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The Task Force on Narcotics Law Enforcement of the Select Committee on Narcotics Abuse and Control met, pursuant to call, at 9:30 a.m., in room 1100, Longworth House Office Building, Hon. Charles B. Rangel (cochairman of the task force) presiding. Present: Representatives Charles B. Rangel, E. Clay Shaw, Jr., Lawrence Coughlin, and Walter E. Fauntroy. Staff present: Patrick L. Carpentier, chief counsel; Roscoe L. Starek III, minority counsel; George R. Gilbert, associate staff counsel; Jennifer Salsbury, assistant minority counsel; Ricardo Laremont, professional staff member; John W. Peplow, investigator/chief of security; John Thorne, investigator; Irving H. Soloway, professional staff member; Edward Jurith, staff counsel; Catherine Chase, secretary.

Mr. Rangel. The Task Force on Narcotics Law Enforcement will come to order.

We have Mr. Clay Shaw from Florida joining with me as we embark on our first hearing as a Task Force of the Select Committee on Narcotics. As all of us know, the President of the United States has indicated that not only enforcement of the narcotic laws, but the elimination of narcotic addiction is a top priority of this administration.

Some of us in Congress are very concerned that the budgetary cuts will not only have a serious adverse impact on the enforcement of the Federal law, but the withdrawal of Federal assistance to local and State governments, we believe, might have a more serious impact on the enforcement of local laws.

I personally believe that the influx of drugs into communities throughout these United States could be the greatest deterrent to the security of the United States. As we see this problem swell in our inner cities throughout the country and see what is happening in the State of Florida and see cutbacks in the resources that are available to combat this epidemic, we thought, that is, Congressman Shaw and I, that the best way to develop a national policy, a national strategy, is to go to those people that are on the firing line and ask, what can your government do to be more effective in trying to contain this disease and this ever-growing criminal activity.

[The statement of Hon. Charles B. Rangel follows]
encourages the cooperation among all members of the committee, while insuring participation on both sides of the aisle.

I am also greatly encouraged by the support of the initial work done within the task force that I am honored to chair with Mr. Rangel.

The task force on law enforcement is responsible to examine the relationship between the Federal, State, and local drug enforcement for our Nation's drug laws by the DEA, the U.S. Customs Service and the Coast Guard. Our task is large, but commitment by members. I believe, is most encouraging. In addition, starting at the grassroots, as we are today, and working our way up will insure the maximum input by those intimately involved in enforcement.

Today, the first hearing of the task force will be focusing on local law enforcement. We will be given the opportunity to hear from the grass roots, those most closely associated with the problems of enforcement and control.

I would also like to take this opportunity to praise the work of local law officials who deal with this problem daily and who are forced to realize earlier than the rest of us the link between the drug problem and the growing problem with crime all across this country.

I certainly appreciate all that has been done on the local level to keep the lid on this most serious situation.

I believe in some early conversations that I have had with the present administration that we are going to see a commitment and a direction that is going to be most meaningful for this country.

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I say enforce it across the country, whether we are enforcing the laws by stopping a drug deal in a bar in one part of the country or whether we are stopping the use and import of drugs on the back of a yacht in the Caribbean, these laws must be enforced.

I think that this task force will be studying is going to be most meaningful. I am quite encouraged by the list of witnesses that we are going to see a commitment and some recommendations for new legislation and new procedures that I think will be most meaningful. Thank you.

[The statement of Hon. E. Clay Shaw follows:]

Opening Statement of Hon. E. Clay Shaw, Jr.

I'd like to take this opportunity to thank the chairman of the Select Committee, Mr. Zefereiti, for encouraging bipartisan participation in all the work done by the committee. Appointing a cochairman, one from each party, certainly

Mr. Shaw. I would like to take this opportunity to thank the chairman of the Select Committee, Mr. Zefereiti, for encouraging the bipartisan participation in all the work done by the committee. I think appointing a cochairman, one from each party, certainly

Mr. Rangel. At this time it gives me great pleasure to introduce a former law enforcement officer and now lawmaker from the State of Florida that, unfortunately, is going through a very serious epidemic of drug addiction but, just as seriously in drug trafficking, Mr. Clay Shaw from Florida.

Mr. Shaw.

Statement of Hon. E. Clay Shaw, Jr., a Representative in Congress from the State of Florida

Mr. Shaw. I would like to take this opportunity to thank the chairman of the Select Committee, Mr. Zefereiti, for encouraging the bipartisan participation in all the work done by the committee. I think appointing a cochairman, one from each party, certainly
I would also like to take this opportunity to praise the work of local officials who deal with this problem daily and who were forced to realize earlier than the rest of us that the heroin problem is a major contributor to this nation’s crime problem. As the ranking Democrat on the Judiciary Committee, I have been trying to focus the committee’s attention on the drug issue. It is encouraging to see that the chairman of this committee, Mr. Biden, is also interested in fighting drug abuse. My interest in the drug issue, particularly heroin abuse, was primarily directed towards organized crime’s involvement in narcotic trafficking. I am disappointed not only by the drug-related efforts of the Department of Justice but also by the Justice Department’s inability to enforce the law in a variety of ways, including adding new penalties to the law.

As I mentioned above, we all know that heroin addiction breeds crime. It is no coincidence that dramatic increases in burglary and robbery rates occurred last year at the time of the price hike. Police chiefs and prosecutors have been the first to have to join me in the field of enforcement. We all know that there is a direct link between crime and the availability of heroin. How else does one support a $100-a-day heroin habit?

We now have available research which shows the staggering amount of crime committed by heroin addicts. A study done by Professor James Inciardi of the University of Delaware showed that 365 active heroin users in Miami were responsible for 118,184 crimes in 1 year and that—over 95 percent of them reported committing illegal activity in the year period—90 percent of them relied on criminal activity as a means of income—and only 1 of every 413 crimes they committed resulted in an arrest.

Additional research completed this past year at the Temple University School of Medicine by Dr. John C. Bail, Dr. Lawrence Bosan, Dr. John A. Flusk, and Dr. David Nucco showed that 345 Baltimore heroin addicts committed almost 500,000 street crimes in 11 years. Their research also showed that when these addicts were not dependent on heroin, there was an 84 percent decrease in their criminal activity.

These two studies clearly demonstrate that if we could ever control heroin addiction, even reduce it, we would see an appreciable reduction in most violent offenses.

I have had these studies printed in the Congressional Record and they are available at my office, for those interested.

I am the first to agree that street crime is the primary responsibility of State and local government. However, the drug problem is one area where the Federal Government can help State and local government in an impact with this. This can be done by working on both the supply side, through efforts of the State Department in the source countries which are growing opium or processing morphine base into heroin, and on the demand side here in the United States, through the enforcement efforts in the Justice and Treasury Departments and the Coast Guard.

The Federal Government should focus on drying up illegal drug supplies at the source. This should be done through crop destruction and crop substitution programs in those countries. It makes better sense, and it has proved to be effective in Mexico and in Pakistan. In addition, the Federal Government should be encouraging those countries to adopt a policy of zero tolerance.

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The two areas mentioned above are beyond the jurisdiction of State and local governments and should be the responsibility of the Federal Government. However, stopping heroin and cocaine at the distribution point is an area where State and local government must fight the battle. I believe the Federal Government can help through the coordinated enforcement efforts of State-Federal Task Forces funded by the Department of Justice. It was for this reason last Congress that the Senate, with Senator Helms, and amendment to the Justice Appropriations bill to restore $1.7 million so that five task forces could continue.

In many of the major narcotic cases brought to my attention in hearings I have chaired, the original source of information came as a result of cooperative, local, State, and Federal officers working together in a task force. The latest example was Operation Grouper, in which 21 Federal, State and local agencies arrested 50 Class I and II violators and seized 1.2 million pounds of marijuana and 881 pounds of cocaine in South Florida.

I support the Narcotic Task Force Approach and do not think it is an area of narcotic enforcement that should be interrupted. Duplication of efforts and the potential danger of injury to law enforcement officers are examples of what results when different governmental law enforcement agencies within a jurisdiction attempt to carry out their own undercover narcotic investigations. The Task Force Approach brings those various agencies together and provides a more coordinated narcotic enforcement strategy. Accordingly, at the Senate markup of the Department of Justice Authorization this year, I introduced an amendment to restore $6.2 million for the State and local task forces to implement the policy, this amendment met Republican opposition, although it finally won approval.

ADMINISTRATION RESPONSE

I am dismayed by the President’s response to date in the drug area. I find it ironic that the President has been critical of the last administration for dragging its feet in developing a Federal drug strategy, but has yet to do anything constructive. Personally, am getting tired of rhetoric about the war on violent crime and the way on drugs, I have been through several “wars on whatever” before, under both Democratic and Republican administrations, and can attest that declaring “wars” and establishing Study Groups has not provided the type of action the American people are asking for.

to date, President Reagan's response to this nation's drug problem has been to propose a national education program using former drug addicts to talk with our youth in schools about the evils of drugs. Meanwhile, in the budget process just completed, the President has asked for a 40% cut in the Drug Enforcement Agency, and a 30% cut in Narcotics Intelligenceg, and a 30% cut in State and local task force programs which would result in the elimination of six task forces, (3) elimination of the State and local drug coordinations and information exchange programs and cuts to Customs and Border Patrol.

The area of greatest concern to the National Institute on Drug Abuse Services to say: The administration's cuts in drug funding will wind New York's fight against drugs to a near halt and possibly force thousands of addicts and users onto the streets... These types of budget cuts are certain to constrain a serious effort to develop a Federal drug strategy. One proposal being considered by the administration (in my judgment, have merits—the elimination of the Drug Enforcement Administration and the merger of its functions into the Federal Bureau of Investigation, Customs Office. Although I would like to see more concrete information on this proposal, I do feel the FBI is geared more to working long-term and complex organized crime cases and certainly could do no worse than DEA in developing evidence and pursuing forfeiture of asset cases. I also have been informed that State and local agencies have been upset with some of the investigative practices and violent crime and the war on drugs. As such, I have sponsored a bill to provide technical assistance for State and local police and prosecutors to set up similar programs in their jurisdictions. A small Federal program should do the job.

FOREIGN EFFORTS

A comprehensive international program for decreasing opium production and transshipment of drugs should be developed. For example, the United States should establish a diplomatic strategy with Western European nations to assist countries such as Pakistan in decreasing opium production. A serious effort should be undertaken to develop a better international data base on the exact dimensions of narcotics abuse in all countries in the world, especially in the industrialized West. A determined effort should be made to get all NATO allies to join the United States in its initiative to the Organization for Economic Cooperation and Development to create an internationally respected body of data on the magnitude of the drug problem facing each country.

The American foreign policy establishment should make a serious effort to pursue our government's proposal to the Development Assistance Committee of the Organization for Economic Cooperation and Development to create a multilateral narcotics fund as a factor in bilateral and multilateral assistance programs. The United States has no interest in such assistance programs should deliberately encourage new production from irrigation projects and other agricultural programs they sponsor. The United States should be more aggressive in asking other Western countries to increase contributions to the United Nations Drug Abuse Control Fund, and encouraging the World Bank and other multilateral development banks to support narcotics-related development assistance.

DOMESTIC

Congress should consider establishing a legislative charter for an interagency narcotics coordinating body with a director appointed by the President subject to Senate confirmation hearings. The director should have authority to review and approve plan for any national drug prevention and control. The director should be authorized to consult with the director of the Central Intelligence Agency, to levy collection requirements on the influx of Southwest Asia heroin. In addition, the President should issue an annual strategic development statement that provides specific direction to the relevant agencies.

The Department of Justice should utilize asset forfeiture statutes more, and Federal enforcement should concentrate on organized traffic. The administration’s cuts to State and local Task Force programs should be restored. The lessons learned from successful LEAA programs, such as the Treatment Alternatives to Street Crime and Career Criminal programs. The should provide technical assistance for State and local police and prosecutors to set up similar programs in their jurisdictions. A small Federal program should be established.

Mr. Rangel. At this time a friend and Member of Congress, William Hughes from New Jersey, has changed his schedule around to be with us. His time is very short, but let me assure you, Congressman Hughes, that your fellow Members are aware of the great fight that you have put up against this problem on the floor and in the committee. We are appreciative that you would adjust your schedule to be with us. As you know, we want your testimony.
either in writing or however you want to present your remarks this morning, you do it at your convenience.

TESTIMONY OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Hughes. Thank you, Mr. Chairman.

Let me first just congratulate you and your colleagues on the task force for the outstanding work you are doing for this very prestigious Select Committee on Narcotics. I look forward to working with you in the months ahead in developing a hard-hitting, comprehensive drug combating role for the Federal Government.

Mr. Chairman, I appreciate your inviting me to testify this morning on the effect of the administration's proposed budget cuts on our Nation's law enforcement effort. The Select Committee on Narcotics Abuse and Control is primarily concerned with the traffic in dangerous drugs, narcotics, marihuana and cocaine, as you know. However, you should be aware that the administration's cuts affect every aspect, and I repeat, every aspect of law enforcement.

Every law enforcement agency is suffering from these cuts. The Federal role in law enforcement is limited and that role is subject to change with each administration and each decision about priorities. I want to describe for you briefly what appears to be the administration's priorities.

The Subcommittee on Crime of the House Committee on the Judiciary, which I chair, has been holding hearings on the general subject of the Federal role in crime control. We have heard testimony from the chief administrators of the principal Federal law enforcement agencies and the Department of Justice.

What we have heard is troubling, because it appears that the decision has been made by the Office of Management and Budget to cut law enforcement budgets pending the conclusion of the study of the task force on violent crime, which, as you know, is due to report back later this year. These cuts are being made across the board without a coherent law enforcement strategy and without an understanding of the relationship between the components of the law enforcement process.

Let us look at the Department of Justice first. Former President Carter prepared a budget for the Department of Justice of $1,965 million for fiscal year 1982. The administration cut almost $200 million out of that budget. These cuts included $475 million from the FBI, $7,775,000 from the Drug Enforcement Administration, $1,052 million from the U.S. attorneys and marshals, and $298 million from LEAA.

These cuts mean that fewer agents will be investigating crimes, fewer offenders will be arrested, fewer prosecutors will be available to take cases to court.

Focusing on the Drug Enforcement Administration, one important program cut at DEA is the Office of Compliance and Regulatory Affairs. Originally, OMB proposed cutting this program in half. Only after an appeal by Peter Bensinger and Attorney General William French Smith was the size of the cut reduced. From an enforcement perspective, and from a health perspective, this program is extremely significant. Compliance and Regulatory Affairs has the job of overseeing the distribution of legitimate drugs, an annual distribution of some 20 billion dosage units. Some 600,000 registrants who are manufacturers, wholesalers, pharmacists, doctors, and hospitals are involved in the distribution of these variable controlled substances to patients; but the greatest size of the problem of abuse and overdose from some of these drugs is not widely understood. A drug such as Valium which has important legitimate uses is frequently diverted and misused. It had the highest number of mentions in hospital emergency rooms of any drug, other than alcohol, in the fourth quarter of 1980 DAWN report, one-third more mentions than heroin.

If we are serious about the adverse health consequences that result from drug trafficking, this program should not be cut. Fortunately, my colleagues on the Judiciary Committee shared this analysis and adopted an amendment offered by myself and Hal Sawyer, my ranking minority member, to the Department of Justice authorization to provide an additional $249,000 for this program.

Another key program that the administration wanted to cut is the training of State and local police officers. This program was proposed to be cut by 9 of 49 existing positions, approximately 20 percent of the staff.

Drug law enforcement is very sophisticated. Police need to be extensively trained. One small technical mistake, as you know, can destroy the effectiveness of a major investigation. The effect of the cut would have been to cut the number of days in training in half, from 38,000 days in fiscal year 1981, to 25,000 days in fiscal year 1982.

This Judiciary Committee approved an amendment, once again offered by my colleague, Hal Sawyer, and myself to restore some $487,000 to keep this program at the 1981 level.

Probably the biggest cut to DEA that I am concerned about is the cut in the State and local task forces. This program, like training, has a multiplier effect. A limited expenditure brings greater resources ultimately to bear on the problem. The leverage is just astounding.

The task forces generally concentrate on different kinds of cases than DEA's regular units or central tactical units. Task force cases are frequently lower level cases than the big traffickers we all want to eliminate; but an important point to remember is that we must implement a comprehensive strategy. To reduce the amount of heroin addiction, for example, we recognize that the price must be kept high. Professor Mark Moore has developed a concept which he calls the "effective price." This price includes not only the dollar price, but all things that make heroin difficult and risky to obtain. It includes the amount of time an addict has to spend just to find heroin to buy and it includes the probability of arrest. These factors affect be dealers Street dealers cannot be allowed to operate with impunity, because we must concentrate on the supply from Asia or the planes flying into Florida.

Our comprehensive Supply plan must include a focus on the street level dealers to keep the "effective price" of heroin high. It is the State and local task force operation that goes after the street-level dealers. The Judiciary Committee approved my amendment to add...
some $2.519 million to the DEA authorization for this particular purpose. Senator Biden succeeded in having a very similar amount added to the Senate bill.

Mr. Chairman, aside from the dollar amounts of the 1982 cuts, another perspective to consider is that DEA has been getting less inflation each year since 1978, when inflation was at a high consider­ation. None of the increases that DEA has received over these last several years has approached the rate of inflation.

Mr. Chairman, the Congressional Budget Office has considered what the DEA budget has been in fixed 1978 dollars to illustrate that particular point. In 1978, DEA was appropriated about $188 million. In 1979, they were given a 2.7 percent increase to $193 million; but after factoring for inflation the effective DEA appropriation was only $178 million for 1979. We lost significant ground.

In 1980, the effective appropriation was down to $185 million. In 1981, the effective appropriation went down to $175 million, and for fiscal year 1982, the administration’s request, using the administration’s inflation forecast, amounts to only $151 million in 1978 dollars, not the $228,524,000 we think we are getting.

We are only too aware that in this period, the income of the underworld from drug trafficking has kept pace with inflation. We should consider the implication that this analysis has for other components of the criminal justice system. Members of the Judiciary have said for higher wages. Police officers and prosecutors, often with great, irreplaceable experience, are forced to leave public service because of inadequate salaries.

The administration proposes cutting $15 million from the budget of the U.S. attorneys and the U.S. marshals. Every account of the workload of the U.S. attorneys indicates that they are forced now to delay or neglect the prosecution of important cases simply because they do not have adequate staff and resources. This cut can only aggravate an already terrible situation.

Is it any wonder that our success in fighting drug traffickers has been so limited?

Let us consider for a moment the effect of heroin addiction on other aspects of our national crime problem. A recent study by John P. Blum and his colleagues at the Temple University Medical School, reprinted in Senator Biden’s request in the Congressional Record, reported on 243 heroin addicts in Baltimore. His study demonstrates that addicts, when they are in the throes of their addiction, and using heroin, commit a very high number of crimes, generally property crimes. An important point of the study was that when they are not using the drug, their commission of crime drops dramatically. In fact, that study indicated that some of the addicts committed crimes as much as roughly 260 to 260 days of the year.

One conclusion we can draw is that not only is law enforcement important, but prevention and treatment for heroin addiction are extremely important in reducing crime, because they have been demonstrated to be effective in curbing heroin addiction.

Tragically, the administration has cut extensively in this area as well. The National Institute on Drug Abuse has provided formula grants to the States for drug abuse prevention and treatment. It was authorized for $30 million in fiscal year 1981. The President’s recision budget proposes to eliminate this program altogether.

In fiscal year 1982, the direct NIDA treatment programs will be eliminated. Three-quarters of the current level of funding will be grouped into a health services block grant program for the States.

That block grant has 15 categories, which include maternal and child health, genetic diseases, black lung, sudden infant death syndrome, family planning, emergency medical services, mental health, and other programs. The States can use the funds for any of these 15 categories. This is insufficient attention to treatment for drug abuse and heroin addiction.

In the area of disease prevention, a block grant is being created, but drug abuse prevention is not a category at all.

In closing, Mr. Chairman, I fear that the administration’s budget priorities will handicap our already limited efforts to fight drug trafficking. The increased crime as a consequence of heroin addiction will be further magnified by the administration’s benign neglect.

I have just sponsored H.R. 3359, the Justice Assistance Act of 1981, and we have been taking testimony on that particular measure. That is to provide assistance to the States for law enforcement without the red tape of the LEAA. Among the specific categories for which grants can be funded are programs which identify and meet the needs of drug-dependent offenders. Other categorical programs would include career criminal identification and prosecution; sting operations to combat burglary, fencing, and theft; citizen-police community crime control; victim, witness, and juror assistance programs and other programs that have been judged and eminently successful over the years.

Mr. Chairman, the Chief Justice of this country, Warren Burger, has been focusing national attention on problem areas in criminal justice. He is right when he points out that defending our personal safety in the streets and in our homes from criminal offenders is just as important as the Pentagon budget which defends us from foreign enemies. In fact, Mr. Chairman, we have lost nobody on the streets of Newark, Miami, New York City, or any other place, to the Russians; but we are losing them to the criminal element every day. The administration has not as yet accepted that particular premise.

The Chief Justice observed that deterrence is the core of any effective response to the crime in our cities. This deterrence must be adequately funded. To the extent that heroin addicts are committing crimes, prevention and treatment of drug addiction constitute a primary type of deterrence. The proposed cuts by the new administration in law enforcement, in drug abuse prevention and in treatment are tragically shortsighted.

There may be activities that the Federal Government has undertaken in recent years that in the opinion of the new administration are a departure from the fundamental activities of Government, but law enforcement is not one of them. The reason that society creates a government in the first place is for, among other things, protection. History has recorded that after military defense, law enforcement is the oldest and primary responsibility of government. This administration has yet to demonstrate an appreciation...
of history and the priority that law enforcement must have in the ranking of government activity.

I ask the members of this committee to give their support to H.R. 3359 when the bill comes to the floor, in addition to something more that we tackled on yesterday to the military appropriation committee and my subcommittee dealing with posse comitatus. All law enforcement activities ultimately have to share the same pie.

The Justice Assistance Act of 1981 will have a positive effect on drug law enforcement because it will aid prosecutors, courts, and police activities in general. The provision of funds for training criminal justice personnel will be shared by law enforcement officials no matter what kind of patrol they are assigned to. The training and assistance made available to prosecutors, whether they carry a specialized or general caseload, will benefit all law enforcement efforts.

Thank you, Mr. Chairman, for this opportunity, and I would be very happy to respond to any questions.

[The prepared statement of Hon. William J. Hughes follows.]

Mr. Chairman, thank you very much for inviting me to testify today on the effect of the administration's proposed budget cuts on our nation's law enforcement efforts. The Select Committee on Narcotics Abuse and Control is primarily concerned with the traffic in dangerous drugs, narcotics, marijuana, and cocaine. However, you should be aware that the administration's cuts affect every aspect of law enforcement. Every law enforcement agency is suffering. The Federal role in law enforcement is limited, and that role is subject to change with each administration and each action about priorities. I want to describe what appears to be the administration's priorities.

The Subcommittee on Crime of the House Committee on the Judiciary, which I chair, has been holding hearings on the subject of the administration's budget in crime. We have heard testimony from the chief administrators of the principal Federal law enforcement agencies and the Department of Justice.

What we have heard is disturbing because it appears that the decision has been made by the Office of Management and Budget to cut law enforcement budgets by a larger amount than the administration intended in its budget request. These cuts are being made across the board without a coherent law enforcement strategy and without an understanding of the relationships between the cutbacks and the enforcement process.

Let's look at the Department of Justice first. Former President Carter prepared a budget for the Department of Justice of $1 billion for fiscal year 1982. The new administration cut almost $300 million out of that appropriation. This reduction included $44 million from the FBI, $77,000 from DEA, $159,000 from the United States Attorneys and Marshals, and $138 million from LEO and the Drug Enforcement Administration.

These cuts mean that fewer agents will be investigating crimes, fewer offenders will be arrested, fewer convictions will be obtained. Following up on my concern that fewer agents will be investigating crimes, fewer offenders will be arrested, fewer convictions will be obtained, one important program cut at DEA is the Office of Compliance and Regulatory Affairs. Originally, OCM, as it was cut in half. Only after an appeal by Peter Benshagin, DEA General Counsel, was the cut of the administrative hearing.

From an enforcement perspective, this program is very significant. Compliance and Regulatory Affairs has the job of overseeing the distribution of legitimate drugs, a crucial task in the fight against drug abuse. At present, many manufacturers, wholesalers, pharmacists, doctors, and hospitals are involved in the distribution of these valuable controlled substances.

But the great size of the problem of abuse and overdose from some of these drugs is not widely understood. A drug such as Valium which has important legitimate uses is frequently diverted and misused. It had the highest number of mentions in illegal form in emergency rooms of any drug, other than alcohol, in the 4th quarter of 1980.

Dawn reported one-third more mentions than heroin. If we are serious about the adverse health consequences that result from drug trafficking, this program should not be cut.

Fortunately, my colleagues on the Judiciary Committee shared this analysis and adopted my amendment to the Department of Justice Authorization to provide an additional $240,000 to preserve the program.

Another key program that the administration wanted to cut is training state and local police officers. This program was proposed to be cut by 7 of 49 existing positions, approximately 20 percent of staff.

This is a very important program. Police need to be extensively trained. One small technical mistake can destroy the effectiveness of a major investigation. The effect of the cut would have been to cut the number of days of training in half. In fiscal year 1980, 59,000 days of training were given; in fiscal year 1981, 25,000 days of training were given.

The Judiciary Committee approved my amendment to provide $457,000 to keep this program at the 1981 level.

The biggest cut to DEA that I am concerned about is the cut in the state and local task force program. This program, like training, has a multiplier effect. A limited expenditure brings greater resources and capabilities to bear on the problem. The task force generally concentrates on different kinds of cases than DEA's regional units or central tactical units. Task Force cases are frequently lower level cases than the big traffickers we all want to eliminate. But an important point to remember is that we must implement a comprehensive strategy. To reduce the amount of heroin in the market, for example, we recognize that the prices must be kept high.

Professor Mark Moore has developed a concept called the "effective price." This price includes not only the dollar price, but all things that make heroin difficult and risky to obtain. It includes the amount of time an addict has to spend just to find heroin to buy and it includes the probability of arrest. These factors effect the drug's market. Street dealers cannot be allowed to operate with impunity because we must concentrate on the supply from Asia or the planes flying into Florida.

Our comprehensive plan must include a focus on the street level dealers to keep the "effective price" of heroin high. It is the state and local task force program that goes after the street level dealers. The Judiciary Committee approved my amendment to add $2,819,000 to the DEA authorization for this purpose. Senator Biden succeeded in having a similar amendment added to the Senate bill.

Mr. Chairman, aside from the dollar amounts of the 1982 cuts, another perspective we should consider is that DEA has been receiving less money each year since 1978, when inflation is taken into consideration. None of the increases that DEA has received over the years has approached the rate of inflation.

In 1978, the effective appropriation was down to $165 million. In 1981, the effective appropriation was down to even less, $126 million, and for fiscal year 1982, the effective appropriation was down to $220 million dollars, not the $250 million we were used to comparing this year. None of the increases that DEA has received over the years has approached the rate of inflation.

In 1980, the effective appropriation was down to $165 million. In 1981, the effective appropriation was down to only $152 million. In 1981, the effective appropriation was down to $152 million, and for fiscal year 1982, the effective appropriation was down to $220 million dollars, not the $250 million we were used to comparing this year. None of the increases that DEA has received over the years has approached the rate of inflation.

We are only too aware that in this period, the income of the underworld from drug dealing has kept pace with inflation.

We should consider the implication that this analysis has for other components of the criminal justice system. Members of the Judiciary have sued for higher wages. Police officers and prosecutors, often with great, inexplicable loss, are forced to leave public service because of inadequate salaries.

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Mr. HUGHES. Well, I hesitate to cram the committee, but I do have some time, if you have some questions. I would be very happy to respond in writing, either way.

Mr. RANGEL. Well, the major problem I think that we have in this fiscal year is that we have allowed drug crime to be considered as a local and State problem.

This administration is concerned with supply side economics. I think that we on the Narcotics Committee can take a look at the supply side of narcotics and recognize that we do not manufacture or grow 90 percent of the drugs that are being abused in this country.

I would like for the record for you to state as a Member of Congress, how do you see this problem having national import affecting your district?

Mr. HUGHES. There is no question but that crime is a national problem. Drug crimes are one of the most serious of our national problems. Local and State law enforcement agencies do not have the capability to deal with the problem.

We have just not been realistic in assessing the priorities. If we are really serious about combating crime, we have got to reassess the priorities. It cannot be done by the local and State authorities. It needs at times a comprehensive task force type of approach, as we devised for the DEA, as we devised for the BATF, the Bureau of Alcohol, Tobacco and Firearms; and yet I see us turning away from those areas. The new budget would dismantle our arson task forces.

They have been immensely successful in trying to bring all the resources of law enforcement together to bear upon both the drugs and arson problems.

These problems cut across State lines. They are beyond the capability of any single local agency to control.

Most of what we see in heroin coming into the country we know is difficult to control at the source. That is the primary way we should be controlling it. Obviously, the State and local governments cannot do that. State and local governments can and must control those drugs that are coming across their borders. I serve on the Committee on Merchant Marine and Fisheries. As a member of the Subcommittee on the Coast Guard. We just have not, as Mr. Shaw knows, made the commitment that is necessary to beef up Coast Guard activities. My colleague was one of the few minority members that voted against the efforts to cut certain aspects of the Coast Guard budget that goes into the country we know is difficult for the Coast Guard to carry out its responsibilities.

Drug interdiction is one of its primary responsibilities. We are only intercepting between 15 and 17 percent of the drugs coming into this country.

We know where much of it is coming in. We know their routes generally. We just do not have the resources to do a halfway decent job of trying to intercept it.

So we have to make some commitments. They are national commitments. We have to make some commitments that are national commitments.
We know that the career criminal program is tremendously successful. We do not have to have a task force to tell us that.

We know that you cannot combat drug crimes by cutting back on the DEA's budget. That translates into fewer personnel, fewer police officers enforcing the law. We need more, not fewer.

We know that you cannot combat arson offenses by dismantling the arson task forces. We know you cannot address the explosive problems in this country by annihilating research conducted by the BATF in explosives when the program is almost 90 percent complete.

You do not have a task force to know that there are some basic things that we should be doing now to combat violent crime. We are not doing it. That is what has many of us so frustrated.

I must say that Hal Sawyer, my ranking minority member, shares many of these views. He has been very, very supportive and very helpful to our subcommittee. We are hopeful that we can get the administration to begin testifying on some of the measures that we think would be important now. Obviously, there are some priorities that would have to be determined in cooperation with the new administration, I understand that. That is the prerogative of any new administration; but there are certain basic things that we cannot wait for until October 4. We need to be doing them now.

Mr. Rangel. Well, Mr. Hughes, we certainly agree with you. As you go back home, you can tell your law enforcement people that this committee does not intend to be partisan, that you have honestly criticized this administration, as well as the last administration, and the relationship that members of this committee have, Republicans and Democrats, are more concerned with resolving the problem than placing the blame; but this task force is very anxious to make certain that the people that are out there on the firing line will know that we in Washington are here to try to bring our resources together.

I would have to agree that some of the things that have been suggested are just absolutely ridiculous and maybe through our combined effort with the cooperation of the local and State people we can dramatically show how we can save money by trying to get a handle on this serious problem early on.

Thank you very much.

Mr. Shaw. Let me inquire into a particular area that you did refer to, that is the area of the DEA. I understand that Peter Bensinger in his testimony stated that the cuts were in the area of compliance and regulation, that they were largely unfilled positions. Is that a correct statement?

Mr. Hughes. No, that is not accurate.

Mr. Shaw. Where were the cuts in DEA?

Mr. Hughes. The cuts, if you have a few minutes, I will go down that list.

The cuts of unfilled positions were in minor decreases. In the area of intelligence, 21 positions out of 837.

In the executive direction and control, 14 positions out of 277.

In State and local training, which we did restore because it would have meant too much of a cut, I have already alluded to that.
Mr. Johnson. Thank you very much, Mr. Chairman, and Co-Chairman Shaw. It is a privilege to be here to assist you in assisting us at a local level in attempting to combat this dreadful scourge that is infecting not only New York, but other great cities across the Nation.

My statement is rather brief. I would like to read it into the record, if it is all right. Then I would like to make some observations.

Mr. Rangel. We are joined now by Congressman Coughlin.

Mr. Johnson. Congressman Coughlin, good morning.

Now, it is a fact, Mr. Chairman, that a problem exists. I think almost everyone who lives in this country and who does not live in this country will acknowledge that problem. The drugs are coming in from Southeast Asia, Southwest Asia and Mexico. This is heroin. I am not even talking about the cocaine and the marijuana and pills. The fact is that there has been a cutback by the Administration. Let us look at what the local and task forces do in New York.

In the cocaine area last year, the task force for New York City made these accomplishments just in the cocaine area. From 1979 to 1981, there were 385 arrests for cocaine by the task force that targets the middle level drug traffickers.

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Two hundred ninety-nine pounds of cocaine were seized. This is not including during this period of time an additional 266 pounds that were seized in Florida.

There were 127 guns, 74 cars, and $2 million cash. Forty percent of the addicts in this country are in New York City itself.

As far as the compliance goes, it is my understanding compliance checks the people who import legally opiates for medicinal purposes. The administration is getting ready to authorize an additional five companies who import legal opiates for medicine to go along with the three that are already authorized, and at the same time they are cutting back the people who are out to check on these companies.

As far as the diversionary investigation unit is concerned, there will be no one to regulate the pharmacies, the doctors, and the people who traffic legally and illegally in soft drugs.

It is a fact, Mr. Chairman, that I have heard statements from the administration stating that they want to address the problem of street crime. I think this is very, very inconsistent to address the problem of street crime by cutting back the resources from drug enforcement, both on the Federal level and at the same time not giving local authorities additional resources to do what the Federal authorities are not doing.

It is like asking someone to put out the fire and then telling the firemen that "We are going to cut back on your water to save resources."

Mr. Chairman, I think that it is wrong for the administration to take the position that they are taking. I think there has been no serious, sincere commitment to drug enforcement in this country since 1972. For the past 4 years, in the prior administration, they gave us a lot of rhetoric, no substance, and although this is only the first 100 days of the current administration, apparently we are not even getting rhetoric from this administration. There is no one in place in the current administration that we on the local level can go to and say, "Help us. Let us sit down, let us work together, listen to our problems." We are really in bad shape.

The fact that they are cutting back on resources, both on the local and State level, is not doing us any good.

[The prepared statement of Mr. Johnson follows:

PREPARED STATEMENT OF STERLING JOHNSON, JR., SPECIAL NARCOTICS PROSECUTOR, NEW YORK CITY

I welcome the opportunity to appear before you because I believe that we as a nation are in the midst of a crisis that threatens to destroy us. The crisis we face is drug abuse in general and heroin abuse in particular. Today I shall offer some facts and figures that demonstrate the dramatic rise in the availability and use of heroin in New York. This problem is not confined to New York but exists in Newark, Miami, Atlanta, Philadelphia, Baltimore, New Orleans, Dallas, and other great cities.

The cause of this problem was created by such factors as political instability in Southwest Asia, turmoil in Southeast Asia, a bumper opium crop in both those regions and our nation's "benign neglect" policy toward drug abuse during the early 1970's. There are those who cry that crime is a cancer eating away at society as we know it. Even those who have not been victims of crime fear that time is running out on their basic right to feel safe and be able to conduct their daily affairs. People are afraid to use their parks, ride the subways and walk in their own neighborhoods after dark. In some communities, the muggers are being mugged. The ill and elderly are afraid to go out of their own homes, even during the day. Tourists and conventioners stay away from some of our cities because of fear of crime. Corporate headquarters, retail stores and other businesses leave for harbors.

A recent study called "The Criminality of Heroin Addicts when Addicted and when Off Opium" given by a psychiatrist at Temple University disclosed that 248 male addicts committed almost 500,000 crimes over an eleven (11) year period.

This startling fact demonstrates that if we as a nation are to effectively deal with crime, it is imperative that we address the drug problem.

The Federal drug enforcement has attempted to stem the flow of drugs into our cities. Although the success rate over the years in this endeavor has been less than spectacular, some progress has been made. From 1972 until 1979, we have worked closely with the State Department and the help of the Governments of Turkey and France, substantially shut off the Turkish-French connection heroin pipeline. Since that time there has been a steady and sometimes dramatic flow of heroin into this country from Mexico, Southwest Asia, Burma, Laos, and Thailand to Pakistan, Afghanistan, and Iran.

In 1979 alone, the amount of opium harvested last fall in Southeast Asia was twenty times the amount harvested in Turkey at the height of the heroin epidemic of the late 1960's and early 1970's. Unfortunately, a large amount of the heroin that reaches our shores and homes, finds its way to New York. To appreciate the scope of the heroin crisis facing us I have enclosed some data collected by the New York State Division of Substance. These "heroin availability factors" reveal that the purity of "street heroin" in New York City in 1980 was almost 80 percent (7 percent). More troublesome there is a study of the lower east side of Manhattan which shows that during July 1980, the average purity of}
"street heroin" was over 12 percent. Today, if a buyer had $15,000, he could get an ounce of heroin in Harlem that would be at least 80 percent pure.

Some other disturbing indicators are:

Heroin arrests in New York City are up 38 percent for 1980 and up 85 percent from the 1978 figures.

In 1977 there were over 1,920 heroin-related emergency room episodes (Nonfatal overdoses). In 1980 there were over 3,620 or an increase of almost 100 percent. In 1978 there were approximately 545 drug dependent deaths in New York. In 1979 the figures rose to 472 and in 1980 the figure was an even greater 534. Serum hepatitis B+ cases increased from 497 in 1979 to 777 in 1980 (38 percent increase).

The conclusion from these figures is inescapable. A problem exists and it is getting out of hand.

To solve this, local Governments will need help from the Federal Government. More, not less resources must be allocated.

Americans spent approximately $64 billion dollars for illicit drugs in 1980. It is estimated that this figure will rise to $100 billion by 1982. To reduce our commitment to such a serious problem is tantamount to national suicide.

Speaking not only as a prosecutor from an urban area, but also as a parent and a concerned citizen, I say that you cannot permit those who profit from trafficking in drugs to continue this disgraceful conduct knowing that the United States will fight drug abuse with one fiscal hand tied behind its back.
Arrests for marijuana have increased sharply in the second half of the year. Studies indicate that heroin addicts commit many more crimes and more serious crimes during periods of heavy heroin use than during periods of little or no use. For instance, Ball et al. found that heroin addicts commit six times more crimes during times of daily heroin use than during times of light use.

<table>
<thead>
<tr>
<th>Year</th>
<th>1978</th>
<th>1979</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Cases</td>
<td>132</td>
<td>135</td>
<td>96</td>
</tr>
</tbody>
</table>

*Source: N.Y.C. Department of Health

Arrests for opiate and midlevel dealer arrests have remained relatively stable in recent years, they have increased sharply in the second half of 1980. All opiate arrests increased 22 percent between the last six months of 1979 and the comparable period in 1980. Although opiate-involved arrests would probably be higher, but because of police pressure, the Narcotics Division of the New York Police Department reports that a significant proportion of its time is consumed by marijuana arrests.

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<tr>
<th>Year</th>
<th>1978</th>
<th>1979</th>
<th>1980</th>
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</thead>
<tbody>
<tr>
<td>Quarter</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Opiate Felony Arrests</td>
<td>1,990</td>
<td>2,333</td>
<td>2,954</td>
</tr>
<tr>
<td>Midlevel Dealer Arrests</td>
<td>7463</td>
<td>7443</td>
<td>7118</td>
</tr>
</tbody>
</table>

*Source: N.Y.C. Police Department

Although opiate-involved arrests have remained relatively stable in recent years, they have increased sharply in the second half of 1980. All opiate arrests increased 22 percent between the last six months of 1979 and the comparable period in 1980. Opiate-involved arrests increased 21 percent between the last six months of 1979 and the comparable period in 1980. Opiate-involved arrests increased nine percent between the last six months of 1979 and the comparable period in 1980.

*Drug Enforcement Administration Monitor Study

The New York City Police Department Laboratory analyzes the purity of street samples of heroin. A year ago the average purity was between three and five percent. From August through October of 1980 the purity of heroin analyzed ranged from six to seven percent.

<table>
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<tr>
<th>Year</th>
<th>1978</th>
<th>1979</th>
<th>1980</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Purity</td>
<td>4.0%</td>
<td>4.8%</td>
<td>4.6%</td>
</tr>
</tbody>
</table>

*Source: N.Y.C. Police Department Laboratory

Studies conducted by the DEA in Harlem and on the Lower East Side in the summer of 1979 and the summer of 1980 found the average purity of street heroin remaining almost constant at three percent in Harlem but rising sharply from 6.5 percent to 13.6 percent on the Lower East Side. The average street price declined in both neighborhoods, from $1.05 to $1.00 per gram of pure heroin in Harlem and from $1.95 to $1.81 on the Lower East Side.

Field workers from the Division of Substance Abuse Services have observed that for the first time since the 1960s heroin is sold for the low price of $4.00 per bag. On the Lower East Side, six or seven dealers were selling heroin at this price.

Admissions to Prison Detoxification

<table>
<thead>
<tr>
<th>Year</th>
<th>1981</th>
<th>1982</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarter</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Admissions</td>
<td>420</td>
<td>315</td>
<td>330</td>
</tr>
</tbody>
</table>

*Source: N.Y.C. Department of Correction

Admissions of inmates to the deinstitutionalization program on Rikers Island remained relatively constant between 1978 and 1979; however, admissions rose 24 percent between 1979 and 1980 (from 7,228 to 9,704).
Treatment Admissions with Heroin as Primary Drug of Abuse* 1978 1979 1980
Quarter 1 2 3 4 1 2 3 4 1 2 3 4
Admissions 4406 4791 579 6015 5298 5174 6767 6755 6113 502 473 5039
*Source: N.Y.S. Division of Substance Abuse Services, Bureau of Management Information Systems.

The chart above shows the number of heroin treatment admissions in New York City from 1978 to 1980. Between 1978 and 1979 heroin admissions increased 28 percent (from 18,644 to 23,412). Through the first quarter of 1980 heroin admissions continued to climb until the capacity to accept additional clients was reached. In the second quarter of 1980 as a result, total admissions declined as waiting lists were established. At the end of the third and fourth quarters, waiting lists existed in methadone maintenance, residential drug-free and ambulatory detoxification programs. Currently the lists number more than 1,000 percent.

The Rest of the State

Arrests Involving Controlled Substances (N.Y.S.)*

Year 1978 1979 1980
Quarter 1 2 3 4 1 2 3 4 1 2 3 4
Arrests 977 1228 380**
*Source: N.Y.S. Division of Criminal Justice Services (DCJS) Annual Reports **Preliminary

Between 1978 and 1979, arrests involving controlled substances including opium, cocaine and derivatives increased 25 percent (from 977 to 1,228 arrests) in New York State counties outside New York City. Between 1979 and 1980, these arrests rose 38 percent (from 1,228 to 1,600).

Reported Cases of Serum Hepatitis**

Year 1978 1979 1980
Quarter 1 2 3 4 1 2 3 4 1 2 3 4
Cases 455 463 454**
*Source: N.Y.S. Department of Health **Through Mid-December

The number of reported cases of serum hepatitis has remained relatively stable in the past three years. Some areas in the state, however, including Rochester, Albany, and Long Island, have shown appreciable increases in recent years.
have grown in popularity in upstate New York during the period heroin availability had declined. Even though heroin has become very expensive, many drug abusers seem to prefer it because of their lower price, ease of access through physicians, and quality control. Drug abusers report effects very similar to those of heroin.

In general, methadone programs in the Hudson Valley are operating above 116% availability and utilization and are expanding to meet the needs of growing patient populations. Treatment personnel report increased availability and quality of heroin in the cities of Albany and Utica.

Local police report increased heroin availability in Syracuse. A recent case involved a dealer who was charged with attempting to distribute $1,000,000 worth of heroin in Onondaga County.

A Dutchess County treatment administrator reports an increase in the number of local dealers. In the past six months, it seems that small quantities of heroin were imported from New York City. Now, dealers are basing their operations in the county itself.

A year ago, the Ulster County methadone program had 45 patients; currently it has 90. Patients claim that there are at least 30 dealers in the Kingston area.

In general, methadone programs in the Hudson Valley are operating above capacity. As of the end of April, 1980:

- Dutchess County with 99 clients was at 116% utilization;
- St. Luke's Newburgh with 99 clients was at 116% utilization; and
- Ulster County with 80 clients was at 120% utilization.

Talwin and pethidine -- "7s and 8s" or "7s and Blues" -- have grown in popularity in upstate New York during the period heroin availability had declined. Even though heroin has become more available, many drug abusers prefer it because of their lower price, ease of access through physicians, and quality control. Drug abusers report effects very similar to those of heroin.

Within New York City we see an escalation of drug use in all forms in all areas involving all socio-economic levels. Drug use that historically has been centered within particular groups has now spread to all rungs of the social ladder.

Briefly let me indicate the present drug trends affecting New York City. Heroin has increased in availability throughout the City. Formerly small pockets or particular areas of the City were identified as major supply locations. Now we see addicts purchasing larger quantities from these core areas for resale to suburban customers. Retail prices for street bags have remained fairly constant. Purity remains in the 5.5 percent range city-wide, with fluctuation in the lower East Side. On the wholesale or ounce level, we see purities ranging from 80 percent with prices ranging from $13,000-15,000 per ounce.

With Cocaine, we see a greater social acceptability among all sectors of society thus increasing its use. While the wholesale importation and distribution of Cocaine has been dominated by South American nationals we now see a greater involvement by so-called legitimate corporate or business types taking advantage of the increased demand and expanded market place.

Retail quantities for personal consumption from the $10-20/pill to the $100 gram are available in all areas. Prices have remained stable during the past year. Street purity is in the 15 percent range.

We see many violators formerly dealing in a single drug now sell both heroin and cocaine from the same location.

There is a greater public use and social acceptability of Marijuanas despite the latest research reports of its harmful effects. The Marijauana Reform Act of 1977 has created the perception in the minds of our citizens that the use of marijuanas is no longer harmful or illegal. This has generated a tremendous increase in visible street sales in parks, playgrounds, building plazas, and local streets. It is not uncommon to see mid-level executives along with the youthful smoker using marijuana on the street during the lunch hour. "Smoke shops" selling paraphernalia for marijuana use have proliferated in many neighborhoods creating a serious enforcement problem. During 1980 at least 60 percent of all the arrests effected by the Narcotics Division were for sale or possession of marijuana. The supply is abundant, the price is stable and the potency has increased.

PCP—Phencyclidine--Angel dust remains a popular drug of choice among adolescents. It is found in ghettos and middle class communities. PCP traffic within the city's parks and in the vicinity of schools has been suppressed by our arrest activity. PCP is of limited availability in the city with Harlem and central Queens the primary locations where it is sold. These locations have a visible abuser population.

Pills—The traffic in illicit pills remains a problem especially with adolescents and young adults. Barbiturates and methamphetamines have increased in popularity during the past year. Trafficking in pills is heaviest in several major park areas and commercial centers that cater to office workers and young adults. The victims of

Mr. Rangel, Chief Courtenay.

TESTIMONY OF DANIEL J. COURTEEN, CHIEF OF ORGANIZED CRIME CONTROL, NEW YORK CITY POLICE DEPARTMENT

Chief Courtenay, Good morning.

I am Daniel J. Courtenay, and I am the chief of organized crime control for the New York City Police Department. The police commission has asked me to come down and represent him before this body and to offer whatever we can in the deliberations.

Sterling has stolen some of my thunder in the area of the task force, and so on. I do also have a brief statement that I think will give the committee some insight as to what the present situation with drugs within the city of New York is and what we have been doing about it in the last year or so.

[The prepared statement of Chief Courtenay follows.]

PREPARED STATEMENT OF DANIEL J. COURTEEN, CHIEF OF ORGANIZED CRIME CONTROL, NEW YORK CITY POLICE DEPARTMENT

I am Daniel J. Courtenay, Chief of Organized Crime Control for the New York City Police Department. The Police Commissioner, Robert J. McGuire has asked that I represent him at this hearing to provide an assessment of the current drug problems within the City and the Department's response.

Within New York City we see an escalation of drug use in all forms in all areas involving all socio-economic levels. Drug use that historically has been centered within particular groups has now spread to all rungs of the social ladder.

Briefly let me indicate the present drug trends affecting New York City. Heroin has increased in availability throughout the City. Formerly small pockets or particular areas of the City were identified as major supply locations. Now we see addicts purchasing larger quantities from these core areas for resale to suburban customers. Retail prices for street bags have remained fairly constant. Purity remains in the 5.5 percent range city-wide, with fluctuation in the lower East Side. On the wholesale or ounce level, we see purities ranging from 80 percent with prices ranging from $13,000-15,000 per ounce.

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In addition to the Narcotics Division, a Joint Task Force comprised of 71 New York City Police investigators, 23 New York State investigators and 31 Drug Enforcement investigators direct their investigative expertise to the Class I and II violators operating within New York City. During 1980, 857 arrests were affected, 9 pounds of heroin and 45 pounds of cocaine were seized.

The uniform force of the New York City Police Department also accounted for 11,000 summary arrests for narcotics violations during 1980.

In spite of more than 18,000 arrests within New York City for drug violations, the problem persists. We see that law enforcement alone is not the answer to our pressing problem. The solution appears to lie in the suppression of drugs at their source. To deal with the supply and deal with the customer by a major educational effort in the local schools.

Mr. Rangel. Does that complete your statement?

Chief Courtenay. That completes my statement.

Mr. Rangel. I am going to take some liberties with you two witnesses that I won’t be taking with others because you are from my hometown. But it appears from what I suspect and from what you have testified that the drug situation in the city of New York is out of hand.

I am hearing from the prosecutors that they don’t have the resources to develop cases, that they don’t feel the Federal input, the type of support that is necessary from the Federal system to contain this ever-increasing problem, that the police department does not have the moneys to buy narcotics in order to develop cases, that our criminal justice system is really a sleeping tiger. And it has been my experience that anyone entering the drug trafficking business in the city of New York on a high level takes very little risk of apprehension and even less risk of conviction.

Am I wrong?

Mr. Johnson. I say that you are right, Congressman. The criminal justice system is not only a sleeping tiger, it is a sleeping, toothless tiger.

There is no national strategy. There is no national policy.

Heroin goes nowadays for $150,000 an ounce, and if you wanted to get a “Mister Big” in New York, which would be classified as an A-1 felony, you would have to buy at least 2 ounces, which means $300,000. But you don’t go in and ask for 2 ounces; you have to ask for more than 2 ounces in case you get, as they call, shorted on the weight.

When you are talking about $45,000 per buy and at least two buys on a suspected drug dealer you are talking about $90,000 for one case. And then you must move up the ladder.

I don’t know the budget of the New York City Police Department, but I suspect that they do not have the type of money that they can lay out on each and every case to move up the ladder and get “Mister Big.”

We recently put away a person in New York called Nicky Barnes. He was on the front page of the New York Times magazine. And I was told by a drug dealer, who had been arrested, he said, “Mr. Johnson, you people Nickey Barnes away, but that’s all you did. His operation is still going, drugs are still flourishing,” and it really had no impact at all.

So, Congressman, your assessment of the situation is absolutely correct.

Mr. Rangel. Chief Courtenay.

Chief Courtenay. Yes; I would also like to respond to that.

In that area of arrests, Sterling did indicate that the price of heroin is extremely high.

I had been the commanding officer of the Narcotics Division in 1974, and at that time a kilo of good heroin ran between $60,000 and $70,000. At the present time heroin ranging between the 60 percent and 80 percent purity range, a kilo would probably cost you a quarter of a million dollars.

We have within the New York City budget, or at least within our police department budget, for buys approximately $1 million of buy money. Now, what the increase in heroin prices have done to us is, it made us change our tactics. At the present time, as Sterling indicated, you have to get over 2 ounces to get an A-1 felony. What we try to do is order up as much as we can. Once we go in and buy an ounce, for example, for $10,000 or $12,000, then we will go back and try to order up more, hopefully ordering up multikilos if the purity is good. That money is never spent.

In other words, we will come up with a suitcase of $800,000, to show our good faith, to suck the guy out and to us. But that money is not spent. In other words, we spread that million dollars around several times during the course of an investigation so that the money does not flow out that rapidly.

We have managed in our dealings to target individuals, let’s not say the financiers—we haven’t been able to touch those people—but we have been attacking midlevel dealers, some midhigh level dealers, and so on.

A problem in the New York City Police, obviously, is that we as a local law enforcement agency, must deal with the condition that exists on the street. We must respond to the local communities. The local community, as you well know, Congressman, is more concerned about the low-level dealer who is in the street dealing in front of the school, the playground, and a good bit of our effort is expended in these areas.

As I indicated in my brief testimony, some 48 percent of the arrests in the narcotics division in 1980 was directed toward marijuana.

Mr. Rangel. But you also are saying that you do believe that as it relates to the high level conspiracies, there should be more of a Federal presence because it is not only in State but it is into national.

Chief Courtenay. I agree. But I think that the key to the situation overall, the only time that we really had any—there was only positive effect in the narcotics situation, was back in 1973, when the Federal Government and the Turkish Government got into some kind of an agreement where the Turkish farmers would no longer grow the poppies. We saw a reduction in the availability of heroin, we saw a reduction in the number of addicts, we saw good things begin to happen.
Mr. Rangel. You saw that impact in Mexico, as well. But while we can try to push international agreements, still the major part of our hearings today is that the responsibility falls on local and State government. And what we want to know is how we can be more helpful.

It would seem to me that you two should belong to some type of national groups that have the same responsibilities in other parts of the country. Is that so? Would you belong, Chief, to a national narcotic law enforcement group?

Chief Courtenay. Yes; I belong to two. One is that at least once a year the IACP, that is, the International Association of Chiefs of Police, and the Drug Enforcement Administration run a 3-day conference.

Mr. Rangel. Where will that be held this year?

Chief Courtenay. Well, this was held in Nashville, Tenn., approximately 1 month ago. At that conference are the major chiefs and narcotics enforcement officers from 35 or 40 of the major departments throughout the country. And that 3-day session is a comprehensive session to determine—

Mr. Rangel. What came out of this session?

Chief Courtenay. Well, a few things. I think that we recognized that we as local enforcement can't do the work by ourselves because we are pretty much restricted to a smaller area of concern.

Mr. Rangel. Were your conclusions reduced to a report or writing that you could share with this committee?

Chief Courtenay. I, unfortunately, do not have it with me.

Mr. Rangel. But you do have one?

Chief Courtenay. Yes; there were some suggestions for legislative changes in the area of, I think, to support the posse comitatus cause we are pretty much restricted to a smaller area of concern.

Mr. Rangel. What came out of this? Chief Courtenay. One is that at least once a year we go to the major conferences like the National Police, and the Drug Enforcement Administration run a 3-day conference of the country. Is that so? Would you belong to a committee?

Chief Rangel. Well, let's do this, because we are now getting into another decade of not getting a handle on this problem. And yet the Congress has failed to come up with a solution.

Can I ask, for the record, Chief Courtenay, whether or not you could reach out and identify those people that have a similar position as you, from communities that have been hit the hardest, so that we are dealing with those that not only have the problem but the experience, and to forward those names to the committee, for the purpose of us not waiting for hearings or conferences, but so that we can find out what we can ask the Federal Government to do as a partnership nationally?

And, Mr. Johnson, if there is no group, when we start looking at Newark, and Baltimore and Washington and New York and Miami, it just seems to me that if you could put together the names of people who have the same type of responsibility that you do whether they are chief prosecutors or just a two-man office, I think that if we come together, that we will be able to dramatically show the President of the United States and this administration that we are not just being critical but we have analyzed the problem and this is where, professionally, we need the help.

Could we get that type of commitment?

Mr. Rangel. I will do that, Congressman Rangel. I will take care of it.

Mr. Rangel. Chief?

Chief Courtenay. I'll take care of it, for my part, sir.

Mr. Rangel. Thank you.

Mr. Shaw?

Mr. Shaw. One of the things that I have found, in getting involved in this particular subject, is that when you start reducing the problems to statistics, it becomes increasingly alarming.

We had a statistic that was shared with us yesterday by the police chief from Nashville, and that was that 80 percent of the crimes committed in this country today are drug related, which I thought to be a rather astounding statistic.

And when you look at the various polls as to what the people all across this country are thinking and what they are most concerned about, crime is always on the top of any such list, which I think would certainly lead us to feel that we need a national priority, particularly in light of the statistics that one of you gentlemen gave to us in your testimony that 40 percent of the heroin addicts in this country are in New York City.

Also the statement with regard to the use of the drugs on the street itself.

It appears that the situation right now is really totally out of control and that local law enforcement really cannot, certainly by itself get a handle on the situation.

Other than greater Federal funding, what do—and I would like to pose this question to both of you gentlemen—other than Federal funding, what do you see could be the greatest Federal contribution to law enforcement in the area of drugs?

Would it be going after the supply? Would it be getting involved in the actual day-to-day law enforcement, or what?

Mr. Johnson, Congressman Shaw, I think what we could do is to have a Federal commitment. I am talking about a commitment from the President on down.

I would like to see drug abuse and drug enforcement take a top priority, a priority such as the national defense budget and the national defense question.
I think it would be silly for us to have ourselves prepared for an
enemy from foreign shores and us being defeated by an enemy
from within our own shores that is eating us up.

If we would have a commitment such as this, a commitment
where we would have a national policy, a national strategy, we
would address the drug abuse problem from the social causes, we
would have a medical, not solution, but medical inquiries as to how
we could stop the opiates from addicting the people, we would have
education, we would have prevention, we would have all these
tings going at one time, much like the moving parts of an auto-
mobile.

They said there is something like 10,000 to 20,000 moving parts
in an automobile and they all move with but one purpose; that is,
to propel that automobile forward.

This is what I would like to see.

We have not had that type of commitment from the administra-
tion since 1972, when President Nixon was running for office and
he put the full weight of the National Government in this particu-
lar area, made it a top priority. He had the State Department
involved with the Governments of Mexico and France. Moneys
were given to the Government of Turkey. France was persuaded to
look at its own house, to knock out some of these illicit labs. Money
was poured into enforcement.

Mr. Nixon came out front and said he was against drug abuse.
And within a short period of time we closed off that Turkish-
French connection source and we patted ourselves on the back and
the President said we had turned the corner on the war on drugs.
And we did. We did do a damn good job.

However, while we were patted ourselves on the back we were
falling asleep at the switch, and the Government of Mexico, or
Mexican people were growing opium poppies in the hills, and they
came into that vacuum. At one time Mexico used to have 10 percent
of the national heroin market, and that 10 percent was
consumed along the Texas-Mexican border and in southern Califor-
nia.

But while we were patted ourselves on the back and falling asleep
at the switch, they came into this vacuum, and at one time
they represented 80 percent of the heroin market in this country.
We addressed ourselves to the Mexicans, and I don't think too
forthrightly at that particular time. Drugs were coming in from the
Golden Triangle, and they were being smuggled in in so many
different ways that we couldn't keep track of it. So now you have
three particular areas, at least two particular additional areas. You
could see a commitment from the President on down, and this com-
mitment translated into action, just like he is doing with his defense program and his tax program.

Chief COURTENAY. I agree with Sterling's observations. We in law
enforcement feel that we interdict somewhere between 5 and 10
percent of all the narcotics that comes into this country. I think it
was Congressman Hughes who indicated that it was close to 15
percent. In any event, with all of the effort that we have mounted
against the narcotic scourge, if we are only interdicting 5 to 15
percent, there would have to be such a massive infusion of new
resources to eliminate that, unless we stop it at the source countries.

Now, if we can stop this at the source country, with agreements,
either through our own Government or through the United Na-
tions, I think we could go a lot further in eliminating the problem.

Most of this stuff comes across our borders.

Sterling alluded to the fact that we were very successful in
Europe, in stopping it from Turkey and on through France. Then
the Mexicans popped with theirs. We see at the same time that the
coca plants are growing in Peru and Ecuador, being processed in
Colombia. We see the marihuana coming up from Peru. So all of this stuff, or 90 percent of this stuff, is coming in across
our national borders.

But it seems to me that we would have a greater level of success
if we could deal with it as close to that source of supply as possible.
And that is certainly not at the port of embarkation in New York
or at one of the airports, or local airports. It has got to be done
where that stuff is grown or processed.

I also would strongly urge that a posse comitatus bill be enacted
into law. We saw some serious problems when we had an influx of
Cubans, the Cuban refugees coming through, and the Coast Guard
had to respond to that problem down off the Florida coast. At the
same time the Coast Guard was responding to that problem, they
could not intercept or interdict those ships loaded with marihuana
and the pills coming up from Colombia.

So we see that there are Federal forces in place, through no
additional cost, perhaps, that could deal with the problem, and
there are not presently dealing with it. And I would deal with the
supply.

I think, so far as the demand is concerned—you know, we man-
date in some areas of our market, and areas sex education because
a lot of our young people get themselves into serious problems. And yet I would guarantee to
you that there are more young people with problems as far as
narcotics are concerned, than will ever have sex problems. I feel
very strongly that a national effort should be put in place to deal
with education, going down to the first grade and starting from
there, and let our people understand what the problems with narc-
otics are, what the effects of continued use or abuse are, and
indicate how severe they actually are impacting on themselves.

But I feel that that would be the area that I would primarily
concentrate in.

Mr. SHAW. Very good.

Let me ask one more question with regard to the testimony and
the prosecution procedure used in the State of California.

The tremendous quantities that are required in order to make a
substantial felony case, is that a product of your State statutes?

Mr. JOHNSON. Yes, it is.

Mr. SHAW. Is there any way of getting that turned around?

Mr. JOHNSON. I sometimes wish there was.

Let me explain to you.

We have, probably, the toughest drug laws in the Nation. They
are categorized into three different types of crimes, all felonies.
One they call an A-1 felony. If you possess 4 ounces or more of
heroin or cocaine and are convicted, or you sell 2 ounces or more of cocaine or heroin and are convicted, then you must serve life imprisonment. The mandatory minimum you must serve before you are eligible for parole is anywhere between 15 and 25 years. This is not weekend time. This is not good behavior. You must do every drop of that time.

I am happy to say that in this last legislature, legislative period of time, they did give me additional funds to purchase additional drugs. The third category, if you sell any amount and you possess any amount with the intent to sell, then you are convicted of what they call a B felony. If you possess 2 ounces or more, then if convicted you must go to jail for 60 days. If you have a prior felony conviction, and you are convicted of this crime, then the penalty is upgraded from life imprisonment to a mandatory minimum of from 10 years to 25 years.

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In 1974 and 1975, I think the narcotics division for New York City was something like 750 officers, give or take a few. It is now 320, or thereabouts, and I understand there are plans by the Police Commission to put an additional maybe 100 people into the Narcotics Division.

So we are at, strengthwise, for the enforcement people, half of what we were in 1974 and 1975, and the problem is twice as bad as it was during that period of time.

There is another thing I would like to do—I had forgotten earlier—and that is to demonstrate that there is a direct correlation between drug abuse and crime.

Just yesterday, Mr. Morgenthau, Robert Morgenthau, district attorney of New York County, had a press conference in which he announced the arrest of 10 individuals ranging in ages from 15 to 19 or 20. These people were responsible for 15 murders, and they were contract murders, people killing people for sums of money, as I said, from 15 to 20 years old, and they were indicted and they face charges. I have a copy of this press release for the record. Mr. Shaw. Thank you. It will be so entered.

[The document above referred to is as follows:]

DISTRICT ATTORNEY—NEW YORK COUNTY

OUTLINE OF INDICTMENT: JUNE 4, 1981

Manhattan District Attorney Robert M. Morgenthau and Deputy Chief Richard Nisietro, Commanding Officer, Manhattan Domestic Unit, are announcing their arrest and indictment of 12 defendants in connection with a series of six murders and four attempted murders which occurred in Harlem beginning in March 1980. The arrests and indictments result from a joint investigation conducted by the Manhattan District Attorney's Office and the New York City Police Department.

Walter Tyrone Smith will be arraigned today on an indictment charging him and three associates with murder and conspiracy. He was arrested yesterday at his home, which is located across the street from the New York City Police Department. The indictment charges him and his associates with the contract murder of twenty-year-old Lawrence Thompson. At the time of his arrest Smith was carrying $2,000 in cash. Approximately two pounds of heroin, an additional $3,000 in cash, a sawed-off shotgun, a 9 mm pistol, a police radio and drug paraphernalia were seized.

According to the indictment, Smith, and his associates, hired two other men, Thomas Porter and Ronald Moorman (also known as Moreman, and Morman), to kill 20 year old Lawrence Thompson. It is alleged that the defendants met together several times between March 5 and the day of the murder, agreeing on March 9, 1980 to pay Porter $1,000 to carry out the murder contract. Guns were transported from the Bronx to Manhattan on March 10, 1980 and the victim was identified to the killers on the same day. Later, at about 8:30 p.m., Lawrence Thompson was shot and killed by Thomas Porter and Ronald Moorman as he stood on Seventh Avenue between 141st and 144th Streets. Porter and Moorman, who were also indicted for this murder, are in custody.

In addition to the defendants indicted with Smith for this murder and conspiracy, three of his other close associates have been indicted for separate murders:

Andre Torrecilla, 16, of 305 West 113th Street, New York, New York, is charged with the double homicide of 47 year old Darryl Gross and 21 year old Anthony Wright which occurred on October 22, 1980 in the St. Nicholas Housing Projects.

According to this indictment, Mr. Gross, of 151 West 142nd Street, New York, New York, and Mr. Wright, of 2830 Eighth Avenue, New York, New York, were intentionally murdered by Torrecilla. Torrecilla was aided by others not yet apprehended. The defendant was arrested on May 14, 1981 at his home and is being held without bail. Seated from the defendants' bedroom at the time of his arrest were a .44 caliber automatic pistol, 2 ammunition clips, ammunition and narcotics paraphernalia.

Andre Torrecilla sold narcotics for Walter Tyrone Smith.

Ronald Moorman, 24, of 2111 Exterior Street, Bronx, New York and Derrick Henderson, 15, who also sold narcotics for Smith, are both charged in the murder of Ronald Blake which occurred on January 19, 1981 at 151st Street and 143rd Place. At approximately 7:30 p.m., on January 19th, the defendants and others not yet apprehended converged in two cars on the intersection of 143rd Street and St. Nicholas Place. According to the indictment, their purpose was to kill James Brunson, of 428 West 138th Street, New York, New York. As Brunson was walking home he was confronted by two men who were carrying a .44 caliber automatic pistol, 2 ammunition clips, ammunition and narcotics paraphernalia.

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agree that the major allocation of Federal resources should be Federal responsibility that is inescapable. And I suppose you would toward that problem if you are going to try to figure out how you would allocate scarce resources.

Mr. SHAW. Mr. Coughlin. Mr. Coughlin. Thank you, Mr. Chairman.

Let me very quickly point out there is a supply side and demand side dynamic in the drug question, and certainly from the standpoint of source suppression, that involves a major Federal commitment, because the interception of drugs and the discouragement of other countries from growing these crops is obviously a Federal responsibility that is inescapable. And I suppose you would agree that the major allocation of Federal resources should be toward that problem if you are going to try to figure out how you would allocate scarce resources.

Would you agree with that?
and prosecution efforts to attempt to make another case on these individuals because you already have a case and they are going to go to jail for 15 to 25 years.

In essence, what they do, once they have been arrested and are awaiting trial, they have a license to go out and traffic in narcotics again.

We have got situations now where, if you spend $90,000 on a defendant and he is facing 15 years to life and he somehow makes bail and he is out on bail, he will engage a lawyer who is very, very busy, and every time the case comes up, "My lawyer is on trial, he is busy, I want an adjournment," and an adjournment, and the case flounders around in the system for a year, a year and a half, and he is selling drugs again.

I don't think that the New York City Police Department or even the task force have the luxury of going out and spending another $90,000 on this individual to make another case. They can take these additional funds and make a case on someone else.

We do have about 75, 80 percent conviction rate, but it is not enough.

I think as a deterrent there should be a swift and certain punishment upon conviction. Unfortunately, we don't have that.

Of all of the cases that I get, I can only indict approximately one-third of those that the police department and the task force bring to me. And try, I don't know how many I can try, 150 a year.

Mr. COUGHLIN. Do you think there should be some bail reform if, in fact, some people are out on bail selling drugs again?

Mr. JOHNSON. I really don't think it is a question of bail. What happens, if they are out on the street selling drugs again and if they do happen to be arrested, most of the times the judges will increase the bail.

The problem is that I don't think Chief Courtenay has the luxury of sending his people out, trying to make a case, when a person is out on bail, selling drugs again, just to put him in. He can use these resources to get someone brand new, to get this defense supplier.

I have had questions, differences with judges, with respect to bail in different cases; but I really don't think that in and of itself is the answer.

Mr. COUGHLIN. I know we are running out of time. Let me ask you two other very brief questions on that subject. Current drug intelligence indicates that a 16-metric-ton heroin crop is coming out of Southeast Asia in addition to supplies coming out of Southwest Asia.

Has New York City seen any evidence of a new influx of Southeast Asian heroin?

Chief COURTEENAY. Congressman, I have not seen it at this time. The bulk of the heroin in New York City at the present time has been analyzed as coming out of Southwest Asia. We have not seen any marked increase of Southeast Asian.

Mr. COUGHLIN. On an unrelated subject, in Philadelphia the Angelo Bruno killing in March of 1978 was reputed, at least, to be a reemergence of organized crime in drug trafficking. Is there any evidence of increased organized crime activity in New York City?

Chief COURTEENAY. I think organized crime has always been in the drug traffic. Anybody who says that is not true does not appreciate what the facts are. Organized crime is in any area where they can earn a fast dollar.

The narcotics trade, obviously, is one of those places where they can earn a tremendous return on a very, very small investment.

We talk about organized crime, we also should indicate that it is done, I believe, by the task force in cocaine in Queens, we have seen the biggest increase in that area in the last year, and it was done by the task force in a big way. We have seen in Queens, there was a Colombian organized crime effort. It was not the traditional organized crime groups that we normally deal with.

We find that on the Lower East Side, the heroin network, we had people in the area of gambling that we have, and they have always been in the drug trafficking business. Congressmen Rangel and I were prosecutors together many years ago, and the people that we put away, who had 10 years in jail, have come out and gone back in the business again.

In addition, the problem is compounded by the fact that when we had a lot of heroin come out of Mexico, you had Hispanics move into the breach, and they became the entrepreneurs of drug trafficking.

In addition, we had black Americans who had been over in Southeast Asia, the Vietnam area, that made contacts over there, and they were smuggling drugs into this country, so you have three major groups; black Americans, Hispanics, and organized crime.

You have at different times and occasions, you have competition between these groups, and you also have cooperation, so we are faced with this right now. So, yes, organized crime on these three-faceted levels does exist.

Mr. COUGHLIN. Thank you very, very much for your testimony. It has been most helpful to this member, and certainly to the whole committee.

Mr. RANGEL. Mr. Scheuer.

Mr. SCHEUER. Thank you, Mr. Chairman. Along with Congressman Rangel, I have been involved in narcotics matters for about a decade. I have met many times with our distinguished witness, Sterling Johnson. It is a little bit depressing to us who have been at the same old stand for a long time and have written reports, to find that it is organized Hispanic, organized crime. We find, for example, in the area of gambling that we have organized Cubans.

Mr. COURTEENAY. I agree. Organized crime in the traditional sense, yes, they have always been in the drug trafficking business. Congressmen Rangel and I were prosecutors together many years ago, and the people that we put away, who had 10 years in jail, have come out and gone back in the business again.

In addition, the problem is compounded by the fact that when we had a lot of heroin come out of Mexico, you had Hispanics move into the breach, and they became the entrepreneurs of drug trafficking and drug importation at a much higher level than they had ever been.

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spectrum from the poppy fields of Asia or Turkey through transit across our borders into our streets, where is the most cost-effective place to spend the law enforcement dollar? Or, is it not a very cost-effective way to spend additional funds, and should additional funds, let us say, which are incrementally added to this system, should they be invested in drug education?

We are utterly frustrated, and with very limited resources do we spend that last dollar? At what point do we try and say, “If we had the system and stop the flow, or is there very little in the way of payoff there, should we look on the demand side rather than the supply side?”

I apologize for this question. You have had it for 10 years, every panel, day in and day out, month in and month out. It is depressing to have to ask it, but I do not think we know the answer.

Mr. JOHNSON. I think that is the answer. We do not know the answer. I am sure I can answer this in the negative. One way to do it is to not do it is to cut resources at a time when the problem is increasing. We all acknowledge that it is increasing.

We all acknowledge the fact that it is directly related to crime, but to be around and have the administration say, “I am going to cut the resources across the board,” is not to use the instrument of a surgeon, but it is to use the instrument of a butcher. We just cannot do that right now. It is being very, very insensitive. If we do not pay the pennies now, today, we are going to pay the dollars tomorrow.

How can we do this? What is the most cost-effective way? Congressman Scheuer, I really do not know, but I do think the administration should get some talent wherever they can get the talent, and address this particular problem. If it meant taking a little funds from defense and putting them into narcotics enforcement, I say do it, because this is a defense item also, an internal defense as opposed to an external defense.

We should look at the source country. We should look at education. We should look at everything. As I said, we should have the commitment that President Nixon had in 1972 when he made a great impact upon this problem.

We should also have the commitment that President Kennedy had when he said that we are going to put a man on the moon and bring him back; and of President Reagan when he said we are going to build up our defense for the next 4 years, and that is what he is doing.

Mr. SCHEUER. This is different than the commitment to put a man on the moon. Putting a man on the moon did not require the commitment of a half-million people. We have a very small group of highly trained technicians who got everything they wanted, and you could lock them up in a little community in the Southwest and say, “Do your thing.”

With drug enforcement, it involves millions and millions of decisions taken by comparatively uneducated, untrained individuals in their homes and streets and subways and parks. It is a very much more complicated issue.

Mr. JOHNSON. I am talking about the commitment, Congressman Scheuer, when the President said, “We have a problem. I want to solve the problem.” He put the resources and the best minds and
very great target of opportunity, and any additional dollars we can put into the system ought to go into reducing the demand rather than interdicting supply?

I do not mean to put words into your mouth, because I do not know either.

Mr. JOHNSON. I think I get an idea of what you are driving at. Congressman Scheuer.

Mr. SCHEUER. We are terribly frustrated. I am sure you get a sense of our frustration. Many of us have worked in this field for years. The newest member of our committee from Florida has a very distinguished record in law enforcement, and he is extremely concerned and highly knowledgeable, but we are terribly frustrated.

We feel as if we are trying to punch our way out of a bag of wet Kleenex. We do not seem to see any light at the end of that tunnel.

Where do we go from here?

Mr. JOHNSON. When you use the word "demand," I do not know what that means, and how do you stop a demand? The opiate is such that it creates a physical and physiological dependence upon the drug, and we know today of no way that we can break that physiological dependence, that demand, so how do you stop demand?

Mr. SCHEUER. Well, through drug education. You could alert young people to the danger of getting involved in the first place. After all, a clear majority of our young kids do not get involved in heavy drugs. They may smoke a joint once in a while, for a short period of time and while they are in school, but the overwhelming proportion of them do not go on to hard drugs.

So, there is something about their environment and their lives at home, school, the working place, that sends up some very serious signals to them that, "Experiment if you like with a little grass, but stay away from the hard stuff," and almost all of our young kids do it.

We are, after all, a nation of 280 million, and at the most we have 500,000 or 600,000 or 700,000—less than one-half of 1 percent of our population—that gets involved in hard drugs. They failed to receive some kind of a signal that the overwhelming percentage of our population did receive.

Mr. JOHNSON. I know 8- and 10-year-old addicts. I know 10- and 12-year-old pushers and sellers, and if I went to these communities to try to give them an education in drugs they would laugh me out of Harlem. They know more or as much about drugs as I possibly know either.

Mr. JOHNSON. The newest member of our committee from Florida has a concern and highly knowledgeable, but we are terribly frustrated and highly knowledgeable, but we are terribly frustrated.

You ask, "Why do you continue?"

Mr. SCHEUER. We did not ask that question. If I asked it of you, I would have to ask it of all of us, and I do not want to ask that question because I am not sure what the answer will be. We do it because we feel the job has to be accomplished.

Mr. JOHNSON. It has to be done.

Mr. SCHEUER. It is a very thankless job and a tough job, and you have served in the trenches for a long time.

Mr. RANGEL. Let me thank you, and also to reinforce what we have agreed on, we look forward to supporting you in organizing, and people who are similarly situated. I am confident that if we do not overcome this problem, at least we will individually and collectively be satisfied that we did the best we could. That is all we are trying to do.

Let me thank you for your testimony today, and we will be in touch with you.

Mr. JOHNSON. Thank you for the invitation.

Mr. RANGEL. I would like to ask the members of the committee whether or not they would want to proceed during the lunch break.

Most of you have in front of you a tentative schedule of witnesses which has us going to 2:30.

If it seems to me that with the quality of testimony that we are getting, we can make a decision whether we want to break sometime this afternoon, but if all the witnesses are here, what would be the decision of the committee.

Mr. RANGEL. Let us see where we are. Is the Miami panel here?

Mr. RANGEL. I would just as soon keep going.

Mr. Coughlin. I would just as soon keep going.

Mr. SCHEUER. Mr. Shaw. I must leave at 12:15.

Mr. SCHEUER. We have a cancellation from Janet Reno, but Chief Harms will be here.

Mr. RANGEL. What will we do, with the committee's permission, is to proceed. If, however, by the time we reach the Washington panel or the Miami panel, if by the time we reach these panels the witnesses are not here, we will recess until they do come.

If they are not here, we can call them and we could take a break now. In any event, we will proceed with the Newark panel.

From Newark, we have Essex County Prosecutor George L. Schneider, and Chief of Police Hubert Williams.

TESTIMONY OF GEORGE L. SCHNEIDER, ESSEX COUNTY PROSECUTOR, NEWARK, N.J.

Mr. RANGEL. I can say that when things get bad in Harlem I can always go visit Newark.

Mr. SCHNEIDER. That is not funny, sir.

Mr. RANGEL. But, I hope that you heard the previous witnesses testify that they will be getting in touch with you.
This hearing is just beginning what we hope will be a more organized effort for us to get more Federal cooperation and more Federal resources.

So, if you have statements, your statements will appear in the record, and if you want to talk outside of the statements, permission is granted.

You may proceed, Mr. Schneider.

Mr. SCHNEIDER. Thank you, Congressman.

A moment ago I said, "That is not funny." I said that, with all due respect to you, your Honor. Of course, you and I, and Director Williams, anyone that is in a rough, rough, drug abuse area, often times need that comic relief to keep us going, and I hope you appreciate the comment in its context. It certainly is not a joke, by any means.

I am sure no one in this room ever considers anything we do in that area to be funny to the extent that it causes the heartaches and the pain and suffering, personal, professional, social, that it causes to Newark, N.J., and Essex County, N.J., as it does to New York, Los Angeles, Washington, Pennsylvania, everyplace else.

We all recognize the fact that we cannot kill the drug problem in this country, but I think we should make the supreme effort to at least stunt its growth. Otherwise, it will be a problem that will in fact overwhelm us.

It will overwhelm us as we sit here in the gracious Halls of Congress or in the pits of Harlem or Newark, Detroit, or anywhere else.

Essex County has a population of almost 900,000 persons. We have an extremely serious crime problem in the county. We have an extremely serious crime problem in the heart of the county, which is Newark, N.J. Everyone suffers from it. I can say that as the prosecutor of this county; we have an office of 80 assistant prosecutors, and approximately 125 full-time detectives, and a staff personnel of another 125, so it gives you an idea of the type of staff necessary to reduce the crime in a county with a population of approximately 900,000.

We have several areas which we consider to be of significant concern in combating the narcotics problem.

Each one and everyone is prefaced by the undeniable fact that too often people say, "How many drug arrests do you have? How many drug convictions do you have? What is the percent of arrests that are in the county that are for drug abuse?"

I think that is not quite the question to ask, nor is the answer to that question the one which gives you the total scope of it. I personally was born and raised in Newark, Essex County. I have seen the problem progress—if you would excuse the word "progress"—to the point where it is today, from when I was a young boy growing up in town to—as Sterling Johnson indicated he had seen—it is a 10-year-old drug pusher and addict. When I was that age we did not have it. Today we have it.

What does this tell us? It tells us that today the problem is increasing, increasing drastically, and it is going to affect everyone. But, what we should keep in mind is not the number of narcotics arrests, but the fact that I would estimate that 80 percent of the crime in Essex County and Newark is drug related, whether it be a breaking into someone's home, whether it be a break into someone's business, whether it be an armed robbery, whether it be a murder, whether it be rape or arson, any serious offense against person or property, 80 percent of this can be traced back to the drug abuse situation in the county. Everyone suffers. Merchants suffer, merchants suffer, persons in their homes and properties suffer from this problem.

There are areas we have to direct ourselves to, I submit. One is manpower. This is where the Federal Government has to play a role. They have to stop the talk about it and they have to do something about it, reach into their pocketbook and convince their constituents that the people out there who complain about the crime problem and complain in turn about the drug problem, about their lives not being safe, their businesses not being safe, they cannot walk into town and shop, they have to realize that they are going to have to put aside a little bit of their recreation money and put some of that money through their taxes into drug enforcement, financing an increase in manpower.

We need more police; we need better police; we need more prosecutors; we need better prosecutors. All that costs money. We need better finances, we need better weapons to fight drug abuse, one of which is the electronic surveillance, which is an absolute necessity to find out who the top men in narcotics abuse are, and get at them and not at the street level man.

This requires time and effort on behalf of the personnel, which costs money and which requires money to buy the equipment. We also have to have better training for the men so that they can combat narcotics in the street.

The second phase is education. We should set up an educational program in the schools. Sterling Johnson mentioned fifth and sixth graders that are drug users and drug sellers. We have this same thing in Newark, N.J.

What we have to do is to cut them out when they are early. We have to educate this youth in the fourth and fifth grades of schools, a concentrated effort to educate them so that they can be turned into constructive adults rather than destructive adults.

Third, of significant importance is the fact that we have got to find them jobs; and if not jobs, something to do. We have to give these young people some form of honest, clean recreation. A way to handle this costs money, whether is be blacktopping some vacant lots and putting up some basketball courts, a baseball field, some swings, putting a little money into constructive adults rather than destructive adults.

My point generally is that we have got to stop talking about this damn problem and get off our butts and do something about it. I think it is up to the Congress, up to the Governor, up to the Mayor, to talk to their constituents when they are out there and take a stand and say: Listen, people, give up your tickets to the Giants, give up your tickets to the Eagles, give up your tickets to Jackson-Brown, take that money and get it in the form of leases.

Instead of worrying about how you are going to entertain yourselves—in one breath you are on your way to, in our case, Giant Stadium, paying $6 maybe to see a game, and on the way there you are complaining about, look at this element over...
packages in what is called on the street a "New York quarter", which is approximately 3.0 grams of 4 to 6% heroin. It is brought back to Essex County by auto­mobile or into Pennsylvania Station in Newark by train. The heroin is then "cut" and repackaged into smaller quarters for sale on the street.

A "New York quarter" is purchased for about $50. It can be "cut" at least once, which leaves the drug dealer with 6.9 grams of heroin. This equals sixty (60) decks, which sell for ten dollars (100) each on the street. An investment of fifty dollars (500) brings a gross return of six hundred dollars (600). Informants indicate that there are only a few known bulk dealers of heroin in Essex County. These people may buy multi-ounce or small quantities of organized crime figures in New York City and then sell it in one-half (1/2) or one (1) ounce quantities. However, the vast majority of heroin traffickers in the County purchase the "New York quarters", and they often make several trips per day to New York City, without financial loss or sentence exposure in the event they are apprehended.

With the new availability of Southwest Asian heroin in this area, Mexican "brown" heroin and Southeast Asian heroin are rarely seen in this County. Two years ago the average purity of heroin on the street was about one percent (1%). Today, the figure is about three percent (3%).

Amphetamine ("speed") comes in two forms: powder and tablets. Amphetamine tablets are usually produced by a pharmaceutical firm and are diverted from legitimate channels. Until approximately one year ago, amphetamine was widely prescribed for "dandruff"-weve found that people out there that there is a problem. They are going to have to get off their butts, stick their hands in their pockets and hand it over to Congress or whatever to pay to fight this element.

In the long run, we may not be able to stop it. It is simply an easier way to make our lives a lot safer.

Mr. Zeferetti, the most common "drug" that the President is shot on the streets, has gone to entertain himself at this point of time. The President is shot.

The drug dealers in this area feel they are going to be able to get by with this new availability of heroin. They do not feel it is going to be enough to give up that game.

On the other hand, the problem, such as heroin in this area, is going to get worse. We have to convince the people out there-not ourselves, the next week they are going to have to convince the people out there that there is a problem. They are going to have to get off out of the street.
Unlawful use of all controlled dangerous substances is a disorderly person’s offense. Unlawful possession of all controlled dangerous substances, with the excep-
tion of twenty-five (25) grams or less of marijuana or five (5) grams of less of hashish, is an indictable offense. Possession of the above-mentioned quantities of marihuana or hashish is a disorderly person’s offense.

The Essex County Bureau of Narcotics has a good working relationship with the Drug Enforcement Administration (D.E.A.). The most significant assistance provided by the D.E.A. is access to their computer, which contains names and addresses of drug traffickers. The computer contains the type and quantity of drug in which the subject is trafficking. This proves to be a tremendous aid in an analysis of a subject’s telephone toll records. The names of people to whom the subject places telephone calls are run through the computer, and the computer indicates if and to what extent the person is trafficking in drugs. When appropriate, investigations are conducted jointly with the D.E.A. This is usually done when each agency has something to offer to the investigation, such as informants, intelligence, money, undercover agents, or a common target. The D.E.A. has allowed large sums of its money to be used for “flash” purposes (money to be shown but not passed on to the suspect). However, D.E.A. has never given money to the Essex Bureau of Narcotics to be used to purchase drugs. When asked the reason for this, D.E.A. representatives have stated either that the amount requested is too large, or that the D.E.A. was not presently purchasing the specific drug in question because of changing priorities. At present, D.E.A. representatives state that they will not spend money for heroin or cocaine, but that they will spend money for heroin and any investigation involving a clandestine laboratory producing P.C.P., amphetamines, or LSD.

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Epic®, the weekly intelligence brief of the Drug Enforcement Administration, is sent to the Prosecutor’s Office and then forwarded to the Bureau of Narcotics.

The Bureau of Narcotics has had only occasional dealings with the United States Attorney’s Office. These dealings primarily consist of deciding which office will prosecute the results of joint investigations (it has always been a State prosecution), or apprising each other when a letter on behalf of an informant is being sent to our respective judges.

The Bureau of Narcotics has a good relationship with the Internal Revenue Service (I.R.S.). The I.R.S. has offered its services to perform a tax investigation on narcotic proceeds prior to trial.

The Treasury Department has offered use of helicopters and fixed wing aircraft for surveillance in major investigations.

The most significant way in which the Drug Enforcement Administration can contribute to enforcement at the county level is to make more money available for drug purchases. Drug traffickers have long ago picked up the law enforcement technique of purchasing a small amount of drugs and then ordering a substantially larger amount. The dealer is then arrested when the second delivery is scheduled. The dealer is then arrested when the second delivery is scheduled. The dealer is then arrested when the second delivery is scheduled. The dealer is then arrested when the second delivery is scheduled. The dealer is then arrested when the second delivery is scheduled.

Any reduction in the manpower allocated to the Drug Enforcement Administration will have an adverse effect in that law enforcement at the State, County, and local level will have to fill the void. There are presently twenty-seven (27) special D.E.A. agents assigned to the Newark Office. Four (4) of these Special Agents are assigned to the Task Force, which also has four (4) Newark Police Officers assigned to it. Up until two (2) years ago, the Bureau of Narcotics had maintained two (2) detectives to the Task Force, but manpower reductions have reduced their number. Newark is a port city with an international airport, and a serious amount of drug activity naturally results from this fact. In the opinion of the Essex County Prosecutor’s Office, there should be no reduction in the resources of drug law enforcement at any level, or a bad situation will become worse.

Mr. RAABER. Your full statement will appear in the record. I do hope that you were here when the New York people volunteered to get in touch with you and others to see whether or not we can pull together in a more formal way and present our case to the Congress, to the Federal Government for basic services. You know, of course, that over 70 percent of our population lives on 1 percent of the land. We are a concentrated populace. The Northeastern corridor houses a large segment of the American population.

A great number of urban ills afflict these cities. Economics is perhaps one of the basic ones. In 1970, for example, the counter cyclical funds were cut back by the Congress, the city of Newark lost $10.8 million. As a result, we were forced to lay off 200 police officers.

The policy constitutes the societal line of defense against crime. It is not in and of itself our societal response to crime, and cannot act alone deal with either crime or the problem of narcotics. But collectively, I think, if we can begin to marshal the resources that we do have, if we can begin to see the problem with a sense of...
vision; if we can act with a sense of temerity to try to strike out against it, we might find some solutions.

I do not think the question of negotiations on the supply side or the demand side is going to dispose of the problem. It is going to take a combinational thrust of both if we are going to deal with it.

We say that since we have experienced the influx of heroin from the Golden Crescent Area—Iran, Pakistan, Afghanistan—we expected in Newark to see a substantial increase in the quality of heroin, the purity of heroin. We did see some increase. Heroin went from somewhere around 1 percent to 3 percent.

In 1964, 1965, when I was a narcotics detective and buying heroin on the streets, it was 25, 26, sometimes 40, 50 percent purity. The dealers have decided that their profit lies in the size of the market. They are not increasing in huge quantity the quality of that heroin. What they are doing is making heroin widely available.

When we talk about the narcotics problems in the central cities, we are talking about the problem of heroin. Granted, there are other narcotic problems, but the fundamental problem is heroin in the cities. The question that we have got to address is, how to deal with it.

We have eliminated LEAA. We are cutting back on all of the social programs. I do not know how much this Congress can continue, to cut back on aid and support to the cities and expect the cities to survive.

The fundamental enforcement vehicles that we have, and enforcement I think is the crucial element of our thrust in dealing with narcotics, has been a cooperative effort between the Federal, State, and local county governments and the task force concept, which has worked very well in Newark; by money providing skill and expertise and insuring a coordinated approach in dealing with the narcotics problems. We cannot afford to lose this vehicle.

If we lose this vehicle, we are going to lose a valuable tool that we have in addressing the problem. I also think the Federal Government's efforts at stemming the growth—obviously there is some cutback negotiation with Turkey and Pakistan at one point that led to curtailment in the growth of the poppy, and that may be impossible given the political situation.

I am aware of the fact that the Golden Triangle Area, Burma, Laos, that area of the world is now experiencing a bumper crop, so we are going to have more and more heroin available in the streets of our cities.

I have found from personal experience that when the heroin is there people are going to use the heroin, so we have to take some steps to cut back on the availability of it.

We also have to take some steps to try to deal with people that are profiting in it. We have to recognize that even though there is no clear-cut line of demarcation between the addict and the dealer, because you have addicts that are dealers, that we must begin to try to deal out strong, harsh penalties against people that are making profit in the drug market.

Second, let me say this: I see on the streets of Newark a bolder narcotic population that is not afraid of the law or the people that enforce the law. All you have to do is read the newspapers. We do not even need a study, and you can see across this country that the prison system is being overwhelmed by numbers.

We simply do not have in New Jersey, where we have something like 7,000 minimum and maximum security cells, and we arrest 20,000 or 30,000 people in the course of a year—400,000 crimes of all categories are committed in New Jersey—we do not have the space to put people that are committing these crimes.

We have got to be selective about how we enforce our laws, and we have got to try to deal with the people that cause the problems differently than we do the way the people affected by these problems.

What I am suggesting is this: That we need to retain the methods that have proven effective in enforcing our laws against drug dealers here in the continental United States, and also those diplomatic efforts that have proven successful in trying to curtail the supply of narcotics coming into the country. That is one thing we need to do.

The second thing, to be quite frank about it, is that we need to recognize the scope of the problem of crime that is committed by people using drugs. You see, everybody knows, and Sterling Johnson eloquently testified to this, that these people are going to survive. They may not be able to hold down a job legally, but they will survive illegally.

There are billions and billions of dollars that are being ripped off from the American taxpayer, not to mention the fear and the kind of personal loss that people encounter in just trying to survive in the cities today.

I have been to think very seriously about how we deal with our addict population.

I can remember, in some of my activities associated with the U.S. Conference of Mayors, on their public safety committee under President Nixon, now Mayor of Newark, recommendation of drug existences as a method of dealing with the problem. Quite frankly, I have never supported that idea, even though the benefits allegedly to be derived from it would be a significant cutback negotiation with Turkey and Pakistan at one point that led to curtailment in the growth of the poppy, and that may be impossible given the political situation.

I do think that we must separate those people that are using drugs, that are hooked on drugs; they must be separated from the population. If we continue to allow our addict population to be treated by living in the cities committing all that crime in the cities and making life unlivable in the cities for the other people, then I think we are going to reach a point where the quality of lives in our cities are going to drop to the level where Americans are going to demand stronger and more repressive measures which could place in jeopardy the system of values that we hold most dear; that is I am talking now about our constitutional principles, because as I understand it, a lot of Americans for safety in the streets would be willing to relinquish constitutional rights.

Before we reach that point where we all run off in a mad rush out of just simple desperation in trying to deal with this problem, I think we need to think about it in basic terms. Those people that have become addicted to drugs need to be separated. They need to be taken out of society. They need to be put in some sort of camp where they can get treatment, long-term treatment. They need some ancillary and support services. They need to be counseled.
Some efforts need to be made to upgrade their capability to function within society. We have lost almost a generation of Americans now that are not able to compete in our society. They are classified as functionally unemployable. Nobody wants to hire them. They are the backwash of society, the dregs. We all suffer now because of the fact that the value system that is the product of our major population is looked down on and is not the way of life in the cities. So I would see this Congress attempting to do a number of things. Hopefully, you will first attempt to influence our administration that we cannot cut back on funds that go to so vital areas such as enforcement on the laws in the cities, where we are going to eliminate the very basis that we have of survival and at the same time expect that the cities and the people that live in those cities will be able to continue on.

We have to attempt to establish and retain Federal vehicles, Federal funds for law enforcement services, specifically address the problems that I have enumerated on the Federal side of the equation, which deals with supply, and at the same time think just as Franklin Delano Roosevelt attempted with the CCC to pull America out of a great depression. We have got to go back to some basic concepts to try to pull America out of the depths of this crisis which is caused by narcotics and the people that are addicted to narcotics in the society. I could go on and on, but I do not believe that you need to hear me go away.

We have recognized the evils. We have recognized apparently the need to bolster our national defenses in an unprecedented effort being made by this administration. I am appalled at the fact that no one seems to have made an effort to deal with the problems of crime in the cities; yet Americans cry out on the domestic side that crime is, if not the No. 1, clearly one of the major national issues confronting people. We cannot do that without leadership from this Congress.

I was very pleased, Congressman Rangel, that you provided me as a director of the police department in Newark an opportunity to come here to share with you the plight that you know so well of our citizens in the cities, the problem that they face, but to share with you from my vantage point what I consider to be some of the things that must be done if we are going to make it through the next decade in the cities in this country.

Thank you very much.

[The prepared statement of Mr. Williams follows:]
assistance. Thus, we are at a juncture in which the Federal role in narcotics and alcohol abuse is absolutely vital to our country.

The Federal Enforcement Role can be defined as critical in four (4) basic areas:

1. Limiting production through international agreements and mutual cooperation among producing countries.
2. Limiting importation through enforcement.
3. Enforcement control at the upper and medium levels of the distribution market.
4. Existing local and state agencies in coordinating and controlling narcotic activity which is generally beyond the scope or ability of those agencies to adequately handle.

While each of these stated areas of responsibility is vital to any overall program, it is the last role with which we in local governments are most concerned. In Newark, we depend heavily upon Federal cooperation to enhance our enforcement efforts. The assistance that we regularly receive from the Federal Strike Force under the D.E.A., in terms of intelligence information, manpower assistance, the loan and use of equipment and the access to “buy monies” which are far beyond the fiscal capability of our agency, are absolutely vital. While I recognize that there has been some controversy relative to the effectiveness of the coordinated Strike Force efforts, it is our experience that this is the most effective and fair distribution of responsibility which is the closest approach to the Federal and local narcotic control problem. Consolidated Federal Strike Forces can successfully eliminate wasteful duplication of inter-agency efforts, promote the exchange of intelligence information, coordinate enforcement efforts, and bring to bear on a problem a host of widely varied skills and expertise.

In recent years there has been a tendency to de-emphasize this approach. The administrative and control problems in the Federal and local narcotic control problem. Consolidated Federal Strike Forces can successfully eliminate wasteful duplication of inter-agency efforts, significantly reduce the duplication of efforts, and bring to bear on a problem a host of widely varied skills and expertise. However, in the last several years, it is the belief and strong recommendation that this program should, instead, be expanded to become a major part of any future Federal enforcement program.

As I stated previously, the problem of narcotic abuse and control is essentially bifurcated between enforcement (controlling supply) and treatment (controlling demand). Each area is critical to any overall effort in stemming the tide of rampant narcotic abuse and is equally critical that a proper balance be struck between enforcement and treatment efforts.

Many authorities today recognize that narcotic addiction is essentially a medical problem which is not cognizable within the Criminal Justice System. Sanctions administered there be imposed upon those that traffic in the drug and those subjected to it, while those that are victimized should be treated medically. It is the last role with which we in local governments are most concerned. In addition to the obvious practical problems presented by this policy, there are serious moral questions which this policy creates.

Although none of us has a ready answer to this problem, it has become clear to me that we must separate the addict from society in order to salvage our cities. Moreover, he must be separated from drugs if the individual is to be saved.

Mr. RANDELL, Mr. Shaw.

Mr. RANDELL. I am very impressed with the testimony of both of you gentlemen.

Mr. WILLIAMS. I know who you are and I know your reputation. I have had the privilege of serving, up until I came to Congress the first of this year, on the executive committee with your mayor; of the U.S. Conference of Mayors in Gibson. I know well the good work he has done and the respect that he has as a former presi-
dent of that organization in bringing about some of the legislation
which you are very concerned about at this time in regard to aid to
the cities.

I was somewhat taken when you made the remark in your testi
mony that one of the big problems we have, and perhaps it is
the root of the problem that we have across this country today, is
that people are not afraid of the law. I think this is one of the
areas that perhaps as simplistic as it is, is, is the basis of all the
problems that we are having, that goes to the swiftness and surety
of punishment.

Would you like to expand on that as to what elements are
necessary with regard to increasing awareness or actual fear of the
law, which is absolutely necessary if there is going to be respect for
the law.

Mr. WILLIAMS. Congressman Shaw, what I was referring to and I
think you accurately observed it, is the fact that the system that
we have as a deterrent against crime. The police constitute one component of that system. The
police responsibility is to visible policing, to put out in the streets a
symbol of law and a symbol of authority. Where there are crimes
committed, the police response should be swift. Apprehension
should be swift and punishment certain.

One of the problems that we have today is that there is no
certainty of punishment in our system. Legislators across the
United States, in States like New Jersey, have attempted to react
and deal with this problem by requiring mandatory sentencings,
particularly in specified areas, like with a deadly handgun, crimes
committed with the possession of a gun, crimes of violence. In New
Jersey today they get 3 years and that is mandatory; but what we do
on one end of the system impacts throughout the system. We are
now experiencing and will continue to experience an overload on
crimes of criminal justice are not severe, not only does it not
deter crime, but it is about to fall apart. What we see is over-
whelming numbers being put into the system, causing prosecutors that
act as regulators in the sense of a court calendar to have to use alternative methods; so what we see is downward plea bargaining, those kind of things, which are almost essential in order to
retain the system that we have in place. In the absence of that, we
get Michigan, and in the county of Essex, we just had a jail burned,
an issue. Narcotics, nobody talked about these
problems; so I do not think anyone at this point can say definitively exactly
what has to be done; but clearly, we must reestablish that system
of criminal justice and make it viable. People have to know that if
they commit a crime, they are going to receive societal sanctions.
We cannot have a system that allows somebody to make $2,000
or $3,000 a week and the police apprehend them, and we do not
have the capability to impose sanctions against them. That encour-
ages and fosters the underground that we have in narcotics today.

In 1962 to 1966, I worked undercover in narcotics in the Newark
Police Department. One of the things that I did was to go out in the
street to penetrate narcotics networks and to purchase heroin
from the dealers. Well, today you do have to go out on the street and penetrate any networks. All you have to do is go on the
corners, because it is so blatant, the volumes are so large, that the
system cannot handle it.

We have to develop policies that are going to insur that we will
not be overwhelmed in the system.

We have a rule in New Jersey, it is called Rule 83. That rule
limits the police discretion to make arrests. It requires, even with
major crimes, that summonses be issued.

I am saying to you that we have got to get back to the historic
predicates upon which our system of criminal justice was estab-
ished if the system is going to act as a system. That is one of the
things that Congress can do.

We must insulate that the vehicles of enforcement that have been
effective are retained and we must try to make a way for people
that are committing crimes and have respect for law, these
people must be reintroduced to society in a manner in which we
feel that they are a part of society, because if they continue to feel
that they have no place in this society, that they cannot make it,
obody wants to hire them, then they are going to make it illegally
and we are going to suffer by it.

I would think some of these things I am talking about may be
quite complex. Other things are quite simple. I mean, I think we
know generally what needs to be done about it.

What I have seen, quite frankly, is a lack of commitment in
dealing with the problem. I just do not see the commitment. I have
watched the presidential primaries and the presidential election
and crime was not an issue. Narcotics, nobody talked about these
problems; so I do not see—this committee is the first reflection that
I have seen of a serious commitment to begin to deal with this
thing.

I am very hopeful that you will be able to provide some influence
within the administration so that we can retain some enforcement
capabilities in the cities.

To be succinct, I know I have gone beyond the question, but
certainty of punishment is important, swiftness of apprehension is
important. We need the vehicles to insure that we can make those
tings happen.
Thank you.

Mr. Rangel. Mr. Coughlin.

Mr. Coughlin. Thank you, Mr. Chairman.

I guess I join Director Williams in feeling that one of the large problems is one of attitude, one of public attitude toward law enforcement. To some extent, at least, that results from the inability of law enforcement to prosecute the large numbers, to carry out the law enforcement process.

I guess the question in my mind is, Prosecutor Schneider, indicated the need for more money for drug purchases; but if you are making more purchases and making more arrests and not getting the prosecutions and the convictions and putting people away, why do you need more money for drug purchases?

The thing becomes a little bit circular on the attitudinal end. Mr. Schneider. If I may, Congressman, that is very true. The basis of the problem, I think, was cited by Director Williams, and that is the lack of respect for the law. That certainly is prevalent in our entire country, not only in Newark, whether it be the wealthy suburbs, or whether it be the rough sections of our major cities.

My contention is that the lack of money to do the job on the street by way of purchases of large amounts of narcotics to get the big people, as opposed to chasing a man down the street and grabbing him for four or five decks of heroin or a pocket full of marijuana, the money needed for that goes hand in hand in that they know that the big man probably will not be punished as severely as they ought to be. Therefore, not only the big man, but the middle man, has little respect for the law. The reason is because law enforcement resources are such that we are short on everything. As I said, we are short on police. We are short on prosecutors. We are short on judges. We are short on jails.

The man out there pushing narcotics, pushing them to the fifth and sixth graders, up to the 50-year-old man that we arrest, first of all, they believe that they will not be caught. Why is that? Because they know there are not enough police out there. There is not a policeman in sight because of shortages in money, because of shortages in equipment.

Second, if they are caught, they realize that they will be out on low bail in no time, because there is no place to put them, and we do not have any money to build jails. We do not have any money to pay for salaries and benefits for correction officers; so they know that if they do get caught, they will be out in no time.

Again, if they do get caught, their trial may not come up for months and maybe over a year, because we do not have enough prosecutors and we do not have enough judges to prosecute them, so they sit out in the street or they run out in the street and continue to push this garbage all over to our youngsters and to our adults.

Third, if they are convicted, what happens to them? They get a sermon from the judge, especially if it is only the first time. Too often you hear judges say, "Well, since this is your first offense," They say that as though everyone is entitled to one crime, which is absolutely ridiculous.

Why do they say that? The judges mean well. Sure, the judges love to put them away and get them out of society. There is no place to put them.

Again, we come to the point of dollars and cents. We do not have any room in the jails to put them. Where do they go? They go back out again.

We have Director Williams and his men chasing them and calling me and saying, "Well, we got another 15 today. What are we going to do with them?"

We look at each other in utter frustration and anger, and the system goes on.

What we need, we need some bucks, we need some dollars to help us fight this thing. They have more money than we do. We make an arrest of someone with a bunch of heroin or cocaine that he is ready to deliver some place and he has got $50,000 cash in his car. Probably no one in this room has ever had $50,000 cash in his car or in his bank in his lifetime.

This is the edge that they have that we should have. Law enforcement deserves the edge, not the criminal element, and they have it. Why do they have it? Because I do not think that the public and the people who run the Government, including myself, really think about it every day like we should.

Drug abuse is the major cause of crime in Essex County. Before I was in law enforcement, I have been in for about 7 years, I was a public defender in Essex County for 3 years. I know firsthand from representing hundreds of indigent criminal defendants that were it not for the drug problem, those hundreds would probably be tens or twenties.

I would say 80 percent of every criminal defendant arrested in Essex County, his problem is based on drug abuse. If we do not get at that, we are not going to get at any crime.

It affects everybody.

Mr. Coughlin. Are you suggesting that there should be Federal funds to provide more jails for local communities?

Mr. Schneider. Yes; I think there should be Federal funds to help us in all phases of law enforcement, especially in the cities and the counties where the people that live and work in the cities and counties just cannot afford it. They cannot afford to carry the burden themselves and the only answer is that we need help from the Federal Government because this criminal element existing in Essex County and in New Jersey affects the entire country.

Mr. Coughlin. I am referring specifically to jails.

Mr. Schneider. To jails; yes.

Mr. Coughlin. Thank you, Mr. Chairman.

Mr. Rangel. Thank you. I think it is abundantly clear that there is an absence of the Federal presence in certainly what is a national problem.

I do hope I can rely on both you gentlemen to have input as we attempt to build up support or to dramatize the need for the Federal Government to get involved. I can sense in all of the witnesses so far the sense of frustration. Fortunately, it has not reached a point that you are calling for heroin maintenance. I know, Director, that you specifically rejected that.
I am not going to debate the fact that we are involved now in selective prosecution. It is happening all over. I think it is wrong, but it may be the only thing that is left to do. I am not going to get involved in the removal of people from the community who are addicts or addict criminals, because I think at a different forum we would have to discuss what we are giving up if we are forced to go that route. I would have to believe that I would have to do that type of direction, because I do not have to know who is making the selection as to who is going to be detained and I assume this would not be with due process. In any event, I am glad that you did testify as you have, because I know, or I hope that you do not feel that comfortable in making those types of recommendations, but it appears that your back is against the wall and these are things that you feel will have to be done. I assure you that the committee will be in touch with you and other people will and this is not just one shot. We will try to develop the best approach to make certain that people throughout the country recognize how serious the problem is and that your Government responds to it.

Mr. SCHNEIDER. Thank you.

Mr. Williams. Thank you for the honor.

Mr. Rangel. The Philadelphia panel is before us. We have the district attorney, Edward G. Randell; the prosecutor in charge of narcotics, David Abrahamsen; and from the narcotics unit of the police department, we have Inspector Robert Mitchell.

We will have all your individual testimony placed in the record, without objection, knowing that some, if not all of you, have a time problem. You can proceed as you see fit.

TESTIMONY OF EDWARD G. RENDELL, DISTRICT ATTORNEY OF PHILADELPHIA, PA.

Mr. Rendell. Thank you. I am District Attorney Edward Randell of Philadelphia.

I heard the prior two speakers. I am not going to go over the ground that they so ably covered.

Our drug problem in Philadelphia is acute. We have a particular problem with the locally produced methamphetamines, which as I rate in my prepared text, I rate it currently as more serious even than our heroin problem, though given the predictions and forecasts of increasing importation, heroin in my judgment will soon be our No. 1 problem again; but they are both significant problems.

We currently in Philadelphia have two components of our effort to battle high-level narcotics trafficking. No. 1 is the DEA Federal Task Force, which receives specific Federal funding out of the Justice Department budget.

In the spring of 1980, we were notified that that funding would be cut off as of October 1980. Even though that force is solely within the jurisdiction of the Federal courts, it does not come into direct contact with us, although we do complement our efforts. I felt so strongly about the need for the continuation of that force that myself, the police commissioner, the managing director, and the U.S. attorney visited the Attorney General and the head of DEA and imploring them to keep the narcotics task force in exist-
mandated sentencing package for violent crimes, for crimes committed with firearms, that is currently before the legislature and that our Governor has endorsed just recently. I think that battle has a reality; but your time is limited here and I think rather than have theoretical discussions, I would like to give you seven specific proposals of how you can take action.

No. 1, I think Congress does have the power to stop the budget inappropriately of the DEA task force. This is found in the language of my testimony. That is essential. If Congress stands idly by and allows this DEA task force to go out of existence on October 1, 1981, it is not protecting the people of Philadelphia and the people of the Delaware Valley.

Let me tell you, it is not just the Philadelphia DEA task force that is ticketed for extinction. Many other task forces throughout this country, maybe some in your own jurisdictions, are also ticketed for annihilation.

No. 2, the appropriate necessary money—must be allocated by Congress to aid local governments in our major cities in their fight against drug abuse.

I would expand that to say that the Federal Government and the Congress has to do something, not only to help us in our fight against narcotics, but to help us in our fight against violent crime that is terrifying the citizens of all our cities.

Right now, as you are aware, there is a bill being offered by Congressman Hughes of New Jersey, House bill 3589. That bill calls for the appropriation of moneys to be allocated through local governments to fight crime. It does not have a specific narcotics section.

I would urge this committee to consider possibly amending the Hughes bill, providing specific funds for local government to battle narcotics in the 20 major cities, the 20 major counties in the United States of America. I think the Hughes bill is a desperately necessary vehicle across the board. It does not, at least in my analysis of it, have a separate narcotics component. It may be well for this committee to consider tackling on a specific appropriation for narcotics prosecution only.

As part of this, you may be aware that Senator Dole has sponsored a bill in the Senate to allocate money for the construction of prisons. That was a question that Congressman Coughlin asked of the prosecutor from Essex County.

Obviously, we need that. Obviously, the older States, the States where the crime problem is at its worst—Pennsylvania, New Jersey, New York, Michigan, Ohio, Massachusetts, these States are financially strapped and prisons cost an awful lot of money. We desperately need Federal aid to build the prisons necessary to house the people that commit crimes of violence with guns and knives; so that is part of my second recommendation to this committee.

Another recommendation is one that I think is easily doable and I think the Inspector would join in this, Mr. Abrahamson, and I. We would like to see the Federal Witness Protection Act, the coverage in that act, extended to cover State and local prosecutions. Obviously, there has to be a mechanism built in, because what we are asking for is the funding and capability, the nation-wide capability of taking a key witness against a major heroin dealer in the city of Philadelphia and being able to build a new life for him in Seattle, Wash. Obviously, that is something that the district attorney's office and the police department in the city of Philadelphia cannot do. We can move someone from south Philadelphia to a city-financed housing area in the northeast part of our city, but that is dealing with different types of drug dealers. I think it would be very easy—the cost factor would be limited—to extend this coverage to State and local prosecutors. I think you could make the checkoff so that it is not abused, so the U.S. attorney for that district would have to give his approval.

The request would come from the county prosecutor to the U.S. attorney; he would have to review it and give his approval to place that person into the Federal Witness Protection Act, with all the funding and all the capabilities that exist.

Fourth, and I heard the police director of Newark comment on this, obviously diplomatic efforts must be made, either by cutting off aid to countries that are big exporters of drugs, or if they do not have any aid at this present time, maybe to offer aid incentives to them to police the areas where heroin and opiate derivatives are grown. I think that is absolutely essential. The reason that the heroin problem abated somewhat in the United States in the 1970's was because of the diplomatic efforts of the State Department. I think Congress can use foreign aid as a weapon, maybe not with all those countries, but with some of them.

Also along this line, one thing that Congress can do in the sentencing area—most of the sentencing areas are ours, the States—one thing you can do is impose strong, severe, and swift mandatory prison sentences for smuggling, for bringing narcotics into the United States. Smugglers should know that they are facing a severe mandatory prison sentence, one, because it punishes on the smugglers; two, if we catch a smuggler and he knows he is facing 10 years guaranteed in prison, maybe the Federal authorities could turn that smuggler into a witness and find out exactly who the big operators are in the jurisdiction that he is bringing the narcotics into. That is an area that you can do something about. The State governments do not control that. You control the penalties for smuggling into the United States of America.

Five. This is a problem that exists in Philadelphia with barbiturates, amphetamines, and other pills. It is not quite as serious a problem, but it is a problem. We would urge the Congress to look at potential legislation to tighten requirements for the distribution of drugs by pharmaceutical manufacturers and by physicians themselves. Right now, we have a serious problem in the city of Philadelphia that is there are hundreds of thousands of amphetamines and barbiturates that are diverted from these supposedly legal pharmaceutical manufacturers or from supposedly licensed physicians that are sold to pushers or hijacked from pharmaceutical houses.

They are produced by the ton. We have narcotics available in the form of barbiturates, amphetamines, that are produced by legitimate companies in amounts that are staggering. In World War II, with all our problems, this country did not need one-fifth of the pills that are being produced now. Many of these pills get diverted,
either by hijackings, by poor inventory controls, by pharmaceutical houses or by doctors who are greedy and who are violating the law. I think the Federal Government can do something to tighten controls, maybe through the FDA or other agencies in that basic area of concern.

Lastly, I would tell you that what you have heard today from all the other prosecutors, and all the other police officials, breaks down into a news article that I read in our Philadelphia newspapers; I guess a month ago, where the U.S. Government, the Federal Government that tells us in the States, that tells our citizens that we do not have enough money to do anything about crime, and myself and seven other district attorneys from the largest jurisdictions in this country, from Detroit, from Los Angeles, from Brooklyn, from Miami, from Chicago, we met with the deputy attorney general, a very nice gentleman by the name of Schmaltz 2 1/2 months ago. We told him not just narcotics and what we desperately needed, not a resurrection of LEAA, not another bureaucracy, but we desperately needed Federal funds to help in the crime problem. We told him what the problems were in each of our cities. We went around the table and it was depressing. I got depressed just listening to my fellow prosecutors. We were met with the basically rote answer, which was:

Gentlemen, the administration sympathizes with your problem, but our first priority is cutting the Federal budget. We believe if that the economy of this country is brought into line, that that will help the crime problem and the crime problem will be reduced.

Well, that is insanity. Even if they are right, and I think all Americans hope that they are right and that what the administration is doing can solve our economic problem, but even if they are right, that is 8 to 10 years down the road before it has any effect on the crime problems in the major cities in this country. We cannot wait. Five hundred Philadelphians die each year, $400 million allocated to the DEA, of concern.

In my testimony today, I will identify the major areas of drug abuse in this country, describe their source and origin, analyze the extent of the problem created in each area, detail the current efforts being made by federal and local law enforcement to combat these problems and suggest steps that Congress can take to strengthen our efforts in this regard.

1. THE DRUG PROBLEM IN PHILADELPHIA

In Philadelphia, our major problems in the area of narcotic abuse center around three basic controlled substances: (1) Methamphetamine; (2) Heroin; and (3) Cocaine. Philadelphia's problems (FGP, commonly known as "Angel Dust") was, over the past several years, a somewhat significant area of concern in Philadelphia, but in terms of its usage and its overall effect, it is not nearly as serious as the three above-named controlled substances.

a. Methamphetamine (Meth)

Meth, which is known by many nicknames such as "speed" and "methamphet," is in our judgment the most significant area of concern in the drug abuse problem in Philadelphia today. Although not nearly as addictive as heroin, its use has a tendency to produce more bizarre and freakish behavior and equally anti-social attitudes. Currently in Philadelphia, it is more readily available than heroin and probably has an even greater number of users than heroin. It is also understood that if the dire forecast by the Drug Enforcement Administration concerning the usage of heroin in Pennsylvania is accurate, then heroin may soon again become our number one problem. However, meth is currently our area of greatest concern.

Unlike heroin and cocaine, meth does not have its source or origin in foreign countries, but is domestically produced. What makes it even more deadly is that its production can be undertaken by someone with a rudimentary knowledge of chemistry and that it is not necessary to produce meth in large laboratories. Rather, it has been our experience that some of the major meth labs in our area have been found in private homes, in basements of stores, or in garages. Obviously, this makes tracking the source of meth production a difficult task for law enforcement. Currently, meth sells for between $600 to $1,000 per ounce depending in what area of the city the purchase is made, and basically $60.00 per gram. It is our belief that meth is readily available in all sections of Philadelphia, and this availability will remain stable in the next several years.

homes because of the insurgents in El Salvador or because of the problems in Pakistan.

I believe we have got to change our priorities. We have got to address ourselves to the problems of our cities, to the problems of our people. Crime is no longer an urban problem. It is a suburban problem, even a rural problem as well.

The message that myself and the other prosecutors from the major cities in the country brought down to Washington 3 months ago did fall on deaf ears. Obviously, this committee cares, or you would not be having these hearings; but let me tell you, as all of my colleagues have done, the problem is severe. We cannot wait 8 years. We cannot wait 8 months.

The Hughes bill is a good vehicle. The Dale bill is a good vehicle. Gentlemen, take it and run with it, because it is the safety, not only the safety of American cities, but without being overly dramatic, but in my judgment the very existence of American cities depends on what we do in the area of crime.

[The prepared statement of Mr. Rendell follows]

PREPARED STATEMENT OF EDWARD G. RENDELL, DISTRICT ATTORNEY OF PHILADELPHIA

Anyone familiar with law enforcement in urban centers in America today will bear witness to the fact that a substantial percentage of all street crime is directly or indirectly caused by drug abuse. Any idea that we can attack violent crime without addressing the drug problem is naive and mistaken. Although it is true that there are many factors that have caused the rapid increase in violent crime in our cities today, drug abuse must be numbered as one of the most significant.

In my testimony today, I will identify the major areas of drug abuse in Philadelphia, describe their source and origin, analyze the extent of the problem created in each area, detail the current efforts being made by federal and local law enforcement to combat these problems and suggest steps that Congress can take to strengthen our efforts in this regard.
b. Heroin

Heroin, which in the 60's and early 70's was by far the most serious area of concern in Philadelphia, experienced a sharp drop in availability and usage during the same period. This too was due to a course of events beyond our control, which included diplomatic efforts made by the federal government to eliminate the importation of narcotics from offshore countries, by the fact that our narcotics units until then had never had available at one time more than $500 in buy money and never had any money available to purchase heroin from informants. In fact the total buy money was less than $11,000. That yearly buy money is barely enough to cover the cost of buying a cocaine or a methamphetamine.
CONCLUSION

I thank this Committee for allowing me to testify today and for its interest in this drastic and serious problem. All of us in law enforcement are aware of the need to curb inflation and to bring the federal budget into line. We empathize with Congress and the Administration’s efforts to do so. However, these efforts must not be allowed to oversimplify this nation’s crime problem and to cripple law enforcement’s efforts to control it. Congress can and must take the necessary steps to help fight narcotics trafficking and all violent crime so that our citizens can again live as free from fear of crime as possible. Congress must do so whatever the cost because there is no price tag that can be put on the value of human life.

TESTIMONY OF DAVID ABRAHAMSEN, NARCOTICS PROSECUTOR, PHILADELPHIA, PA.

Mr. Abrahamson. Just one brief statement, Congressmen. I have been off and on a prosecutor for 20 years, since 1961. In that time I have been on the drug abuse problem grow geometrically. The enforcement effort has increased, if at all, arithmetically. I assure you, gentlemen, that it is no coincidence that the spread of drug abuse in the United States has been just about on the same level with the increase in dangerous, violent crime in the big cities. It is no coincidence at all. I do not engage in rhetorical hyperbole when I say to you that it is my judgment, having been 3½ years now in Philadelphia as chief of narcotics prosecution, that the continued spread of the drug abuse epidemic in the United States presents a greater threat to our continued viability as a free society than any military threat from the Soviet Union. The police officers in Philadelphia and the big cities are capable and competent of doing the enforcement job. They do not have the tools. The cities do not have the resources to give them to them. You do. The money is there. It is simply a matter of reordering priorities and doing that which absolutely must be done, and as the district attorney has told you, we cannot wait 8 or 10 years. We will lose 500 young people a year in homicides and most of them are drug related. Most of the break-ins of houses and businesses are drug related. Most of the muggings are drug related.

4. Diplomatic efforts must be made to stop the flow of foreign drugs into the United States

Congress should call upon the State Department to increase diplomatic pressure against those countries that are the origins of the heroin and cocaine that finds its way onto the streets of American cities such as Philadelphia. If this diplomatic pressure proves unsuccessful, Congress should consider banning all foreign aid to those countries or, conversely, offering some sort of aid incentives to those countries who do take action to stop exportation.

5. Legislation must be passed to tighten requirements for the distribution of drugs by pharmaceutical manufacturers and physicians

An additional problem facing us, not referred to above, is the great number of legally produced drugs that find their way onto the streets and are subsequently abused by certain people. The diversion of these legally produced drugs occurs somewhere after their mass production by our pharmaceutical manufacturers and also as a result of our physicians blithely giving prescriptions for the use of such drugs to people who have no real need for them. The pharmaceutical manufacturers of this country produce tons of drugs, the need for which, in that quantity, is doubtful. I refer in particular to various tranquilizers, sleeping potions and amphetamines. The manufacturers have serious problems with inventory control. When events occur at such a great rate that diversion to the illicit market occurs frequently and law enforcement is presented with the impossible task of controlling it, legislation must be formulated to drastically reduce production and to impose stringent controls upon its distribution. This legislation should also encompass the creation of stricter controls and regulations for physicians dispensing such drugs.

Thank you.

Unfortunately, the old pensioner who cannot come out of his house does not have a lobbyist. The woman who works two jobs to send her son to college and sees him come out of college a junkie because Typhoid Mary spread drug addiction to him, does not have a lobbyist. Somebody has got to help those people before it is too late and the hour does grow late, gentlemen.

Mr. Rangel. Thank you.

TESTIMONY OF ROBERT MITCHELL, NARCOTICS UNIT INSPECTOR, PHILADELPHIA, PA.

Mr. Mitchell. Congressman, we talk about it from a police point. Many of the points that the district attorney and the assistant district attorney have dwelt on, I concur with. When you look at the arrest record, when you effect an arrest of somebody for being an addict, for being a heroin user, for being a robber, you will find that somewhere on that arrest record is a narcotics arrest one or two times.

Additionally, it is not uncommon when effecting the arrest and the person is brought in and required to empty their pockets, you will find drug paraphernalia on them.

One of the things that we are finding out that seems to be a little bit unique to Philadelphia, as opposed to say Newark, which I just happened to have heard, is the methamphetamine traffic. We deal in an awful lot of methamphetamine in Philadelphia. The manufacturing of it is done right outside the city in the rural areas, because it is a very big market for it in the cities, so that our small-time motorcycle gangs have gravitated to the manufacturing of it and the distribution of it, because of the profit to be realized. It is a drug that is taken generally—it is generally a white Powder that is used. It is generally used by the people in their late teens, early twenties, early thirties. We even had a heroin addict not too long ago who took it, and it gave him all kinds of bad reactions. He went literally out of his mind, and he had to take more heroin to stabilize himself.

When we talk about the crime problem in drugs, we can see that there is a very strong correlation between, as Mr. Abrahamson said, the increase in crime nationally that has been going on unchecked for about 10 years and the emergence of drugs.

It is a very highly competitive market, highly profitable; hence the movement of organized crime into it and the emergence of the small-time criminal into it, to try to rise up the crime ladder.

We would hope that the Congress could continue to fund the DEA, because the DEA in Philadelphia has worked very well. They are a very effective unit. If we need any help—right now we are a little bit strapped for buy money, we don’t have the kind of resources that the Federal Government has when a big buy comes up. But they will work with us, they will provide us intelligence if we need some information to develop something. We have a very harmonious relationship.

Another point that Mr. Rendell talked about, witness protection program, we certainly would support it because any number of times during the course of narcotics investigations people will tell you, you know, ‘I am just afraid, I just don’t want to get involved.’
You just can't protect me, you can't be with me 24 hours a day. I have to live here. You are going to leave.

I feel that a program like that would be a big help. We certainly need more money to make better buys. We are having—we can't get the kind of information that we would like to have in order to better make a dent in this problem because, again, it is simply dollars and cents and we don't have it. As I say, we do turn to the DEA and they have been most generous, they have been most helpful and cooperative. They really work with us. We have a really good relationship with them in our city.

I would be open for any questions.

Mr. RANOLD. This committee hopes to give cooperation in a more formal way as we have a constant dialog and exchange of information in order to put our best program forward.

Staff informs me that you have a rather severe time frame. Mr. MITCHELL, Mr. Abrahamsen and I have to make a 1 o'clock train, but we are OK now.

Mr. RANOLD. Let me ask the committee members, those who feel they have to ask a question, we will be able to forward questions to them, but since we are going to be relying on them in the very, very near future, I will ask if any of the members feel compelled to ask questions.

Mr. SHAW. I would like to yield to the gentleman from Pennsylvania, who I am sure does have some questions.

Mr. RENDELL. Mr. Chairman, we have a few minutes. We can make our train if we leave here as late as 20 of.

Mr. RANOLD. The gentleman from Philadelphia, Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

I just want to thank the very distinguished district attorney of Philadelphia for being here, and Inspector Mitchell and Mr. Abrahamsen for being here.

We have worked very closely together in the past, as the chairman knows. We did hold field hearings in Philadelphia last fall on the question of clandestine laboratories, and I wanted to ask, have you had more success in detecting and dispersing clandestine laboratories in the intervening period?

Mr. ABRAHAMSSEN. I would, offhand, estimate that since you gentlemen were in Philadelphia that about a dozen clandestine laboratory operations, either by the Philadelphia police or the Drug Enforcement Administration, have been interdicted, arrested.

With an educated guess, I would suspect that twice that many have started up. We are taking them off on a regular basis. But the money to be made is so great and the risk of prison so small, lots of people are being attracted to it.

The Drug Enforcement Administration has made one of the principal precursor chemicals for methamphetamine itself a controlled substance, which makes it more difficult for them to manufacture it. About all it has done at the moment is increase the price of methamphetamine on the street, because the amateurs are getting out of the business.

Mr. RENDELL. Congressman, just for the record, I want to note that when we did come down to make our efforts to keep the Philadelphia task force alive, at least for that year, that your staff was extremely helpful in that effort, as well.
The individual who was a cash customer was prescribed a small amount of Valium, paid $12 and left.

The individual who was a medicaid card customer was subjected to an incredible battery of physical examinations, most of which had nothing to do with her symptoms, electrocardiogram, brain scan, all of these things, and was given a huge amount of Valium doled out over a couple of month period.

So obviously that is a serious problem.

I think, as Congressman Rangel said, we would be willing to give whatever expertise we have—and we don't have all of the answers, but we think we have some of them—to the congressional staff that is going to go about, after these hearings, and begin to formulate, hopefully, some specific legislative efforts.

Mr. COUCHIN. Let me yield to other members, with the thanks for the very specific suggestions you have made, because that is very helpful to this committee.

Mr. SHAW. I would like to recognize at this time Congressman Fauntroy from Washington, D.C., who is an ex officio member of this committee, who is seated here with us this afternoon.

Do you have any questions?

Mr. FAUNTROY. I do not, Mr. Chairman, but I want to thank you for the privilege of joining the committee as an ex officio member and hearing this very excellent testimony which I am sure will be taken very seriously by this panel.

I would like to submit a prepared statement for the record.

[The prepared statement of Mr. Fauntroy follows:]

PREPARED STATEMENT OF CONGRESSMAN WALTER E. FAUNTROY (D, D.C.), AND CHAIRMAN, CONGRESSIONAL BLACK CAUCUS

As the Congressmen from the District of Columbia, our Nation's Capital, and as Chairman of the Congressional Black Caucus, I want to express my support for this first in a series of hearings which the Task Forces of the Select Committee on Narcotic Abuse and Control will hold during this 1st Session of the 97th Congress.

I share with my colleagues, my constituents, and a wide spectrum of response that is nationwide, an increasing concern for the enormous problem of narcotic abuse in this country—and, indeed, internationally.

Let us this afternoon, Inspector Wilfred E. Colglaz and Captain James Norton of the Metropolitan Police Department in the District of Columbia will give you testimony on the scope and nature of our particular drug problems. I wish to compliment our Metropolitan Police Department and our Mayor for an aggressive, creative approach to these problems. And we do have success in the areas of enforcement, prosecution, deterrence, and prevention., the rapid escalation of the narcotics abuse problem is no problem, the nature of the traffic, and the increasing numbers of users from all segments of our society, is so great, that present efforts are not curbing or diminishing a stubborn growing menace.

During the past six months, I have met with growing numbers of my constituents, as Congressmen from the Nation's Capital, and as Chairman of the Congressional Black Caucus—and the first and foremost question that is always consistent with any of these hearings is: "What can be done to stop the flow of drugs at the source?" The next question is deep concern for the constant presence of a youthful age of the user and the demand for education and successful prevention through organized local communities.

Therefore, I urge a Federal commitment to coordinate with the local jurisdictions—a Federal or national policy on drugs that begins at the top of the Government structure with a Presidential commitment to this dilemma that is reflected by concrete action in all Executive branches of our present Administration. We need a policy with foreign countries that deals effectively in preventing the export of hard drugs. We need adequate funding for health services that will be used to treat the victims of drug addiction. I would urge support for the Justice Department to develop more tools in prosecuting the big money dealers in this inhumane traffic, not just the little street pusher who is the tip of the iceberg of this social crisis, I would urge a consolidation of leadership in educating the "recreational users" of drugs who are the major supporters of the institutionalizing of the drug traffic—to their moral responsibility, and contributors of the dilemma...and the warning that they too will be prosecuted.

So, today, in the beginning of an all-out war on a problem as insidious and destructive that every segment of our society will suffer more and more from its effects.

I ask that we all pledge ourselves and our resources to fight this good fight!

Mr. SHAW. I would like to thank you all for being here. You are going to make your plane. You have certainly lived up to the reputation of a Philadelphia lawyer. I would include the Inspector in that category. I mean that in a complimentary fashion. You are very well spoken, and I think you have driven home the message.

Mr. RENDELL. Thank you.

Again, I renew that offer, if there is any help we can give staff. And I would also suggest—I don't know if you have made an effort to contact the U.S. attorneys in the various jurisdictions, but they would want to have significant input in any of these efforts. I would hope that staff would contact the U.S. attorneys as well.

Mr. SHAW. We will be looking forward to working with you. We are changing from the schedule slightly, for geographical reasons, and our next witness will be Chief Kenneth Harms from Miami, Fla.

If I may, Chief Harms is not in my district. He is presently the Chief of Police of my native city, the city of Miami. He has held this position since 1975, having been chosen from a field of approximately 160 applicants. The Chief has been very active on the Governor's committee on criminal justice reform, and he chairs the advisory board of the Southeast Florida Institute of Criminal Justice.

Mr. Harms testified before the Select Committee in 1978. Chief, it is my privilege to welcome you back. We are glad to have you present.

TESTIMONY OF KENNETH I. HARMs, CHIEF OF POLICE, MIAMI POLICE DEPARTMENT, MIAMI, FLA.

Chief Harms. Thank you very much.

Following up on the act of the Philadelphia lawyers is certainly going to be tough, but I am going to do my best to represent south Florida. As you indicated, I did in fact appear before this committee several years in the past—3 years ago, almost to the day—and what we talked about at that time was the same problem that we are going to again deal with today.

At that time I spoke to some of the possible solutions which might be implemented to help offset the severity of the problem that was developing and has continued to develop in south Florida. Since that time, the problem has intensified and our collective best efforts have really not brought about the kind of change that we had hoped to see within south Florida.

I sent to you a prepared statement that I am not going to read. There are certain areas that I will parallel in my comments to you, and I would ask that that be produced into the record itself.

Mr. SHAW. It will be, Chief.

Chief Harms. Good.
I really think that at this point the entire criminal justice system in all of its various aspects are becoming completely inundated with the problem of narcotics, and the psychological attitude of those who become involved in the use of narcotics. the psychological attitude of many people within our country who seem to accept without too much concern a nation of addicts. I think we really need to take a look at the psychological attitude of many of the people within our country, to try to decide how we find ourselves in this position today.

We take pills to wake up in the morning, we take pills to go to bed at night. Many people within our society have to have something to see them through the day. Our addiction as a nation to a narcotic, which by definition is a substance which creates a physiological or psychological dependence—and certainly should include alcohol, cocaine, and nicotine—our dependence as a nation to those narcotics is certainly well known, and to the more traditional kind of drugs we are becoming more addicted on a daily basis to those, as well.

I would like to read a very brief quote from my earlier statement, because I think again it is right on point. Aldous Huxley, in his book “The Brave New World Revisited” said, and I quote:

A hundred doses of happiness are not enough. Send to the drug store for another bottle, and when that is finished, for another. There can be no doubt that if tranquilizers could be bought as easily and as cheaply as aspirin, they would be consumed not by the billions, but by the scores and hundreds of billions, and a good, cheap stimulant would be almost as popular.

That commentary was made almost 46 years ago. And I submit to you, that, in retrospect, we can certainly say that Mr. Huxley was a man of great foresight. His prophecy has in fact come true.

If we can define accurately the scope of the problem—and I think we can—then what we should take a look at are some realistic solutions, some doable deeds, if you will, that this group was a man of great foresight. His prophecy has in fact come true.

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One of the things that would help us or could conceivably help us in that regard is to make available through legislation the awarding of a finder's fee.

Let me give you an example of how that might work. A couple of years ago we had a case involving the confiscation of about $940,000 in cash and approximately 56 pounds of cocaine. Within a matter of a couple of days, IRS stopped by and picked up somewhere around $8,515,000 of the total, and the balance was returned to his attorney within a matter of a week or two after that. The city of Miami Police Department's total expenditure for that case was approximately $85,000 which we got no reimbursement for.

So legislation that would support some form of reimbursement or finder's fee, if you would, would certainly help local law enforcement, county law enforcement, to continue the kind of investigations that would yield those results. And we are talking about narcotics transactions. And we are talking about for.

Unfortunately, it has been our experience and the experience of the Federal agents that, for the most part, the bonds are paid as easily as an individual would pay a parking ticket. In that regard, it is considered as part of the cost of doing business, and there is no reluctance on the part of those individuals to skip out on that bond. I believe these figures are fairly accurate. Somewhere in the vicinity of 2,500 Federal fugitives involve narcotics offenses, narcotics violations. So if we could come up with a more realistic bond schedule that would speak to the kind of problems we have in getting individuals into custody, then that would be, I think, a very helpful step in the right direction.

Increased sanctions is another area of particular importance. We did a study not too long back, became aware of a study that, excluding or discounting, eliminating convictions for marihuana, the average sentence served in the State of Florida of an individual convicted of a narcotics violation was 1.5 years.

The profits to be made are so immense, are so enormous, that that represents a very small and insignificant sanction, particularly when we talk about only those being convicted, and there is a much greater number that were not convicted.

Increased cooperation at all levels—Federal, State, county, and municipal—is also essential. Perhaps that can be addressed at the Federal level in a policy that transends the relationship between the local law enforcement official and the local head of, as an example, the Drug Enforcement Administration.

Cooperation at those levels is most frequently predicated on the relationship between those individuals, and we need to overcome that; because in some communities it is good, it is strong, and in some it isn't because of the particular nature of the organizations, the responsibilities, and the individual personalities involved, as well.

So Federal policy or interest should be expressed in terms of creating a mechanism that will insure cooperation at those levels. Information and intelligence exchange is another critical area that I think we should deal with. We need to either, by legislative action or some other method, make sure that those agencies who are involved in the enforcement of narcotics laws be legally permitted and entitled to share as much information as possible as it relates to those narcotics transactions within those areas within their areas of responsibility.

MILITARY ASSISTANCE

We have gotten into that several times. Certainly I did 3 years ago. And we need to take a look at that entire issue with regard to the military being able to pass on information to local law enforcement officials about planes and vessels that come through a radar screen or radar net, which have a high degree of or high likelihood of being involved in illicit narcotics trafficking.

That pretty well covers the general comments I wanted to make. What I would prefer to do—based on the written statement I had sent before, and these general comments—is just to present myself to the committee to respond to questions that you might have. Mr. Shaw, Chief, thank you for a well-stated presentation. And also I have had an opportunity to scan over the written statement that you have submitted, which will indeed become a part of the record, without objection.
Rafael Nunez was shot to death by two men inside the Quinto Patio Bar. Most of the witnesses fled before the police arrived. Juan Delgado and his girlfriend were fired upon while riding in their private vehicle. The suspect blocked the victims’ way at S.W. 11 Avenue and 6 Street with three cars. The suspects fired 50–60 shots with rifles, shotguns and handguns at the victim before speeding away. Delgado was hit in the head with a shotgun blast and lost an eye. Herverra was unjured. Twenty-eight .45 caliber shell casings were recovered in the street. Two bullet holes poked the walls of an apartment building at 1707 S.W. 2 Street. The first floor window of a building across the street was shattered. “It sounded like a war, I was shaking,” said an 18 year old woman who lived in the area. “It was just like the Wild West. We thought it was the ‘Cocaine Cowboys,’” said the mother of four children.

Angel Luis Colon was shot to death in Oscar’s Lounge. When investigators arrived, the only person in the bar was the victim, dead on the floor. Even the bartender was gone.

Osvaldo Morejon was killed in the same bar, Oscar’s Lounge. Again witnesses fled as did the officers in the way of assisting the investigators although there were approx­imately 18 people in the bar at the time of the shooting.

Patrols were called when they were spooked by flashing fire from another car as they waited in their car at a traffic light at 9 Avenue and 7 Street. Both Fuentes and Refier Penton were killed. Two Mariel refugees in the El Centro Matamore pool hall and bar at 2655 N.W. 20 Street, were killed by two gunmen. Although the bar was crowded with patrons, no witnesses came forth.

All of the above cases are representative of most of the narcotic related shootings that the Miami Police Department has had to investigate. Many of them may not be the attempt to control the huge narcotic traffic flourishing in the Miami area and the enormous profits that go with it.

In 1978, the Special Investigations Section of the Miami Police Department conducted two court authorized wire tappings during the course of a narcotic investigation. As a result of those taps, 70 pounds of cocaine and 6,000 pounds of marijuana were seized. Fifty-six of those 70 pounds of cocaine and $241,000 in cash were seized at the residence of Rudolfo Rodriguez-Gallo. The Internal Revenue Service received $351,845 of the sum by filing a lien against the money. The balance was returned to Gallo by court order. Upon receiving the balance of the money, Gallo remarked that only in America can a person make money like this.

One of the co-defendants in this case, Carlos Quesada, was granted immunity in return for testimony against his former associates. Assistant U.S. Attorney Jerome Sanger hailed this development as a major breakthrough to penetrate the upper case who should be tried for a

Any budgeting reduction in the federal law enforcement effort against narcotics requires that a report be made to the Bureau of Alcohol, Tobacco and Firearms of South Florida, Opa-locka, or the federal agencies to make effective inroads against drug trafficking, illegal aliens, and gun smuggling.

3. Provide a means whereby a finder’s fee or reward can be given to local and state law enforcement agencies when their cases load the federal government, particularly the I.R.S., to seize and collect funds or assets from narcotic traffickers.

4. Unleash the full power of the Internal Revenue Service to seize and collect funds against the assets of narcotic traffickers. The agency and strategy that has been the least used in this fight and in the fight against other forms of organized crime in recent years is the Internal Revenue Service. It is our strong recommendation that the Internal Revenue Service be permitted to share intelligence information of a criminal nature with other law enforcement agencies.

5. Utilize all its resources including the military to identify planes and vessels leaving clandestine ports in South America, to track these craft, and to secure their interdictions through cooperation with local authorities.

6. Provide that higher or no bonds be imposed on large scale traffickers who are arrested. Too many criminals have forfeited their bonds in order to avoid prison sentences.

7. Finally, all of the cocaine, heroin and ninety-nine percent of the marijuana used by our citizens originate from outside of the United States. Clearly, the federal government must fully accept its responsibility in further reducing that supply within our nation.

Mr. Shaw, I would like to point out the tremendous job that you have and which you are certainly performing extremely well; in fact, I might say, remarkably well, in light of the difficult circum­stances that you are facing in south Florida. You are being assaulted every night, the shores of our young people, and really has no future.

I think that one thing is quite apparent, and I think it is coming out of this hearing: It is like trying to bail the ocean without stopping the flow. If you cannot go out and get them, if you have the influx of refugees from Cuba; you are being assaulted every night, the shores of south Florida, by air, by sea, by every way possible with a tremendous influx of drugs into this country.

Mr. Shaw, I would like for you to expand on that as to the Miami experi­ence in this regard.

Chief HARMs. Our experience parallels theirs. But I suspect that it is even more dramatic. We estimate that somewhere in the vicinity of 50 percent of the homicides that are committed in the Dade County area are drug related, and many of them fit the
classic who-done-it theme, where you find a body in a bar with a half a dozen or perhaps even more bullet wounds, with nobody around.

Many of them are refugees, recent refugees, and some of them are Colombian refugees. The entire drug culture itself seems to utilize the use of violence to settle differences.

And in addition to that, we think there are other crimes of violence that are created in order to come up with sufficient money to pay for narcotics purchases.

We think there is a very, very close relationship between narcotics and the incidence of violent crime. We have seen all arrests, since 1965 to the present time, increase by over 20-fold. We have seen violent crime increase rather dramatically during that same period of time.

You are right about a war. It is a war. But the difference between this one and most of them that we have fought in the past is that this one we are having to fight on our own turf, in our own country. And it becomes much more critical to the future of this country that we defeat it, that we come to grips with the problems. It is eroding on an ongoing basis the very moral fiber that this country was founded on, and that is an issue that we certainly have to address.

I appreciate your comments about the barrage of problems, crises, that we have had to face in South Florida. They have been very dramatic. They have been very large in scope for a municipal agency to try to deal effectively with, and we quite frankly need some Federal assistance to deal not only with the narcotics problem but the refugee problem as well.

Thank you.

Mr. Shaw. Thank you.

Mr. Rangel. Chief, I want to thank you for taking time out to share your views with this committee. We are fully aware of the problems that you are facing. As a matter of fact, we attempted, really, to bring the committee to Dade County, but we would not want to just dramatize the hearings with publicity. We really wanted to find out how we could be helpful.

Tell me, do you have the occasion to talk with police chiefs from other cities that have high incidences of crime and violence and narcotics, to get a consensus as to how you people can come together or represent your views to the Congress and the administration?

Chief Harms. Yes, sir, I do. As a matter of fact, early next week I will be meeting with a group of major city chiefs from all over the country, the Police Executive Research Forum, of which I am a member, and we will deal with that and other issues at that time. I think it is very appropriate that you ask the question to me, and I would hope that that particular group would be able to come up with some suggestions and recommendations based on our collective experience.

In my conversations with many of them in the past, they, too, feel that there is a direct correlation between the incidence of violent crime and narcotics use within their communities.

Mr. Rangel. When and where will that conference or meeting take place?

Chief Harms. We start on Sunday afternoon—that's the day after tomorrow, if I got my calendar straight—in Washington; and we are going through Tuesday evening. I haven't looked at my itinerary beyond that, but it will be here locally.

Mr. Rangel. We hope that you might explore the idea as to whether or not you might want some staff from this committee with you so that we can make certain that there is an ongoing exchange and communication.

Earlier witnesses have agreed to reach out for a chief of police and/or the chief of the narcotics division of the police department, as well as the prosecutors, and since you already have this thing going, I think it would be of tremendous assistance to our committee to get a feel as to what type of organization you have, to see what we can do, not just at hearings, but to have a better feel for the problems that you are having and how we can help. It could very well be that we could be more effective in dealing with the administration, as it relates to policy, by having a better understanding as to the problems that you are facing.

Chief Harms. Yes, sir, I agree. I think that is an excellent suggestion on your part. I will bring it to their attention when we first convene the first business session. I will be back in touch. I am sure that they would not object to staff members being present for that discussion.

Mr. Rangel. Mr. Coughlin.

Mr. Coughlin. Thank you, Mr. Chairman.

You cite both in your statement and in your written testimony the case of Rudolfo Rodriguez-Gallo, at whose residence 70 pounds of cocaine and $813,000 in cash were seized and the IRS got its cut of $513,000 and the rest was by court order returned to him, and he said, "Only in America could that happen.

Will you tell me under what thesis was all of that money returned to him, under what circumstances?

Chief Harms. Yes, sir. His attorney approached the court and got a court order to have it returned to him, that portion of it which was not picked up by the Internal Revenue Service. That particular investigation culminated after several months and two or three court-authorized intercept orders. As I recall, at the time of his request, that cash was in his residence, as was the cocaine. They were both picked up. Again, as I recall—I am going from a very general sort of thought about it—the judge was not satisfied that that cash could be tied in directly to that particular narcotics transaction and as a result ruled that it should be returned to the defendant.

Mr. Coughlin. One other question. You indicated your belief that the Internal Revenue Service should participate more to combat both organized crime and narcotics. In what particular way do you think the Internal Revenue Service could be beneficial?

Chief Harms. Information sharing and intelligence sharing.

Mr. Coughlin. Thank you very much.

Thank you, Mr. Chairman.

Mr. Shaw. Thank you, Chief. We appreciate your coming up and we appreciate your comments.

Chief Harms. It is a real pleasure for me to appear, and again I thank you for the opportunity.
Mr. SHAW. We are back on schedule now.

We will hear from the Baltimore State Attorney's Office, William A. Swisher, and from the narcotics unit, LT. Joseph Newman.

TESTIMONY OF WILLIAM A. SWISHER, STATE'S ATTORNEY, BALTIMORE STATE ATTORNEY'S OFFICE

Mr. RANGEL. We have statements from you, and those statements will be entered into the record in their totality. You can proceed however you wish.

Mr. SWISHER. Lieutenant Newman did not submit a previous statement. We would appreciate it if you would put his remarks in the record.

Mr. RANGEL. Yes, Mr. Swisher. Mr. Chairman, it is very difficult appearing here as one of the later speakers, because it seems like everyone prior to me stole my lines.

I would like at the outset to say that this is my first experience here, and I really appreciate the privilege. I hope that some of our experiences in Baltimore can help you in this great problem. You have my statement.

Of course, it is rather silly at this point to read anything further. I was very impressed with the knowledge, not only of this committee, for your questions, but also some of the previous speakers here.

It appears we probably all have the very same problem.

Of course, the bottom line really is one of money. That seems to be the root of all evil, both in crime and also in fighting crime.

Baltimore, of course, is in sort of a slightly different situation than some of our other cities, such as New York or Miami. In our community, we are basically, as my written testimony indicates, a city user. It sounds shocking, but it appears that we may have as many as 10,000 to 15,000 addicts. It seems like a very large sum, even though percentage wise it may only be about 2 percent of our total population.

However, the Baltimore City Police Department and some other agencies with Federal money has studied this narcotics problem over a very long period of time. In fact, we have a study which we will present this committee, and would like to leave a copy of it with you, or copies.

The study indicated that 237 male addicts in Baltimore City were studied and interviewed over a period of 11 years. Mind you 237 people does not appear to be a large figure, but we proved conclusively that these 237 people in an 11-year period—they were all males, evenly spread between black and white—committed 500,000 crimes. It is not $500,000 worth, but 500,000 separate crimes in an 11-year period.

In Baltimore, the average cost of a daily heroin habit, and that seems to be our primary problem, is about $100 a day. Sometimes it will be $125, sometimes $150. As you will know, this is a daily, weekly problem. That means $125 a day, 7 days a week.

Now, if you are familiar with the use of heroin, you know that anyone addicted to it is pretty well worthless to society as far as being productive in any type of job or occupation. The average heroin addict when on the drug itself is rather quiet and sedated, and really cannot offer anything to society in the way of being a productive worker.

So, the only way a heroin addict can supply his habit is through illegal work. That means stealing, murder, robbery, fencing, thievery, forgery. You name it, the heroin addicts do it in Baltimore City, and I am sure they do it in all the large cities and small cities.

It has been estimated in Baltimore that the average heroin addict will steal about $8,000 to $5,000 worth of money and/or merchandise per week. He will peddle this off for about 25 percent or 30 percent, which just about gives him his $1,000 weekly need.

You can imagine, just think of this if you would, 1,000 in your community stealing $8,000 per week every week, of the havoc that has caused.

In fact, it is our estimate in Baltimore that the drug problem is probably causing about 85 percent of all crimes. Of course, this is extremely serious.

Now, through studies I am sure you have heard all of these things before. The big problem is, how do you stop it? We have had task forces in the past. We have spent a lot of money. We have put a lot of people in jail. In the early to the mid-1970's in Baltimore we probably put half a dozen of the largest dealers in a county in jail. They are now serving 10 years up to 50 years, 80, 20 years, and so forth, but that has not stopped the problem.

Baltimore, by the Drug Enforcement Administration standards, calls us a midlevel dealer-type of community. However, we call it a major dealer community. Last week we convicted a 22-year-old lady who accidentally, we had to retry because of our court of appeals—we first convicted her in 1975. This lady was buying pounds of heroin from New York. She would just go up on the Amtrak, make her purchase, and come back.

The cost at that time was $25,000 per pound. She would buy 4 pounds a month, and by the time it finally reached the various middle men and went to the street peddlers, to the user, it would be $5,000 worth and/or 30 pounds that we would eventually track down. It is our estimate in Baltimore that $15 million is stolen per year that we should be capturing.

Well, frankly, Customs cannot do it. They are not equipped; they do not have the equipment to do it.

I have attended a few lectures on this subject in the past few months, and I am rather shocked, and frankly the public, I think, will be shocked when they really study the problem, and realize that the effort that the Federal Government is doing is rather weak—well-intentioned, but weak.

We have the Drug Enforcement Administration which it appears the Federal Government wants to water down, if not eliminate altogether. They are discussing giving the drug enforcement authority to the Customs people, and also to the Coast Guard.

Well, frankly, Customs cannot do it. They are not equipped; they do not have the equipment to do it.

It is my understanding in the Baltimore area—of course, Miami is a different problem—but from South Miami northward we have 2,000 miles of coastline, and there are only about two to three Customs airplanes.
The Coast Guard itself may only have about three airplanes to patrol our coast from about Miami to Massachusetts. The Coast Guard itself has fallen apart as far as ships are concerned, and the majority of the Coast Guard people, particularly in the Northeast, are only trained in fishing problems, fishing rights problems, and rescue problems.

They are not really trained in the narcotics smuggling business, which the previous speaker indicated is extremely sophisticated, and the average Coast Guard man just is not equipped to do it. This really brings us to probably the only thing I think Government can do besides money, of course, which we all need. Somehow, we must change our Posse Comitatus Act, which as you all know, was passed in 1878.

I may state it in rather simple terms, but it appears to me from studying that act that if a Navy destroyer was cruising around the Bahamas, where most of this stuff comes in from South and Central America, and saw a ship with a sign on it that said, "Heroin for sale," they do not have authority to stop it.

Besides using the military, the Air Force, the Army—primarily the Air Force and Navy—perhaps we can constitutionally and intelligently change that law to allow these agencies to help the Customs or the Coast Guard or DEA with this problem, but if that becomes a constitutional problem I would think that we could at least get something passed where by the drug enforcement agencies could use military equipment, if not the personnel.

I am sure we have thousands of planes at various National Guard bases, Air Force bases, Army bases, Navy docks, plenty of boats around just requiring our sailors to do nothing but patrol and clean up and boats and ships. That I think is a very vital tool that we now have, and will probably not cost a very large expenditure of additional money. We would be using equipment the taxpayers already have paid for, men that we have already trained.

The estimate is that we are only confiscating about 5 percent of the illegal drugs. That means that 95 percent of it is getting through. I just recently took a small trip to the Bahamas, and it is visible that the drug traffic. Stuff is floating all over the oceans in bales, and the transporters from South America come up and sit and wait a week or two, bide their time to come into our coast, which is so broad that it is practically impossible to police. That is our problem.

We cannot police it with Customs nor the Coast Guard. We must do something else in that regard, and I frankly think that we must seriously consider having one agency totally responsible for the protection of our shores and the narcotics problems of this country.

It could be DEA or some other type of organization, but it must have complete authority for customs, smuggling, which would include smuggling, of course; the prosecutor people investigation of all narcotics cases. We do not need the FBI for that. They already have 190 some statutes to police now. They do not need Customs. Well, we would use Customs, but primarily a new organization totally responsible. Their only function under the law would be narcotics and drug use, nothing else—not the FBI, not Internal Revenue.

This new group could have their own financial investigators, their own tax people, and of course we could still utilize other agencies in the Government, but perhaps it would be more efficient to have one organization to be totally responsible without depending on the IRS or people, particularly in the Northeast. That to me would be the big step in controlling the source, which is really the big problem.

All the police chiefs here, all the prosecutors, are talking about demand reduction. We can do that by putting people in jail. We can do it by educating people and arresting people, but the real solution seems to be to stop it from coming into the country.

It seems that one has really made that major effort. It takes the Congress, it takes the President, the Secretary of State, to make a public statement and say, "This is war. We have got to stop it."

This is just as bad as our problems in the Middle East or anywhere else; worse, in fact. It is getting us from within. We have hundreds and hundreds of people being robbed, murdered, burglarized, you name it. It is happening in all of our cities. It is just an impossible task, and the only way to do it is a major expenditure. If it took $1 billion a day to do it we would probably save $10 billion down the road, but it would take that type of commitment, and we must convince the President to do it. We must convince the Secretary of State to use all the diplomatic powers.

Of course, in many instances we are dealing with our enemies, the Southeast and Southwest countries where most of the poppies and cocoa plants are grown. They are not interested in helping us, and many of them are enemies such as the Russians and Afghans and in Iran. They are not going to worry about our addict problem here, so it may not be as simple as the diplomacy effort would envision, but these are things that we must think about, and we must work along those lines.

I think if the average American would feel that we cannot use a Navy destroyer or a National Guard plane or helicopter or Army plane or Air Force plane, that they are powerless to stop the smuggler, it is rather silly. They are our people; they are our servicemen. It is our money, and it is our equipment. I think that would be the most important step we could probably make.

If you have any questions, I would be pleased to attempt to answer them.

[The prepared statement of Mr. Swisher follows:]

PREPARED STATEMENT OF WILLIAM A. SWISHER, STATE'S ATTORNEY FOR BALTIMORE, MD.

Mr. Chairman and Members of the Select Committee on Narcotics Abuse and Control, I wish to take this opportunity to thank you for extending an invitation to me, the elected State's Attorney of Baltimore City, Maryland, to appear before you and offer views and concerns on a problem which touches us all. The most serious challenge facing our community today is the problem of drug abuse. Many of the solutions which have been proposed in the past have the taint of the octopus of drug abuse reach into every facet of their lives—the tentacles which squeeze the soul and sometimes the lives of our young people the tentacles which put fear into the hearts of every citizen—for the safety of their homes, property, and persons.

My city of Baltimore, a city of 788,920 residents according to the 1990 census, a city comprised of ethnic neighborhoods rather than a homogenous population, is a reminder of the example of any other large urban area which has widespread availability of illicit drugs. Although not faced with the volume of drug trafficking which infects many of the other cities, I think you will agree that the presence of any illicit drugs has the potential to cause serious problems.

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In 1986, the Baltimore City Police Department made 6,206 arrests for drug law violations. Pupil drug use, as examined from these arrests, we have used as a benchmark of our drug use. Of those arrested, the next largest category is drugs, such as heroin, followed by marijuana, which accounts for 17.5 percent of drug related arrests. The last category is drugs other than those dangerous narcotics such as hallucinogenic substances, amphetamines, etc., with 8.5 percent and synthetic narcotics, such as Demerol, Methadone, and Dilantin, with 7.5 percent. These figures, which gross the greatest risk to the user than any other drug, is in the 8.5 percent of all drug arrests. Although our arrest statistics show that marijuana is the most widely used drug, the fact that there are an estimated 10,000 to 15,000 heroin addicts with an average daily habit of $100 or more. Over the period of a calendar year, this adds up to an enterprise grossing an estimated $2.5 million of dollars per year. Just last week, we convicted a mule that was selling 1.4 million dollars in heroin per month. In order to support a $100 per day habit, the addict supports his habit through property crimes mainly steal, in one year, property valued at over $100,000, based on the premise that an addict receives $1.00 for every $3.00 of value of the stolen property. In the city of Baltimore, with less than 2 percent of its population addicted to the use of heroin, an estimated $1 billion dollar enterprise.

In a study entitled, "The Criminality of Heroin Addicts When Addicted and When Off Opiates," by Dr. John E. Bell, Laurence Rosen, and David N. Nurco, published on October 9, 1989, in which 272 addicts in Baltimore were studied over a period of eleven (11) years, it was concluded that these 272 individuals were responsible for committing more than 100,000 criminal acts, resulting in a loss of over $100 million dollars in property damage.

In addition to the staggering monetary impact created by this trafficking, the more serious consequence and one that cannot be measured in dollars is the resulting and ever increasing display of violence. In 1986, twenty (20) homicides could be related to the use and distribution of drugs. In the first quarter of 1987, nineteen (19) people, or 1.6 percent of the homicides have been related to drug related crimes. These trends continue, 1982 will be a banner year for drug related homicides in Baltimore. In 1981, 13 murders were drug related, 1982 showed the statistic as such when these cases are presented in court. Because the profit potential is high and drugs are relatively small, more and more individuals, not normally associated with illegal activity, have entered the marijuana trade.

Unfortunately, the same can be said for the cocaine traffickers. With the demand increasing steadily, and the chance of apprehension or incarceration low, more people are entering into this endeavor. The opportunity to make huge amounts of money in a short period of time has encouraged many legitimate businessmen to enter the world of drug financing.

Marijuana has, in many instances, replaced marijuana as the drug of choice of many of our citizens. It is perceived as a status symbol by some, and its use is glamorized by certain of our entertainers. We have never heard the personal agony that accompanies the continued use of the potent substance. This is another prime example of how the drug dealer is able to take advantage of a weakness in the human mind.

The theory of use of cocaine is $100 per gram in Baltimore. Although this cost may sound prohibitive, we have found that 9.7 percent of 8th graders, 7.4 percent of 10th graders, and 12.5 percent of our 12th graders in Baltimore City schools have used it. Although not in the top, it is known as "Angel Dust," "Killer Weed," "Rushholing Fluid," or "Rocket Fuel," causes me grave concern because of its toxicity. PCP is extremely dangerous due to its ability to produce psychoses closely akin to schizophrenia, a reaction that in all probability may occur only one time, and which can last for days, and it is out of the system. I have been shocked to learn that, in Baltimore, use of PCP has been discovered in the eight through twelfth grades. In 1978, of 912 twelfth graders surveyed, 8.1 percent had used PCP, and out of 638 eighth graders surveyed, 4.4 percent had some contact with PCP. Although a few of the clandestine laboratories which illegally manufacture PCP for consumption in Baltimore City have been located, most such laboratories are in Pennsylvania. Only through a united interjurisdictional approach, such drug trafficking will be controlled.

Baltimore City is viewed by the Drug Enforcement Administration more as a "user city" than a "producer city". The drug traffickers dumped large quantities of marijuana in New York, from whence comes the "local" marijuana, and from whence comes the cocaine and a variety of pills and pain killers. Miami from whence comes our cocaine and a variety of pills, and Washington, D.C., from whence, the heroin. Our marijuana is shipped in from all over the country.

This is a brief overview of our present situation with regard to narcotics, a situation which needs immediate attention by a cohesive attack involving every available resource. Because we, as prosecutors, feel that narcotics abuse is at the very root of our general crime problem, especially the increase in violence during the commission of crimes, as we have established in Baltimore, Baltimore City, we feel that there is no plea bargaining in PCP cases, possession or distribution; we have mandatory confinement without possibility of parole. In all narcotics cases prior to any action being taken, we would push for maximum sentence exposure on second offenders. We have established a Special Investigations Unit which screens for dangerous drug arrests and determines the amount and extent of treatment or punishment in all narcotics cases. We have established a Narcotics Squad in Baltimore City elementary schools, 85 percent of all 4th, 5th, and 6th grade students have used marijuana at least once. A 1978 Maryland Drug Abuse Administration survey in Baltimore City concluded that 47.1 percent of 8th graders, 65.8 percent of 10th, graduates, and 67 percent of 12th grade students, and our office, would work with the school system and our office, would work with the school system and our office, would work with the school system and we have the cooperation of the Federal agencies. A Strike Force would which involve not only local law enforcement agencies, but also the U.S. Attorney's office and our office, would do much to facilitate the free flow of necessary information.

Our results in the prosecution of felon narcotics defendants have been excellent. In 1980, we had a 94.6 percent conviction rate for all felony narcotics defendants, tried, both by court and by jury. Unfortunately, the incarceration rate on these defendants is only 30 percent. A further study is being made to determine the reasons for the low incarceration rate. It is interesting to note that of the 3,450 felon defendants, entering our court system in 1980, 65.5 percent were charged either with narcotics violations or traditionally narcotics related offenses.

As local prosecutors, we need the various support systems of the Federal Government in order to more effectively prosecute narcotics traffickers, both large and small peddlers and 5,246 were abusers. According to criteria established by the Drug Enforcement Administration which places an unrealistic number of "small" drug dealers in a jurisdiction and substantially neglects the total volume of illegal drugs distributed by all dealers, major, mid-level, and street peddlers. The variables in a particular area must be considered in determining what kind of individual is to be considered a major violator in that area. We view someone as a major violator locally if he is a wholesaler dealing in large quantities, ounces or pounds. Our next category is large peddler, an individual who is buying directly from the major violator and dealing ounces or smaller amounts through his own street peddlers. The small or street peddler deals in small quantities at the street level. Then, we have the bottom rung of the ladder— the abuser, who consumed the small quantities of narcotics.

Unfortunately, the same can be said for the cocaine traffickers. With the demand increasing steadily, and the chance of apprehension or incarceration low, more people are entering into this endeavor. The opportunity to make huge amounts of money in a short period of time has encouraged many legitimate businessmen to enter the world of drug financing.

Marijuana has, in many instances, replaced marijuana as the drug of choice of many of our citizens. It is perceived as a status symbol by some, and its use is glamorized by certain of our entertainers. We have never heard the personal agony that
small. One such support system is the U.S. Marshal's Service Witness Protection Program. We have worked ourselves from time to time, but recently we have been advised that due to budgetary constraints, it may be unavailable in the future. Since narcotics is a violent business, often resulting in murder and mayhem, we have to have this Program available to us. The State Prosecutors, the federal agents, do not have the resources outside our jurisdiction to provide a new identity and secure residence for a threatened witness. Several years ago we had to place as many as nine witnesses on this Program in one investigation.

We always considered this to be a viable way of getting our cases. We have also brought in several other agencies that have the DEA, the FBI, and the IRS, which impacts on Baltimore City. However, under our present system, this is not possible. Because of the involved nature of narcotics investigations, it is imperative to facilitate the exchange of intelligence data. There must be a free flow of information between Federal, State, and local investigative agencies to ensure effective, non-duplicative investigations. Narcotics traffickers have no regard for jurisdictional boundaries, foreign or domestic. They purposely place various parts of their organizations in different jurisdictions in order to thwart the efforts of law enforcement.

One way to overcome this tactic and insure the exchange of intelligence information is through the formation of a Task Force. We have worked out such a program in the Baltimore Drug Enforcement Administration Task Force, which is not funded with Federal monies. The Task Force is comprised of members of the Drug Enforcement Administration, the Baltimore County Police Department, and the Baltimore City Police Department. These officers assigned to it serve at the Federal Building in Baltimore, and use the facilities and equipment of the Drug Enforcement Administration. Further, all local enforcement agencies, not just the one requesting that force receive "Special Deputization" from the U.S. Marshal's Office, which eliminates jurisdictional problems that occur as a result of their investigations. A constant problem of the personnel assigned to the Task Force is the potential for increased communication and contributes to a feeling of camaraderie, which is not only useful in the narcotics field, but also aids in the solving of other crimes.

We, in the local prosecutor's office, also need to insure that the lines of communication are always open between ourselves and the U.S. Attorney's office in order to avoid the duplication of effort and to assist each other equally. It is important that the prosecutors become an integral part of the Task Force. Narcotics investigations require technical, legal advice on short notice. Therefore, there is a need for a Strike Force, which would involve both the prosecution (accounting for law enforcement personnel), rather than that of the Task Force now in operation, would be much more effective in combatting the multi-jurisdictional endeavors of narcotics traffickers. The Strike Force concept is predicated upon the reality that the most effective approach to combating the malignant growth of the drug traffic lies in the formation of a multidisciplinary unit which combines prosecutors and police, in a cohesive and vigorous enforcement team wherein the special expertise and particular legal authority of each is utilized.

An active or passive threat to the Task Force operation must be considered and, by its very nature, there is always a threat. As a result of the formation of a Task Force in large cities, the effectiveness of the system is diluted by the number of laws and regulations that must be observed and remains a threat to every community. None is more critical than the current drug abuse problems.

On the local level, as a result of the thorough research done by Drs. Ball, Rosen, Flueck, and Nuncio, we know that heroin addicts commit an inordinate amount of crime. This study concluded that "it is drug use itself which is the principal cause of serious crime among addicts," treatment programs must be established on a much larger scale with a specific population and which meet the effectiveness, and, if our children are, who are only age the level of primary school, are not really engaged. The need for a drug education program for all school children is not a new concept. But economic reality has magnified this challenge. A program has been developed in the past year whereby our police educators educate our children, warning them of the evils of drug abuse. This program also seeks to educate the parents and the community, of the need to get together, get informed, and get involved. Because of the unfortunate and unconfounded negative attitude toward the police function in many communities, we felt it was more appropriate to have the teachers do the instructing. What effect this program will have, only time will tell. We are able to look at the decrease in juvenile delinquency which has occurred in other communities. We are going to continue to work with our educators, to let them know we need their help to combat the drug problem.

Community education on drug abuse is another important job. This is not just for the police, but the prosecution play an active part here, too. We have to speak with any group which requests an invitation. Our electronic and print news media is also very helpful through their public service programs and feature articles.

These three areas which I have discussed; individual, school, and community, are all designed to combat the demand for drugs. Some other suggestions which would be feasible within all budgetary considerations and because they are additional revenue streams, would be to add a percentage on the additional draw on the local tax dollar, they are, therefore, resisted by local government. Financial needs exist for such things as prayer leaders, trained in prayer, and available to attract experienced lawyers to try the sometimes extremely long and complex cases against veterans defense lawyers who specialize in this area; overpay for local police so they can investigate and compile the appropriate data in order to successfully prosecute major and mid-level violators; drug "buy money" necessary to make these cases; and sophisticated surveillance equipment to aid in the detection of drug law violators. The equipment presently in the hands of our police is outdated, outmoded, and scarce. Money should not be a consideration when we are speaking about a subject that most people now agree is the basis of the frightening increase in our crime rate. What we should consider is the question that if we could control the narcotics problem, what would this do to our criminal justice system, our prison overcrowding problems, our tax rate, our schools, our economic condition, our national security, our psychological well-being of our citizenry?

An area of concern is the revision in our laws which would permit either higher bail or no bail for narcotics dealers, life sentences for major dealers and for any proceeding simultaneously, to the Federal RICO statute, which would aid in confiscating all business and property of the narcotics dealer where it can be proven the money used to purchase this property came from the criminal enterprise.

All our efforts locally can only deal with demand reduction, but this is not the ultimate solution. Attacking and eliminating the source is the only effective way of dealing with the problem. Therefore, I would strongly urge the Federal Government to expand upon the eradication programs in all source countries. These efforts have been successful in the past in such source countries as Mexico and Turkey. Anything we presently do through the courts is a battle fought at the city gates when the real fight is in the poppy fields. The amount of marijuana produced is so large, the number of people involved is so great, and the profit margin as high that without an eradication program, which strikes at the source, the end will never be in sight. Until we do this, we will, again, be forced to divert our resources away from the law enforcement task into the detection of drug law violators. The equipment presently in the hands of our police is outdated, outmoded, and scarce. Money should not be a consideration.

Some of the more pervasive and the most perilous internal threat we face today, we should mobilize all our available resources to assist in this endeavor. All proposals appear to be unanimous in their estimates that only if law enforcement, both local and state, were to undertake an aggressive campaign to get drugs into this country is diverted and confiscated by law enforcement at the U.S. border, would we be reaching the domestic market. An amendment to the Federal Code of Criminal Practices Act would enable all branches of the Armed Services to assist with intelligence gathering without deterring from their primary missions. The transportation of narcotics from foreign sources into this country is accomplished primarily by sea and air. If this act were amended to permit the U.S. Navy and Air Force to supplement an overextended Coast Guard and Customs Service, dramatic results could be anticipated.

Furthermore, due to the multiplicity of jurisdiction involved in virtually all narcotics trafficking, the need for one single agency to collate intelligence, coordinate and control the targeting of law enforcement activity in this area is self evident. In the past, local law enforcement agencies can only deal with the bits and pieces falling within their jurisdiction, but must have access to the resources and intelligence provided by a broader based Federal agency exclusively devoted to narcotics enforcement; for instance, our police officers need大数据. Whether you call it the Posse of DEA or something else makes no difference—it must exist and must have additional types of cooperation such as financial investigative, since those of the Internal Revenue Service are not available to this agency.

The tentacles of the insidious octopus of international drug traffic are clamping at almost every point of American soil, its grip can only be reduced by the strong hand of teamwork. Teamwork by local, State, and national law enforcement agencies, with the Federal Government, and the interagency backing of the Congress, must be established.

Mr. Chairman and distinguished Members of the Committee, we are prepared to work with you to give our best effort to help you achieve your confidence and support.
Mr. Newman, Lieutenant Newman, do you want to go ahead with your statement?

TESTIMONY OF JOSEPH NEWMAN, LIEUTENANT, NARCOTICS UNIT, BALTIMORE POLICE DEPARTMENT

Mr. Newman. Yes, sir. I will not repeat the problems you have already heard from the other police officials because believe me, we have the same in Baltimore also, but what I would like to talk about is maybe some unique situations that we have.

We recognize that the ways to eliminate the narcotics problem are demand reduction, naturally, and reduction in supply.

In the area of demand reduction, what we have done in Baltimore is, we have started working with the public school teachers. We have brought them into the police department headquarters. So far, we have had 100 teachers through this program. We are dealing with teachers who are dealing with kids from kindergarten through sixth grade, because we recognize that is where the problem exists and where it starts.

We have received some tremendous feedback so far. It is too early to tell the exact benefits, but the teachers are accepting the program, the administrators of both the police department and the educational system are accepting the program. We have been able to draw on people from the city health department and from the Drug Abuse Administration in Maryland to also assist us with this program. Hopefully, with more funds, we will be able to expand it to cover the 37,000 teachers we currently have in our school system.

As far as supply reduction is concerned, this is one of our more serious problems. We are about a 3-hour train ride from New York City, which is the source of all of our heroin. If we take off what we consider to be a large dealer, there are four or five others willing to step in and take over that business with a very small investment.

We have attempted to deal with the supply reduction through what we call the total officer concept. Each one of our 550 police officers in Baltimore City is a trained narcotics official. They have received this training both from our people within the police department and also the Drug Enforcement Administration, but we certainly feel that the only way to solve the supply problem is with the elimination of the drug at its source, and we cannot do this.

Since March 6, we have been involved in a special project, coordinated drug enforcement, where we took a portion of the city we feel to be responsible for between 70 and 80 percent of the street crime in Baltimore City.

In this particular area we put 50 motivated police officers who have in this 80 days—and by the way, the project ends today—have arrested 1,200 people, the majority for drug violations. The figures themselves may not be too significant, but what I found to be significant was, of those 1,200 people that were arrested, they had been arrested previously and charged with over 6,000 additional offenses; 29 charged with murder, 32 with rape, 411 assault and robbery, 1,147 with narcotics violations.

So, again we are dealing with the same people, those people who are in fact prone to violence. We also have recovered as a result of this particular operation over 100 firearms, which I also think speaks for itself.

In conclusion, I would like to say that we feel the real remedy to the drug problem comes with Congress and its appropriations; an informed and effective U.S. Department of State, and the continuation of the Drug Enforcement Administration as a single mission agency in the drug field. The FBI can assist in tracking down the laundering of money. The IRS can provide a great deal of information if you could amend the statutory constraints imposed upon them.

Thank you very much.

Mr. Rangel. I do hope that the committee can depend on this communication as being an ongoing thing. I think that all of us who have been fighting in Congress to focus attention on this problem realize that it happens in waves, and you find some murders someplace, it hits the front pages and somehow it loses its priorities, but this administration has not focused on the problem. I do not think the last one did.

I understand there is a meeting of police chiefs. Will you be in attendance on that?

Mr. Newman. I did attend the conference in Nashville. I am not attending the one this week. My chief will be attending.

Mr. Rangel. Well, we were hoping that something can be worked out where one of our staff people can get a better understanding as to what your agenda is, because we do not want to get involved in your business, as it relates to trying to establish whether it comes from us or you, which is not very important; how prosecutors and law enforcement officers can know that they should have an opportunity to have their concerns heard in Washington.

We believe that this committee could take care of that function, and we can more dramatically bring it to the attention of the administration not just in legislation, but to me just as important as relates to priorities.

We will be in touch with both of you toward that end.

Mr. Shaw. I have a question with regard to drugs coming into the State of Maryland. The State of Maryland has an extraordinary amount of shoreline, as does my own State of Florida.

Do you find that to be a problem with regard to the importation of drugs? I know you said the heroin was coming in exclusively from New York. Are your shores as vulnerable as Florida is toward the importation of drugs, where they use it as a port of entry?

Mr. Swisher. Yes, Mr. Shaw. In fact, I would think the entire coastline from the Florida area northward would be much more vulnerable because it is less patrolled. Smugglers, of course, know this.

Mr. Shaw. We had yesterday up here before us Mr. Coleman, attorney general of Virginia, and he was saying that he could see the effect of vigorous law enforcement in Florida just on the increased drug traffic coming right into the State of Virginia.

I would assume you are seeing the same thing.

Mr. Swisher. Just recently we had a crash of a boat in the Ocean City, Md., area, and it had tons of marijuana aboard. I think all parties were killed, and the boat apparently just broke apart in a storm.
But, there have been other examples of other boats coming into the Ocean City area, and also a few light planes. So, it is growing, and the smugglers are smart enough to know that they might as well come in through Virginia, the Carolinas, Boston, Maine, and Baltimore or Maryland, because it is easier. There is no one out there looking for them.

Mr. Shaw. I guess that is going to be a continuing problem. It is like selective law enforcement, you push it down in one area and it pops up in another area.

I am somewhat optimistic that we will get a meaningful bill out of the Congress with regard to the posses comitatus and the use of the military to enforce the drug traffic.

Mr. Swisher. That is extremely important, and as I say, you have two thoughts in mind, No. 1, using both personnel and equipment. If they object to the personnel, then perhaps the equipment. This new umbrella organization, if we could get it, could be in charge of training people to use the equipment better than what we have now.

Mr. Shaw. Even the Coast Guard right now, I learned when I visited the Coast Guard facility the last time I was in my district in Fort Lauderdale, where there are some of these sophisticated radio equipment of the Navy on loan to the Coast Guard, the Coast Guard has been very badly underfunded and many of your representatives from Maryland have been working hard on that.

Mr. Swisher. But you see, the Coast Guard in your area is much more sophisticated because of the increased traffic there, but it is not sophisticated north of Florida. That is the problem. The smugglers know that, and they are just shifting their boats and planes up this way.

Mr. Shaw. Mr. Coughlin. Mr. Coughlin. Thank you, Mr. Chairman.

As a prosecutor, you emphasize the necessity of reducing the supply of drugs that are available on the market, and I totally agree with you. But the thing I rack my brain on, and I have mentioned it here before, is the fact that in the major producing countries, and they are countries with plenty of misery and poverty themselves, they do not appear to have too many cases, nearly the drug problem that we do, whereas they are producing huge quantities of drugs, but they do not have the problems.

Could you explain what that is? Mr. Swisher. That is very simple. They shoot you. They do not let their citizens get into this predicament.

Saudi Arabia is safer than—what is one of your most well-known main roads around here; Chevy Chase. You can walk anywhere in Saudi Arabia day or night and not be bothered by anyone unless they are American tourists. They are severe on crime. They execute people within days of being convicted of a crime. They do not have the Bill of Rights or Constitution, and that is a problem. They do not let their citizens get addicted.

If you are a criminal in those countries you go to jail and you stay there. They do not even feed you. The family must feed you. It sounds barbarous, but they often cut hands off for thievery. It is very severe in those countries.

We let our criminals in this country do any damn thing they want, and we start with the juvenile justice system, which is a fraud in this country. That is where the problem begins. We are letting so-called children, who are in most instances criminals, get away with anything they please, including murder, and we teach them that from 12 years of age up. We have to change that system also. Of course, that is not our problem here today.

But, the severity of punishment in other countries is greater. That is why they do not have heroin addiction. To give you a brief example, in 1938 when Tojo, who was the military leader of Japan, decided the opium problem was getting a little bit out of hand, he simply signed a directive—he did not have to bother with a committee or Congress or a veto or anything else—he directed that the Army go out and arrest all the pushers.

They shot 200 or 800 the first week. They arrested all the users, put them in rooms cold turkey, not even aspirin. The philosophy was, if you survive you are a better citizen. If you did not survive, you are not any good anyway, but they stopped the problem.

We of course cannot do that here, but that is an example of the severity of what other countries have done about the situation. I understand Turkey is very severe with it. They probably grow plenty of poppy seeds there, but they are severe with the users. They do not let their citizens get into this predicament.

This country is very free, very liberal, and you are free to do anything you wish, including even some silly things like riding motorcycles without helmets, which is a controversy in some States. We let our citizens to do anything, and that is the problem here.

Mr. Coughlin. Thank you, Mr. Chairman. Yes, and education. I think we could get some of our younger people in elementary schools frightened about drugs with proper instruction.

You are not going to affect the hardcore criminal or hardcore user. They think they are smarter than all of us. They will continue to use it, so you will never stop them. But a good educational program, no question, is part of the answer.

The confiscation of any drugs is part of the answer. We could get plenty of money; for instance, I could use a million dollars in Baltimore just to fight narcotics, a new concept of a task force.

We need better cooperation, by the way, between Federal agencies. It has been traditional in the Baltimore, Md., area that local prosecutors are not trusted by the U.S. attorneys, by the FBI, and by other Federal agencies. We get very little cooperation from them.

We have many instances where the U.S. attorney will set some arbitrary standard that he will not fool around with a drug case unless it is over $5,000. Under $5,000, no, and the worst part is that they will not report it to us. They just let it go. That is silly.

In many instances we can prosecute and convict a person much quicker than the Federal Government can. The Federal Govern-
investigate anyone under Maryland law, to a county and say, 'Here, indictment on bribery case.' They caught this person, he even confessed he received money. They lost the case; no interstate jurisdiction. The Federal judge threw it out without even demanding that the defense defend themselves, and rightfully so.

The U.S. attorney, all he had to do was give that case, which is a simple bribery case under Maryland law, to a county prosecutor and say, "Here, indictment on bribery." The county prosecutor probably could have concluded that in 2 days. The U.S. Government spent 3 weeks trying it, half a million dollars investigating it, and lost the case.

That is a prime example of the lack of cooperation. You can talk to any policeman on the beat, not only in Baltimore, but many cities. You ask the policeman, what do they get from the FBI? The answer primarily is zero. They do not share information. They do not trust the prosecutors, they do not trust city, county, and State policemen. They keep it all to themselves, and when they do have something that they feel is beneath their authority, they do not pass it on to local officials to prosecute.

So, we need better cooperation and better quality people in some of these offices.

Mr. Coughlin. Thank you, Mr. Chairman.

Mr. Shaw. Mr. Swisher, would you get together the information with regard to the Federal prosecutors in prosecuting and arbitrarily setting guidelines for his particular office, and supply that to this committee?

Mr. Swisher. Yes. That may be difficult to dig up because some of these standards are their own secret standards, and they do not pass them on to local officials to prosecute.

Mr. Shaw. If this is a pattern perhaps this committee or some other committee of the Congress would want to look into that particular matter.

Mr. Swisher. Frankly, in one sense the prosecutors are supposed to be independent. However, in the Federal system they are not elected. I am an elected official of Baltimore, and theoretically I am supposed to blend in with my community and prosecute and lead the community in the prosecution of crimes.

The Federal U.S. attorneys are political appointments. There is nothing wrong with that, but they are political appointments. Theoretically—now, this is very important—theoretically the U.S. attorneys around the country are technically answerable to Washington, but in practice the Attorney General's Office does not really supervise them very closely.

Think of that for a moment. An elected official, such as myself and all the county and State prosecutors in the country, are answerable to the voters. If we foul up, we are out of office. The U.S. attorneys are technically answerable to Washington, but Washington does not supervise them.

So, what happens? You have one of the most powerful individuals in any community, a prosecutor who can investigate anyone and send out people wired with money to bribe anyone. He is not answerable to the voters. He is not answerable to Washington. He is a king of the most powerful sort, because he can call upon the FBI, Treasury Department, Customs, Postal Inspectors, IRS, and investigate you or anyone, and no one advises him. That is a very dangerous concept in our democratic form of government.

Every powerful official must be answerable to someone, either the voters or a supervisor who is answerable to the voters.

Mr. Shaw. Thank you very much. I appreciate you gentlemen coming.

Mr. Swisher. Thank you. I appreciate being invited here. If it is not presumptuous, I would like to leave these packets with one of your aides.

Mr. Shaw. You had a prepared statement. You summarized? Mr. Swisher. You have it there.

Mr. Shaw. Would you like your statement to be made part of the record?

Mr. Swisher. Yes. Mr. Shaw. Without objection.

Mr. Swisher. I appreciate it very much.

Mr. Shaw. We have the last panel of witnesses, this is from our adopted hometown; Inspector Wilfred Coligan, morals division; and Capt. James Nestor, narcotics unit, Washington, D.C.

Morals is a new word for me. I am glad that there is still one.

TESTIMONY OF INSPECTOR WILFRED COLIGAN, MORALS DIVISION; AND CAPT. JAMES NESTOR, NARCOTICS UNIT

Mr. Shaw. You may proceed.

Mr. Coligan. Mr. Chairman, members of the Select Committee on Narcotics Abuse and Control, I appreciate the opportunity to be here today representing Chief of Police Burtell M. Jefferson for the purpose of making a statement on the problems of drug enforcement and recommending avenues of improvement in the current system.

The local problems in drug enforcement are multifaceted. There is a very serious problem of increased availability in quantity and purity of heroin. This increase has caused the heroin overdose deaths to drastically increase and to create additional heroin addicts.

Drugs of abuse indicators in the city of Washington, D.C., increased in the second half of 1978, significantly increased in 1979 and continue to increase and show no signs of leveling off. This current increase started after Washington, D.C., had 2 consecutive years (1976 and 1977) of downward trends in drug usage. Narcotic-related "overdose" deaths have risen from a low of 7 in 1975, 41 in 1979, 62 in 1980, to 89 in only 5 months of 1981.

Most alarming is the fact that the overdose deaths for the month of May 1981 are higher than for any month since 1971 when the District of Columbia Medical Examiners Office began to keep a
Dilaudid is used as a substitute for heroin by addicts and also used exclusively by other abusers. Prefedin is also used by heroin addicts primarily to string out their high and to increase the effects of heroin. The profit realized by the illicit pharmaceutical drug dealers is enormous when you consider that a Prefedin 75 mg tablet's legitimate wholesale cost to a pharmacist is 32 cents per dosage unit, and the illicit retail price is $8 to $10 per dosage unit; and a Dilaudid 4 mg tablet's legitimate wholesale cost to a pharmacist is 22 cents per dosage unit and the illicit retail price is $55 dosage unit.

Cocaine is readily available and extensively abused primarily as a recreational drug and by users who can afford the expense. Marijuana is by far the most abused drug and is available throughout the city and the drug of choice by youthful abusers. It is also the drug most commonly found in and around schools. However, its abuse is not exclusively that of the youth. Contrary to the belief held by many citizens, the possession of small amounts of marijuana is a crime.

Increased availability of more potent heroin and the increase in heroin addicts are directly responsible for a significant increase in crime index offenses such as burglaries, larcenies, and robberies. Formation of a drug habit by an abuser progresses to a point where his normal financial resources cannot support his habit. The abuser then depend on money from his family and friends or resort to an assortment of various crimes to support his habit.

Enforcement measures to combat the drug problem is a joint responsibility of the commanding officers of the seven police districts and the director of the morals division.

The vice units within the seven districts apply their enforcement efforts primarily to the obvious street dealers. Marketplaces for the street dealers include residential areas in both urban and suburban areas. We have found that we have been most successful in such operations when we have disrupted the marketplace where the narcotics are being dispensed through rigid enforcement of all applicable laws such as the disorderly statute and the traffic regulations. It has been our experience that suppliers of the drug usually set up their operations in an area, employ pushers to dispense the drug and pass the word where such drugs are available. The pushers on the other hand usually work the streets and when the customer matures by, a hand gesture is given, indicating what the pusher has for sale and the price.

The sale takes place quickly and the customer goes on his way. When sales are made or police pressure increases, the pusher simply moves to another location in the vicinity and continues to make sales. Conventional means of building cases are now being employed; however, those only have limited effect.

The customers, who, by the way, represent a cross-section of urban and suburban residents, are as much a part of the narcotics problem in this city as the seller. Yet, there is no law that applies to him other than the prohibition against possession.

To remedy this problem, we have suggested that a soliciting controlled substances statute be enacted. Such a statute has been drafted along the lines of the soliciting for purposes of prostitution statute D.C. Code 22-2701. Those who would raise an Easter case defense would see their addiction status could be processed through a treatment program.

The morals division investigates those persons identified as having a more significant role in drug trafficking than street dealers. The morals division implements special investigative procedures such as the use of informants, surveillance operations, narcotic intelligence, undercover operations, conspiracy investigations, diversion cases, and clandestine laboratories.

An example of a recent arrest by the morals division of a person identified as a major violator resulted in the seizure of 18 ounces of high purity heroin, three houses, seven vehicles, $35,000 in cash, $100,000 in jewelry, and 12 handguns.

Also established within the morals division are two joint programs with the Drug Enforcement Administration that have proven invaluable in drug enforcement.

The first program is a Pharmaceutical Drug Diversion Investigative Unit established to primarily eliminate or significantly reduce the illegal diversion of drugs by health professionals licensed by the District of Columbia to dispense, prescribe, administer, or handle controlled drugs. This unit has arrested and convicted nine medical doctors and five pharmacists.

An example of a recent arrest by the morals division of a person involved in the diversion of legitimate drugs is a very small when compared to the actual number of licensed practitioners. However, it only takes a small number of practitioners to flood the streets with controlled substances.

A diversion investigation that led to the arrest, prosecution, and conviction of one medical doctor shows that within a 7-month period the licensed practitioner diverted 62,788 Dilaudid tablets, having a street value of over $2 million into the illicit market.

The second program is a Drug Enforcement Administration and Metropolitan Police Department Joint Task Force established for the purpose of disrupting drug-related criminal organizations, and prosecution of cases involving major drug violators and stemming the flow of drugs into the District of Columbia. Recent arrests by the task force, at the conclusion of a 4-month investigation, resulted in the seizure of 11 pounds of pure cocaine that was brought into the United States from Colombia by the arrested violators.

Also, our drug enforcement measures will be enhanced by the District of Columbia Controlled Substance Act, which was recently passed by the city council. The District of Columbia Controlled Substance Act was modeled after the Federal Controlled Substance Act with the noted exception of the marijuana provisions. The Federal Controlled Substance Act classified marijuana as a sched-
ule I drug, while the District of Columbia classifies cannabis as schedule V and hashish as schedule II.

While the majority of drug enforcement is performed by local law enforcement, it is absolutely necessary that, if we are to meet local needs through regional control, we continue to receive Federal support and/or funding to maintain the Pharmaceutical Drug Diversion Investigative Unit and the Drug Enforcement Administration/Metropolitan Police Department Joint Task Force at their present level.

These joint programs greatly enhance law enforcement efforts in the areas of sufficient confidential money, frequent rotation of undercover officers, necessary multi-jurisdictional arrest powers and coordinated regional approaches to drug enforcement.

Mr. Nestor. I have no prepared statement. That was a joint statement.

Mr. Rangel. On that scheduling, do you treat marihuana and hashish differently?

Mr. Coligan. Marihuana is classified in a schedule V drug in the D.C. Controlled Substances Act, where it is schedule I in the Federal Controlled Substances Act. Hashish is schedule II in the D.C. Controlled Substances Act, where it is schedule I in the Federal Controlled Substances Act.

Mr. Rangel. What was the reason behind that? Why are they treated differently and what value does hashish have?

Mr. Coligan. I do not hear the part—what value is hashish?

Mr. Rangel. Does it have a medical function? Is there any testimony that hashish has a medical function, as obviously we have some evidence on marihuana?

Mr. Coligan. I do not know the real reason why marihuana is treated differently in the District of Columbia than it would be under the Federal Controlled Substances Act. I do know that there are some who say and it is practiced in some States that marihuana itself has some medicinal advantages in the treating of chemotherapy patients, where hashish, I do not believe has ever been established that there is any medicinal benefit to hashish. Hashish, while coming from the same plant, is a much more potent drug than marihuana.

Mr. Shaw. I have no questions. I believe that concludes our hearing for this afternoon.

Mr. Rangel. I want to thank you for your contribution. Earlier we had received some type of commitment from the law enforcement officers and prosecutors offices that rather than just have hearings, that we would try to establish a continuing relationship between those people that have the responsibilities to enforce the law in areas of high narcotics abuse. To that end, I know we can depend on your support. We heard that there would be a meeting soon in Washington, what is it, over this weekend of Police Chiefs and narcotics enforcement officers. Are you familiar with that conference?

Mr. Coligan. I am not familiar with that. I have heard that that is scheduled. I do not know the specifics of it.

Mr. Rangel. All right. If you might attend and know who is attending, you would know that we would be interested in estab-