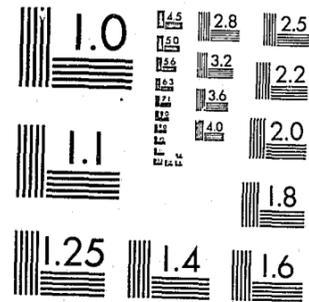


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

7/21/82

MF-1

[COMMITTEE PRINT]

96TH CONGRESS } HOUSE OF REPRESENTATIVES
2d Session

INTERDICTION OF DRUG TRAFFICKING
IN GEORGIA

A REPORT

OF THE

SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL
NINETY-SIXTH CONGRESS

SECOND SESSION

SCNAC-96-2-4



Printed for the use of the
Select Committee on Narcotics Abuse and Control

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1980

82217

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

LESTER L. WOLFF, New York, *Chairman*
 PETER W. RODINO, Jr., New Jersey
 E (KIKI) DE LA GARZA, Texas
 CHARLES B. RANGEL, New York
 FORTNEY H. (PETE) STARK, California
 GLEN ENGLISH, Oklahoma
 BILLY L. EVANS, Georgia
 LEO C. ZEFERETTI, New York
 STEPHEN L. NEAL, North Carolina
 JAMES H. SCHEUER, New York
 CARLISS COLLINS, Illinois

TOM RAILSBACK, Illinois
 ROBIN L. BEARD, Tennessee
 BENJAMIN A. GILMAN, New York
 TENNYSON GUYER, Ohio
 LAWRENCE COUGHLIN, Pennsylvania
 ROBERT K. DORNAN, California

Ex Officio

MARIO BIAGGI, New York
 DANTE B. FASCELL, Florida
 LINDY BOGGS, Louisiana
 BARBARA A. MIKULSKI, Maryland
 EARL HUTTO, Florida
 ROBERT T. MATSUI, California
 GEORGE DANIELSON, California
 DANIEL K. AKAKA, Hawaii
 MATTHEW J. RINALDO, New Jersey
 ROBERT L. (BOB) LIVINGSTON, Louisiana
 CHARLES F. DOUGHERTY, Pennsylvania
 HENRY HYDE, Illinois
 JOHN W. JENRETTE, Jr., South Carolina
 LARRY P. McDONALD, Georgia

COMMITTEE STAFF

PATRICK L. CARPENTIER, *Chief Counsel*
 ALMA E. BACHRACH, *Chief of Staff—Supply*
 ROBERT M. HUNDLEY, *Chief of Staff—Demand*
 ROSCOE B. STAREK III, *Minority Counsel*

TASK FORCE ON DRUG TRAFFICKING IN GEORGIA

BILLY L. EVANS, Georgia, *Task Force Chairman*
 LESTER L. WOLFF, New York
 JACK BRINKLEY, Georgia
 LAWRENCE COUGHLIN, Pennsylvania
 BENJAMIN A. GILMAN, New York

TASK FORCE STAFF

ROSCOE B. STAREK III, *Minority Counsel*
 JOHN W. PEPLER, *Chief of Security/Investigator*

(iii)

U.S. Department of Justice
 National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
 Public Domain

U.S. House of Representatives

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

CONTENTS

	Page
Introduction.....	1
Summary of testimony.....	3
February 29, 1980.....	3
March 1, 1980.....	6
March 3, 1980.....	10
Hearing Findings.....	13
Hearing Recommendations.....	15
I. Cooperation Between Federal, State, and Local Law Enforcement Agencies.....	16
II. Equipment and Personnel.....	16
III. Drug Enforcement Administration (DEA) Priority.....	16
IV. Posse Comitatus.....	16
V. Small Business Administration Loans.....	17
VI. Proposed Changes in Regulations of the FAA.....	17
VII. Additional FAA Regulation Proposals.....	17
VIII. Air Defense Identification Zone (ADIZ).....	17

(iii)

INTRODUCTION

At the conclusion of the hearings the committee held in Hollywood, Fla. on June 9 and 10, 1978, the Federal agencies charged with enforcement of the narcotic laws of our Government increased their manpower and equipment in the area, and effectively disrupted the narcotic smuggling operations in that sector, forcing smugglers to find "new" areas. Shortly thereafter, increased activities were observed in the Gulf of Mexico area plus off the coastline of Georgia, South and North Carolina; in addition, the number of unauthorized flights into the State of Georgia increased dramatically.

Members of the committee from those newly activated areas, in particular, Congressman Livingston from Louisiana and Congressman Evans from Georgia requested an indepth investigation be initiated immediately into the allegations that the narcotic smuggler was now, in fact, increasing his activities in both Louisiana and Georgia.

On November 19 and 20, 1979, the committee held hearings in New Orleans, La. which confirmed the reports of increased illicit drug traffic in the Gulf of Mexico adding weight to the theory of similar increased plane and boat activity in the State of Georgia.

After a month long investigation throughout the State of Georgia, the Select Committee on Narcotics Abuse and Control held 3 days of hearings on February 29-March 1 in the city of Macon, Ga., and on March 3, 1980 in Brunswick, Ga. These hearings focused on the response by the Federal, State, and local law enforcement authorities to increased trafficking in the State of Georgia. Representatives of law enforcement agencies outlined the scope and magnitude of the problem and attempted to detail their efforts to halt this trend. Also included in this assessment were members of the prosecutorial and judicial departments, at the State and Federal level.

As in the previous hearings, the manpower, funds, and material available to Federal, State, and local law enforcement agencies were found to be totally inadequate to deal with the increased influx of illicit narcotic trafficking in the State of Georgia. In addition, there was evidence that a lack of timely communication existed between the local law enforcement agencies and the Drug Enforcement Administration officials assigned to this State. It should be noted here that the logistics (supplies/manpower) involved in maintaining proper communication with the local authorities are staggering. There are 159 sheriff's departments in the State of Georgia and having only 22 agents assigned to the area, it becomes quite evident that personal contact with all sheriffs' departments is physically impossible. Unfortunately, it appears that the local DEA policy is not to initiate any communication with local law enforcement unless initially contacted by the latter. To a lesser degree, this same policy seems to apply to the U.S. Customs and U.S. Coast Guard representatives in this State.

As the testimony developed, it also became apparent that little, if any, communication existed among all law enforcement agencies. The

general consensus of those testifying was that the lack of communication was due to (1) interdepartmental jealousies, and (2) competition between departments to justify their separate annual budgets. It was reported that often the higher-ups within these local departments will withhold vital information that might help solve an individual case of another department because of the feeling that such information would benefit a department other than their own.

Throughout the hearing, witnesses asked why the use of military personnel and equipment was not being utilized by the Federal Government in its effort to combat the illicit drug smugglers. The employment of military personnel was only directly mentioned by some of the witnesses who testified, but with few exceptions, the rest felt that equipment available to the military could be used to great advantage by those involved in this war on drugs. Other witnesses suggested a limited use of military personnel, but only in a surveillance-intelligence capacity. Because of this type of testimony, Chairman Billy Lee Evans of Georgia made a side trip to Hunter Air Force Base outside of Savannah, Ga. to interview some of the military personnel stationed there so as to obtain valuable input from each on the practical application of this suggestion.

During the initial investigation, some questions began to arise concerning the advisability of instituting regulatory restraint or control of certain type aircraft, in order to assist law enforcement agencies in their intelligence network activities against the smuggler. With the full cooperation of the FAA, the investigator was able to elicit noteworthy comments, not only from the members of the Federal agency involved, but also from those interested individuals engaged in the legitimate operation of airports and airplanes. There were conflicting opinions on the practicality of mandatory filing of flight plans for all aircraft weighing 12,500 pounds or more. However, those present, in essence, agreed that if enforceable, this would be an effective means of controlling the "heavy type" aircraft. The disagreement arose with the ability, or lack of ability of the Federal agency (FAA), to actually enforce this regulation. Testimony also brought out the opinion that any such type of regulation would be opposed by organized pilot associations.

Such opposition would be based mainly on the belief that there are too many FAA regulations now. Although this feeling is expressed by those organizations involved in flying and flight safety, testimony at this hearing seemed to indicate that while there are many regulations that come under the purview of the FAA, because of a lack of personnel, not many of these regulations are actually enforced. An example of this is that there is a statute which states that anyone having knowledge of a fuselage or tail number being illegally changed, and having this knowledge still operates this plane, such person is to be charged with a Federal felony and the violator is subject to a fine and a sentence of up to 3 years in jail. The officials of the FAA who testified knew of no enforcement of this law, though all admitted that this is one of the main ruses that is used by drug smugglers is the forging of the fuselage or tail number. From testimony provided by law enforcement officials, if this regulation was enforced, the intelligence that it could lead to would make it one of the most potent weapons in the eventual identification of the higher-ups in the drug smuggling industry.

Testimony also brought out that many planes now are using identification numbers as small as 2 inches in height. Obviously, with numbers so small, identification while flying is virtually impossible. The actual transfer or sale of an aircraft was another issue raised during the hearing. Although all transfers or sales are to be reported to the FAA within 10 days, in practice, it is not enforced. Change of ownership is accomplished just by the signature on the bill of sale. Nothing in the regulations of the FAA requires an inspection for safety, or even accounting/reporting for tax purposes. This is an ideal situation for the drug smuggler. He may purchase a plane, use it for his illegal purpose and if he is forced to abandon the plane, the plane is still registered under the name of the original owner and the smuggler is left unidentified.

One of the most shocking revelations that came out in the testimony given by the FAA and two airport operators, plus a former control tower operator, was that the elaborate military system of defense of our coast lines which operates as a supposedly impregnable radar system, is far from impregnable; in fact testimony brought out that any plane flying at an altitude of less than 1,000 feet can avoid our radar system. Also, testimony indicated that the average smuggler's plane often flies into our coastline at a height as low as 10-15 feet. Concern was voiced by the members not only for the problem of interception of narcotic carrying planes, but for the safety of our Nation from alien planes with such inadequate equipment protecting our shores.

SUMMARY OF TESTIMONY

February 29, 1980

The first 2 days of hearings were held in the auditorium in the city of Macon, Ga. Prior to the start of the hearings, Mayor George Israel of Macon welcomed the members and gave them a brief background on the city government and its operations. The mayor also gave to each member present a token gift of a "key to the city".

Testimony began with the swearing in of Mr. Beverly E. Ponder, Director of the Georgia Bureau of Investigations (GBI) who was accompanied by Thomas McGreevy, Director of the Investigative Division of the GBI. Mr. Ponder informed the committee that his agency was responsible for enforcing Georgia's controlled substances act and his group was divided into three divisions which provided technical, scientific, and investigative services to the Georgia criminal justice system.

During fiscal year 1979, his organization conducted 798 felony drug investigations. From these investigations, resulted 681 felony arrests for drug smuggling and related drug trafficking offenses. Mr. Ponder emphasized the need for new legislation, more personnel and better cooperation among local, State, and Federal agencies. In addition, he recommended that the Posse Comitatus Act be revised, so the Armed Forces "with their sophisticated equipment and large manpower resources could become active in this country's efforts to control drug smuggling."

An unscheduled witness was sworn in after the testimony of the Director of the GBI. A Mr. Brian T. Reid of Westside, Ga., who related personal experiences with his children's involvement in the drug culture. Mr. Reid's four children (one girl, three boys—ranging in age from 13 to 22) are all involved in the use of drugs, as are all of their friends. Mr. Reid decried the fact that there was little or no

educational material coming from the antidrug people. He felt there was no way for a young person to make an intelligent decision about whether or not to experiment with drugs because of the lack of a comprehensive educational program.

The next panel consisted of three sheriffs from the mid-Georgia area, Sheriff Ray Wilkes of Bibb County, Sheriff Cullen Talton of Houston County and Sheriff Cary Bitteck of Monroe County. All three agreed that with the increase of drug usage in their counties, the rise in crime is comparable. Crimes such as house burglaries, armed robberies, etc., show a marked increase and "the people committing these crimes are doing it to pay for their drug habit." They also noted that there seemed to be a direct correlation between the old illegal liquor still dealers and the drug smugglers. To quote Sheriff Bitteck, "I am talking about what we call bootleg liquor, white moonshine—their sons or grandsons are most of the ones that are our drug dealers right now." Each felt that a greater effort by the Federal Government in manpower and/or equipment, could effectively eliminate many of the drug smuggler's operations just as it was accomplished in combatting the "moonshiners."

The lack of a coordinated effort by all law enforcement agencies at all levels, plus insufficient manpower and equipment, were listed by the three sheriffs as two reasons for the poor showing against the drug smugglers. All agreed that aid from the Armed Forces in surveillance and intelligence would be of a great help.

The afternoon session began with a panel of law enforcement officers consisting of Major T. Singleton of the Macon/Bibb County Narcotics Unit and Thomas McGreevy, Director of the Investigative Division for the Georgia Bureau of Investigations. This testimony showed the members present what problems arise in the enforcement of the narcotic laws "on the street." Both of these experienced lawmen admitted that the lack of cooperation between all agencies involved in enforcing the narcotic laws was a great weakness in the system. Major Singleton particularly emphasized the lack of support by DEA in assisting local departments in apprehending major drug violators in his area. Insufficient manpower and equipment also was mentioned by these men as contributing to the lack of success in stopping the drug traffickers.

Mr. D. L. Rampey, Esq., U.S. Attorney, the Middle District of Georgia, stated that his office consists of a staff of nine assistant U.S. Attorneys. He keeps three grand juries in operation in his district to assist his office and the investigative agencies in collection and investigation of Federal crimes. Mr. Rampey testified that since he joined the U.S. Attorney's Office in 1960, "we seem to have a decrease in Federal law enforcement manpower district-wide by about one-third over the past 10 years." In addition, he observed that some of the agencies appear to be centralizing their men in major metropolitan areas, i.e., Atlanta. He also stated that it is the policy of his office to invite local and State law enforcement agencies to submit for prosecution all cases that can be tried in Federal court, since in all probability his office would have primary jurisdiction over the majority of these cases.

Testimony was next taken from two members of the Unified Parents of Dekalb County. Mrs. Barbara Dusik and Mrs. Barbara Linder testified that their group consisted of concerned parents who

offer an ongoing drug program for parents and educators and whose main purpose is to help stop the misuse of mind-altering drugs by school-age children. They told of what they felt was the lack of cooperation from the local and State law enforcement departments with civilians who requested their aid in a drug situation. They informed the panel of the difficulty that they had in turning over to someone in a law enforcement agency a package they suspected contained cocaine. At one point in a conversation with a member of a local police department, they alleged that he informed them to "flush it down the toilet" and then added, "but do it slowly, we don't want you to stop up the toilet."

In contrast to the parents' testimony, the next two witnesses represented CAMP (Coalition for Abolition of Marihuana Prohibition). Testimony by Mr. Paul Cornwell and Ms. Vicki Rosenbloom informed the committee that their organization supported total legalization of marihuana. They would, however, restrict the use to adults only. They advocated education for the public in the use of marihuana. Each stated it was important to provide the public with "both sides" of the issue. They also felt that this form of education should point out the difference between use and abuse.

The next panel was made up of two law enforcement officers from south central Georgia, Police Chief Frank E. Owens of Dublin City and Deputy Sheriff Porter Wood of Laurens County. Sheriff Wood testified to the difficulty they had with the lack of manpower to properly patrol the airports and other potential landing strips in his county, which is quite rural and has many areas where drug drops and clandestine landings could take place with very little fear of interception. Chief Owens, a former member of the ATF (Alcohol-Tobacco-Firearms Agency), stated that by reviewing the "rap sheets" (previous convictions) there appeared a definite pattern showing the relationship with the old bootlegger and the present drug traffickers in the State of Georgia.

As in many small counties, the Laurens' judicial system is having trouble keeping its trails up to date. Recently, the judiciary, with the consent of both the prosecutor's office and the law enforcement element, Nolle Prosed (refused to prosecute) over 300 cases, many of which were drug-related arrests. As of the time the hearing was held, the backlog was up to 180 plus cases.

Because of the active schedule of the court, Judge Taylor Phillips was unable to be present at the hearing; Congressman Evans adjourned the hearing to the judge's chambers so that the hearing report would include the judge's testimony. Judge Phillips informed the members regarding the mandate of his court; and also his concern for legislation that would remove the process of sentences from the control of the judiciary.

He also felt that one area where something should be done was in the area of licit drugs. Far too many prescriptions were being written indiscriminately by unconcerned doctors. "Doctors will not police doctors. Lawyers will police lawyers pretty well—but I don't know of doctors that get kicked out too much." Judge Phillips also expressed strong opposition to any type of decriminalization laws.

March 1, 1980

In reviewing hearing testimony for the first day, Congressman Billy Lee Evans stated that testimony from law enforcement officials was very candid, pointing out problem areas of coordination and cooperation between the various law enforcement agencies in Georgia on the State, local, and Federal levels. He added:

I think that by bringing out the frustrations that local law enforcement, particularly, has in trying to enforce drug laws against a combination of foreign governments and very sophisticated groups of people who have the finances to have very technological superiority to our law enforcement, that we will be able to identify those areas that the DEA can help local law enforcement.

The first panelist of the day was Mr. Jay Barrow, former staff writer of the Macon Telegraph, now employed by the U.P.I., who testified that he was assigned by his newspaper to investigate the marijuana smuggling industry in the State of Georgia. The purpose of the articles "was not to present a case for or against marijuana, but to try to present in laymen's terms as clear a picture of the smuggling industry in Georgia as possible."

From this investigation, Mr. Barrow was able to report that the Georgia Crime Commission stated that for marijuana the year 1979 was the "biggest cash crime in the State"—"spending a good deal of that money on the corruption of public officials." He also found that over the past several years, Georgia has become a keystone for marijuana smuggling mainly because it is geographically suited for this industry. Another discovery of his was that very little of the drugs that are being smuggled into Georgia is being consumed there.

The problem is of such magnitude, that he felt that it could not be left to local law enforcement agencies but rather to an agency that is not tied to one community or area. Although in the past few years the seizures of marijuana have increased tremendously, it is not because the police are "getting any better at catching them." It is just because the drug trafficking has increased an enormous amount in 1978 and 1979.

Mr. Barrow also stated that the smugglers are very contemptuous of law enforcement efforts in Georgia, by local, State, and even Federal agencies. Part of this disdain is caused by a court system which places such a low bail on those arrested that the smuggler is allowed to return to the streets immediately, and, if convicted, the penalties are so small in comparison to the profit that there is very little deterrent effect in our courts.

The second panel consisted of Mrs. Sue Rusche, President of DeKalb Families in Action, Inc., and Mr. Doug McLaughlin, Assistant Superintendent of the Bibb County Public Schools, and Mr. Howard Scott, Program Director of the Booker T. Washington Community Center.

Mrs. Rusche informed the members that her organization was formed in November of 1977. They organized in response to the discovery that a number of 12 and 13-year-old children in their neighborhood were using marijuana. In addition, impetus was given to them at that time by the revelation that two students in the area were murdered and both deaths were drug related. Mrs. Rusche felt that "too few of us understand the consequences of what we read about (marijuana and drug-type headlines) until it hits us where we live." She also decried the fact that a significant number of young

adults are drug users. "Some of these are teachers who do not always separate their personal beliefs from what they are teaching in class and often say things like, 'I smoke pot myself, and I know it can't hurt you.'" In addition, there are some drug counselors who say, "If pot is all your child is using, you are lucky." She also mentioned that many famous personalities have made careers out of "mocking all drug laws covering use, possession, dealing, and smuggling." She concluded that too many people have adopted this line of thinking, as is evidenced by the number of people who think that the only way we are going to control drug smuggling is to legalize drugs. Her statement ended with, "More and more American parents are realizing that we don't have to settle for this, we don't have to teach our kids to learn to live with it, we can change things, once we are willing to stop blaming each other and start working together."

Mr. McLaughlin, Assistant Superintendent of Bibb County Public Schools, emphasized the importance of the "Family Unit." He stated, "We feel that from a motivational and psychological standpoint, they are the people who can make a difference." Mr. McLaughlin informed the members that in 1975, Bibb County Public Schools adopted a statewide textbook as a standard on drug education as well as alcohol and tobacco use. This textbook is introduced to the students when they enter fifth grade. Also, the school system has three specific examples of instructional activities in drug-related instructions: (1) A State standard counseling program, (2) a guidance counselor, for at least every 500 children, and (3) one-to-one counseling in addition to group counseling.

Mr. Howard Scott, Program Director of the Booker T. Washington Community Center, stated that there is a drug problem in the community, but there is insufficient effort put into the problem of a city the size of Macon. He felt that Macon must "update all forms of drug prevention programs in order to inform the kids of the problems that they are getting involved with—drugs and organized crime rings." "There should be a combined effort of educational as well as preventative programs," he continued. He concluded by stating that "Children are replicas of us; they live in an environment which is characterized by a set of values and goals and with instructions designed to accomplish these values and goals." "We have to be able to offer the youth more than the escape feeling that drug usage gives."

The next four panelists represented the DEA (Drug Enforcement Administration). They were: Mr. Kenneth Miley, Deputy Regional Director; Mr. Raymond L. Vinsik, Special Agent in Charge of the Atlantic District; Mr. Gordon Raynor, Resident Agent, Savannah, Ga.; and Mr. Robert Johnson, Intelligence Section.

Mr. Vinsik made the presentation to the members. He explained that the Atlantic District covered the State of Georgia, North and South Carolina, and Tennessee. The combined coastal area of North and South Carolina and Georgia consists of 8,400 miles of seaways and coastalways. The personnel in the Georgia area number 19 agents stationed in Atlanta and 3 agents in Savannah.

The number one priority of the DEA in Georgia is heroin, according to Mr. Vinsik. One of the major problems in the Atlanta area is the Hartsfield International Airport. The DEA has two agents assigned

there. During the last 2 years, they recorded approximately 200 arrests and confiscated approximately 100 lbs. of heroin and cocaine (70 lbs. of cocaine and 30 lbs. of heroin). "Almost all the people arrested were going between Miami and somewhere else, or between Los Angeles and somewhere else. Very little was destined for Georgia," stated Mr. Vinsik.

Although the DEA priority in Georgia is heroin, testimony brought out that in the last fiscal year they seized in the three-State Atlantic District area approximately 470,000 pounds of marihuana. The Savannah area contributed approximately 197,000 pounds of this total.

During the questioning by the members present, Mr. Vinsik stated that additional personnel could be of much value to his enforcement profile. Another factor that took up valuable time was the amount of paperwork and reports necessary to submit to headquarters. A third responsibility of the DEA is conducting drug training schools for local and State police officers.

In response to the DEA's statement that the number one priority of their organization in Georgia was heroin, Congressman Evans stated:

In view of the tremendous traffic in marihuana and in view of the fact that marihuana is the number one drug in use, it is the number one drug that affects our young people and is affecting younger and younger people every day, in view of the fact that of various forces of law enforcement that we have in this state only a force with unlimited jurisdiction in the state can deal with the smuggling problem, I would like to ask why the priority of the DEA is still on heroin which is more of a problem with the older people and more of an urban problem. Why are we still treating heroin as a number one problem?—Isn't marihuana more dangerous to the greatest number of our young people today than heroin?

Mr. Vinsik replied that he felt if the DEA ever lessened heroin as the number one priority, it might cause a resurgence in the heroin addict population. He did agree, however, with Congressman Evans' conclusion that marihuana is the most prevalent problem in Georgia. He also felt "the money it makes and generates leads to corruption, it takes over businesses, and is a tremendous problem for us, too."

Congressman Evans stated that he believed "We need additional agents (in Georgia), and I know the difficulties you have in trying to get those appropriated, but I am going to continue to try to get additional agents because I think you absolutely have to have them to be effective."

The fourth panel on the second day was Mr. Rex Elder, Aviation Director, Macon Municipal Airports; Mr. Murvale Belson, the leasee-owner of the Herbert Smart Downtown Airport, Macon, Ga.; and Mr. Glenn Allen Belson, former air traffic controller.

Mr. Elder made three recommendations to the members concerning the operation of aircraft, which he felt would be of great help to the law enforcement agencies in their task of curtailing the activities of the airborne drug smugglers. The recommendations were:

- (1) Mandatory filing of flight plans for all heavy aircraft—(weight: 12,500 lbs. or more)
- (2) Identification numbers be standardized on all aircraft—(recommended 8 in. in height and 1 in. in width); and
- (3) Mandatory reporting of sale of all aircraft to the FAA (Federal Aviation Administration) on the day of the sale.

Later testimony provided during the hearing that day confirmed the fact that there would be some organized opposition to the mandatory filing of flight plans based mainly on a consensus that there are too many FAA regulations now, and if anything, personnel desire a lessening of controls. Opposition to the second recommendation would develop because of the estimated cost to the aircraft owner to replace the existing markings. The major concern that was expressed about the third recommendation was that because of lack of personnel (FAA) the enforcement would be nonexistent. Despite these objections, Mr. Elder felt that the enactment of these recommendations as regulations by the FAA would be a great deterrent to would-be smugglers.

As a leasee-owner of an airport for general aviation business, Mr. Murvale Belson felt that our radar warning system left much to be desired. In fact, he testified that a smuggler entering our country either flies under the ADIZ (Air Defense Identification Zone), or flies behind legitimate flights as a "shadow" where no "blip" will show on the radar screen. The effective height of our radar defense cannot go under 1,000 feet in the majority of the air defense areas. Mr. Belson stated that many of the air smugglers fly as low as "10 to 20 feet above the ocean, thus effectively avoiding discovery by any radar units."

The final panel of the day was the representatives of the Southern Region of the Federal Aviation Administration. It included Mr. Louis J. Cardinali, Director; Mr. John Keyser, Regional Counsel; Mr. Daniel E. Carr, Staff Member; and Mr. James E. Purcell, Chief of Flight Standards Division.

In his prepared statement, Mr. Cardinali informed the members that although the FAA is mandated and devoted to the furtherance of aviation safety and has no direct responsibility for enforcing drug and narcotic laws, it does help other State and Federal agencies who bear that responsibility in any way it can. There are two sections of the FAA regulations that can aid in the enforcement of drug-related laws. These are:

1. Provides that no person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation or importation of narcotic drugs, marihuana and depressant or stimulant drugs or substances is eligible for any pilot or mechanic certificate or rating issued by the FAA for a period of 1 year after the date of final conviction.
2. No person who commits an act prohibited by another section or the regulations dealing with unlawful transportation of drugs by aircraft is eligible for any certificate or rating for a period of 1 year after the date of that act.

In addition, an FAA statute (Section 902(b) of the Federal Aviation Act of 1958) imposes felony sanctions for those who knowingly and willfully forge, counterfeit, alter or falsely make any certificate authorized to be issued under this Act, or who knowingly and willfully display or cause to be displayed on any aircraft any marks that are false or misleading as to the nationality or registration of the aircraft. Conviction for violation of this statute can be cause for imprisonment up to 3 years plus fine and seizure of the aircraft.

The Southern Region FAA has also sponsored periodic meetings in Georgia and Florida with law enforcement agencies. These meetings

have resulted in increased effectiveness in dealing with the drug problem. through improved cooperation and coordination with local law enforcement agencies, DEA, Customs, and State Bureau of Investigation.

One weakness in the plane seizure operation is that at present the maximum amount of civil penalty per violation is \$1,000, an amount that admittedly is of little consequence to the trafficker. The FAA has recently submitted to the Department of Transportation legislative proposals to increase that penalty to \$25,000. Mr. Cardinali requested support from the members present for this proposed legislation.

One of the main problems that faces the administrators of the FAA is the lack of sufficient personnel to enforce existing regulations and statutes pertaining to the operations of all aircraft. Without proper enforcement, many of the statutes and regulations are blatantly violated.

March 3, 1980

In summarizing the testimony of the past 2 days in Macon, the hearing chairman, Congressman Billy Lee Evans of Georgia, concluded that:

There is no question in my mind that those people who are engaged in drug trafficking in the southeast particularly, are much better able manpower-wise, equipment-wise, and technology-wise to smuggle drugs into this country than all our various law enforcement officials are to interdict and cope with it.

Testimony from some of the sheriffs of the various counties showed they had received little or no assistance from the Federal agencies involved in drug law enforcement. Few if any knew or understood what EPIC (El Paso Information Center) had to offer them in the way of intelligence assistance. There obviously was a lack of communication, and the congressman felt that the hearings would in part help to eliminate this obvious gap between the Federal and local law enforcement agencies.

In addition, criticism must be directed, not at the local DEA agents, who are following orders, but to the policy from higher-ups who fail to comprehend the major problem in the Georgia area, and that is the need for effective interdiction of marihuana trafficking. The priority for the State of Georgia must be on this drug which is causing "millions of our young people today to turn off from their communities, their families, their schools and everything else." He ended by stating:

We are waging it (war on marihuana) without the tools, without the jurisdictional capabilities, without the coordination, without the manpower—And I can only suggest that you do as I do. And that is constantly remind yourself that the end result of trying to stop the flow of drugs is worthy and is essential if we are to rid ourselves of this pestilence and that we have to continue in spite of our frustrations to do the best we can within the limits of what we have to work with.

Prior to the first panel testimony, Mr. A. F. Brandstatter, Director of the Federal Law Enforcement Training Center, Glynco, Ga., greeted the members and gave them a short history of the center.

The first panel of the day had Mr. Max G. Willis, District Director (Savannah, Ga.) of U.S. Customs, and he was accompanied by Mr. Jerry Mooney, Patrol Director, and Mr. William C. Byrd, Congressional Liaison Office from Washington, D.C.

The Savannah District, under the direction of Mr. Willis, encompasses the State of Georgia, approximately 52,000 square miles. It includes three ports of entry—Savannah, Atlanta, and Brunswick—

23,000 miles of coastline, one international airport facility, and approximately 190 small airports and/or landing strips. Mr. Willis has been the district director in Savannah since May 21, 1978.

Mr. Willis informed the members that during the first 4 months of fiscal year 1980, his district had already seized 13 pounds of cocaine, almost matching the entire seizure rate for 1979. On hashish, they have already exceeded the seizures of all previous years with a total of 280 pounds to date, and in each year starting with 1978, they are surpassing the 100 ton mark in seizures. In addition, they also have noticed a large increase in currency seizures. This has been accomplished with a total personnel of 104, including 10 part-time inspectors in Atlanta.

Questions by Congressman Gilman of New York brought out that although the seizures have increased dramatically, little or no heroin seizures have been made by U.S. Customs in the Georgia District. Mr. Willis stated that "the close proximity of Georgia to Colombia, a major source country of marihuana, continues to fortify our belief that marihuana smuggling in this (Georgia) district will continue to increase.

The second panel to appear before the members consisted of Rear Admiral Benedict L. Stabile, accompanied by Commander Thomas McGrath, Congressional Liaison Officer, and BMCS William A. Staples. Admiral Stabile is the Commanding Officer of the Seventh Coast Guard District, which consists of the States of South Carolina, Georgia, most of Florida, and essentially the entire Caribbean area which includes approximately 26 nations.

Since his last report to Congress in the calendar year of 1979, his district has seized approximately 1½ million pounds of marihuana, 3½ kilos of cocaine, and an estimated 4 million Quaalude pills. In the course of these seizures, they arrested 400 persons. All of this was still in the calendar year of 1979. In 1980, they already have seized a quarter of a million pounds of marihuana and made approximately 60 arrests.

The district patrol area includes four passes in the Caribbean. They are identified as the Yucatan, Windward, Mona, and the Anagoda Passes. It must be noted that the Anagoda is really a "sieve of hundreds of islands. It is not a single pass, and one of our current weaknesses, we feel, that the trade (smugglers) has sifted out through this sieve."

Admiral Stabile is of the opinion that it is important to get as close as possible to the source of supply by choking off all the passes in the Caribbean. Unfortunately, with the amount of equipment under his control, it is not possible to maintain such an operation for any prolonged period of time. He also stated that with few exceptions, his district gets complete cooperation from foreign nations when it becomes necessary to "board" a foreign flag ship. The admiral estimated that with a total of 16 medium endurance cutters, he could continually maintain an efficient and productive patrol to cut off the supply of marihuana coming in by sea from the South American area. He also is experimenting with using a larger cutter as a mother ship with fewer medium cutters. As of the day of the hearing, his district has not reached a conclusion as to the effectiveness of this type of operation. In keeping with the Presidential directive, Admiral Stabile

stated that his commandant has directed his district, in particular, to give special emphasis to the drug traffic problem, and he has also been directed to develop a long-term strategy for the Coast Guard in complying with this directive.

Admiral Stabile made note in his testimony of exploring the possible utilization of the approximately 6,000 Coast Guard auxiliary personnel in his district. He also expressed concern that with the continued pressure that was being applied in the southern coastal area, the smugglers would move further up the coast into New England.

As with the prior panel, Congressman Gilman expressed dismay over the lack of overall strategy planning by all those concerned in the enforcement of the narcotic laws. Admiral Stabile and Commander McGrath both confirmed that although meetings were held by the Coast Guard on immediate strategy, there has not, to date, been any combined meetings with other enforcement agencies to plan effective overall strategy as was put forth in the booklet published by the White House on Federal Strategy for drug abuse and drug traffic prevention.

Admiral Stabile ended his testimony by requesting the members present help with pending legislation that would increase the risk to the smugglers on the high seas by increasing the penalties for convicted violators.

The afternoon session began with a statement from Congressman Bo Ginn's office which was read by Mr. M. Woodside of his Brunswick office. Congressman Evans noted the great cooperation from Mr. Ginn's office and the personal effort of Mr. Woodside in making this a successful hearing.

The first panel consisted of representation of four of the county sheriff's from offices on the coast of Georgia: Sheriff Cannon of McIntosh County, Sheriff Sikes of Liberty County, Captain William Freeman of Chatham County, and Captain Felton D. Andrews of Glynn County.

As the testimony developed, it became apparent to the members that the same situation that was exposed in the hearings at Macon, also existed as regards the Georgia coastal county law enforcement agencies. The lack of equipment and personnel handicapped all of their departments' efforts in enforcing the drug laws of the State. In addition, the lack of money from both Federal and State sources was also attested to. Whatever moneys that did come to the area came through the Georgia State Crime Commission in Atlanta, and to quote Captain Freeman of the Chatham County Sheriff's Department, "And very frankly, they are directing very little of it toward narcotics in the last few years."

All were in agreement that marihuana smuggling was out of control. In addition, the lack of prosecution of drug cases has gotten completely out of control. In two of the counties (Chatham and Glynn) according to testimony, the backlog was so great that many cases were being Nolle Prosed merely to reduce the number. The members were further disturbed when testimony revealed that some of the untried cases dated back as far as 1974. One situation that was given as an example was the arrest of 68 people aboard transiting railroad trains, where over 2,000 pounds of marihuana, some cocaine, and \$190,000 in cash was seized from one individual. These arrests occurred over a 4 month period, from November of 1976 to January of 1977. As of the day of this hearing, none of these cases have been tried.

Testimony also revealed the latest practice of the smugglers to either rent and/or keep a large lien on cars and/or shrimp boats in the

area, so that in the event a car or vessel is seized, the lien holder or the renter of the car/vessel has an opportunity to get the vehicle back from the law enforcement agency. In most cases, the law enforcement officials testified, the seized vehicle or boat is returned to the smuggler so that he will then be able to repay the lien holder. Congressmen Gilman and Evans were incensed to hear that at times the lien holder was a Federal official agency, such as the Small Business Administration, and that they (representatives of SBA) too, had at times returned the boat with the lien on it to the convicted smuggler.

The panel of law enforcement officials agreed that serious thought should be given to the establishment of a strike force-type task force capability (with no unnecessary operational restrictive encumbrance jurisdiction lines) consisting of personnel from local, State, and Federal people, and it should have one prime responsibility, and that would be interdiction of illicit narcotics. Other recommendations by this panel included more efficient prosecutions, speedier prosecutions, funding for communication equipment for enforcement departments, boats, and other, more modern equipment.

HEARING FINDINGS

It became quite apparent as the testimony developed in both Macon and Glynn, Ga., that cooperation between all law enforcement agencies, from the local, State and Federal levels was almost nonexistent. It probably was summed up best by Captain William Freeman of the Chatham County Sheriff's Department when he said that between all law enforcement agencies there exists a tremendous amount of jealousy/competition; that each department fights to get the headlines in drug operations which may result in any type of illicit narcotics seizure. Unfortunately, it goes even deeper. The fear of budget cuts that affect their procuring additional manpower and equipment causes many top administrators to insist that dispersing of information to other departments involved in similar operations, and often in the same operation, be curtailed, if not entirely prohibited.

The Federal operational input was limited because of the lack of personnel assigned to the Georgia area. This lack of personnel was evident in both the D.E.A. (Drug Enforcement Administration) and the U.S. Customs. Statements by the special agents in charge of Atlanta and Savannah confirmed that for the area that was assigned to them to be covered, there was not enough manpower available. The logistics involved are also staggering. In the State of Georgia, there are 159 sheriff's departments. To have personal contact with each department would seem to be an impossible task for both Customs and the D.E.A. For example, the D.E.A. have only 22 agents assigned to the State of Georgia. There are just three agents at the office in Savannah, and their responsibility also includes 47 counties, including all the coastal counties. U.S. Customs is located in three locations: Savannah, Atlanta, and Brunswick, Ga. An air arm is being established to assist the Georgia operation. It will be located in Jacksonville, Fla. The activities of the U.S. Coast Guard is limited to Savannah and Brunswick, Ga. Lack of equipment and personnel also hampers the Coast Guard and Customs from aiding the local enforcement effort to any appreciable degree. Testimony from all three agencies brought out the fact that they do not aid or assist the local departments unless there is a request to do so from the latter. The result of this lack of communica-

tion became apparent as many of the sheriffs stated that Federal personnel in these agencies were unknown to them. This fact was particularly stressed in any reference they made concerning the D.E.A.

In testimony given, the committee members were surprised at the number of persons who felt that the Armed Forces of the United States should be brought into this war on narcotic smugglers. Many law enforcement officials expressed dismay at their inability to combat the narcotic violators due to the lack of modern expensive equipment that was unavailable to them because of their budget limitations. In the field of communication, the smuggler equips his transportation vehicles with the very best and can monitor all the law enforcement channels, thus enabling many of them to avoid capture. If the law agencies had "scramblers," this advantage could be nullified.

Few of those testifying wanted the Armed Forces to actually participate in the enforcement end. Most requested they participate only in surveillance and/or intelligence support. In addition, the use of the military services' modern equipment on a loan basis could eliminate another advantage that the smuggler now has.

All seemed familiar with the Federal law pertaining to "Posse Comitatus," but they requested to the members present that the Congress intervene and produce new guidelines for the military, so that participation even on a limited scale be allowed by the U.S. Armed Forces.

When the committee members inquired about the distribution of funds, both Federal and State, they were told by the law enforcement officials of Georgia, on the local level, that with a few exceptions of receiving LEAA direct grants years ago, the bulk of Federal and State funds are dispersed by the GSCC (The Georgia State Crime Commission). These officials also stated under oath that very little if any funds ever get down to the south of Georgia. Their feeling was that because of the legislative lobbying activity of the G.B.I. (Georgia Bureau of Identification) most of the funding goes to that unit and little or none to the local sheriff's departments.

The lack of prosecution by both judiciary and certain district attorney staffs are causing many counties in Georgia to develop a backlog of narcotic cases that date back in some areas as far as 1974. In the county of Chatham, a coastal area, the courts are over 2,200 cases behind, of which 1,200 are drug-related. This testimony was given during the hearing by law enforcement officials from that county. In the county of Laurens (mid-Georgia) after the backlog reached in excess of 300 cases, the judge, district attorney, and police officials got together and Nolle Prosed all the cases. In Glynn County, another coastal area (around Brunswick), their caseload was behind over 300, and over 200 of these cases are drug-related. Since the hearing was held, the backlog was reduced to 50 total cases. The reduction came about through the use of Nolle Prose procedure. Many other counties use the same procedure with perhaps one exception. The decision to prosecute or not is determined only by the judge and prosecutor, and the law enforcement agencies in the area are not consulted and at times not even notified of what final actions were eventually taken by the courts.

There were divided opinions among experts testifying concerning establishment of a mandatory filing of flight plans for all aircraft weighing 12,500 pounds or more. Some felt that the proposed FAA regulation change was "unenforceable." Others thought that such a

regulation would at least strengthen the FAA's ability to control the illegal activities of some of the smugglers of narcotics. Opposition for this type of regulation should be expected from organized groups such as the pilot associations, etc. Their opposition would be based mainly on the feeling that there are too many FAA regulations now, and if anything, they want a lessening of controls.

In other testimony involving air smuggling, it was brought to the attention of the committee members that enforcement of the regulations of the FAA is difficult due to the lack of personnel available to this agency. An example of this is that there is a statute on the books which states that someone having knowledge of a fuselage or tail number being illegally changed and he or she still operates the craft, etc., the party commits a Federal felony, and the violator is subject to a fine and a sentence of up to 3 years in jail. FAA officials who testified knew of no enforcement of this law, although all admitted that one of the main ruses that is used by the drug smuggler is the forging of the "end" number (same as fuselage and tail).

Additionally, concern was expressed relative the method of transfer or sale of aircraft. Unlike the sale of a motor vehicle, the buyer has up to 10 days to report the purchase to the FAA. Even with that length of time, it is not unusual for some sales not to be recorded. Change of ownership is accomplished just by the signature on the bill of sale. No inspection for safety or tax purposes are even considered. Many suspected drug smugglers purchase a plane, use it for their illegal purposes, and if they are forced to abandon the plane, the plane is still registered under the original owner, and the smuggler is left unidentified.

Comment was also made concerning the purposeful shrinking of the identification numbers. Some have gotten as small as 2 inches in height, making visual identification while flying virtually impossible. Some of the witnesses felt that a standard size of 8 inches high for the I.D. numbers should be vigorously enforced by the FAA.

Members of the committee were stunned by the testimony relating to how simple it was for any plane to break through our radar defense zone which originally was put into operation so that the Nation would be assured of no one violating our territory with alien airplane intrusion. Witnesses showed that merely by flying at an altitude of less than 1,000 feet (some claim that the planes fly as low as 10 to 20 feet above the ocean), no radar would be able to intercept the intruder or smuggler. Concern was voiced by the members not only for the problem of interception of narcotic carrying planes, but for the safety of our Nation with such inadequate equipment protecting our shores.

The present maximum amount of civil penalties for all safety violations, including those related to narcotics, is \$1,000. The Secretary of Transportation has submitted a proposal to Congress for a change in this regulation. He has requested criminalization of willful and knowing violations of certain air safety regulations. Included would be the regulations dealing with final drug convictions of pilots and for the unauthorized carriage of narcotics in aircrafts. He has also requested the civil penalties be increased from \$1,000 to \$25,000.

HEARING RECOMMENDATIONS

Upon the completion of the 3-day hearings and after the reviewing of all testimony, the following recommendations are made.

I. Cooperation between Federal, State, and local law enforcement agencies

A greater effort to communicate and extend assistance to each other department must be made by the law enforcement agencies at all levels in the Georgia area. Interdepartmental feuding and competition should be eliminated and a spirit of cooperation should be developed so that the ultimate goal of each agency for complete effective interdiction of the drug trafficker can be obtained/maximized.

On the Federal level, more active participation by all agencies involved in the enforcement of the narcotic laws of this country, with both State and local departments is a must. Although the committee realizes the lack of sufficient manpower contributes to the reduction in effective communication, it is incumbent upon each Federal agency to make a more intense effort to keep all lines of communication open with their local counterparts.

In order to accomplish the above, it is recommended that meetings on a monthly or bimonthly basis, with representatives from each facet of law enforcement, be instituted so that all agencies, at every level, will be aware of developments pertaining to the effective interdiction of narcotics in the State of Georgia.

II. Equipment and personnel

If there is to be a more intensified and productive effort at interdicting the drug smuggler, a more realistic approach by the Federal agencies involved in this activity must be taken. The level of manpower assigned to the Georgia area by these agencies contribute to the fact that only a miniscule amount of the illegal drug activity is being seized. The Committee recommends that the departmental heads of DEA, U.S. Customs and the U.S. Coast Guard review and reevaluate their personnel and equipment commitment to the interdiction of narcotic smuggling in the State of Georgia to assure maximum effectiveness.

III. Drug Enforcement Administration (DEA) priority

The number one priority of the Drug Enforcement Administration is heroin. The major drug smuggling problem for the State of Georgia is marihuana. There is apparently some conflict here with the DEA current administration effort toward the interdiction of marihuana. The committee recommends that DEA allow more flexibility to their district directors, so that they can adapt to the local situation, i.e. Since it is apparent that the State of Georgia has a low consumption and importation of heroin, a greater effort should be made by the local DEA office regarding the interdiction of marihuana.

IV. Posse Comitatus

Many law enforcement officials testified that because of a lack of modern equipment, they were unable to compete on an equal scale with the drug smugglers. These dedicated law enforcement officers decried the fact that many of those items that could assist them in their attempt to apprehend the drug violators, were available to the Armed Forces. In order to do this, legislative action would be necessary to revise the "Posse Comitatus" law.

The committee's feeling that there is merit to the law enforcement officers request recommend that a study be made by Congress relative the feasibility of revising the "Posse Comitatus" law, so that limited participation on the part of the military can be allowed.

V. Small Business Administration Loans

There have been in the past shrimp boats seized by local law enforcement agencies, and after the seizure, they discovered that the boat operator had obtained a substantial loan from the SBA to finance the purchase of the boat. When the local police department instituted proceedings to claim the boat, the SBA filed intervention papers. When the boat was eventually released to the SBA, the latter returned the boat to the convicted smuggler. The members attending the hearing were shocked at this procedural form of intervention by a Federal agency. The committee recommends that all testimony concerning the intervention by the SBA be forwarded for corrective attention and review to the appropriate House and/or Senate committees which have jurisdiction over the activities of the Small Business Administration.

VI. Proposed Changes in Regulations of the FAA

The Secretary of Transportation has submitted a proposal to the Administration and Congress requesting criminal penalties for willfully and knowingly violating certain air safety regulations to include a section dealing with drug convictions for pilots and the unauthorized carriage of narcotics in aircraft. He also requested the civil penalties for these type offenses be increased from \$1,000 to \$25,000. The committee recommends approval of this request as proposed by the Secretary of Transportation.

VII. Additional FAA Regulation Proposals

The committee recommends that the Secretary of Transportation and the administrators of the FAA consider the submission of the following regulations to aid in the battle against the drug smugglers:

- a. A mandatory filing of flight plans for all aircraft weighing 12,500 pounds or more;
- b. Standardized height and width of all identification numbers (b-1). Recommend that the height be 8" and width 1";
- c. Sale of all aircraft be reported to the Federal Aircraft Registration Division of the FAA on the day of the sale.

From the testimony provided at the hearing, the above recommendations would be a great aid to the law enforcement agencies in their battle to interdict all drugs being illegally flown into the United States.

VIII. Air Defense Identification Zone (ADIZ)

Members of the committee were stunned at the testimony of how simple it was for an aircraft to by-pass the "ADIZ". This system allegedly is our defense against enemy aircraft intrusion, yet the drug smugglers find no difficulty in coming in under this system or by "shadowing" a legitimate aircraft. Concern was voiced by the members not only for the problem of intercepting narcotic carrying planes but for the safety of our Nation, with such inadequate equipment protecting our shores. The committee recommends that the testimony concerning the revelations of how easy it is to by-pass this system be referred to the proper committees in the House and/or the Senate for appropriate review and action.