and penalties due

on imported merchandise; interdicting and seizing contraband, including narcotics and illegal drugs; processing persons, baggage, cargo, and mail; administering certain navigation laws; detecting and apprehending persons engaged in fraudulent practices designed to circumvent Customs and related laws; protecting American business and labor by enforcing statutes and regulations such as the Antidumping Act, countervailing duty law, copyright, patent, and trademark provisions, quotas, marking requirements for imported merchandise, etc.; cooperating with, and enforcing regulations of, numerous other Government agencies relating to international trade, including collection of import and export data for compilation of international trade statistics; and enforcing requirements of other agencies for protection of the welfare and security of the American people, including automobile safety and emission control standards, counterfeit monetary instrument prohibitions, electronic product radiation and radioactive material standards, flammable fabrics restrictions, pet quarantine regulations, and other food and drug and hazardous substance prohibitions. At the border, Customs represents other agencies, eliminating the need for these agencies to provide inspectional personnel.

The activities performed by Customs in executing these responsibilities call for increasingly sophisticated operational and enforcement techniques and the application of a wide variety of skills and disciplines. Utilization of modern communications and computer technology enable Customs Inspectors and Import Specialists to efficiently and effectively process the growing numbers of travellers and volume of merchandise entering the United States each year. Built-in safeguards and follow-up regulatory audits by Customs Auditors assure that facilitation of merchandise processing does not increase the opportunity for fraud. Application of state-of-the-art technology and equipment, including operation of sophisticated enforcement communications systems, assures integration of inspection and control; air, land, and sea patrol; and investigations functions in an all-out attack on smuggling of narcotics and other prohibited articles and on frauds against the revenue. This effort involves coordination of such diverse activities as laboratory analysis; classification and valuation of merchandise; inspection of passengers; baggage and cargo; technical investigation; aircraft and watercraft operation; and police-type patrol.

Customs External Involvements

Customs has an extensive involvement with other Government agencies, with outside commercial and policy organizations and trade associations, and with international organizations and foreign Customs services.

In carrying out its revenue collection and enforcement functions, Customs maintains working relationships with numerous agencies including the International Trade Commission; the Internal Revenue Service; the Bureau of Alcohol, Tobacco, and Firearms; the Department of State; the Federal Bureau of Investigation; the Drug Enforcement Administration; the Coast Guard; the Federal Aviation Administration; and state and local officials. As a consequence of its inspectional presence at ports-of-entry, Customs has been

charged with responsibility for enforcing, regulating, controlling, investigating, and reporting functions for other agencies, most notably the Immigration and Naturalization Service, the Public Health Service, and the Department of Agriculture.

In processing cargo, carriers, and persons, Customs maintains daily contact with the public, with importers, Customhouse brokers, importers' associations, freight forwarders, chambers of commerce and the media.

Customs emphasis on coordination and cooperation carries over into ever growing international involvements. As a member of the Customs Cooperation Council, Customs works for the simplification and harmonization of worldwide Customs procedures. Customs has ten foreign offices for the purposes of providing liaison with foreign Customs services and advise to potential exporters to the United States, and for conducting foreign inquiries related to fraud investigations, general smuggling, illegal export violations, and currency or neutrality violations. Under the auspices of the Cabinet Committee on International Narcotics Control, Customs provides enforcement training to foreign Customs officers, and U. S. Customs Advisors provided assistance and share expertise with host country customs services. Customs also participates on the Cabinet Committee on Terrorism, assisting in the development of programs to enhance international cooperative efforts to combat terrorism. The Commissioner regularly meets with heads of foreign customs services, and as a result, Customs has entered into several bilateral cooperative agreements with the services of the countries.

Importance of the Customs Program

Customs programs have a significant impact on international trade and travel; on international narcotics control and the smuggling of contraband; on the national revenue; and on domestic industry, agriculture, public health, and the environment.

Regarding trade policy, Customs provides expert advice on tariff matters and on the formulation and drafting of trade policy, agreements, and legislation to House and Senate Committees, to the Department of State, and to the International Trade Commission. Customs also works as a member with the Customs Cooperation Council to simplify and harmonize Customs procedures throughout the world. Customs continues to aggressively support passage of the Customs Modernization and Simplification Act which is aimed at facilitating international trade and travel through institution within U. S. Customs of modern, automated, business procedures in merchandise, revenue, and passenger processing; and modern auditing techniques.

Foreign Customs training programs - both here and abroad, international exchange of narcotics and other enforcement information, and especially close working relationships with our Mexican and Canadian counterparts have paid off in increased narcotics enforcement effectiveness worldwide.

Customs makes a significant contribution to the national revenue, collecting over \$5 billion annually in duty, taxes, and fees on imported merchandise and in penalties.

Customs performs a significant service to domestic business and industry through the administration of tariff laws and the enforcement of over 700 quotas. Customs also enforces statutes and regulations related to patent, copyright, trademark, and marking requirements. Additionally, the Service enforces antidumping and countervailing duty regulations, conducting investigations which protect against domestic sales of foreign merchandise at less than fair value. Import statistics collected by Customs and issued by the Bureau of Census are used in negotiating trade agreements protective of American industry and labor.

Finally, the Customs Service, in enforcing the myriad provisions of law on behalf of 40 Federal agencies performs services which safeguard American agriculture, public health, and the environment. These laws and regulations relate to such things as pest and plant and animal disease control, meat and other food product restrictions, drug and hazardous substance control, public health requirements for entering the country, water pollution standards, electronic product radiation standards, radioactive material restrictions, auto safety and emission control standards, flammable fabric restrictions, arms and explosive prohibitions, pesticide restrictions, counterfeit coins, currency reporting requirements and endangered species and wildlife protective measures.

Workload

In the 15 month period from July 1, 1975, through September 30, 1976, the U. S. Customs Service cleared 102,110,962 aircraft, vessels, and land carriers; inspected 353,598,729 persons; processed 26,611,919 merchandise entries; collected \$6,369,607,621 with a return rate of \$100 for each \$6.60 expended; made 30,241 seizures of narcotics and dangerous drugs with a value of \$770,724,906; and made 86,480 seizures for other violations with a value of \$188,015,455. In addition, 654 special agents conducted 27,145 investigations.

The magnitude of those accomplishments is heightened when specific areas of Customs workload are compared with the resources available to process that work. For example, the 102,110,962 carriers and the 353,598,729 persons were cleared and inspected with a force of only 4,020 Customs inspectors; a ratio of one inspector to every 25,400 carriers and 87,000 persons; 96,000 miles of border were patrolled by a force of 1,426 officers.

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Customs Response

In an effort to meet this increasing workload, the Customs Service has initiated the following programs which employ advanced technology and sophisticated methods for deploying scarce resources and manpower:

Customs Accelerated Passenger Inspection System (CAPIS)

The Customs Accelerated Passenger Inspection System (CAPIS) is designed to increase passenger facilitation while providing maximum revenue protection and optimal enforcement against the introduction of narcotics, dangerous drugs, and other articles into the United States in passenger baggage.

The higher processing rate of CAPIS results in better utilization of manpower and inspectional facilities, since more passengers are able to move into and out of the area in a given time frame. Preliminary study further indicates that enforcement also improves when the TECS query coupled with intensive examination aspects of the system are utilized.

Fraud Investigation Program

Current indications are that fraud violations -- as just one component of the burgeoning white-collar crime problem confronting the U.S. -- are on a sharp upswing. Investigations, to date, have disclosed an increasing number of major fraud cases involving country of origin violations, undervaluation, dumping, etc., committed by large, multinational corporations with multimillion dollar revenue losses to the Government. The enactment of the Trade Act of 1974 is expected to only accelerate this trend. In short, an increase in fraud violations is expected to carry through FY 77 as a problem of national significance.

Cargo Security

In 1971, the Customs Service established a Cargo Theft Prevention Program to curb losses from international cargo in Customs custody. Customs regulatory authority, and the close proximity of Customs personnel to such cargo placed Customs in a unique position to make a major contribution to the reduction of theft and pilferage.

The program implemented by the Customs Service is designed to:

1. Minimize thefts from international cargo in Customs custody at ports of entry and its movement in-bond.
2. Combat organized crime involvement in cargo theft and smuggling.

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. Container Program

To increase our protection against smuggling, a servicewide program of selective examination of high-risk house-to-house and pier-to-house container shipments has been in operation since March 1975. Mobile inspection/examination teams make their examinations at importers' premises or at other designated examination sites requested by the importer or his agent.

. Sector Communications Systems and Regional Communications Centers

The Sector Communications Systems have proven to be a valuable asset in providing administrative, tactical, and strategic support to the Customs enforcement mission. They have vastly enhanced the effect of both TECS and the products of the Enforcement Systems Development and Evaluation Program. They have also afforded our officers the degree of mobility and safety which is essential to permit them to cover the thousands of miles of borders and coast lines and hundreds of designated ports of entry.

Within the past two years, Customs has collocated the regional management team in each of its nine regions in accordance with the recommendation of a study to improve the efficiency and the effectiveness of the Customs Service. Subsequently, it was decided that further efficiency could be obtained by providing each regional management team with a total law enforcement communications support facility in the form of a Regional Communications Center. These centers will contain complete radio and message center facilities; will serve as an integral part of the enforcement activities of the region; will serve as the focal point for all regional intelligence gathering and dissemination; and will provide duty officer support to the entire regional management team.

. Automated Merchandise Processing System (AMPS)

The Automated Merchandise Processing System (AMPS) is an ongoing program designed to improve nationwide the Customs Service supervision and control of \$120 billion of imported merchandise entering the United States each year and collections of over \$5 billion of duties and taxes. This program consists of a variety of process improvements to many fundamental Customs procedures, together with the application of modern computer and communications technology to entry and revenue processing. Implementation of AMPS is enabling Customs to meet the demands of increasing workload and responsibilities with limited resources while increasing operating efficiency.

. Treasury Enforcement Communications System

TECS has been in operation since late 1969. Originally developed to provide an automatic lookout and message switching capability for Customs, its success has fostered its overall development into a comprehensive Treasury Enforcement Communications System (TECS).

. Regulatory Audit

The Regulatory Audit Program is designed to implement a Customs compliance by selectivity approach. This approach is in contrast to physically examining and individually processing each importation. Under the Regulatory Audit Program, our limited resources are concentrated on the high payoff, high-risk transactions, and depend largely on importers and international carriers to voluntarily comply with our requirements.

. Integrated Interdiction:

- Tactical Interdiction

To protect the thousands of miles of borders, Customs has implemented a tactical interdiction approach which employs enforcement intelligence and mobility to place our units in the right spot at the right time. On the land borders, especially the Southwest border, Customs employs an effective electronic ground sensor surveillance system for monitoring activity in remote areas, mobile sensor reaction teams, sophisticated communications systems, and a highly trained staff of Customs patrol officers. Along the sea borders, Customs has implemented a marine interdiction program to curb smuggling by small boats and private yachts as well as to combat smuggling by vessels in international trade, which is the regular tactic employed by smugglers to evade detection.

- Air Support Program

In response to the escalating level of smuggling by private aircraft across the nation's border, especially the Southern border, the Congress in 1969, authorized the establishment of a Customs Air Support Program.

Technologically, Customs has made enormous strides since acquiring eight surplus military aircraft in 1969. In addition to constant improvements in airborne radar and Forward Looking Infrared (FLIR) capabilities, both used for detecting and tracking suspect aircraft, Customs has developed an all-important support system to assist the air interdiction units. The supporting systems include the Treasury Enforcement Communications System (TECS), the Private Aircraft Reporting System (PAIRS), and the recent breakthrough in implementing an interagency agreement with the military and the Federal Aviation Administration for long-range radar coverage.

To deal with the multitude of problem related to interdicting air smuggling, Customs has undertaken a systematic approach to effectively diminish the inherent advantages enjoyed by the air smuggler.

- Detector Dog Program

The Detector Dog Program is an integral part of the overall Customs tactical interdiction program which concentrates on drug smuggling. The program was developed to meet a requirement for an effective low unit cost method of screening incoming mail, cargo and vehicles. Detector dogs were first introduced to the U.S. Customs Service on a wide scale in September 1970, and were initially trained only in the detection of marijuana and hashish. Since then, their training has been extended to the detection of heroin and cocaine and they have become an integral part of the total Customs enforcement effort. Detector dog teams, consisting of a dog and handler, are assigned and utilized at Customs international mail facilities, cargo docks and terminals, at international airports, where they screen unaccompanied baggage and cargo, and at border and seaports, screening cargo, unaccompanied baggage, ships and other carriers.

- Neutrality Program

Customs has assigned a top priority to stopping the illegal import and export of arms and munitions across this nation's borders. Arms smuggling during the past year has been linked to the IRA and organized crime groups in this country as well as others.

Customs has deployed additional patrol officers, special agents, and inspectors throughout Southwest border areas to counter this traffic -- and dramatic results have been achieved. Over 41,000 guns, implements of war, and other weapons were seized during FY 76 with an appraised value in excess of \$300,000.

- Contraband Detection Systems

Customs enforcement programs call for the timely implementation of technological advancements such as the electro/chemical narcotic vapor detection. This instrument was recently developed and is in the process of field testing and evaluation.

Customs has developed a pilot model of the vapor detection apparatus that detects the major prohibited drugs -- heroin, cocaine, hashish, and marijuana -- and in addition detects explosives commonly used by today's terrorists. Several configurations have been developed which allow the basic detectors to efficiently examine passengers, baggage, and mail parcels.

- Private Aircraft/Yacht Reporting System

In order to respond to the enforcement problems resulting from private aircraft clandestinely entering the United States from areas south of the United States, special requirements and procedures were instituted to control such aircraft.

A similar system, but directed at private yachts, is now operating in the Florida-Gulf area. A major weakness of this reporting system is the statutory 24-hour grace period permitted private yachts before reporting. An immediate reporting requirement would greatly improve our effectiveness against smuggling by private yachts.

- Vessel Violation Profile System

The Vessel Violation Profile System (VVPS) was developed to maintain complete and accurate records on the activities of commercial vessels. All violations or suspected violations of law and/or regulation as well as intelligence and lookout data on such violations fall within the scope of VVPS. Sources of information contained in a vessel record include Search and Seizure Reports, Penalty Notices, Memorandum of Information Received, and Reports of Investigation. Active liaisons are maintained with other Federal agencies and with foreign governments for the purpose of obtaining data from report documents which is input at Customs Headquarters. Customs officers may directly input information of immediate importance such as lookouts or positive search reports on vessels engaged in coastwise movements.

- Currency Program

Since money is the single common denominator to all smuggling actions -- narcotics trafficking, arms and munitions, boats, autos, aircraft, and general merchandise -- Customs has launched a major effort to aggressively enforce the Currency & Foreign Transactions Reporting Act against the illegal import or export of currency and monetary instruments.

The intensified enforcement of the Currency Act may be one of this country's most powerful weapons against narcotics traffic and all other forms of smuggling. This view was reinforced in a recent Presidential message to Congress in which it was noted that tremendous amounts of money are illegally taken out of the country each day, either to purchase drugs or to transfer profits made by selling drugs, to safe and secret bank accounts abroad. The White House Domestic Council's White Paper on Drug Abuse also recommended that Customs adopt this strategy to provide lateral support to DEA in a coordinated attack against major traffickers.

Organization and Budget

Customs appropriation for FY 77 was \$359,190,000. The attached chart depicts the Customs organizational structure.

IMMIGRATION AND NATURALIZATION SERVICE

Background

The Immigration and Naturalization Service (I&NS) is responsible for administering and enforcing the immigration and nationality laws of the United States to insure that persons entering into or remaining in the United States are entitled to do so. The immigration and nationality laws have been structured to encourage the flow of temporary visitors across our borders, promote family reunification, supply skills and knowledges which are lacking here, and continually revitalize the United States with infusions of people yearning to participate in the economic and social freedom we enjoy. Because our resources are limited and because our population can accommodate only a small portion of those who wish to come, Congress placed limitations on the numbers which may be admitted for permanent residence and provided for a system of controls on those who come temporarily to insure that they depart from the U.S. within the time period authorized.

In the past fifteen years, the problem of illegal immigration has grown far beyond the capabilities of the present staff of I&NS to handle it. Decades ago the problem of illegal aliens was largely confined to the agricultural sectors of the border areas. Today illegal aliens have spread throughout the United States in large numbers taking jobs in factories, construction, and service industries, as well as in agriculture. They are found in New York, Chicago, Detroit, and Seattle as well as in the Southwest border area. The current illegal alien population has been estimated at 6 to 8 million persons with more than one million additional illegal aliens being added annually. With a current force of 9,473 people and \$245 million, I&NS has apprehended almost one million illegal aliens and refused admission at ports to almost another million in the last fiscal year, while continuing to provide benefits and services.

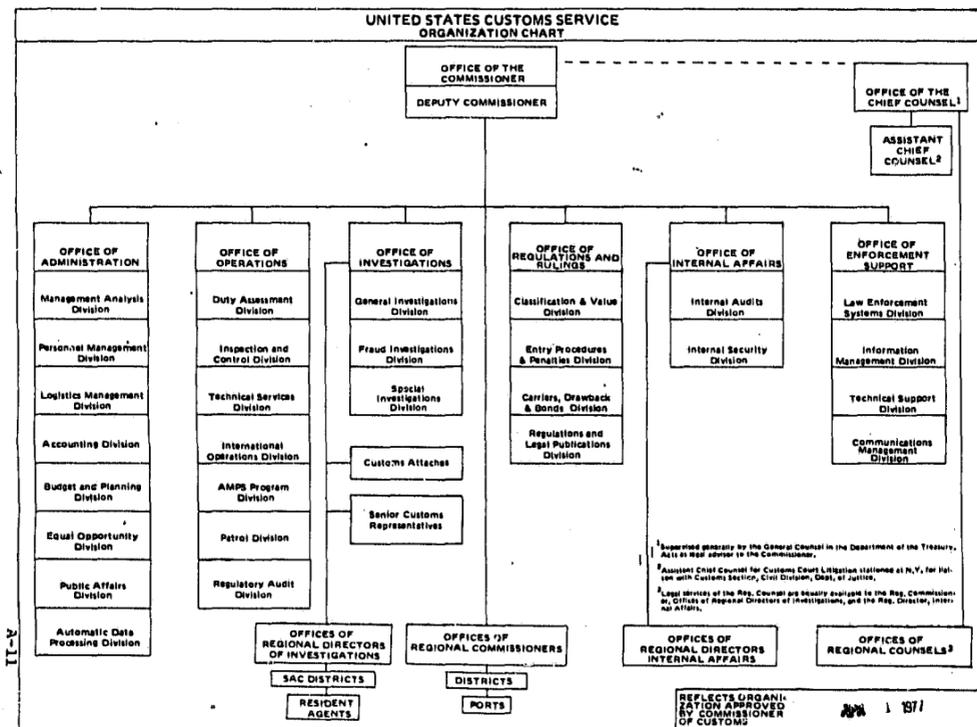
Resources

Because of increasing national awareness of and concern about the growing illegal alien problem in the United States, I&NS, since 1973, has received significant increases in resources.

Fiscal Year	1973	1974	1975	1976	1977
Positions	7,682	7,982	8,082	8,832	9,473
Dollars(000)	137,484	155,186	181,320	213,609	244,615

Mission and Organization

The Immigration and Naturalization Service (I&NS) has the dual mission of providing services and benefits to the public and enforcing the law, primarily against illegal entry into the country and violation of status



after legal admission. Specifically, this includes the inspection of persons to determine their admissibility into the U.S.; adjudication of requests for benefits under the law; prevention of illegal entry into the U.S.; investigation, apprehension, and removal of aliens in this country in violation of law; and the examination of applicants wishing to become citizens through naturalization. To respond to this dual mission, I&NS has organized into the three major functional areas of Enforcement, Examinations and Management. (See attached organization chart.) I&NS has a central office, four regional offices, 34 districts in the U.S., three districts in foreign countries and 21 Border Patrol sectors. Nine of the sectors are on the Southwest land border, one in the San Joaquin Valley, two on the Gulf and Florida coasts, and nine on the Northern border.

Functions

There are two major I&NS functions of a service nature: Adjudications and Naturalization.

Adjudications

I&NS must make decisions on some 31 different types of applications for benefits under the immigration laws. These include applications by aliens temporarily in the United States who desire extension of their authorized stay, a change from one temporary status to another, or an adjustment to permanent resident status; applications for certain documents required by law; requests filed by a prospective employer, or by an alien's close relative who is a citizen or permanent resident of the United States to permit the alien to immigrate to this country; and many others.

Naturalization

In recent years approximately 200,000 persons annually have been granted U.S. citizenship. At proceedings held in Federal and State courts, Service officers make recommendations for the granting or denial of citizenship following interviews and background checks of persons who have applied and have met the legal requirements.

I&NS officers also must pass upon applications for Certificates of Citizenship from persons who claim to have acquired U.S. citizenship through one of several ways: birth abroad to citizen parents; through the naturalization of one or both parents, or through marriage, prior to September 22, 1922, to a U.S. citizen. I&NS has four major functions of an enforcement nature: Inspections, Border Patrol, Investigations, and Detention and Deportation.

Inspections

Operating at air, land and sea ports of entry into the United States, Immigration inspectors examine each person seeking admission to the United States to determine if he is admissible under the immigration laws. This is the first contact an applicant for admission has with a representative of the Government of the United States. The immigration inspectors must conduct their inspections quickly enough so that the entry of U.S. citizens, bonafide immigrants, tourists, and other nonimmigrants is facilitated. At the same time they must be able to identify and reject aliens who are not admissible under the law, such as terrorists and other criminal elements. They must be especially alert for the increasing number of aliens who seek to enter this country ostensibly as temporary visitors or students, with the actual intention of remaining here permanently and working in violation of the law. They must also be alert to the increasing use of fraudulent and counterfeit immigration and identity documents, and false claims to United States citizenship.

Several levels of alien control programs are geared to the vital port inspection function. Border crossers are screened prior to the issuance of their identity cards, and the border crossing privilege may be cancelled if violations are found during inspections or after entry when encounters are made with Border Patrol or investigative personnel. Individual controls regarding length of stay and permission to work are placed upon approximately seven million nonimmigrant visitors each year. Annual address report and change of address reporting requirements follow the alien residing in the United States until he becomes naturalized or departs.

Border Patrol

The United States Border Patrol, founded in 1924, is an elite corps of highly trained, uniformed officers which guards our land borders and Gulf and Florida coasts between ports of entry with the primary mission of preventing the entry of persons without inspection and detecting and apprehending those who have eluded our first line of defense. These officers are trained extensively not only in immigration and criminal law but also in the Spanish language. The Border Patrol operation involves the gathering of information in adjacent foreign areas, actual watch of river, land and coastal border, check of transportation, traffic check on highways leading from the border, observation by aircraft, and checks of farms, ranches and in industries in the border area. The Patrol also handles criminal prosecution of immigration law violators it apprehends, and, in some cases, handles similar criminal violations arising at ports of entry.

The smuggling of aliens has become a lucrative business, posing a threat to efforts to reduce the flow of illegal aliens and resulting in a heavy traffic in human flesh. Apprehension of smugglers and smuggled aliens has increased dramatically in recent years, but large profits associated with alien smuggling continue to generate increased activity.

Because of the extensiveness of our border (6,000 miles of land border, plus over 2,000 miles patrolled along the Gulf and Florida coasts) and the limited number of agents, the Border Patrol must employ sophisticated technology to extend the effectiveness of its officers and give it mobility, good communication and illegal entry detection capabilities. To this end the Border Patrol operates fixed wing aircraft and helicopters, a complex and sensitive remotely controlled sensor system, a communication system linking the entire border, and repair and maintenance facilities for vehicles, radios, and electronic equipment. Border Patrol agents, while pursuing their primary mission of immigration law enforcement, also apprehend violators of other laws and intercept millions of dollars worth of narcotics, arms, ammunition and other contraband and identify and apprehend vendors and purchasers of fraudulent documents on which to base claims to legal status or U.S. citizenship, either for illegal immigration or other border related illegal activities.

Investigations

I&NS employs approximately 900 criminal investigators who conduct case work investigations involving fraud and other violations of immigration law, and also apprehend illegal aliens in the cities and elsewhere away from border areas. Among the investigators functions is the detection of complex fraudulent schemes to circumvent the immigration laws. These include sham marriages to citizens or lawful residents of the U.S. and the use of altered, forged, counterfeit or fraudulently obtained visas, passports, birth certificates, and other documents. Investigators also develop material used in prosecution involving violation of the immigration and nationality laws and related statutes such as those relating to the making of false statements in immigration or naturalization matters; the unlawful bringing in, transporting or harboring of aliens; and the making of false claims to citizenship. In addition to performing these functions at interior locations, criminal investigators are stationed at selected northern and southern ports of entry to respond to suspected criminal violations disclosed during the inspection process.

Detention and Deportation

The Detention and Deportation division supports the Border Patrol and Investigations by controlling apprehended aliens from the time of apprehension through removal from the United States. This is accomplished through an extensive alien detention, transportation and removal network.

Other Functions

I&NS has numerous other functions which are interwoven into the fabric of our major service and enforcement programs. These include an extensive records and public information program; exclusion and deportation hearing programs; the intelligence program; the Alien Documentation, Identification and Telecommunication (ADIT) program and others.

Interagency Cooperation

Border management and control is a complex operation involving a large number of federal, state and local. It is basically an enforcement activity to control the passage of people and goods of all types in accordance with laws and regulations. Agencies involved in the border management and control functions have consistently been faced with the problems of limited resources and budgets, making interagency cooperation for effective border enforcement a necessity.

The Immigration and Naturalization Service, the Drug Enforcement Administration and the U.S. Customs Service, the three key agencies having principal roles in law enforcement in the border area, face common problems and cooperate closely for effective border control.

I&NS/Customs

I&NS inspections coordinates its primary inspection operations with Customs at land border ports of entry where Immigration and Customs officers are cross designated, to perform both functions. Interaction is taking place between Customs and I&NS in the development of the I&NS Alien Documentation, Identification and Telecommunications System. A Memorandum of Understanding was signed by I&NS and Customs in April 1975.

I&NS/DEA

I&NS coordinates closely with DEA in exchange of mutually responsive intelligence data and in some joint field operations. Drug seizures and relating apprehensions by Border Patrol agents, and I&NS investigators, are turned over to DEA for disposition. I&NS inspectors turn over drug seizures to Customs at the ports. These seizures are then turned over to DEA by Customs. Operational agreements have been in force since November 29, 1973.

I&NS and DEA share operational duties for the El Paso Intelligence Center (EPIC), an interagency center which collects, analyzes and disseminates information regarding drug trafficking and illegal alien activity along the U.S. borders. I&NS maintains all narcotics trafficking lookouts at ports for EPIC. EPIC participants also include Customs, FAA, ATF and Coast Guard.

I&NS/FBI

I&NS inspections and investigations cooperate with the FBI relating to smuggled criminals and potential subversives and terrorists, and maintain thousands of FBI lookouts at ports of entry and I&NS offices at their request.

I&NS/State and Local Agencies

Local law enforcement agencies account for the greatest number of non-I&NS illegal alien apprehensions. Therefore, both Investigations and Border Patrol coordinate their activities with these agencies for maximum efficiency in border enforcement.

I&NS/ATF

I&NS Investigations and Border Patrol cooperate with the Bureau of Alcohol, Tobacco and Firearms when violations within the jurisdiction of that agency are encountered.

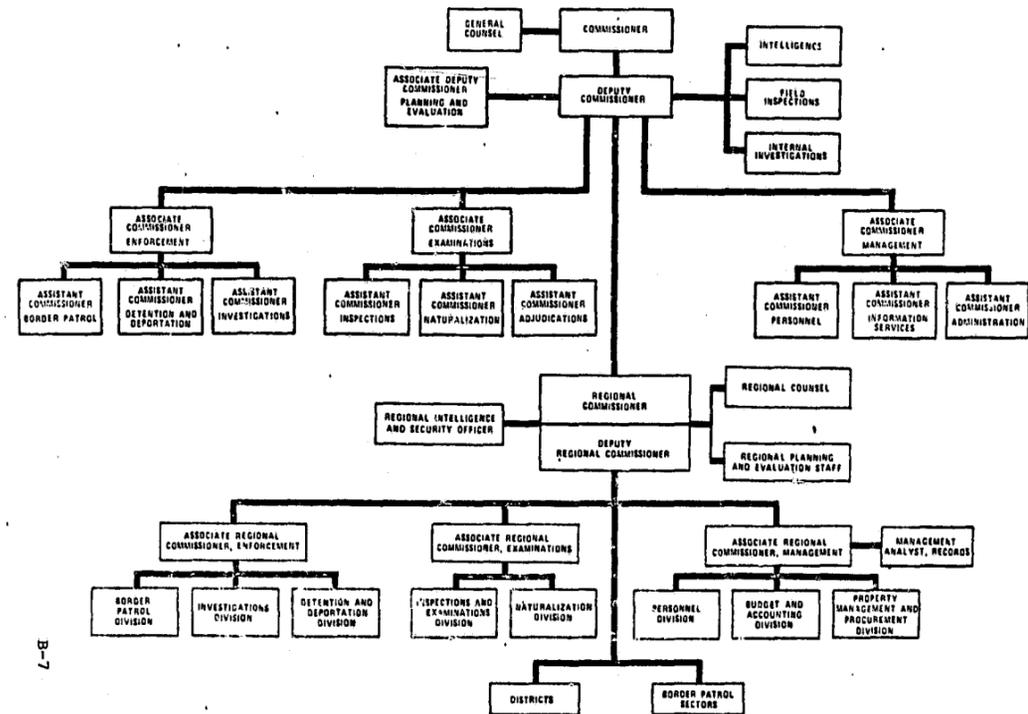
Accomplishments

In the face of evermounting pressure from the flood of illegal aliens who wish to gain entry into the United States and continuing shortages of personnel, the Immigration and Naturalization Service has responded with increasingly sophisticated technology coupled with time-proven skills to stem the flow. Even though I&NS apprehends and prevents entry of almost two million illegal aliens a year, it is estimated that an additional million evade our defenses at and between ports and join the illegal alien population which is currently estimated at six to eight million, with three to four million employed. Because of the severe impact that this population has on unemployment, I&NS has targeted its interior operations on illegal aliens holding well-paying jobs.

As a by-product of I&NS's enforcement efforts to intercept all persons entering the U.S. across the land borders between the ports of entry and as a result of our presence in primary inspection at ports of entry, I&NS intercepts large quantities of marijuana, narcotics, dangerous drugs and other contraband.

While pursuing its enforcement mission, I&NS must also devote significant resources to providing services and benefits to those persons entitled to them. To this end, more than one million adjudications are completed annually, more than 200,000 naturalization applications are completed, more than 25,000 Certificates of Citizenship are issued, and more than 8 million requests for information are answered. I&NS has also been involved in various refugee programs, the most recent being the resettlement of approximately 150,000 Vietnamese and Cambodians.

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APPENDIX C

DRUG ENFORCEMENT ADMINISTRATION

I. BACKGROUND:

On July 1, 1973, the DEA was established under the provisions of Reorganization Plan # 2. DEA was charged with the responsibility of enforcing and implementing the Controlled Substances Act of 1970. These duties encompass the investigation and suppression of the illegal importation and domestic trafficking in illicit controlled substances and the licensing and regulation of the pharmaceutical industry in the U.S.

The President's Reorganization Plan # 2 of 1973 merged the Bureau of Narcotics and Dangerous Drugs (BNDD), the Office of Drug Abuse Law Enforcement (ODALE), the Office of National Narcotic Intelligence (ONNI), the drug investigative and intelligence functions of the Bureau of Customs and a major segment of the White House Office of Science and Technology. BNDD had been created by Reorganization Plan # 1 (1968) which merged the Federal Bureau of Narcotics (FBN) and the Bureau of Drug Abuse Control (BDAC). The reorganization and creation of DEA continued trends to consolidate the Federal drug investigative efforts within the U.S. Department of Justice.

The cornerstone of DEA's authority and responsibility is the Controlled Substances Act (CSA) of 1970. This act incorporated the provisions of more than 55 previously-existing Federal narcotic and dangerous drug laws; it provides a comprehensive framework for the regulation of certain narcotic and non-narcotic psychotropic drugs in order to reduce the illicit diversion of these substances to non-medical or non-scientific users; and it provides the Attorney General with the express authority to enforce its provisions. DEA is the lead Federal agency charged by law with responsibility for investigations pertaining to narcotic and dangerous drug violations.

II. MISSION:

DEA's mission is to enforce the U.S. drug laws and to bring to justice those organizations and principal members of those organizations involved in illicit drug activities. (An illicit drug activity is one that involves the cultivation, manufacture or distribution of drugs appearing in or destined for the U.S. illicit market).

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DEA also provides information, technical assistance, and guidance to its state, local and foreign counterparts and other Federal and international organizations.

Specifically, the DEA:

1. Investigates and prosecutes major drug violators;
2. Regulates the legal manufacturing and distribution of controlled substances;
3. Manages a national narcotic intelligence system;
4. Under the guidance of ODAP and the State Department, operates all programs associated with drug law enforcement officials in foreign countries;
5. Coordinates and cooperates with state and local agencies in investigations of drug offenses;
6. Supports the overall drug suppression effort with training, enforcement expertise, intelligence, research, science/technology and other activities;
7. DEA cooperates with the United Nations, Interpol and other organizations with mutual interests in international drug control-suppression interests.
8. Coordinates and supports non-enforcement activities designed to reduce drug availability.

III. RESOURCES:

During Fiscal Year 1977, DEA will carry out its mission using a total appropriation of \$168,263,000 and complement of 4,365 employees, 2,117 of which are criminal investigators (172 stationed in foreign countries). DEA is an organization consisting of a national office and 13 domestic regions with an accompanying 94 district offices. In addition, there are six foreign regions supporting some 62 foreign district offices which represent DEA in 40 foreign countries.

IV. FUNCTIONS:

These resources are deployed in a broad, multi-faceted attack on the channels and individuals supplying narcotics and dangerous drugs to the illicit market in the United States. The DEA effort is worldwide, with stress on eliminating the sources of illicit drugs and disrupting the highest levels of the traffic, through

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intelligence gathering/dissemination and law enforcement actions. The Drug Enforcement Administration has adopted as a management tool, a program designed to evaluate, target and immobilize significant narcotic traffickers operating throughout the world. This system assesses traffickers and their organizations on a geographical/quantitative/qualitative format and ranks violators numerically as to their relative importance within a specified drug category. A Class I violator being the most significant - a Class IV the least important. G-DEP provides DEA with a means by which resource allocations can be prioritized and subsequently evaluated.

In carrying out its functions, DEA works to accomplish the following:

1. Limitation of cultivation/production of legitimate but abuseable pharmaceuticals to those quantities required for the practice of medicine.
2. Elimination of illicit cultivation/production on a global basis of narcotics and dangerous drugs.
3. Disruption of international routes and foreign staging areas prior to the entry of narcotics into the smuggling pattern aimed at the United States.
4. Disruption of organized efforts to smuggle narcotics and dangerous drugs through the United States ports and borders by means of coordinating intelligence acquired through overseas operations with domestic law enforcement investigations.
5. Suppression of the domestic traffic in controlled substances, whether produced in the United States or illicitly imported from abroad.
6. Cooperation with state and local law enforcement agencies to insure a continuity of enforcement actions at all levels of narcotic trafficking activity.

To engage successfully in such programs conducted in diverse geographic areas requires an array of techniques that must be employed selectively and flexibly. Additionally, DEA maximizes its strength by drawing upon foreign law enforcement agencies in the international fight against narcotics.

The following approaches are illustrative of the methods used to immobilize major traffickers and their organization structures:

C-3

1. Substantive cases, in which detailed investigation of a subject's modus operandi, surveillance of his operation activities, the recruitment of knowledgeable informants and undercover approaches which lead to the arrest of the trafficker and seizure of evidence of narcotics trafficking.
2. Conspiracy cases, in which the elements of past narcotics trafficking are carefully delineated and substantiated through documentary evidence and testimony.
3. Task Force approaches which combine the resources available at all levels of Federal/State/local law enforcement agencies which then interact and impact narcotic trafficking at all levels of activity.
4. Special projects and central tactical units which are used to provide flexibility in striking at major identified groups, as these organizations generally transcend the established regional boundary jurisdictions - domestic and foreign.

Abroad, where DEA has no jurisdictional authority, additional methods are employed such as:

1. Providing timely and accurate operational intelligence which permits foreign narcotic enforcement agencies to interdict and suppress controlled substances.
2. Providing substantive and documentary evidence obtained by DEA in the United States which enables foreign governments to prosecute source of supply narcotic traffickers in their respective countries.
3. Providing training, technical assistance and other resources to aid foreign countries in enforcing and suppressing the narcotic traffic.
4. Upon the request of host countries assists in investigations to the extent possible under operational agreements and guidelines.

These techniques require several essential support activities including:

1. An intelligence program and data base which permits exchange of DEA information with other Federal, state, local and foreign law enforcement agencies.

C-4

2. Training programs for domestic and foreign law enforcement officers at the DEA Headquarters as well as regionally in the U.S. and overseas. These programs assist these officers in raising their individual and collective levels of enforcement and intelligence expertise and familiarizing the officers with the mission and resources capabilities of DEA. These programs also enhance DEA's working relationships with state and local officers and assist foreign countries in developing cooperative techniques and enforcement methodologies.
3. A network of forensic laboratories and other scientific programs which support not only the DEA enforcement and intelligence programs, but also those of cooperating foreign and domestic narcotics law enforcement agencies.

V. COORDINATION:

Drug control, being the multi-faceted endeavor that it is, requires not only the efforts of DEA, but also the cooperation of many other agencies, including foreign, state and local police; the Departments of State, Treasury, Transportation, Agriculture, and Health, Education and Welfare; and other agencies within the Department of Justice.

DEA interfaces with foreign police under the auspices of the State Department by providing these agencies with intelligence and guidance. DEA works closely with the State Department's Narcotic Control Coordinators who are assigned to the U. S. embassies in nations that either produce drugs or are used as transit points in the international drug traffic.

The most comprehensive foreign cooperative drug control program is the joint program with Mexico. DEA has developed, expanded and improved the Mexican effort to eradicate illicit poppy cultivation and fully supports the Mexican drug investigative efforts.

DEA domestic cooperative efforts involve:

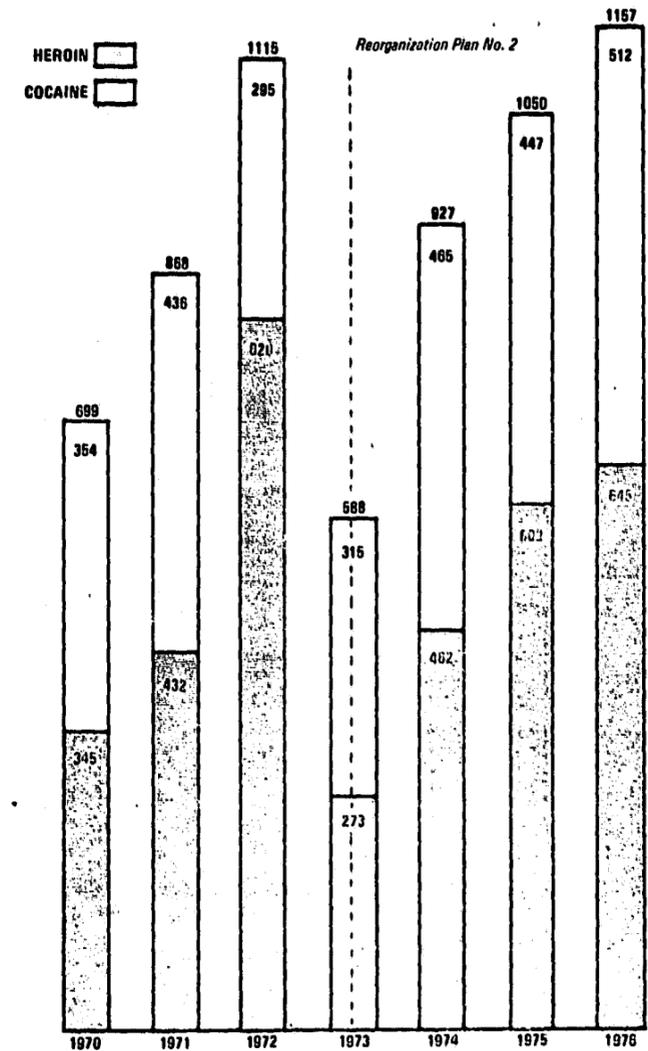
1. U.S. Customs Service. Narcotics intelligence is exchanged between DEA and the U.S. Customs Service at the field level, DEA provides monthly to Customs, a computer tape with all new information on DEA Class I, II and III violators. In most DEA Regions, a Customs Patrol Officer is assigned to the Regional Intelligence Unit. DEA narcotics intelligence is designed to assist the U.S. Customs Service in their interdiction of illegal drugs at or between the U.S. ports and borders. DEA operational agreements in this regard have been in force since December 11, 1975. DEA in turn responds to Customs narcotic interdictions at or near our U.S. ports and borders.

2. Internal Revenue Service (IRS). The IRS has agreed to devote resources against major narcotics violators. Since signing the Narcotics Trafficker Tax Program agreement in July 1976, DEA has been providing the IRS listings of high-level drug violators, and meetings have been conducted by members of both agencies at the field level. IRS prosecutions and investigations have proceeded with increased efforts and results.
 3. Federal Bureau of Investigation (FBI). DEA agents question their informants not only on matter pertaining to drug trafficking activities, but also other violations of Federal law such as bank robberies, terrorism, etc. This information is then forwarded to the FBI. In addition, DEA submits names and pertinent data of all DEA Class I drug fugitives to the FBI for their assistance in apprehensions.
 4. Immigration and Naturalization Service (INS). The DEA coordinates closely with INS not only by exchanging mutually-responsive intelligence, but also by responding to notices of drug seizures and apprehensions effected by the INS. Operational agreements have been in force since November 29, 1973.
 5. EL Paso Intelligence Center (EPIC). This joint center is comprised of full-time Watch participation from DEA, INS, and Coast Guard. Liaison/coordination with Customs, FAA, ATF is accomplished by representatives assigned to EPIC. This center collects, analyzes and disseminates information regarding drug movement and illegal alien activity along the border, e.g., EPIC produces 1,115 copies of a weekly bulletin of which 335 go to Customs. The center is currently expanding its intelligence exchange with foreign intelligence services as well as domestic state law enforcement organizations.
- DEA, INS and Customs participate in the Interagency Drug Intelligence Group/Mexico thus providing INS and Customs access to all investigative reports (DEA-6's) that relate to Mexican narcotics activity. INS and Customs are being requested to participate in the newly formed Asian Heroin Working Group. Participation in these groups permits joint products. These programs are designed to provide strategic and tactical intelligence on a timely basis to aid and assist the interdiction agencies in performing their duties and responsibilities.

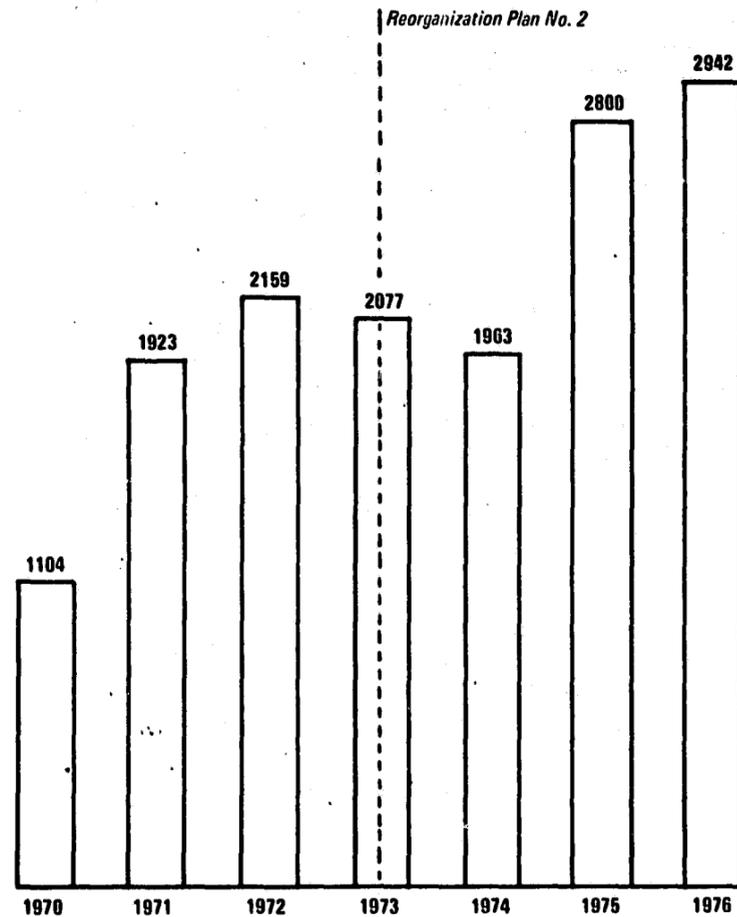
VI. ACHIEVEMENTS:

DEA functions within a worldwide social, economic, and political system in which the variable performance of other governments and agencies greatly affect the application of DEA's enforcement efforts, and the total impact on the U.S. supply reduction efforts. Certain objective statistical measures of performance may be cited which either directly or indirectly reflect the value of the agency's activity. It is of utmost importance that the quality and strategic significance of the application of DEA's efforts be understood in connection with the interpretation of these statistical measures. Therefore, it is necessary to consider the significance of the violators arrested and not simply their number. It is necessary to consider the strategic significance of eradication efforts in Mexico and other countries which have an impact on the overall supply and availability of illicit drugs in the U.S. Finally, it is important to realize the foreign drug enforcement efforts reflect the training, expertise, and stimulus provided by DEA personnel with the diplomatic assistance of the Department of State.

DEA FEDERAL DOMESTIC NARCOTIC REMOVALS (lbs.)



DEA FEDERAL DOMESTIC HEROIN ARRESTS*



*1970 & 1971 data includes cocaine; heroin alone not available.

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APPENDIX F

U.S. Coast GuardBACKGROUND

The Coast Guard is the nation's primary maritime law enforcement agency. It is the only federal agency with plenary jurisdiction over all violations of federal laws upon the high seas and waters over which the United States has jurisdiction. These waters include the internal waters of the United States; the 3 mile territorial sea; the 12 mile contiguous zone for customs and immigration; the 200 mile fisheries conservation zone; and the high seas beyond the territorial sea. 14 USC 2 states that the Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States and under 14 USC 89 the Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests to enforce those laws. For such purposes, commissioned, warrant, and petty officers may at any time go on board any vessel subject to the jurisdiction, or to the operation of any law of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. The section goes on further to outline the authority to arrest persons and seize the vessel if a breach of the laws of the United States has occurred. In addition to the authority outlined above, sections 14 USC 143 and 19 USC 1401(1) designate Coast Guard commissioned, warrant, and petty officers as "officers of the customs." Under 14 USC 141 the Coast Guard may, when so requested by proper authority, utilize its personnel and facilities to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified. The Coast Guard may also avail itself of the facilities and personnel of the organizations listed above.

MISSIONS

The Coast Guard has several primary missions and most Coast Guard facilities, vessels, and aircraft are multi-mission: a buoy tender on an Aids-to-Navigation mission may conduct law enforcement boardings of pleasure craft and fishing vessels; an aircraft on pollution patrol may also be looking for suspect vessels. In like fashion, a Marine Inspector checking a vessel's seaworthiness may uncover a customs violation.

Enforcement of Laws and Treaties. The objective is to protect and preserve the natural resources and national interest on or under the territorial waters, contiguous zone, and special interest areas of the high seas by all appropriate means including the enforcement of

CONTINUED

1 OF 2

international agreements and Federal laws except for those relating to pollution, traffic control and port and vessel safety. This includes but is not limited to the enforcing of federal laws and international agreements related to fisheries, the protection of marine mammals, the exploitation of natural resources, and the smuggling of narcotics and illegal aliens.

Port Safety and Security. This mission is to safeguard the nation's waterways, port facilities and vessels, persons, and property in the vicinity of the ports from accidental or intentional destruction, damage, loss or injury. It is also to protect the navigable waters and adjacent shore areas of the United States, and the adjacent resources from environmental harm.

Search and Rescue. The purpose of this mission is to minimize loss of life, injury, and property damage by rendering aid to persons and property in distress on, over, and under the high seas and waters under the jurisdiction of the United States. This includes cooperation with other governmental organizations (Federal, State, and local) to carry out activities in the international sphere where appropriate in furthering national policy, and to assure efficient utilization of public resources.

Marine Environmental Protection. The purpose is to maintain or improve the quality of the marine environment. Also of major concern is to minimize the danger caused by pollutants discharged into the marine environment by endeavoring to provide efficient, coordinated, and effective action in response to the discharges of oil or hazardous substances into the waters of the coastal area.

Commercial Vessel Safety. The objective is to minimize deaths, personal injuries, and property loss or damage associated with vessels and other facilities engaged in commercial, scientific or exploratory activity in the marine environment. This is pursued through the administration of federal laws, the development and enforcement of Federal standards, and implementation of international agreements.

Boating Safety. The purpose is to minimize the risk of loss of life, personal injury, and property damage associated with the use of recreational boats to provide the boaters with maximum safety in the nation's waterways. In addition, Coast Guard boating safety personnel conduct liaison with the States, train State personnel, and coordinate Federal/State programs to assist effective State participation in boating safety programs.

Military Preparedness. The objective is to maintain the Coast Guard as an effective and ready armed force which is prepared for and immediately responsive to assigned tasks in time of peace, war, or national emergency.

Ice Operations. The purpose is to facilitate U.S. maritime transportation, scientific research, and other activities in the national interest. This is accomplished by providing icebreaking service on icebound domestic waters and in polar regions of interest to the United States, and by providing assistance to other governmental agencies in the prevention of flooding caused by ice accumulation.

Marine Science Activities. The objective is to conduct the International Ice Patrol; to improve marine environmental measurement and prediction in furtherance of the Search and Rescue, Marine Environmental Protection, Ice Operations, and other Coast Guard programs; and to assist other Government agencies and non-Federal scientific organizations in support of national marine science objectives.

Aids to Navigation. The purpose is to facilitate the safe and expeditious passage of marine traffic in coastal areas, inland waterways, and harbors in order to enhance the utility of national waterways for commercial, recreational, public, and private users. In addition, this program is to provide a continuous, accurate, all-weather position fixing capability for marine and air traffic.

ORGANIZATION

The Coast Guard is organized into twelve districts which encompass all 50 states, U.S. territories, and possessions. East Coast and Gulf districts are under the operational control of Commander, Atlantic Area, while West Coast districts are under the operational control of Commander, Pacific Area. Within each Coast Guard district, the District Commander controls all operations. If operations cross district boundaries, the cognizant Area Commander normally assumes operational control. The locations and areas of responsibility of the Area and District commands are depicted on the chartlet attached.

RESOURCES

Personnel. The Coast Guard as of 31 March 1977 had 37,068 military and 6,532 civilian personnel to carry out and support Coast Guard operations.

Vessels. The Coast Guard has 253 cutters over 65 feet in length and approximately 1800 smaller vessels.

Aircraft. The Coast Guard has 24 air stations located throughout the country and Puerto Rico to provide aviation assets in support of Coast Guard operations. There are 55 fixed wing aircraft (C-130, HU-16E, C-131) and 115 helicopters (HH-52A, HH-3F).

Shore Units. The Coast Guard has Bases, Marine Safety Offices, Depots, Port Safety Stations, Search and Rescue Stations, and various other shore units throughout the country. These units are located in major ports and other areas along our maritime borders. Most of these units have offshore and harbor patrol craft which engage in law enforcement and other missions.

OPERATIONS

The following is a summary of Coast Guard maritime law enforcement operations:

1. Operations in the Southeast U.S. including the Atlantic, the Gulf of Mexico and the Caribbean:

a. Surface Law Enforcement Patrol (SURLEPAT) - These surface patrols are conducted by a single vessel, either a 210' medium endurance cutter or an 82' patrol boat, and are primarily conducted in the Florida Straits - Windward Passage area and in the waters surrounding Puerto Rico. Vessel traffic is reported and law enforcement boardings are conducted.

b. Multi-Unit Law Enforcement Patrol (MULEPAT) - This is a multi-unit version of SURLEPAT that usually consists of a 210' medium endurance cutter, with helicopter embarked, and one or more 82' patrol boats supported by land-based aircraft. They patrol various areas of interest such as Mona Passage, Windward Passage, etc., based on available intelligence information.

c. Yucatan Patrol (YUCPAT) - This is a random scheduled patrol conducted by a 210' medium endurance cutter with helicopter embarked. The patrol is in the Yucatan channel and vessel traffic is monitored and law enforcement boardings are conducted.

d. Airborne surveillance flights are conducted on a random schedule to detect violations and report on any suspect vessel activity. The flights utilize rotary and fixed wing aircraft and are concentrated along the Southeast and Gulf coasts of the United States, Puerto Rico, and the isolated cays of the Bahama Islands.

e. There have been some very successful multi-agency (primarily Customs, DEA and Coast Guard) operations in the Gulf of Mexico and Caribbean areas.

2. Operations along the West Coast of the United States and Hawaii:

a. The Coast Guard's law enforcement efforts are being emphasized in the Southern California area and the Hawaiian Islands. Effective

liaison has been established in these areas with appropriate law enforcement agencies, local and federal.

b. West Coast Coast Guard Districts, including Hawaii, have scheduled random patrols utilizing 82' and 95' boats and small patrol craft from local stations. The patrols will monitor vessel traffic and conduct law enforcement boardings.

c. Airborne surveillance flights, similar to those conducted off the Southeast United States, are also planned.

3. The Coast Guard fully supports and participates in the El Paso Intelligence Center (EPIC). The intelligence provided by EPIC has resulted in several major seizures by the Coast Guard.

4. Summary of vessels seized and value of narcotics and other dangerous drugs confiscated.

<u>Calendar Year</u>	<u>Vessels</u>	<u>Street Value of drugs</u>
1973	4	4,085,000
1974	11	33,251,400
1974	7	34,804,525
1976	25	133,134,265

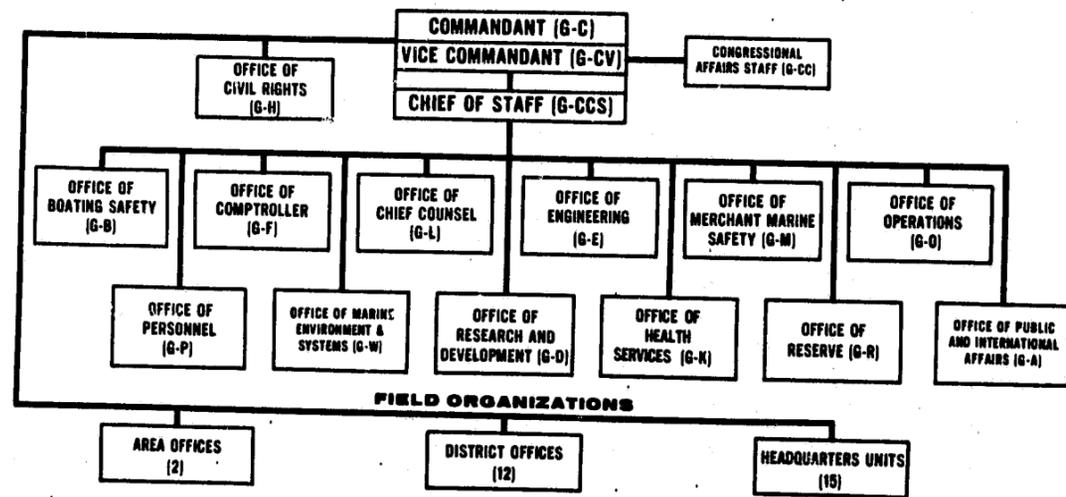
BUDGET

The FY 78 Coast Guard budget is presently in the Congressional stage and in part is as follows:

Total Requested \$1,348,012,000

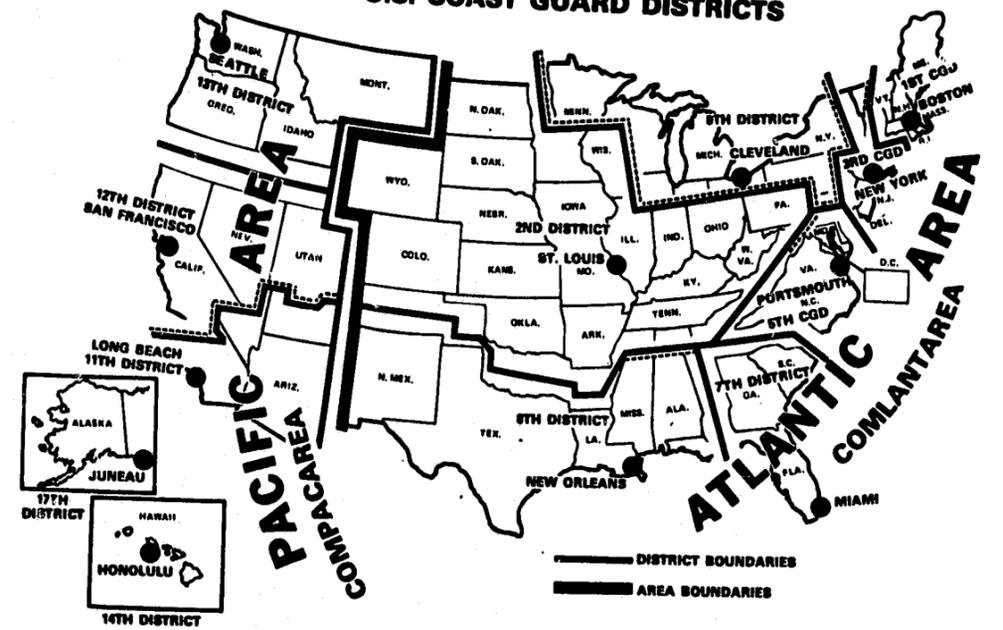
Of this total, \$874,261,000 is for Operating Expenses which includes \$92,494,000 for Enforcement of Laws and Treaties.

**DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD ORGANIZATION**



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U.S. COAST GUARD DISTRICTS



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APPENDIX H

NON-BORDER FUNCTIONSIntroduction

The agencies involved in border management perform certain functions which, although performed in the interior, are natural extensions of the border operation. The following synopsis reflects some of these activities involving INS, DEA and Customs. In addition, significant functions performed by the United States Coast Guard, although border related, are not law enforcement oriented. These activities are detailed in the description of the U.S. Coast Guard contained in Appendix F.

INS

The following represents a description of those INS functions performed at interior locations and their relationship to the border.

1) Inspections: The inspections function is principally a border operation. With few exceptions, the Immigration Inspector at the port of entry creates a record of admission on every alien who enters the U. S. This record is the basis for future investigation if the alien fails to comply with his stay limit, and is used in determining eligibility for other immigration benefits.

In some cases, the inspection may be deferred to an INS district office to allow time to secure additional information before deciding on the alien's admissibility. The alien is instructed to report there at a later date to present the additional information to the examining Inspector. Similarly, refugees must present themselves to an INS district office for further inspection and permanent admission to the U. S. two years after their parole or "conditional" entry at the port.

2) Adjudications: Applications or petitions for benefits under the Immigration and Nationality Act are regularly adjudicated by Immigration. Applications for Mexican border crossing cards, replacement cards and for permission to go more than 25 miles beyond the border are considered border functions because they are filed and adjudicated by INS at border ports of entry.

The bulk of adjudications for other types of benefits, however, are routinely processed in the interior in INS district offices. A large volume of adjudication work is done by inspectors at air, land and sea ports of entry during standby time available between peak workloads. This administrative work is also performed during night shifts, at airports between flights, and at low-volume ports of entry.

H-1

3) Naturalization: Naturalization is a function conducted exclusively in the interior. Subsequent to immigration to the U.S. and the satisfaction of specified time and qualitative requirements, an alien may apply for naturalization at INS district offices. Descendants of naturalized citizens in turn may become eligible for derivative citizenship. Therefore, the file on the newly naturalized citizen may be the starting point for continued immigration and naturalization.

4) Border Patrol: Although most of the functions of the Border Patrol are directly related to the border, other functions such as city patrol, transportation check and farm and ranch checks are done beyond the immediate border location. For instance, some Border Patrol sectors and stations have no direct border responsibility but maintain back-up operations to apprehend aliens illegally in the U.S. Anti-smuggling efforts of the Border Patrol are directed at border area alien smugglers and on the interdiction of trafficking rings at the border.

5) Investigations: The INS investigations program is conducted primarily in the interior. Although INS investigators are stationed in a few of the Southern land border ports of entry to handle cases of document fraud, most are stationed in district offices throughout the U.S. Their function in the interior is to investigate cases of fraudulent, subversive, criminal immoral, or narcotic actions by aliens; to investigate suspect aliens seeking benefits through the adjudications and naturalization processes; and to conduct area control operations, where, in response to leads, they apprehend aliens illegally in the U.S. Whereas border anti-smuggling operations are conducted by the Border Patrol, in the interior, investigation of alien/narcotics smuggling rings which recruit aliens abroad and transport them to the interior of the U.S., are conducted by the INS investigators.

6) Detention and Deportation: The detention and deportation program in INS district offices supports both border and interior operations. There are three INS detention facilities and a staging area along the Southwest border. Many aliens apprehended at the border or denied entry at the ports are held in these detention facilities pending hearings, prosecution, or expulsion.

Border detention facilities are also used to support interior enforcement operations. Mexican aliens apprehended through Border Patrol back-up or interior investigative operations are bussed from locations such as Albuquerque, Denver, and Chicago, to these border facilities where they are detained. INS also operates a detention facility in New York City which is utilized by the INS interior enforcement efforts, primarily in the Northeast. In other areas of the interior where INS detention facilities are not available, apprehended aliens are held in state or local detention facilities.

H-2

7) Immigration Judges: Immigration Judges are responsible for presiding over administrative hearings both in the border area and in the interior. All aliens found to be inadmissible to the U.S. at a port of entry or determined to be illegally in the U.S. in the border area or in the interior, are entitled to a formal exclusion or deportation hearing. Judges are located in the interior in several of the larger INS district offices and travel extensively to other interior and border locations to conduct hearings.

B) Records: With few exceptions, a record is kept of all formal INS contacts with or regarding the alien. These records together form a single file on the alien which is used to establish eligibility, deportability, or any other subsequent process within the Service. These files are maintained in the INS district in which the alien lives.

9) Summary: INS can be considered as both a border and an interior operating agency. The district offices and four regional offices provide both the overall management and act as operating centers for these interior functions. INS believes that the management of the alien is a continuum from the time he states an intent to come to the United States until he has departed or becomes a naturalized citizen, because an alien's eligibility for benefits or liability to deportation often depends on actions taken prior to or at the time of admission to the U.S. The records maintained on the individual are the supporting documents for all phases of the alien's involvement with Immigration. The records provide a connecting link for the entire process. Therefore, significant problems would be created if the border functions and the interior functions were in different agencies.

DEA

The mission and functions of the Drug Enforcement Administration focuses its resources on domestic enforcement (including investigations, intelligence, regulatory and compliance and a number of support activities) and foreign initiatives (principally enforcement support, intelligence and training). The current thrust of DEA's operations is to immobilize major traffickers and organizations with particular emphasis on conspiracy investigations.

Because of DEA's focus on investigations and penetrations of drug trafficking networks, border support activities are viewed as important, but subordinate to DEA's principal mission. Therefore, the preponderance of DEA's resources are allocated to non-border areas.

CUSTOMS

In contrast to the DEA, Customs mission and functions focus its resources almost exclusively on the border and border-related activities of the Customs Service which can be classified as a non-border function is the adjudication process of the Customs Court. The Customs Court provides a mechanism for resolution of disagreements or appeals to Customs determinations and rulings. This adjudication process is a direct result of Customs operations at the borders.

H-3-H-4

APPENDIX I



THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

August 24, 1977

Peter G. Bourne, M.D.
Director
Office of Drug Abuse Policy
The White House
Washington, D. C. 20500

Dear Dr. Bourne:

By letter of August 8, 1977, you solicited the views of the Department of Justice on the draft report of the Border Management and Interdiction Review Team. We appreciate this opportunity for review and comment.

The responses of the Drug Enforcement Administration and the Immigration and Naturalization Service are attached. In addition, the Department of Justice wishes to convey several points.

The report, in our view, does not go far enough in the development of alternatives to the present organization. It falls short in analysis of the central questions which are (1) where in the government a new border management agency should be located, and (2) precisely what portions of existing agencies would make up the new agency.

This study was initiated because drug enforcement was identified as a high priority. On pages 74 and 75 the draft states that the revenue collection function, traditional departmental support, and the relative size of enforcement activities are most relevant to determining the organizational placement of a new agency. We do not agree.

Placement should be based on eliminating fragmentation and competition which in the past have led to inefficiency. The central findings of the ODAP study revolve around this issue and therefore the proposed solutions should proceed from it.

I-1

The Department of Justice is charged with the enforcement of the federal drug and immigration laws. It follows that consolidation of border management functions should be in the Department of Justice. This would permit the Attorney General to direct the full range of drug control and immigration activities. Any other placement would simply perpetuate present problems of fragmentation.

Until such a discussion of alternatives takes place, we do not believe the scope of the study has been sufficiently developed to warrant a reorganization decision. A full examination of enforcement issues is underway by the President's Reorganization Project of OMB. The ODAP study will provide useful preliminary materials for that review. When completed, the Attorney General expects to comment further before any proposal on these matters is submitted to the President.

Thank you.

Sincerely,



Peter F. Flaherty
Deputy Attorney General



Michael J. Egan
Associate Attorney General

Attachments

cc: Bert Lance, Director, Office of Management and Budget
F. Treadwell Davis, President's Reorganization Project



THE DEPUTY SECRETARY OF THE TREASURY
WASHINGTON, D.C. 20220

August 22, 1977

Dear Dr. Bourne:

Thank you for transmitting the draft report of the Border Management and Interdiction Review Team with your letter dated August 8, 1977 to us for our views and comments.

The Customs Service is providing to you under separate cover its comments on the report. We have reviewed those comments and in general are in agreement with the concerns expressed therein although we believe it is premature for us to endorse a particular option. We also believe it would be premature to address the question of which department should supervise consolidated border agency enforcement. The resolution of that issue should await not only a decision as to whether there should be a border management agency but also the results of your study on Drug Law Enforcement and OMB's overall law enforcement agency study. Those studies will necessarily have to face issues that go well beyond the scope of this report but that clearly have a bearing on the question, e.g. whether all or most law enforcement activity should be concentrated in one department, whether investigative and prosecutorial functions should be consolidated under one department, whether law enforcement activities associated with collection of revenues should be supervised separately from enforcement of general criminal statutes, how the non-border enforcement activities of the agencies here involved will be supervised, etc.

I might also emphasize that regardless of how the overall question of consolidation is resolved, the present structure of intelligence collection and dissemination pertaining to border interdiction must be changed. Quite apart from whether there is any valid distinction between

national and border intelligence, the fact is that the Customs Service is not now receiving adequate intelligence whether that judgment is made on an historical basis or on a current, qualitative basis. There is every reason to believe that inadequate intelligence has adversely impacted drug interdiction at the border, and any reorganization must address this inadequacy.

Sincerely,

Bob Carswell
Robert Carswell

Dr. Peter G. Bourne
Director
Office of Drug Abuse Policy
The White House
Washington, D.C. 20220

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APPENDIX K



ASSISTANT SECRETARY
FOR ADMINISTRATION

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

August 22, 1977

Peter G. Bourne, M.D.
Director
Office of Drug Abuse Policy
The White House
Washington, D.C. 20500

Dear Dr. Bourne:

I am forwarding for your consideration the Department of Transportation (DOT) response to the draft Border Management and Interdiction Study. In view of your request for comments from the United States Coast Guard (USCG), we have included in this reply the views of the Commandant.

As a matter of general comment upon the entire study, some significant policy, management and organizational problems affecting Federal border law enforcement activities were identified. Specifically, the problem seems to be the numerous cases of jurisdiction overlap and duplication of effort between the United States Customs Service and the Immigration and Naturalization Service (INS).

Neither option one nor option two offer a lasting solution to the problem. While additional resources, as suggested in option one, may help stem a particular crisis it is precisely this approach which seems symptomatic of the problems the review team identified in their analysis. Option two also would be an inadequate solution. By transferring and consolidating the inspection and patrol functions it only partially addresses the problem. This approach is also similar to the reorganization plan of 1973 which was met with intense union and Congressional opposition and consequently was never implemented.

The proposed creation of a multi-purpose border management agency (option three) including Customs and INS is a solid, viable approach to the problem. We endorse it. An opportunity would be created for the rationalization of functions and the elimination of duplication and overlap between the two principal border agencies. In addition to the advantages delineated in the report, the two agencies should no longer work at cross objectives but instead enjoy a cross-fertilization that should have a positive effect on the quality of understanding and the efficiency of the new organization. Except for political sensitivity, I see no reason why the State Department's Visa and Passport Offices should not be included in this option. They are integrally related to the efficacy of any border management effort.

K-1

We take vigorous issue with the proposed expansion of option three to include the U.S. Coast Guard in a border management agency or in the same Department as the new agency. The body of the draft report does not supply the kind of closely reasoned and well documented argument needed to provide substance for this proposal. For example, not only do chapters three and four not cite any functions, problems, or issues involving the USCG which could be improved by transfer from DOT, but on the few occasions the USCG is mentioned at all, its present role in support of border law enforcement is judged to be responsive, appropriate and satisfactory. On page 76, option four frankly appears as a "solution searching for a problem" which has not been defined in the rest of the report.

The rationale for establishing a Department of Transportation in 1966 was to provide Cabinet-level direction to the development of a full range of cohesive national transportation policies and programs. The USCG, with its operational, regulatory and many of its law enforcement functions directly involved in transportation and facilitation, was an obvious candidate for inclusion in the new Department.

Since its transfer, Congress has given the USCG increasingly greater responsibility in transportation safety-related functions. Tab A briefly summarizes these legislative actions. It should be noted that this increased involvement in transportation safety missions was not obtained at the expense of the law enforcement program. In fact, the law enforcement budget has grown from 2.2 percent of the total USCG operating expense budget in FY 1969 to 11.1 percent in FY 1977. The most significant portion of this growth, however, represents increased activity in enforcement of maritime laws for which USCG does not share responsibility with border management agencies; i.e., protection and preservation of natural resources on or under the territorial waters, contiguous fisheries zone and special interest areas of the high seas. Tab B provides a detailed analysis of the various advantages and disadvantages attributed to option four.

In conclusion, we strongly recommend that option four be eliminated from the draft report. At the same time we give our strong endorsement to option three. The inclusion of option four in the report only obfuscates the problems and issues identified by the ODAP review team. Option three is clearly the most viable current solution to the Nation's border management problems.

Edward W. Scott, Jr.
Edward W. Scott, Jr.

Enclosures

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Tab A

SUMMARY OF MAJOR LEGISLATION AFFECTING COAST GUARD PROGRAMS
SINCE TRANSFER TO THE DEPARTMENT OF TRANSPORTATION

1. National Environmental Policy Act (1970)

Aimed at reducing the dangers of environmental damage, this Act dictated Coast Guard involvement in the preparation of Environmental Impact Statements for internal projects, and in reviewing similar statements submitted by other agencies.

2. Water Quality Improvement Act (1970) - Federal Water Pollution Control Act (1972 Amendments)

Enacted to provide effective emergency response to pollution incidents, this legislation is the basis for Coast Guard participation in the National and Regional Response Teams. On-scene commanders for individual pollution incidents are provided, and regional contingency plans are prepared which encompass Coast Guard areas of responsibility. The National Strike Force, consisting of the Atlantic, Pacific, and Gulf Strike Teams, equipped with specialized pollution control equipment, provides a Coast Guard ready response force for rapid control and cleanup of pollution incidents.

3. Federal Boating Safety Act (1971)

In promoting safety on the water, this Act empowers the Coast Guard to prescribe standards for the manufacture and construction of pleasure boats and associated equipment. Existing regulatory authority for controlling the use of boats and their equipment was given added flexibility and extended to permit Coast Guard termination of voyages involving unsafe operating practices. Flexibility was also added to the provisions for administering the boat numbering system to facilitate reciprocity by states and encourage increased state participation through a financial assistance program.

4. Vessel Bridge to Bridge Radiotelephone Act (1972)

The Coast Guard is empowered by this Act to administer and enforce regulations requiring approaching vessels to maintain radio contact for communicating their intentions, thereby reducing the risk of collision.

5. Ports and Waterways Safety Act (1972 - Title 1)

Aimed at the prevention of damage to vessels, structures and water or water resources, this Act authorized establishment of the Vessel Traffic System and granted broad Coast Guard authority for the regulation of vessel movements in restricted or hazardous waters. Provisions for the regulation of dangerous cargo and establishment of limited access and safety zones were included.

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6. Marine Protection, Research, and Sanctuaries Act (1972 Amendments)

Coast Guard involvement in the Ocean Dumping Program stems from this Act. Surveillance and enforcement of current regulations are carried out to prevent unlawful dumping and transportation for dumping in U.S. waters. Protection of marine sanctuaries is provided by charging the Coast Guard with enforcement responsibility for individual sanctuary regulations.

7. Oil Pollution Act (1973 Amendments)

Under this Act, the Coast is authorized to inspect for and report violations of high seas pollution regulations such as bilge pumping, ballast discharge, or tank cleaning.

8. Marine Mammal Protection Act (1973)

The authority of the Coast Guard under Title 14, U.S. Code permits enforcement of the provisions of this Act. Assistance is furnished to the Department of Commerce in the form of occasional surveillance flights and transport of National Marine Fisheries Service personnel engaged in marine mammal protection. Such support is generally provided in conjunction with activity involving enforcement of Inter-American Tropical Tuna Convention regulations where an incidental porpoise catch is anticipated.

9. Intervention on the High Seas Act (1974)

This Act provides the authority for Coast Guard intervention to control or eliminate oil pollution hazards to the U.S. environment stemming from high seas casualties involving foreign vessels. This Act provided the basis for Coast Guard response to the Argo Merchant incident. In the near future this Act may be amended to include hazardous substances other than oil.

10. Deepwater Ports Act (1974)

This legislation provides the authority for the Coast Guard to oversee the licensing, design, ownership, construction, and operation of deepwater port facilities. A license has recently been issued for the construction of a deepwater port facility in the Louisiana offshore area.

11. Fishery Conservation and Management Act (1972)

A new scheme for control of U.S. fishery resources was introduced by this legislation. Based on sound management and conservation principles, FCMA regulations provide strict control of fisheries stock and limit the types and quantities of fish which may be harvested by foreign vessels. The Act established a 200-mile fishery conservation zone and assigned enforcement responsibility to the Coast Guard and National Marine Fisheries Service. Air and surface patrols and a comprehensive boarding program are used to ensure compliance with FCMA regulations.

ANALYSIS OF OPTION 4

The specific advantages cited in the draft report as applying to Option 4 are:

- a. Places Federal responsibility for the entire perimeter of the U.S., both borders and U.S. waters, in a single organization.
- b. Likely to strengthen the law enforcement role of the U.S. Coast Guard (USCG).
- c. Significant increase in the amount of resources available to the border management agency.
- d. Possible elimination of separate Customs Marine Patrol activities.

Analysis of these cited advantages, however, does not demonstrate that any clear benefits would accrue from the adoption of Option 4. In particular:

- a. Consolidation of border management responsibility is an advantage only if cooperation among separate agencies has proven inadequate and overlap and duplication of efforts would be reduced. This is not so in the case of the USCG. Indeed, the draft Report states that the USCG role in support of border law enforcement is judged to be responsive, appropriate and satisfactory (see pp. 30 and 65). Since Option 4 states the USCG must be continued as a separate entity, the law enforcement functions could not be consolidated with those of the Immigration and Naturalization Service (INS) and Customs. It should also be reemphasized that the USCG is multi-mission in every sense and have no operational resources identified solely with the support of narcotics and drug interdiction.
- b. Option 4 implies that the USCG's role in law enforcement has been unduly constrained by its location in the Department of Transportation (DOT). An analysis of the growth of the Enforcement of Laws and Treaties (ELT) since FY 69 (with DOT input) demonstrates that such an assumption is fallacious. Table 1 compares the growth of the operating expense budgets for ELT and for the USCG as a whole in fiscal year dollars. The fact that ELT has grown at an average rate of 35.5% compounded annually over the past eight years, while the total USCG operating expense budget has grown at a rate of only 10.8% clearly indicates that DOT location has not been an undue constraint on the law enforcement role of the USCG.
- c. There would be no significant net increase in resources available for border management resulting solely from the transfer of the service to the new agency since USCG total mission requirements would transfer as well. Any increased commitment of existing USCG resources to border management duties could be accomplished only at the expense of other USCG

mission areas since no excess USCG resources exist. Note again in the draft Report that the current level of border management law enforcement services provided by the USCG is judged to be responsive, adequate, and satisfactory; the need for more USCG-type resources has not been identified.

- d. It may prove possible to eliminate the Customs Marine Patrol without transferring the USCG from DOT. Rather than reorganization of the Executive Branch, the first step towards this goal should be the initiation of working level discussions between the sub-cabinet level agencies involved.

The specific disadvantages cited as possibly applying to Option 4 are:

- a. Safety and other non-law enforcement responsibilities of the USCG could be adversely affected by over-emphasis of law enforcement.
- b. Because the majority of the USCG's responsibilities are non-law enforcement, they could detract from the law enforcement orientation of the remainder of the border management agency.

Analysis of these possible disadvantages indicates that they are all too probable.

- a. "Advantage" c. cited above indicates the members of the study team already regard the non-law enforcement portions of the USCG budget as a central pool from which resources could be reprogrammed to deal with the "real" work of the border management agency.
- b. Assuming that the new agency consisted of the USCG, INS, Customs, and 10% of the Drug Enforcement Agency (DEA), (i.e., the El Paso Intelligence Center (EPIC)), its budget would be (in millions of FY 78 dollars):

CG	1,400
Customs	359
DEA	17
INS	244
	<u>2,020</u>

More than 60% of the new agency's total budget would be devoted to non-border management missions including the safety and facilitation of waterborne transportation, marine environmental protection and military preparedness. The wide variety of Congressional interest and public and private pressure groups to which the agency would be expected to respond would be of a magnitude and diversity more commonly associated with a department than a sub-cabinet agency.

TABLE 1

1	2	3	4	5	6
YEAR	1/ ELT OE \$ (OOO's)	2/ % OF FY69	CG OE \$ (OOO's)	% OF FY69	ELT \$ AS A % C TOTAL OE \$
FY 69	2,194	100	368,943	100	2.2
70	9,690	118	409,981	111	2.4
71	10,603	129	449,446	122	2.4
72	17,859	218	491,028	133	3.6
73	25,091	306	548,361	149	4.6
74	29,355	358	584,504	158	5.0
75	47,640	581	653,053	177	7.3
76	64,975	793	702,308	190	9.2
77	93,222	1138	838,383	227	11.1

1/ Enforcement of Laws and Treaties

2/ FY 69 is the base year or 100% of Column 2. Subsequent years represent increased percent from base year.

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APPENDIX N
S/S 7721562



DEPARTMENT OF STATE
Washington, D. C. 20520

August 23, 1977

MEMORANDUM FOR DR. PETER G. BOURNE
THE WHITE HOUSE

Subject: Draft Report of the Border Management
and Interdiction Review Team

We have reviewed the draft report of the Border Management and Interdiction Review Team. It is a highly commendable and incisive report that focuses on the problem areas and offers reasonable solutions.

We agree with the report's emphasis on the two basic issues of lack of coordinated border management and the overlap and duplication of effort. Concerning the four options offered for solution, we agree with Option Four recommending the creation of an expanded multi-purpose border management agency. It offers many more advantages and optimal resolution of the problems described in the report. Our second preference would be Option Three.

The following are suggestions for minor changes in wording that might be considered:

Page 17 -- under the definition of the role of DEA, suggest the elimination of the words: "...at the national and international level" This would avoid the issue of ODAP and State performing the direction and coordination for the international program, which is not really relevant to this study.

Page 35 -- We suggest that the third sentence of the first paragraph should read: "DEA is responsible for developing Federal drug enforcement strategy and programs and for handling high-level drug conspiracy cases within the U.S." This would avoid the problem of questioning the responsibility of ODAP and State to direct the international program. Next line should begin: "The different"

N-1

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Annex C (V) paragraph 2 -- suggest the elimination of the sentence concerning overseas narcotics control coordinators. They are State personnel, not DEA, and the sentence gives a misleading impression.

The team deserves high praise for the yeoman service it has performed in putting together the report and its recommendations.

Frank H. Wiener for
Peter Tarnoff
Executive Secretary

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APPENDIX O



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON



August 23, 1977
REFER TO

The Honorable
Peter B. Bourne
Director, Office of
Drug Abuse Policy
Old Executive Office Building
Washington, D. C. 20503

Dear Dr. Bourne:

We appreciate this opportunity to comment on the draft report of the Border Management and Interdiction Review Team. The review team, under the guidance of ODAP, is to be complimented for this fine effort. We believe that the study has already shown positive results in the emergence of the term "border management." The now common use of this term in the federal community represents a new generation of thinking in regard to border activities and has served to focus attention not upon a single or possibly transitory issue, but rather upon the identification of long term solutions for a variety of border related problems.

In our opinion, several points contained in the report do require further clarification. Initially, however, we believe it essential to again offer our perspective of the approach required to improve the overall effectiveness of border management. Since the inception of this study, we have suggested that creation of a single border management agency would eliminate the duplication and overlap existing in the current federal response to border activities. Therefore, it was gratifying to note that two and possibly three options presented in the report could result in the creation of a single border management agency.

The review team has been both comprehensive and realistic in the array of options presented for consideration. In addition, we agree with their assessment that these options are not mutually exclusive. It is, therefore, difficult to totally eliminate any of the alternatives presented. However, we favor the approach in option three as we believe it could be implemented within a relatively short timeframe, with a minimum of opposition and organizational disruption. This option would provide the border management agency sufficient time to determine the functions to consolidate while enabling consolidation of certain duplicative functions to occur immediately. We feel this is a logical and well reasoned approach to significantly increasing the effectiveness of border management.

O-1

REPLY TO: COMMISSIONER OF CUSTOMS, WASHINGTON, D.C. 20229

As a resolution to the current fragmented approach to border management, we believe option one, if it were to be considered the only action taken, is undesirable. This option is contrary to the principles we attribute to a total border management system. It is this type of fragmented approach to border problems that has led to the overlap, duplication, and ineffectiveness that characterize border management today. Increases in resources for patrol and inspection may be required, but this action by itself would tend to perpetuate existing problems while resulting in only a marginal increase in enforcement effectiveness.

We do not view option two as a viable proposal as presently written. If rewritten, however, to recognize that direct border functions such as patrol, inspection, revenue collection and certain support services form an integrated system that should be located in one agency, while retaining non-border functions in the other agency, it could provide for a flexibility in implementation not available in the other options.

Option four, like three, provides for a single border management agency and presents the possibility of enhancing the perimeter defense of the nation through increased utilization of the Coast Guard. In the event this option is supported by either ODAP or OMB, we suggest that the Coast Guard be maintained as a separate entity outside of the border management agency but within the same department.

Also, we concur with the study team's criteria for the selection of the cabinet level department to host the new agency. In our view, the Department of Treasury most nearly meets these criteria and that, further, in Customs, Treasury has a multipurpose agency that already manages and meets the enforcement requirements of a number of other federal agencies. Border law enforcement is inextricably tied to collection of revenue (\$5 billion in 1976). The problems and administrative strictures associated with this intermixture have been dealt with in Treasury for many years, not only in Customs but in the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. We, therefore, suggest that Treasury is the most appropriate department to assume these functions.

As previously stated, for the most part, the report is thorough and accurate in the assessment of the present state of border management. However, we suggest that the following points require clarification before the report is finalized:

- There is only passing reference to the investigative and intelligence requirements in support of the border management function. As you know, it is Customs position that overseas intelligence collection, border interdiction and follow-up investigations of all contraband smuggling, including narcotics, are integral and inseparable parts of the same process. While we recognize that ODAP is addressing the narcotics intelligence and investigative functions in

O-2

separate studies, it is our contention that the Border Management Study should specifically address this question as a major issue as follows: "Can the border management agency achieve optimum efficiency in border interdiction if the investigative and foreign intelligence functions reside outside the border management agency?"

- We believe that the conclusion that consolidation of the support functions should not be attempted if no merger of border agencies is achieved should be reconsidered. Of particular concern is the area of computers and telecommunications systems. Several instances of successful interagency cooperation including the FBI's National Crime Information Center and the Treasury Enforcement Communications System refute this conclusion. These systems have resulted in substantial savings while significantly increasing federal law enforcement effectiveness. We believe failure to recommend a consolidation of these systems, regardless of merger possibilities, would be a significant oversight.

- The assessment of the patrol and inspection functions contain certain inaccuracies or omissions that should be clarified. For example, the difference between the tactical deployment of the Customs Patrol and the Border Patrol is not adequately described. Also, the assertion that additional INS inspectors alone would significantly improve the interdiction effort is, we believe, fallacious.

Further amplification of our position is continued in the attachment to this letter.

We wish to once again express our appreciation for the opportunity to participate in this study effort. If you wish to discuss the study or our comments in further detail, please do not hesitate to call.

Sincerely,

Robert E. Chasen
Commissioner of Customs

Enclosures

O-3

The Inspection Function

While the report is quite comprehensive, it does not adequately articulate the close relationship of the inspection function to the cargo processing and revenue collection functions. The functions are essential components of the overall Customs concept and are inextricably related to the collection and protection of the revenue.

The Customs Inspector, during the merchandise examination process, identifies critical elements required by the Import Specialist in determining the proper classification, value and rate of duty to be applied to imported goods. The importance of the inspection function is further magnified by the impact which the control of carrier and goods and the collection of trade statistics have upon international relationships through trade agreements and the balance of payments.

In addition, the inspection function should not be viewed as an activity which can be easily divided into two distinct and unrelated parts: the inspection of cargo versus the inspection of persons. Quite the contrary is true. The demands of both cargo and passenger processing upon the inspectional workforce dictate an extremely high degree of flexibility in the utilization of available manpower. Customs Inspectors do not function in a stable work environment, but are utilized over a wide range of inspectional activities and locations which encompass a great diversity of the duties required to process both cargo and persons.

In view of the need for a dynamic, flexible and versatile inspectional workforce, we have some concern over the efficacy of the remedy suggested by the report to overcome the perceived deficiencies in the inspectional workforce; specifically, to increase the number of INS inspectors for primary inspections to release Customs inspectors for secondary inspections. The logic behind this suggestion may be fallacious, for, as this and other studies recognized, inspectors of the various agencies tend to concentrate upon the duties related to the mission by their parent agencies and pay less attention to the requirements of other agencies. Consequently, the staffing of the primary inspection activity largely with INS inspectors would have the effect of increasing the number of referrals for secondary inspections, without regard to criteria that might enhance the interdiction effort, resulting in the overloading of the Customs inspectional workforce and thereby diminishing the effectiveness of the total inspection function.

We feel that a better solution to problems of the inspection function lies in the single agency approach, where an integrated inspectional workforce, adequately trained and under the direction of a single manager would produce maximum efficiency, effectiveness and economy.

O-4

The Patrol Function

A significant issue raised by the report relates to the overlap and duplication of effort in the patrolling of land borders between ports of entry, particularly along the Southwest Border.

While it is true that Customs and INS operate in the same border areas, the tactics of the Customs Patrol and the INS Border Patrol differ considerably. In attempting to intercept illegal aliens, the INS Border Patrol protects specific areas of the border which are well known crossing points. Routine patrols and a "laying in" at the points of crossing are common tactics. In contrast, the Customs Patrol employs a tactical interdiction approach which features a highly mobile patrol force supported by sophisticated and highly developed electronic sensor and detector systems, a widely deployed computer-assisted intelligence network, and a nationwide direct communications system. The time, place and mode of the smuggler are extremely unpredictable. Consequently, the Customs interdiction force is geared to responding to intelligence, both tactical and strategic, and to sensor alerts. Because we have determined that protecting an area as extensive as the Southwest Border against the illegal intrusion of smugglers by routine patrols and static border watches is ineffective, we continue to emphasize the tactical interdiction approach.

Insofar as overlap and duplication are concerned in the deployment of unattended ground sensors, we wish to point out that INS sensor fields are generally located near ports of entry where most illegal alien crossing occur, while Customs sensor fields are deployed much further away from ports where the majority of smuggling activity occurs.

These distinctions are drawn not to refute the issue that overlap and duplication does exist, but to explain certain differences that should also be recognized in the report.

The Investigation Function

As the report discloses, Customs and DEA view the priorities assigned to the combatting of drug trafficking from different perspectives. While DEA operates over the entire spectrum of the anti-narcotics effort, Customs is restricted to the interdiction of narcotics at the border.

The conflicts which the Study Team perceived to exist between Customs and DEA are not simple conflicts engendered by the uncooperative attitudes of two agencies sharing the responsibility for preventing the introduction of illegal narcotics into the U. S. The conflicts stem from the efficacy of the concept of a single agency being charged with the overall Federal drug control mission, including the responsibility for determining the most effective approach to the combatting of drug trafficking by all agencies having a role in the Federal drug law enforcement effort.

Reorganization Plan No. 2 had the effect of disrupting the Customs narcotics law enforcement effort. That effort, prior to the reorganization, was a continuum which included the investigation of cases abroad, interdiction at U. S. borders and related follow-up investigations. The reorganization constructed barriers and created gaps along the continuum by placing the investigators in one agency and the interdiction force in another. The result has been that the investigators are functioning with less than total involvement by the interdiction force, while the interdiction force is handicapped by the lack of a closely coordinated investigative capability.

We believe that it is important to address this aspect of the investigation function and, in addition, to express the Customs view that any border management agency must be authorized to conduct the investigations necessary for the support of its mission whether these investigations involve illegal aliens, fraud, currency violations, neutrality, export control, narcotics or other forms of smuggling, or any other violations which are within the scope of the border management agency's responsibility.

Note: The data on page 32 should be corrected to indicate that approximately 25 percent of the case load is fraud and the balance on all other investigative categories.

Support Systems

The information contained in page 38 concerning Customs support systems and cost data should be amended. The cost information is not limited to the TECS system but relates to total computer costs incurred by Customs. The attached proposed insert explains the various programs involved.

CUSTOMS	\$ 24.0
DEA	\$ 10.2
INS	\$ 8.2
Total	\$ 42.4 million

A brief description of the systems follows:

(a) Customs

TECS: With 900 terminals in the U. S. and foreign preclearance sites, the Treasury Enforcement Communications System (TECS) is operational 24-hours-a-day, 7-days-a-week providing lookout information on passengers and vehicles; an automated index to Customs central enforcement files on persons, vehicles, aircraft, vessels and companies; an intelligence function; an administrative message capability and enforcement management information. TECS interfaces with NLETS, CLETS and NCIC, as well as provides services to ATF, IRS, DEA, Coast Guard, Department of State and INTERPOL.

Administrative Computer Support: These systems provide, through on-line, batch and dispersed processing capabilities, centrally controlled at the Headquarters Computer Center, revenue, appropriations and reimbursable charges, accounting, property, vehicle and legal case inventories, space management, resource utilizations, position management, personnel and payroll, and fraud investigations services.

AMPS: Customs is developing an Automated Merchandised Processing System (AMPS), to be fully implemented by FY 1981, which will provide modernized entry and appraisal processing of commercial entries. The first phase of the system has been installed at a number of major ports and is based on a nationwide computer supported telecommunications and data processing system, implemented through a cost effective modular operating plan.

(b) DEA: The Narcotics and Dangerous Drug Information System (NADDIS)

APPENDIX P

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, D.C. 20536

OFFICE OF THE COMMISSIONER

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 235-P

Dear Doctor Bourne:

This refers to your request of August 8, 1977, for comments on the draft report of the Border Management and Interdiction Review Team.

I want to express my admiration and congratulations to you and the team for producing a comprehensive and balanced study of an extremely complex set of interrelated federal programs.

Before commenting on the "OPTIONS" chapter, which is the core of the report, I want to emphasize the immediacy of providing a solution to the immigration problems facing the nation. The President, in his message to Congress of August 4, 1977, underscored the urgency of seeking remedies, which included a substantial increase in resources. These should not be delayed by a possible prolonged evolution of a reorganization plan.

The increasing workloads of the Service, such as the enormous growth of air traffic, and the predictable new additions to the workload stemming from the President's determination to control illegal immigration, require a timely and significant addition of personnel, as your report states.

OPTION 1 - NO CHANGE IN ORGANIZATION. EXISTING AGENCIES CONTINUE TO PERFORM THEIR CURRENT DUTIES. ADDITIONAL BUDGET PRIORITY GIVEN TO SELECTED FUNCTIONS.

This option responds to the President's concern regarding illegal immigration by recognizing the necessity of adding a substantial number of enforcement personnel to the Immigration Service. In his message to Congress, the President proposed such an increase, and your report parallels the recommendations of the Cabinet Committee in this regard.

I agree with the report's statement of the advantages and disadvantages of Option 1. However, many of the disadvantages might be overcome by a sub-option which stressed coordination among the agencies. An increase in resources, although necessary to meet present workloads, does not in itself guarantee cooperation. I believe that explicit and detailed interagency agreements that clearly define the roles of the

agencies involved in border management would go a long way towards resolving the present problems. One obvious and exemplary arrangement is the El Paso Intelligence Center (EPIC) which could be expanded to satisfy most of the needs of DEA, Immigration, and Customs.

Incidentally, the notion in the report's FINDINGS on page 51, that the only way to persuade the Customs Service to utilize EPIC would require their being put in charge of it, does a disservice to that agency. Their reluctance to support and benefit from this centralized border intelligence center could not spring from so base a motive, but must stem from some other, and presumably more lofty, perception on their part. But this is the type of dispute that could be resolved by an Administration-mandated set of interagency agreements.

Similar agreements in areas such as facilities management, communications, and computer support would simplify border management.

OPTION 2 - LIMITED TRANSFER AND CONSOLIDATION OF SPECIFIC FUNCTIONS AND RESPONSIBILITIES.

As your report notes, the major candidates for transfer are the patrol and inspection functions. The Service views the two as complementary and therefore inseparable.

The issue, as I view it, revolves around which cabinet department, Justice or Treasury, takes on the sole responsibility for patrolling the borders and inspecting arriving persons.

Using the sound management principles of single direction and concentration of force, logic would dictate that the Attorney General take on these functions, since the Department of Justice is responsible for both drug enforcement and immigration enforcement. The transfer of these functions to Justice would end the present split of drug enforcement responsibilities between Justice and Treasury, strengthen immigration response to the threat of illegal entry, and eliminate all the disadvantages cited regarding duplication of effort, divided management, and ineffective utilization of resources.

Another basic reason for such a transfer to Justice involves the relation of agency programs to border management. The Immigration Service is unique in that all its nonborder activities are inextricably tied to the entry of persons at ports or through the borders. As stated in your report, the immigration programs of adjudicating petitions and applications, naturalization, investigations, and immigration records, all of which are administered away from border activities, are nevertheless rooted in the actions taken and the records created in border management operations. Thus, where inspections go, adjudications must follow. In contrast, as your report also states, the Customs border functions relating to the entry of persons are self-contained, beginning and ending at the border. The transfer of these limited-impact functions would not be disruptive, since the revenue collection program of cargo inspection and control would remain undisturbed in the Customs Service.

P-2

Conversely, the transfer of the inspection and patrol functions to Treasury, as proposed in the ill-fated Reorganization Plan Number 2 of President Nixon, would only serve to deepen the split in drug enforcement responsibility, create an equally intolerable split in responsibility for administering the immigration law, and simply multiply and intensify all those problems and issues regarding the lack of single direction and the scattering of resources.

In sum, the only logical course under this option for effective drug enforcement and immigration programs, is the consolidation and transfer of resources for patrol and inspections into the Department of Justice.

OPTION 3 - CREATION OF A MULTI-PURPOSE BORDER MANAGEMENT AGENCY INCLUDING INS AND CUSTOMS.

This option could provide an answer to the lack of single direction and the dispersal of resources, and it also dissolves the threat of separating related immigration activities from border operations.

This option would not be disruptive of immigration law administration in the long-run. It is also attractive in that it could carry out a stated goal of the President to eliminate overlap and duplication in federal programs by consolidating agencies and reducing their number. It is, however, the most politically sensitive in that it will cause major changes in the spheres of influence of special interest groups.

The option has one potential pitfall relating to the heart of the whole study: effective drug enforcement. The key, as in Option 2, is what cabinet department receives the new agency. If the Justice Department takes it, there will be single direction and concentration of resources in the federal drug enforcement program. If the Treasury Department takes it, the current split in drug enforcement, with all attendant problems, will remain. The solution really rests on where the Drug Enforcement Administration is located. If it is in the same department as the new border management agency, drug enforcement will benefit. If it is in a different department, this option does not solve any of the present problems relating to the lack of single direction or duplication of effort in the drug enforcement effort.

Your report contains an obvious bias towards Treasury by stating that the principal considerations in selecting the appropriate department should include such things as revenue collection and relative size. If the collection of money were the deciding factor in supporting law enforcement, then the Social Security Administration should absorb the FBI, or Internal Revenue should run the Bureau for Prisons. And bigness does not necessarily equate with competence. New York has never been named an All-American City, while Rockville, Maryland has achieved that honor three times.

P-3

It would be more appropriate to focus on factors such as Immigration's required bi-lingual competence for border officers, its unique long term experience as the sole patrol force on the Mexican border, its people-oriented programs as contrasted to thing-oriented programs of Treasury, and its interlocking program arrangements with the staffs of the US Attorneys.

OPTION 4 - CREATION OF AN EXPANDED MULTI-PURPOSE BORDER MANAGEMENT AGENCY WHICH INCLUDES INS, CUSTOMS, AND THE US COAST GUARD.

I believe the disadvantages of merging a para-military organization into a federal law enforcement agency outweigh any of the apparent advantages.

Overall, the implementation of any of the first three options, with the restricting conditions I have noted, would be of considerable benefit to the administration of both immigration policy and drug enforcement policy.

Thank you for soliciting our views on these important national issues, and I commend you and the review team for a job well done.

Sincerely,

Leonel J. Castillo

Leonel J. Castillo
Commissioner

The Honorable
Dr. Peter G. Bourne
Director
Office of Drug Abuse Policy and
Special Assistant to the President
Old Executive Office Building, Room 424
Washington, DC

Enclosure



UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
Washington, D.C. 20637

August 24, 1977

Dr. Peter G. Bourne
Director
Office of Drug Abuse Policy
The White House
Washington, D.C. 20500

Dear Dr. Bourne:

I appreciate the opportunity to comment on your August 5, 1977, Border Management and Interdiction Review. In my opinion, the significant narcotics investigations are neither border, nor international, nor domestic; they transgress all three areas. What the Federal drug investigative function needs most is stability and a Government-wide commitment, not major changes in responsibility or jurisdiction.

In general, we are quite impressed with the border review team effort, the logic of the draft, and the fact that you have clearly focused on the two most pressing border management issues. We endorse the requirement for coordinated border management, and the need to minimize overlap and duplication of our border effort.

In our opinion, options two, three and four are responsive and could resolve the major issues. Option two appears to satisfy an immediate requirement to improve the inspection and patrol functions without undue disruption of the current border effort. Options three and four represent a comprehensive, long-term, organizational response with a high potential for improved border effectiveness. Ultimately, we must recognize the very real requirement to dedicate additional resources to the border effort.

While I am not prepared to endorse a specific option or combination thereof, I will observe that the majority of the nation's border problem is of an enforcement nature; therefore, I feel that the enforcement aspects of border management must

be weighed heavily when selecting the appropriate Departmental placement of a new consolidated border enforcement agency. The Attorney General is the Chief Law Enforcement Officer of the United States.

The report seems to reflect a U.S. Customs frustration regarding the adequacy of the drug investigative and intelligence support to the Government's border interdiction effort. We believe that much of the controversy associated with drug interdiction centers on its relative priority within the overall U.S. drug supply reduction strategy. The role of border drug interdiction is essential; however, its relative importance must be placed in juxtaposition with the value of programs aimed at removing the foreign source, financing, etc., and the disruption of drug trafficking systems. Border interdiction is a deterrent to drug smuggling; it is a defensive rather than an offensive strategy. Its effectiveness, however, is handicapped by the need to expeditiously process a tremendous volume of cargo, passengers, baggage, and vehicles.

I also believe the report's perception of the El Paso Intelligence Center is oversimplified. EPIC now functions as a key element in DEA programs for managing and maintaining a national narcotics intelligence system, and it should be retained by the agency responsible for that system. The draft's limited view of EPIC as a processor of border intelligence may arise from its artificial separation of intelligence into two categories, namely, national and local. This divides what is actually a continuum of drug intelligence programs which monitor the interactions of violators involved in producing, processing and moving drugs into and through the United States. The report concludes that high-level traffickers are not involved at the border, and further concludes that border area intelligence should be assembled and processed independently of "national" intelligence. This assessment avoids the reality that major traffickers are located in or operate from border cities, and it fails to recognize that investigations and analyses of these and related targets clearly support interdiction operations at our borders and ports of entry.

EPIC currently supports the investigative efforts of all DEA field offices and, in an increasing mode, it supports state narcotics intelligence organizations. In fact, DEA looks forward

to the day when every state has some narcotics intelligence capability supported through EPIC. Finally, we believe that EPIC's capability to provide information for border interdiction will be increased if and when Customs becomes a major participant.

In summary, DEA has a vested interest in border management in that it plays an important role in the U.S. drug supply reduction effort. DEA recognizes its responsibility to support border narcotic interdiction and to exercise its lead agency responsibility to ensure the maximum effectiveness of the U.S. border enforcement effort. Narcotics interdiction at our U.S. ports and borders is a most complex and difficult task. Its deterrent value must be increased to present a high-risk barrier to the international drug traffickers and their organizations. An organizational response that will bring about such a deterrence has the support of DEA.

Sincerely,


Peter B. Bensinger
Administrator

END