CUBA'S LINK TO DRUG TRAFFICKING

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

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CUBA'S LINK TO DRUG TRAFFICKING

WEDNESDAY, NOVEMBER 17, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 2154, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica, Barr, Gilman, Shays, Ros-Lehtinen, Ose, Mink, Cummings, Kucinich, Turner, and Schakowsky.

Staff present: Sharon Pinkerton, staff director and chief counsel; Gil Macklin and Mason Alinger, professional staff members, Charley Diaz, congressional fellow; Lisa Wandler, clerk; John Mackey, investigative counsel, HIRC; Kevin Long, professional staff member, HGRC; Cherri Branson, minority counsel; and Jean Gosa, minority staff assistant.

Mr. MICA. Good morning. I would like to call this meeting of the Criminal Justice, Drug Policy, and Human Resources Subcommittee to order.

I welcome our members. I will start off this morning with an opening statement, and then I will yield to other members. We have several panels this morning we will hear from, so we want to get started.

This morning, our subcommittee will conduct an oversight and investigative hearing on the subject of Cuba's involvement in illegal narcotics trafficking. This past week the United States Department of State and the Clinton administration determined that Cuba would not be added to the majors list. Each November, the majors list which is developed is the first step in the annual certification process established by the International Narcotics Control Act of 1986, and this list determines which countries are involved both in producing and transiting of illegal narcotics.

This decision was made despite the United States Drug Czar's statement that drug overflights of Cuba increased by almost 50 percent last year. I think we have a copy of his statement. It says the intelligence and law enforcement communities report detected drug overflights of Cuba increased by almost 50 percent. That is a letter sent to Chairman Burton on May 27th.

In addition, last year 7.2 metric tons of cocaine seized by the Colombian National Police in Cartagena were shown to be bound for Cuba with the final destination possibly being the United States.

Also, according to the State Department's own 1999 International Narcotics Control Strategy Report, there are indications in that report, and let me quote from it, that "drug trafficking, particularly transshipment via mules transiting Cuban airports and drugs dropped from planes over waters off of Cuba's northeast coast is on the rise," and that is also from the State Department's report.

Today, our subcommittee will hear from a variety of witnesses, including the chairman of our full committee, Mr. Burton, and Mr. Gilman, a member of our subcommittee who also chairs the House International Relations Committee. Both chairmen have carefully reviewed Cuba's role in international narcotics trafficking. They have also had their key staffers do extensive work in reviewing what is going on with illegal narcotics trafficking from and to Cuba.

Additionally, we will hear from administration officials involved in assessing Cuba's illegal drug activities and from several other witnesses knowledgeable about alleged Cuban narcotics and criminal connections.

Last year, more than 15,700 Americans, most of them young, died from drug-induced deaths. Few wars have so devastated our population as the toll we now see taken by illegal narcotics.

Any country and its officials involved either directly or indirectly in dealing with this poison must be and will be held accountable. Both our Federal law and simple justice require no less of an action on our part.

I have personally flown above the Caribbean waters in United States surveillance aircraft and witnessed how drug traffickers use Cuban waters as a refuge in a deadly cat and mouse game.

I will be interested to learn today from this hearing if Cuban officials support these criminal ventures. We have a number of questions that must be answered. Does Castro and his regime turn their backs or partner with drug traffickers as huge quantities of deadly drugs transit to our shores? As heroin and cocaine pour out of Colombia we know traffickers use island nations such as Cuba, Haiti, Jamaica and others as steppingstones to reach the streets of our American communities.

Several months ago, Fidel Castro called for American assistance and cooperation to stem the Caribbean drug trade. Today's hearing should help us determine whether Cuba and its leaders are a friend or foe in a battlefield that stretches across the Western hemisphere.

Finally, in addition to Cuba, I am very deeply troubled by reports of drug transiting and official corruption in Haiti and among Haitian officials who may be dealing with illegal narcotics trafficking. This is particularly troubling after the United States has spent billions of taxpayer dollars in a nation building and judicial institution reform effort in that country.

It is bad enough to have our adversaries demean us, let alone have those who we have taken under our wings now betray us.

We have a very serious Federal obligation to stop illegal narcotics, both at their source and to interdict those drugs prior to the drugs reaching our shores.

With thousands of our American citizens dead, in prisons or with their lives and families destroyed, we must pursue each and every one of the violators and bring this mounting problem under control.

This hearing can hopefully help us achieve that goal and help us obtain answers to very serious and troubling questions concerning Cuba's role in international narcotics trafficking.

With those comments, I am pleased to recognize the gentlelady from Hawaii, our ranking member, Mrs. Mink.

Mrs. MINK. Thank you, Mr. Chairman. I want to join you in welcoming our distinguished panelists and look forward to their comments on this issue.

I think it is important from our perspective on the minority side to be perfectly clear on what exactly we are examining today. We need to be clear about what the majors list is and is not. The majors list is the annual list of major drug producing or drug trafficking countries which is used as the basis of certification. The majors list is a compilation of countries which have been responsible for the presence of illicit narcotics on American streets through either major drug producing or drug transit activities.

The majors list is not a way to express official approval or disapproval of a country, its policies or practices. Exclusion from the majors list does not mean that the country does not raise some concerns nor does exclusion mean the United States can or should abdicate its role of monitoring drug activity in, around and through that country.

Inclusion on the majors list is a statement that the available information indicates that a country has met the statutory definition regarding the amount of drugs that are grown, harvested or transported through a country and are headed for the United States. If a country meets the statutory criteria, it must be placed on the majors list. The State Department, Drug Enforcement Agency, and the Office of National Drug Control Policy, the agencies that advise the President on the composition of the majors list, have all determined that Cuba does not meet the statutory criteria.

Even if Cuba did meet the statutory requirement, what could the United States do? Countries that are placed on the majors list are denied 50 percent of their current U.S. assistance, except humanitarian or counternarcotics aid, until a certification decision is made. Because Cuba does not receive any U.S. assistance, a majors list designation could have no practical effect.

I am very much interested in what the witnesses and the panels will be contributing to our understanding of this issue, and I would hope that at the end of these hearings we will have a better understanding of the administration's decision and the basis upon which it was made.

Thank you, Mr. Chairman.

Mr. MICA. I thank the gentlelady.

Now, I would like to recognize the gentlelady from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and thank you for the witnesses and panelists who will be appearing before us.

Today, I assume that we will be hearing from Clinton administration witnesses—I have read some of their statements—who will

state that there is no evidence that Castro is involved with drug trafficking, that he has made strong statements against drugs and that he fights corruption. And because this administration has a political agenda which is to establish and normalize relations with Castro and also to undermine our U.S. embargo, in order to do this, we have got to say that up is down and down is up.

Cuba is a totalitarian police state, we all know that, and do we really honestly think that someone could be involved with drugs in Cuba and Castro not know this is going on? He not only knows, but is part of this illegal operation. He allows the fast boats of the drug traffickers to go into Cuban waters, and these boats go into Cuban waters to avoid and evade our United States agents who are fighting a strong battle against drugs. There has been continuous video footage, as shot by Miami television stations, showing these fast boats going into Cuba waters.

The only time that Castro brings up drug charges against other officials in Cuba is when the dictator is not given his share of the cut, or when a military official becomes too popular. Then some trumped-up drug charges will be brought up against those officials.

Castro is clearly part of the problem. He is not the solution. But, after all, this administration sent United States Chamber of Commerce officials to Cuba to talk to those hordes of nonexistent small businessmen in Cuba, to talk to the Cuban Chamber of Commerce, as if there is such a thing, as if there are small businesses in Cuba and a Cuban Chamber of Commerce. And if you are naive enough to believe that, then I guess you could believe that Castro is not involved in drug trafficking. It fits the pattern very well.

And Castro, by the way, also says that he has no political prisoners. Castro says he is not a dictator. And, of course, the jails are full of political opposition leaders, and it is actually illegal in Cuba to have any other political party except the Communist party to operate in Cuba. There is no freedom of expression, and I suppose that we should believe Castro when he says that all is well in Cuba as well.

As we know, there is a Federal indictment, a draft indictment since 1993 that implicated and could have indicted Raul Castro in cocaine smuggling, and nothing has been done about that evidence since that time. The transit of drugs in Cuban airspace and in waters is well known. As we know, Castro shot down small planes of Brothers to the Rescue and killed three innocent U.S. citizens and one U.S. resident who were in international airspace on a humanitarian mission. Yet we are to believe that Castro's air force is unable to control their airspace when it comes to drug trafficking. That is ridiculous.

Castro certainly had no resource problem when it comes to murdering U.S. citizens on a humanitarian mission. Yet we are to believe that he is unable to stop drug trafficking in his airspace now.

Now, we have even more evidence of Castro's complicity with the drug trade, tons and tons of pure cocaine headed to Cuba. Oh, but Castro did not know—I forgot—he does not know what is going on in Cuba. He wants to cooperate with the United States on drug trade.

And this is not just naive. It is dangerous. It endangers our young people for us to believe that Castro is a willing partner in

stamping out drugs. In treating Castro as a cooperative agent, this could mean that the United States will look the other way when faced with even more clear evidence of Castro's involvement in trafficking, which would mean then more drugs coming to the United States. It is not naive. It is dangerous for us to assume this position.

Will we actually be sharing information with Castro? The answer today is no. But tomorrow, when we are willing to look the other way and say that up is down and down is up, I fear the worst. And this tyrant who tells us that all is well in Cuba, who will sign any document saying that he is for freedom and human rights and democracy and yet will accomplish nothing, he has never lived up to any international agreement he has signed with any country. Why would we think that he is now going to be a willing partner in fighting drug trafficking in the United States? Do we not have enough drugs in our country that we really need to say that Castro is going to be our partner? I think it is ludicrous, it is a shame, and it is dangerous.

Thank you, Mr. Chairman.

Mr. MICA. I thank the gentlelady, and I now will recognize the gentlelady from Illinois, Ms. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

Just briefly, let me say that this is a narrowly crafted hearing, I hope, that deals with the possible role in illegal narcotics trafficking, and the involvement of Cuba. Not a general hearing about Cuba and its politics, and its relationship to the United States. I trust that the information that we will be hearing will not be relying simply on statements by the Cuban Government, but will be a reflection of investigations on the part of our intelligence operations, and we should evaluate them based on our confidence in the kinds of work that they are able to do and in the reports now from our distinguished colleagues who will be making presentations.

So I look forward to all of the testimony. Thank you.

Mr. MICA. Gentleman from California, Mr. Ose. No statement.

Gentleman from Texas, Mr. Turner. No statement.

Gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I want to thank you for holding this hearing.

In July of this year, a member of my staff traveled to visit the Coast Guard's Seventh District which covers southern Florida and the Caribbean, and she had an opportunity to interact with members of the Coast Guard Cutter Cushing. The members of the Coast Guard are our first line of defense against the inflow of drugs via the Caribbean. These men and women are hardworking, underpaid, and an indispensable component of our counternarcotics efforts.

Upon my staff member's return, one of the issues she expressed to me was the frustration members of the Coast Guard had when chasing drug traffickers. The traffickers will "cross the line" from international waters into Cuban territory because they know that the U.S. Coast Guard can't get them.

Mr. Chairman, the flow of illegal drugs through the Caribbean region cannot be stopped without cooperation from the Government of Cuba. Currently, there is no bilateral agreement between the United States and Cuba. Although our two countries continue to

exchange drug-related law enforcement information on a case-by-case basis, I strongly believe that increasing our cooperation will assist in our fight against illegal drug trafficking.

As such, I am a cosponsor of H.R. 2365, sponsored by Representative Charlie Rangel of New York, which authorizes the Director of the Office of National Drug Control Policy to enter into negotiations with representatives of the Government of Cuba to provide for increased cooperation between Cuba and the United States on drug interdiction efforts. The Government of Cuba is a party to the 1988 U.N. convention against illicit traffic in narcotic drugs and psychotropic substances. It has expressed its desire to expand cooperation with the United States on drug interdiction efforts. At the very least, we should discuss this issue.

Representatives Ben Gilman and Dan Burton have introduced H.R. 2422, which provides for the determination that Cuba is a major drug transit country and would subject the country to annual certification procedures. On November 10, 1999, the President issued a memorandum that included the list of major drug producing or transit countries. Cuba was not on the list. The memo stated that the United States will continue to keep trafficking in the area under close observation and will add Cuba to the majors list if the evidence warrants it. I emphasize—if the evidence warrants.

At this time, according to the State Department and the President, evidence does not warrant such a determination. At a news conference on November 4th, General McCaffrey, who we all respect greatly, stated that there was little reason to believe that the Cuban Government was complicit in allowing Colombian cocaine and heroin to move to the United States through Cuban territory, airspace or seas. Moreover, including Cuba on the majors list would have no practical significance since Cuba neither receives United States aid nor has any bilateral agreement with the United States.

Again, I strongly believe that we should increase our cooperation with Cuba on drug interdiction. However, I will give full consideration to all testimony provided today.

Thank you very much, Mr. Chairman.

Mr. MICA. I thank the gentleman.

We are going to go ahead and proceed with our first panel at this time. Our first panel consists of two individuals well-known to the committee and the Congress, Chairman Ben Gilman, who is chairman of the House International Relations Committee, and Chairman Dan Burton. Of course, Mr. Burton is the chairman of our full House Government Reform Committee.

I see Mr. Kevin Long, who is also one of our professional staffers, who has worked with the chairman and with our subcommittee on this issue. And also I see behind Mr. Gilman Mr. John Mackey, who has spent a credible amount of time, a number of years, reviewing drug policy and drug trafficking.

So I welcome the two distinguished chairs and staff.

What we will do at this time, if we may, is recognize Chairman Burton, chairman of our full committee, first.

STATEMENT OF HON. DAN BURTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. BURTON. Thank you very much, Chairman Mica; and I want to congratulate you and your committee for holding this hearing on Fidel Castro's what I believe to be long-standing participation in international drug trafficking.

Unfortunately for the American people, President Clinton has chosen to ignore the facts and proceed down the trail of normalization with the murderous drug-running Castro dictatorship. Just last week, President Clinton refused to put Cuba on the majors list of drug transiting countries that substantially impact the United States. This is a decision that is clearly rooted, in my opinion, in politics rather than determined by the facts.

The stained foreign policy legacy of this administration has never been more evident. Clearly, the Clinton administration has turned its back to American children in order to normalize relations with a brutal dictator who is flooding American streets and schoolyards with deadly drugs, all the while lining his pockets and his administration in Cuba with illicit drug money. The Clinton legacy will be an entire generation of Americans subjected to dramatically increased drug use, as well as record numbers of drug addicts and overdose deaths.

This has already happened in places like Baltimore where 1 in 17 citizens is addicted to heroin according to the DEA, 1 out of 17. In August our Government Reform colleague, Mr. Cummings, who just left—I wish he was still here—told us of the devastating impact this had on his district in Baltimore. Other places like Chairman Mica's District in Orlando where over 50 people have died of heroin overdoses this year, and many of them teenagers, have suffered needlessly while the administration has been asleep at the switch.

All one needs is common sense to see that Fidel Castro's regime has resorted to drug trafficking to fund his sagging economy. It is clear to those who have followed Cuba as closely as I have that his brutal dictatorship is in dire straits since the collapse of the Soviet Union and the subsidies that it provided to Cuba. Further, the Helms-Burton embargo has Castro's dictatorship strapped for hard currency. And this begs the question, where has Castro turned to subsidize this loss of money? In my opinion, he has turned to drug trafficking and quite possibly money laundering to prop up his Communist regime.

There is an abundance of evidence that Castro's regime is involved in drug trafficking. My staff has conducted nearly a year-long investigation into one particular shipment of drugs seized by the Colombian National Police last December. This investigation has shown the Cuban Government was the primary principal behind this shipment of drugs, destined for Havana before it was seized. We believe this shipment may have been heading for the United States through Mexico after it got to Cuba. And some of my colleagues have asked, are they a major drug transiting country? This 7.2 ton shipment worth $1,500 million belonging to the Cuban Government was seized in six containers and was to be transported to Cuba by a Cuban Government-owned shipping company and was

to be opened only in the presence of Cuban Government Customs agents.

Fidel Castro has alleged that two Spanish businessmen who were minority partners in the joint venture were responsible for this shipment. Castro also said that since these two were from Spain, the shipment must have been going to Spain.

A perfect setup by a notorious lying dictator. In reality, the Cuban—and I hope my colleagues understand—in reality, the Cuban Ministry of Interior, which is the equivalent of our CIA, the Cuban intelligence service, assigned two agents to run this company under the Cuban Ministry of Light Industry. It was an operation that proceeded only under the strict control of the Ministry of the Interior, including the order of materials in this particular shipment. The two Interior agents were very upset that this shipment was twice delayed in Colombia, and they even phoned one of the Spanish businessmen to ask when it would be delivered. After the seizure in Colombia, when the Cuban authorities could have detained the other Spaniard, they sent him back to Spain with a gift for his sick wife without detaining or questioning him about the seizure.

Surprisingly, our government has taken Castro's word on the destination of this shipment without question. And the White House just the other day once again said it was destined to Spain, and we hope to refute that in our statement here. This is the uncorroborated evidence the DEA will speak of here today. The bottom line is the White House chose to take Castro's story without a shred of evidence and base their assumptions and Cuba's exclusion from the majors list on Castro's word, on a Communist dictator's word and nothing else.

In a letter to Chairman Gilman and myself, the State Department spoke for the DEA saying this shipment was headed for Spain, and we have a copy of the letter up there. The DEA had not cleared that letter, and in a letter the DEA sent back to State, they said there was no corroborated evidence that this shipment was headed for Spain. And I had the head of the DEA and others from the DEA in my office and we grilled them very thoroughly about whether or not this shipment was headed for Spain, and they said there was no indication whatsoever that it was headed for Spain and that the officer who had made some comments to State Department was misquoted. And we have gone into that in some detail.

There is also the letter from the DEA to the State Department pointing out thoroughly that there was no indication that this shipment was headed to Spain. The DEA then confirmed to me that it was investigating whether or not there was a Mexican connection, and we have that letter up there as well.

We all know DEA statistics show that 60 percent of all hard drugs in the United States enter through Mexico. Today, the DEA will reconfirm it has no evidence this shipment was destined for Spain despite President Clinton's assertion to the contrary in a November letter to Chairman Gilman, and just last week one of his assistant press secretaries made the same statement, which is totally false.

My investigators interviewed one of the accused businessmen, a Mr. Jose Herrera in Spain, just recently. I sent two of my inves-

tigators over there. They found him informative and even willing to submit to a polygraph test to be administered by the Drug Enforcement Agency. Before the interview, the DEA said they were unable to get in contact with Mr. Herrera but wanted to interview him and polygraph him. And my question to the DEA is, if my staff could find him and interview him, why in the world had the DEA not already done it? And I hope that some of my colleagues—and if you don't ask them, I will when we come to the questioning—said they couldn't find this guy and they couldn't question him, and couldn't polygraph him. He told our investigators he would be polygraphed by the DEA and he would be willing to swear under oath that he had nothing to do with the drugs going into Cuba and that it was all done by the Cuban Government and Castro himself.

Since the interview, the DEA has not polygraphed Mr. Herrera and has not even made contact with him. Why? Is it because the Clinton administration is afraid this man is telling the truth and Fidel Castro is involved with drug trafficking? This interview produced hundreds of potential leads for the DEA to followup on, and yet they haven't even talked to him. My staff has received assurances from the DEA that they are in fact doing that, and I hope Mr. Ledwith will confirm this is the case when he answers my questions later on, along with other members of the committee.

This is not the only case that can be made that the Castro regime is neck deep in drug trafficking. It has been reported that since the early 1990's the U.S. attorney in Miami has had, as my colleague Ms. Ros-Lehtinen has said, a draft indictment for drug trafficking ready to go against Raul Castro, Fidel's brother, who is very high in the administration down there.

Under pressure from Janet Reno and the Department of Justice in Washington, the indictment has been put on the shelf since its drafting. This Justice Department has chosen not to pursue it. Once again, we ask why? Is it because the Clinton administration is so tilted toward normalizing relations with Cuba that it does not want to deal with the allegation of drug trafficking by Castro's Cuba? Unfortunately, this seems like the logical conclusion.

Mr. Chairman, if you will indulge me for a minute, I would like to show a DEA surveillance video to all my colleagues, which shows a drug trafficker bragging about faking an emergency landing in Cuba to drop off a load of dope, then getting the royal treatment from the Cuban Government. He was even given a false repair document for his plane, which permitted him to enter the United States after he left Cuba. Now, get that, he landed in Cuba saying he had plane trouble, he dropped off a load of narcotics, he was treated royally, and given false documents saying that the plane was repaired because there were plane troubles, and then he flew to the United States with impunity. This is a fact. Listen to what the man has to say.

[Video played.]

Mr. BURTON. I know that the sound quality was very bad, but for the members who may have any doubts, we will be happy to have you to listen to that more closely in a confined area so that you can hear the words very clearly. But the fact is, the man landed in Cuba, dropped off the drugs, said he had plane trouble, they

gave him phony documents saying the plane was repaired, and he flew on to the United States.

I was provided with this tape only after threatening the DEA with a subpoena. They wouldn't give it to us voluntarily. And, once again, I want the DEA to explain why they are so reluctant to let the Congress of the United States know about things like this, but they did give it to us after we threatened them with a subpoena.

Well, that seems pretty convincing to me but not to the Clinton administration, which has repeatedly claimed there is no evidence of Cuban Government involvement in drug trafficking. My good friend Bob Menendez, a New Jersey Democrat, has said, "in a country where every human rights activist, political dissident, and journalist is followed, that narcotic traffickers can meet without the Cuban Secret Police knowing is a tale from Alice in Wonderland," and I agree with him.

Castro knows, through his block captain system and his secret police, everything that is going on in Cuba. If somebody complains about politics in Cuba, someone in the block knows about it, and those people become political prisoners and go to jail. So it's inconceivable that drugs can be coming in and out of Cuba with him knowing about it or being involved. It is impossible to believe anyone could move that much cocaine through Cuba without his knowledge or at least his willingness to turn a blind eye to the movement in exchange for some of the profit.

The Clinton administration has argued that Cuba does not have the capacity to respond to drug plane overflights or boats entering its territorial waters. That claim is absolutely hollow and ridiculous. Castro has shown his ability to lethally respond to innocent civilians in the past. As Congresswoman Ros-Lehtinen has mentioned, Castro scrambled his MiGs in 1996 to shoot down two unarmed civilian planes in international airspace. American fighter planes were left on the ground and their engines were shut down while Americans were being murdered by Castro's warplanes, and that put the administration in a very uncomfortable position. The President ultimately was forced to sign the Helms-Burton embargo as a response, which he did not want to do. He had told me personally, and told others, that he was going to veto it a number of times. It wasn't until those innocent Americans were shut down that he felt the political pressure and did sign the bill.

Castro has also sent his navy to murder nearly 100 innocent women and children in one incident when it rammed the *13th of March* tugboat and then used fire hoses to flood the deck and sink the boat and drown those women and kids. These were innocent refugees merely fleeing the oppression of his brutal dictatorship. So if he can find those women and kids on a boat, don't tell me he can't find drugs coming in and out of his territorial waters. He knows everything that is going on down there.

What this shows is that Castro has the capacity to respond to boats and planes if he so chooses. Apparently, Castro feels more threatened by innocent women and children telling the world the truth about his dictatorship than he does by allowing drug traffickers to use Cuba as a syringe for injecting drugs into American streets and schoolyards.

My good friend Senator Robert Torricelli, chairman of the Democrat Senatorial Committee, recently said, "the regular use of Cuban airspace and the tracking of drugs through Cuba make it clear Cuba belongs on the majors list. Any decision not to place Cuba on the list would be for purely political reasons."

This is one of the Democrat leaders in the U.S. Senate.

I also agree, it is purely political. The Clinton administration is now in the ironic position of defending Fidel Castro's illicit activities. What the Clinton administration does not realize or chooses to ignore is that by not placing Cuba on the majors list it has, in effect, become an accomplice to Castro's activities. President Clinton is now complicit with every ounce of cocaine which goes through Cuba and ends up on the streets of Chicago, Indianapolis, Baltimore and New York.

President Clinton's decision will impact an entire generation of American children. Even worse is that President Clinton made this decision based on his desire to normalize relations with Fidel Castro, shameless even to many of his fellow Democrats, like Senator Torricelli and Representative Menendez. The Clinton administration needs to be held accountable for this inaction.

And I would like to end by saying what some people have said, why should they be put on the majors list because we can't really do anything to them? The reason they need to be put on the majors list is because they are working with Colombia. The FARC guerrillas down there are in league with Castro. The Marxist FARC guerrillas down there who are working with the drug cartel and bringing billions of dollars worth of drugs in this country through many avenues, are working with Fidel Castro, and so there is a cabal down there involving Fidel Castro and the FARC guerrillas and others.

And one of the things that really concerns me and should concern every Member of Congress and every American is that General McCaffrey has said that there is a major problem in Colombia right now that works with Castro. And the administration was supposed to get, according to McCaffrey, $1 billion in assistance down there to help fight the FARC guerrillas and help the Colombia National Police win that war. Chairman Gilman and myself and Speaker Hastert had to fight for 2 years to get three Blackhawk helicopters and three Hueys down there, and McCaffrey has now seen the light. The President of Colombia has said that they need $3 billion to fight this drug war, and the administration has put absolutely nothing, zero, in their budget to deal with this.

Now, the reason I bring this up—and I am closing, Mr. Chairman—is that they are running those drugs through Cuba. We did not put them on the majors list, and we are not doing anything about the FARC guerrillas and the drug cartel in Colombia that is working in concert with Fidel Castro. So this administration is asleep at the switch. I am very sorry about that. And at least we have made the American people, through this hearing today, a little bit more aware of the situation.

Thank you, Mr. Chairman.

Mr. MICA. I thank the chairman for his testimony.

[The prepared statement of Hon. Dan Burton follows:]

News From...

The Committee on Government Reform

Dan Burton (R-IN), Chairman

Contact Mark Corallo
(202)225-5074

FOR IMMEDIATE RELEASE

Statement of Chairman Dan Burton

Drug Policy Subcommittee
11/17/99

I would like to thank Chairman Mica for holding this very important hearing on Fidel Castro's longstanding participation in international drug trafficking. Unfortunately for the American people, President Clinton has chosen to ignore the facts, and proceed down the trail of normalization with the murderous drug-running Castro dictatorship. Just last week President Clinton refused to put Cuba on the Major's List of drug transiting countries that substantially impact the United States. This is a decision that is clearly rooted in politics rather than determined by the facts.

The stained foreign policy legacy of the Clinton Administration has never been more evident. Clearly, the Clinton Administration has turned its back to American children in order to normalize relations with a brutal dictator who is flooding American streets and school yards with deadly drugs – all the while lining his pockets with illicit drug money. The Clinton legacy will be an entire generation of Americans subjected to dramatically increased drug use as well as record numbers of drug addicts and over-dose deaths. This has already happened in places like Baltimore (where 1 in 17 citizens is addicted to heroin according to the DEA. In August our Government Reform colleague Mr. Cummings told us of the devastating impact it has had on his district in Baltimore). Other places like Chairman Mica's district in Orlando (where over 50 people have died of heroin overdoses this year, many of them teenagers) are needlessly suffering while the Clinton Administration has been asleep at the switch.

All one needs is common sense to see that Fidel Castro's regime has resorted to drug trafficking to fund his sagging economy. It is quite clear to those who have followed Cuba as closely as I have that his brutal dictatorship is in dire straits since the collapse of the Soviet Union and the subsidies it provided to Cuba. Further, the Helms-Burton Embargo has Castro's dictatorship strapped for hard currency. This begs the question, where has Castro turned to subsidize this loss of money? In my opinion, he has turned to drug trafficking and quite possibly money-laundering to prop-up his regime.

There is an abundance of evidence that Castro's regime is involved in drug trafficking. My staff has conducted nearly a yearlong investigation into one particular shipment of drugs seized by the Colombian National Police last December. This investigation has shown the Cuban government was the primary principal behind this shipment of drugs, destined for Havana before it was seized. We believe this shipment may have been heading for the United States via Mexico after it got to Cuba. This 7.2-ton shipment, worth $1.5 billion, was seized in six containers belonging to the Cuban government, and was to be transported to Cuba by a Cuban government-owned shipping company, and was to be opened only in the presence of Cuban government Customs agents.

Fidel Castro has alleged that two Spanish businessmen who were minority partners in the joint-venture company were responsible for this shipment. Castro has also said that since these two were from Spain, the shipment must have been going to Spain.

A perfect setup by a notorious lying dictator. In reality, the Cuban Ministry of Interior, the Cuban intelligence service, assigned two agents to run this company under the Cuban Ministry of Light Industry. It was an operation that proceeded only under the strict control of the Ministry of Interior, including the order of materials in this particular shipment. The two Interior agents were very upset that this shipment was twice delayed in Colombia, and even phoned one of the Spanish businessmen to ask when it would be delivered. After the seizure in Colombia, when the Cuban authorities could have detained the other Spaniard, they sent him back to Spain with a gift for his sick wife without detaining or questioning him about the seizure.

Surprisingly our government has taken Castro's word on the destination of this shipment without question. This is the uncorroborated evidence the DEA will speak of here today. The bottom line is, the White

House chose to take Castro's story, without a shred of evidence, and base their assumptions and Cuba's exclusion from the Major's List on Castro's word…nothing else!

In a letter to Chairman Gilman and myself, the State Department spoke for the DEA saying this shipment was headed for Spain. The DEA had not cleared this letter, and in a DEA letter sent back to State, they said there was no corroborated evidence that this shipment was headed for Spain. The DEA then confirmed to me that it was investigating whether or not there was a Mexican connection. Today, the DEA will reconfirm it has no evidence this shipment was destined for Spain, rather uncorroborated Cuban rhetoric, despite President Clinton's assertions to the contrary in a November 11 letter to Chairman Gilman.

My investigators interviewed one of the accused businessmen, Jose Herrera, in Spain. They found him informative and even willing to submit to a polygraph test to be administered by the DEA. Before the interview the DEA said they were unable to get in contact with Mr. Herrera, but wanted to interview him and polygraph him.

Since the interview, the DEA has not polygraphed Mr. Herrera, and has not even made contact with him. Why? Is it because the Clinton Administration is afraid this man is telling the truth and Fidel Castro is involved with drug trafficking? This interview produced hundreds of potential leads for the DEA to follow-up on. My staff has received assurances from the DEA that they are in fact doing that, I hope Mr. Ledwith will confirm this is the case when he answers my questions later on.

This is not the only case that can be made that the Castro regime is neck-deep in drug trafficking. It has been reported, that since the early 90's, the US Attorney in Miami has had a draft indictment for drug trafficking ready to go against Raul Castro, who is Fidel Castro's brother and a high-ranking Cuban government official. Under pressure from Janet Reno and the Department of Justice in Washington, the indictment has been shelved since its drafting. Once again, I ask why? Is it because the Clinton Administration is so tilted toward normalizing relations with Cuba that it does not want to deal with allegations of drug-trafficking by Castro's Cuba? Unfortunately, this seems like the logical conclusion.

Mr. Chairman, if you will indulge me for a minute, I would like to show a DEA surveillance video tape which shows a drug trafficker bragging about faking an emergency landing in Cuba to drop off a load of dope, then getting the royal treatment from the Cuban government. He was even given false repair documents for his plane, which permitted him to enter the United States after leaving Cuba. I was provided with this tape only after threatening to subpoena it from the DEA. Let's watch the video now please.

Well, that seems pretty convincing to me, but not to the Clinton Administration which has repeatedly claimed there is no evidence of Cuban government involvement in drug trafficking. My good friend, Rep. Bob Menendez, New Jersey Democrat, has said, "In a country where every human rights activist, political dissident and journalist is followed, that narco-traffickers can meet without the Cuban secret police knowing is a tale from Alice in Wonderland."

I agree with my Democrat friend from New Jersey. **CASTRO KNOWS EVERYTHING THAT HAPPENS IN CUBA**. It is impossible to believe anyone could move that much cocaine through Cuba without his knowledge…or at least his willingness to turn a blind eye to the movement in exchange for some of the profit.

The Clinton Administration has argued that Cuba does not have the capacity to respond to drug plane overflights or boats entering its territorial waters. That claim rings hollow. Castro has shown his ability to lethally respond to innocent civilians in the past. For example, Castro scrambled his MiGs in 1996 to shoot down two unarmed civilian planes in International airspace. The Clinton Administration, which left American fighters on the tarmac while Americans were being murdered by Castro's warplanes, was clearly in an uncomfortable position, and ultimately was forced to sign the Helms-Burton embargo as a response.

Castro has also sent his Navy to murder nearly a hundred innocent women and children when it rammed the *13th of March* tugboat, and then used fire hoses to flood the deck and sink the boat. These were innocent refugees merely fleeing the oppression of his brutal dictatorship.

What this shows is that Castro has the capacity to respond to boats and planes if he so chooses. Apparently Castro feels more threatened by innocent women and children telling the world the truth about his dictatorship than he does by allowing drug-traffickers to use Cuba as a syringe for injecting drugs into American streets and schoolyards.

My good friend Sen. Robert Torricelli, Chairman of the Democrat Senatorial Committee, recently said, "The regular use of Cuban air space and the tracking of drugs through Cuba make it clear Cuba belongs on the major's list. Any decision not to place Cuba on the list would be for purely political reasons."

I also agree, it is purely political. The Clinton Administration is now in the ironic position of defending Fidel Castro's illicit activities. What the Clinton Administration does not realize, or just chooses to ignore, is that by not placing Cuba on the Major's List, it has, in effect, become an accomplice to Castro's activities. President Clinton is now complicit with every ounce of cocaine, which goes through Cuba and ends up on the streets of Chicago, Indianapolis, Baltimore and New York.

President Clinton's decision will impact an entire generation of American children. Even worse is that President Clinton made this decision based on his desire to normalize relations with Fidel Castro... shameless even to his fellow Democrats, Sen. Torricelli and Rep. Menendez. The Clinton Administration needs to be held accountable for this inaction.

Thank you Mr. Chairman. With your permission I would like to insert the letters I mentioned into the record, along with a copy of the transcript of the interview, and several news articles, including two by Bob Novak and Oliver North.

Mr. MICA. Mr. Gilman, we do have a vote on, but I think you have about 8 minutes.

Mr. GILMAN. I will try to be brief.

Mr. MICA. We will have another bell warning but you are recognized.

STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. GILMAN. Thank you, Mr. Chairman, and I want to thank our committee for coming together on this important issue. I am pleased to appear with my colleague, Chairman Dan Burton, to address this important issue of Cuba's links to the illicit narcotics trade; and I want to thank your committee, Mr. Mica, for your continued diligent attention to our Nation's drug policy; and I thank our committee staff for their dedicated efforts in fighting drug trafficking.

Last week brought to an end an extraordinary series of events on this important issue. It is a subject which should be of major concern to our entire Nation. All of our communities have been ravaged by illicit drugs transiting here from other nations, through places like Cuba.

On November 10, 1999, the President notified me by letter, as chairman of our International Relations Committee, of his annual determinations on the major drug source and major transit nation list, as required by law. The President, in failing to include Cuba on this majors list, stated, while there have been some reports that trafficking syndicates use Cuban land territory for moving drugs, we have yet to receive any confirmation that this traffic carries significant quantities of cocaine or heroin to the United States, close quote.

The President's list of November 1999 of major transit nations included the nearby Caribbean nations of Haiti, of the Dominican Republic, and Jamaica. The Bahamas were also included on the President's major transiting list.

The State Department International Narcotics Bureau, which has the lead on preparing the recommendations for the majors list, was apparently ignored by the President making this determination. The long overdue inclusion of Cuba as a major drug transit nation, which significantly impacts our own Nation, is once again subject to political considerations.

Incredibly, an official of the State Department tried to explain away the President's failure to include Cuba's involvement in the 7½ metric ton cocaine seizure—7½ tons—we used to worry about a few grams or a few pounds—7½ tons of cocaine seized in northern Colombia last December by stating that since these multi-tons of cocaine never reached this island nation and didn't reach it only because it was seized in Colombia by the police.

After weeks of "lawyer time" and extraordinary legal gymnastics on whether the term "through" means drugs over the skies and in the territorial waters of Cuba, we are once again witnessing a failure of Presidential leadership in the fight against illicit drugs.

Regrettably, our administration has become a cheerleader for the Communist dictatorial regime in Havana. It has not been objective. It has swallowed the Cuban Government's spin, hook, line and

sinker on illicit drugs. It has long been our understanding that the DEA had no evidence to support the conclusion that Spain was the ultimate destination of this 7½ ton drug shipment in question.

What is amazing about this Spain destination idea is that it is the same propaganda and misinformation that the Castro regime in Havana has been promoting since last December. Once that shipment of 7½ tons was determined by Colombian police to be headed for Cuba, could we have expected Castro to say it was headed for the United States? Obviously never. He is a master of disinformation and propaganda, especially when it comes to drugs.

The head of the Spanish National Police informed our committee staff 2 weeks ago in Colombia that Cuba is the only destination that they have been able to determine for this massive shipment of Colombian cocaine, not Spain, as both Mr. Castro and Mr. Clinton allege.

A few things DEA has made clear to our committee, and it might be worth noting these factors for the record, concerning Cuba's rightful inclusion on the majors list are as follows—and I will be brief.

First, the DEA says a massive shipment of 7½ metric tons of cocaine, such as this one in December, does not represent the first time Cuba was used to transit large quantities of drugs. This route would have been tried and tested many times before such a large quantity of drugs were able to be passed through Cuba.

Second, the DEA also makes it clear that any organization moving such a large quantity of illicit drugs is targeting both the United States and Europe, two of the major cocaine markets in the world. A recent DEA case in point involved a major drug trafficking organization that was moving large quantities of cocaine to Europe, as well as Florida and Texas.

Until we get a thorough investigation of this 7½ ton cocaine shipment's ultimate destination, and not distortions and propaganda from the administration along with Castro's government, we should give the benefit of doubt to the communities and children of America and include Cuba on the majors list.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Benjamin A. Gilman follows:]

NEWS International Relations Committee

U.S. House of Representatives * Benjamin A. Gilman, Chairman * 2170 RHOB * Washington, D.C. 20515

DATE: *November 17, 1999* *FOR RELEASE: Immediate* 1199
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GILMAN STATEMENT ON CUBA'S LINKS TO ILLICIT NARCOTICS TRADE

WASHINGTON (Nov. 17) – U.S. Rep. Benjamin A. Gilman (20th-NY), Chairman of the House International Relations Committee, gave the following statement at a hearing of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, on "Cuba's Links to the Illicit Narcotics Trade."

Last week brought to an end an extraordinary series of events on the important question of Cuba's links to the illicit narcotics trade. It is a subject which should be a major concern of our nation and all of our communities ravaged by illicit drugs transiting here from abroad, through places like Cuba.

On November 10, 1999 the President notified me by letter, as Chairman of the International Relations Committee, of his annual determinations on the major drug source and major transit nation list, as required by law. We all know he failed to include Cuba on this major's list, which I note is the largest land mass in the Caribbean, and only 90 miles from our shores.

The list of major transit nations included the nearby Caribbean nations of Haiti, The Dominican Republic, and Jamaica. The Bahamas was also included on the President's major's transiting list.

The State Department International Narcotics Bureau, which has the lead on preparing the recommendations for the majors list, was apparently ignored. The long overdue inclusion of Cuba as a major drug transit nation, which significantly impacts our nation, is once again subject to political considerations.

Incredibly, an official of the State Department tried to explain away the President's failure to include Cuba's involvement in the 7.5 metric ton cocaine seizure in northern Colombia last December by saying that, since these multi-tons of cocaine never reached Cuba, they can't be counted against that nation. The cocaine was destined for this island nation, and didn't reach it only because it was seized in Colombia by the police.

After weeks of "lawyer time" and extraordinary legal gymnastics on whether the term "through" means drugs over the skies and in the territorial waters of Cuba, we have once again witnessed a failure of Presidential leadership in the fight against illicit drugs.

(more)

Our Administration has sadly become a cheer leader for the communist dictatorial regime in Havana. It has not been objective and has swallowed the Cuban government spin, hook, line and sinker on illicit drugs.

It has long been my understanding that the DEA had no evidence to support the conclusion that Spain was the ultimate destination of the 7.5 ton drug shipment in question.

What is amazing about this Spain destination idea is that it's the same propaganda and misinformation that the Castro regime in Havana has been promoting since last December.

Once the shipment of 7.5 tons of cocaine was determined by Colombian police to be headed for Cuba, could we have expected Castro to say it was headed for the USA? Never – and he is the master of disinformation and propaganda.

The head of the Spanish National Police told committee staff two weeks ago in Colombia that Cuba is the only destination that they have been able to determine for this massive load of Colombian cocaine, not Spain as both Castro and President Clinton allege.

A few things DEA has made clear to our committee, and it might be worth noting these factors for the record, concerning Cuba's rightful inclusion on the major's list, are

First, that the DEA says a massive shipment of 7.5 metric tons of cocaine such as the one in December does not represent the first time Cuba was used to transit large quantities of drugs. This route would have been tried and tested many times before such a large quantity of drugs was passed through Cuba.

Secondly, the DEA also makes it clear that any organization moving such a large quantity of illicit drugs is targeting both the USA and Europe, two of the major cocaine markets in the world. A recent DEA case in point involved a major drug trafficking organization that was moving large quantities of cocaine to Europe, as well as Florida and Texas.

Until we get an honest and thorough investigation of this 7.5 ton cocaine shipment's ultimate destination, and not distortions and propaganda from the Administration and Castro, we ought to give the benefit of doubt to the communities and children of America, and include Cuba on the major's list.

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Statement of Chairman Benjamin A. Gilman on Cuba's Links to the Drug Trade
Government Reform and Oversight Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources
November 17, 1999

Mr. Chairman. I am pleased to appear here today along with my colleagues, PARTICULARLY CHAIRMAN DAN BURTON **to address the important issue of Cuba's links to the illicit narcotics trade.** I THANK YOU CHAIRMAN MICA FOR YOUR CONTINUED, DILIGENT ATT'N TO OUR NATION'S DRUG POLICY. AND I THANK OUR COMMITTEE STAFF FOR THEIR DEDICATED EFFORTS IN FIGHTING DRUG TRAFFICKING.

Last week brought to an end an extraordinary series of events on this important ~~question.~~ ISSUE. **It is a subject which should be** OF **a major concern ~~of~~** TO **our nation and all of our communities ravaged by illicit drugs transiting here from abroad, through places like Cuba.**

On November 10, 1999 the President notified me by letter, as Chairman of the International Relations Committee, of his annual determinations on the major drug source and major transit nation list, as required by law. ~~We all know~~ THE PRESS IN FAILING **~~he failed~~ to include Cuba on this major's list, ~~which I note is the largest land mass in the Caribbean, and only 90 miles from our shores.~~**

STATES: "WHILE THERE HAVE BEEN SOME REPORTS THAT TRAFFICKING SYNDICATES USE CUBAN LAND TERRITORY FOR MOVING DRUGS, WE HAVE YET TO RECEIVE ANY CONFIRMATION THAT THIS TRAFFIC CARRIES SIGNIFICANT QUANTITIES OF COCAINE OR HEROIN TO THE UNITED STATES."

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PRESIDENT'S OF NOV. 1999

The list of major transit nations included the nearby Caribbean nations of Haiti, The Dominican Republic, and Jamaica. The Bahamas was also included on the President's major's transiting list.

The State Department International Narcotics Bureau, which has the lead on preparing the recommendations for the majors list, was apparently ignored. The long overdue inclusion of Cuba as a major drug transit nation, which significantly impacts our nation, is once again subject to political considerations.

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After weeks of "lawyer time" and extraordinary legal gymnastics on whether the term "through" means drugs over the skies and in the territorial waters of Cuba, we have once again witnessed a failure of Presidential leadership in the fight against illicit drugs.

Regrettably, Our Administration has ~~sadly~~ become a cheer leader for the communist dictatorial regime in Havana. It has not been objective and has swallowed the Cuban government's spin, hook, line and sinker on illicit drugs.

It has long been ~~my~~ our understanding that the DEA had no evidence to support the conclusion that Spain was the ultimate destination of the 7.5 ton drug shipment in question.

What is amazing about this Spain destination idea, is that it's the same propaganda and misinformation that the Castro regime in Havana has been promoting since last December.

(4)

Once the shipment of 7.5 tons of cocaine was determined by Colombian police to be headed for Cuba, could we have expected Castro to say it was headed for the USA? OBVIOUSLY, Never – [redacted] he is ~~the~~ A master of disinformation and propaganda.

The head of the Spanish National Police ~~told~~ INFORMED our committee staff two weeks ago in Colombia that Cuba is the only destination that they have been able to determine for this massive ~~load~~ SHIPMENT of Colombian cocaine, not Spain as both Castro and President Clinton allege.

A few things DEA has made clear to our committee, and it might be worth noting these factors for the record, concerning Cuba's rightful inclusion on the major's list are:

<u>First</u>, that the DEA says a massive shipment of 7.5 metric tons of cocaine such as the one in December, does not represent the first time Cuba was used to transit large quantities of drugs.

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This route would have been tried and tested many times before such a large quantity of drugs were passed through Cuba.

<u>Secondly</u>, the DEA also makes it clear that any organization moving such a large quantity of illicit drugs is targeting both the USA and Europe, two of the major cocaine markets in the world. A recent DEA case in point involved a major drug trafficking organization that was moving large quantities of cocaine to both Europe, as well as Florida and Texas.

Until we get ~~an honest and~~ A thorough investigation of this 7.5 ton cocaine shipment's ultimate destination, and not distortions and propaganda from the Administration and Castro, we ought to give the benefit of doubt to the communities and children of America, and include Cuba on the major's list.

Thank you.

Mr. MICA. I thank the Chairs of our two full committees for their testimony.

We do have a vote that is under way right now. Why don't we recess the hearing until about 7 minutes after the vote? Then we will reconvene. If everybody could come back, we will be able to ask questions and proceed with this panel and then the second panel.

So this hearing stands in recess.

[Recess.]

Mr. MICA. I would like to call the subcommittee to order.

We will go ahead and seat our second panel and proceed since we do have three witnesses on this panel, and we will have an opportunity, I guess, for some exchange between members, both Mr. Burton and Mr. Gilman, during our regular questioning so we can expedite these proceedings.

Our second panel today consists of Mr. Rand Beers, who is the Assistant Secretary of International Narcotics and Law Enforcement Affairs with the Department of State. Another one of our witnesses is Mr. William E. Ledwith, the Chief of International Operations of the Drug Enforcement Agency. The third witness is Admiral Ed Barrett, he is the Director of the Joint Interagency Task Force East.

I would like to welcome all three panelists. I think some of you have been with us before, and we do swear in our witnesses, other than Members of Congress, and we will do that in just a minute. Also, if you have lengthy statements or information that you would like to make part of the record, we will be glad to do that upon request.

With those opening comments, if you all would please stand, raise your right hands.

[Witnesses sworn.]

Mr. MICA. Witnesses answered in the affirmative.

I would like to welcome back again Mr. Beers, who is the Assistant Secretary of International Narcotics and Law Enforcement Affairs with the Department of State.

Welcome, sir, and you are recognized.

STATEMENTS OF RAND BEERS, ASSISTANT SECRETARY, INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, DEPARTMENT OF STATE; WILLIAM E. LEDWITH, CHIEF OF INTERNATIONAL OPERATIONS, DRUG ENFORCEMENT AGENCY; AND REAR ADMIRAL EDWARD J. BARRETT, DIRECTOR, JOINT INTERAGENCY TASK FORCE EAST

Mr. BEERS. Thank you, sir, Mr. Chairman and other members of the committee, Chairman Burton, Chairman Gilman. It's a pleasure be here. Thank you very much for inviting me to testify today on the issue of Cuba's links to drug trafficking. I welcome this opportunity to discuss our assessments of Cuba's potential as a drug transit country and the administration's decision to continue to identify Cuba as a narcotics trafficking country of concern.

I assure you that we have closely scrutinized the situation in Cuba over the past year. We reached the decision to keep it as a country of concern rather than include it on the majors drug transit list of countries that the President sent to Congress on November 10 after a careful and exhaustive review of all available infor-

mation. Much of this year's decision is based on law enforcement sensitive and intelligence information that, for security reasons, I cannot discuss at this open hearing.

Mr. Chairman, along with my colleagues from DEA and JIATF-East, I would like to address your questions, and I'd be happy to take questions after that.

Cuba has never been on the majors list since Congress enacted this legislation in 1987. The international narcotics control community, however, has long been concerned about Cuba's potential role as a drug transit country, if for no other reason than that the potential is high because Cuba's geography places it on a direct line between the drug export centers in Colombia and many of the importation gateways in the southeast United States. The information available to us, however, indicates that Cuba has not emerged as a major drug transit country where narcotics trafficking would have a significant effect on the United States despite our concerns.

The December 1998 seizure of 7.2 metric tons of cocaine from several containers in Cartagena, Colombia, caused us to re-examine carefully our assessment of Cuba's potential role in the drug trade. Information at that time indicated that the containers were to be rerouted through Jamaica to Havana.

If we knew that such a shipment was ultimately destined for the United States, that information would have influenced our decision concerning Cuba's role as a transit country.

The information we acquired about this case, however, has not borne this out. While we cannot state with absolute certainty where the shipment was ultimately destined, the preponderance of information indicates that it was destined for Spain. This is the conclusion of an all-source interagency assessment we have requested from the intelligence and law enforcement communities about all aspects of this case. They have not changed this conclusion, even after reviewing the deposition of a suspect in this case recently provided by congressional staff investigators in Spain. Furthermore, our information reveals no high-level Government of Cuba complicity in this foiled smuggling operation.

We have not limited our examination of Cuba's role in the drug trade to this one case, however. The State Department has requested and received a series of reports about smuggling operations in this region. The reporting shows the following.

We are unaware of significant quantities of drugs transiting Cuba's land mass. The drugs that do arrive in Cuba appear to be mostly for a growing indigenous and tourist market.

We have tracked a relatively small number of suspect drug-laden aircraft over Cuba in 1999, a total of nine through September. None of them delivered drug shipments directly to the United States. Most, we believe, were dropped off—dropping off their loads in international waters to be recovered by go-fast boats. We based this assessment mostly on the airplane flight profiles, not because we could always confirm how many—how large a drug shipment was on board.

We have detected an even smaller number of drug smuggling boats, five go-fasts, using Cuba's territorial waters in 1999. All the boats probably originated in Jamaica, and there is no information that they intended to be put ashore in Cuba.

This is a much lower level of activity than we saw in 1998 when, for instance, some 27 suspect smuggling flights crossed Cuba in the same January to September timeframe.

We are concerned about these operations but do not believe that they currently reflect the level and nature of activity that warrants putting Cuba on the list of major drug transit countries. Most of the incidents are suspected, not confirmed, drug operations. Unlike the case in all other transit countries, traffickers appear not to be using Cuba proper in any way to facilitate the smuggling of drug shipments to the United States. Less than 9 tons of cocaine are estimated to have entered Cuba's airspace and territorial seas in this regard from January through September 1999, 60 percent less of the estimated 15 tons that entered Cuba's airspace and territorial seas during the same period in 1998. Moreover, the 1999 estimate is a fraction of what has arrived in every other transit corridor during the same period.

In short, the administration concluded that Cuba did not meet the legislative mandated standard for a major drug transit country that is defined in section 481 of the Foreign Assistance Act.

Let me turn next to the steps by the Cuban Government to assess this threat.

The Government of Cuba has limited, and we believe diminishing, resources to address the overflight and maritime smuggling threats. We have seen no evidence that the government regularly tries to intercept drug smuggling flights, and we are not encouraging or supporting them to do so. That said, we believe it is in our interest to work more closely with Cuba in maritime interdiction operations, including operations that disrupt the retrieval of air-dropped drugs.

Cuba's principal drug interdiction organization, the Border Guard, appears committed to supporting maritime drug interdiction efforts when it has enough resources and information to operate effectively. For instance, the Coast Guard and the Cuban Border Guard have exchanged dozens of telexes this year in an attempt to identify suspect smuggling operations and make seizures. Such exchanges resulted in at least two seizures we are aware of by the Government of Cuba earlier this year, the seizure of a 3,300 pound marijuana suspect vessel and the arrest of three smugglers in January; the seizure of 1,200 pounds of marijuana from a go-fast boat in March.

Our counternarcotics objective is to facilitate drug interdiction efforts around Cuba and to prevent the island from becoming a major drug transit center to the United States. As members of this committee are aware, we are currently exploring some modest steps to achieve these goals.

For instance, we have proposed to the Government of Cuba that we upgrade the current telex link between the United States Coast Guard District Headquarters in Miami and the Cuban Border Guard to a voice link to facilitate more timely exchanges of information. We have also proposed adding extra frequencies for safety and security purposes over which Coast Guard and Cuban Border Guard boats can communicate when conducting coincidental counternarcotics and search and rescue operations in the region. The Cubans have responded favorably to these proposals, and we are

currently examining next best steps in light of the international and domestic laws that govern how exchanged information can be used.

In every respect, our counternarcotics decisions regarding Cuba are intended to comply with domestic and international laws and our broad drug objectives in the region.

Thank you very much.

[The prepared statement of Mr. Beers follows:]

Statement of Rand Beers
Assistant Secretary of State
Bureau for International Narcotics and
Law Enforcement Affairs

Before the
House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources

November 17, 1999

Mr. Chairman, Members of the Committee:

Thank you for inviting me to testify today on the issue of "Cuba's Links to Drug Trafficking." I welcome this opportunity to discuss our assessment of Cuba's potential as a drug transit country and the Administration's decision to continue to identify Cuba as a narcotics trafficking country of concern. I assure you that we have closely scrutinized the situation in Cuba over the past year. We reached the decision to keep it as a country of concern rather than include it on the list of major drug-transit countries the President sent to Congress on November 10 after a careful and exhaustive review of all the available information. Much of this year's decision is based on law enforcement sensitive and intelligence information that, for security reasons, I cannot discuss at this open hearing.

Mr. Chairman, along with my colleagues from the Drug Enforcement Administration and JIATF-East, I would like to address the questions you raised in your letter of invitation. I will then be happy to take questions.

Turning first to the nature and extent of the drug threat from Cuba and their bearing on the Administration's decision not to place Cuba on the "majors list."

Cuba has never been on the "majors list" since Congress enacted this legislation in 1987. The international narcotics control community, however, has long been concerned about Cuba's potential role as a drug transit country. If for no other reason, the potential is high because Cuba's geography places it on a direct line between the drug export centers in Colombia and many of the importation gateways in the southeast United States. The information available to us, however, indicates that Cuba has not emerged as a major drug transit country where narcotics trafficking would have a significant effect on the United States, despite our concerns.

The December 1998 seizure of 7.2 tons of cocaine from several containers in Cartagena, Colombia caused us to reexamine carefully our assessment of Cuba's potential role in the drug trade. Information at that time indicated that the containers were to be routed through Jamaica to Havana. If we knew that such a shipment were ultimately destined for the United States, that information would have influenced our decision concerning Cuba's role as a transit country. The information we have acquired about this case, however, has not borne this out. While we cannot state with absolute certainty where

that shipment was ultimately destined, the preponderance of information indicates that it was destined for Spain. This is the conclusion of an all-source interagency assessment we requested from the intelligence and law enforcement communities about all aspects of this case. They have not changed this conclusion even after reviewing the deposition a suspect in this case recently provided to Congressional staff investigators in Spain. Furthermore, our information reveals no high-level Government of Cuba complicity in this foiled smuggling operation.

We have not limited our examination of Cuba's role in the drug trade to this one case, however. The State Department has requested and received a series of reports about smuggling operations in this region. The reporting shows the following:

- We are unaware of significant quantities of drugs transiting Cuba's landmass. The drugs that do arrive in Cuba appear to be mostly for a growing indigenous and tourist market.

- We have tracked a relatively small number of suspected drug-laden flights over Cuba in 1999--a total of nine through September. None of them delivered drug shipments directly to the United States; most, we believe, dropped their loads in international waters to be recovered by go-fast boats. We based this assessment mostly on the airplanes' flight "profiles," not because we could always confirm that drugs were on board.

- We have detected an even smaller number of drug-smuggling boats--five "go-fasts"--using Cuba's territorial waters in 1999. All the boats probably originated in Jamaica and there is no information that they intended to put ashore in Cuba.

- This is a much lower level of activity than we saw in 1998 when, for instance, some 27 suspect smuggling flights crossed Cuba in the same January to September time frame.

We are concerned about these operations but do not believe that they currently reflect the level and nature of activity that warrants putting Cuba on the list of major drug transit countries. Most of the incidents are suspected, not confirmed, drug operations; and, unlike the case in all other transit countries, traffickers appear not to be using Cuba proper in any way to facilitate smuggling of drug shipments to the United States. Less than nine tons of cocaine are estimated to have entered Cuba's airspace and territorial seas in this regard from January through September 1999, approximately 60 percent of the estimated 15 tons that entered Cuba's airspace and territorial seas during the same period in 1998. Moreover, the 1999 estimate is a fraction of what has arrived in every other transit corridor during the same period. In short, the Administration concluded that Cuba did not meet the legislatively-mandated standard for a major drug transit country that is defined in Section 481 of the Foreign Assistance Act as amended as "a country (1) that is a significant direct source of illicit narcotics or psychotropic drugs or other controlled substances significantly affecting the United States; or (2) through which are transported such drugs or substances."

We nevertheless remain vigilant of Cuba's potential; we do not want it to become a

significant and favored trafficking route to the United States. Accordingly, the Administration continues to identify Cuba as a "country of concern." This designation's meaning is simple and clear: we will continue to monitor drug smuggling activity in and around Cuba as closely as possible and, every year, will re-evaluate our decision as to whether it should be on the majors list.

Let me turn next to the steps by the Government of Cuba to address the drug threat.

The Government of Cuba has limited, and we believe diminishing, resources to address the overflight and maritime smuggling threats. We have seen no evidence that the Cuban government regularly tries to intercept drug smuggling flights and we are not encouraging them or supporting them to do so. That said, we believe it is in our interest to work more closely with Cuba in maritime interdiction operations, including operations that disrupt the retrieval of air-dropped drugs. Cuba's principal drug interdiction organization, the Border Guard, appears committed to supporting maritime drug interdiction efforts when it has enough resources and information to operate effectively. For instance, the U.S. Coast Guard and the Cuban Border Guard have exchanged dozens of telexes this year in an attempt to identify suspect smuggling operations and make seizures. Such exchanges resulted in at least two seizures we are aware of by the Government of Cuba earlier this year: the seizure of 3,300 pounds of marijuana, a suspect vessel and the arrest of three smugglers in January; and the seizure of 1,200 pounds of marijuana from a go-fast boat in March.

Outlook

Our counternarcotics objective is to facilitate drug interdiction efforts around Cuba and to prevent the island from becoming a major drug transit center to the United States. As members of this committee are aware, we are currently exploring some modest steps to achieve these goals. For instance, we have proposed to the Government of Cuba that we upgrade the current telex link between the USCG District 7 Headquarters in Miami and the Cuban Border Guard to a voice link to facilitate more timely exchanges of information. We have also proposed adding extra frequencies, for safety and security purposes, over which U.S. Coast Guard and Cuban Border Guard boats can communicate when conducting coincidental counternarcotics and search and rescue operations in the region. The Cubans have responded favorably to these proposals, and we are currently examining next steps in light of international and domestic laws that govern how exchanged information can be used.

In every respect, our narcotics control decisions regarding Cuba are intended to comply with domestic and international laws and our broad drug control objectives in the region.

Mr. MICA. Thank you. And we will recognize now Mr. William E. Ledwith, who is Chief of International Operations with the Drug Enforcement Agency. You are welcome and you are recognized, sir.

Mr. LEDWITH. Good morning, sir. Chairman Mica, Chairman Burton, Chairman Gilman, and members of the subcommittee, thank you for the opportunity to appear before you today. And as always, thank you for your continued support of drug law enforcement.

The subcommittee today is hearing testimony in Cuba's link to drug trafficking. DEA's mission is to protect American citizens from drug traffickers by enforcing the drug laws of the United States. A major means of accomplishing this mission is DEA's ability to target the command and control of the most significant international drug trafficking organizations operating in the world today. Several of these organizations smuggle their poison into the United States through the Caribbean. A portion of this smuggling transits Cuban waters or airspace by virtue of its geographic proximity between the source zone countries and the United States.

The subcommittee is interested in DEA's knowledge of any steps taken by the Cuban Government to counter the drug trafficking threat. This is difficult to assess because DEA has no office in Cuba and no established liaison with Cuban law enforcement authorities. Cuba has counternarcotics agreements with several other nations, but no such treaties with the United States. Cuba does work occasionally on a case-by-case basis with United States law enforcement and interdiction agencies.

As a law enforcement agency, the DEA does not make recommendations whether to certify or not to certify countries for cooperation in counterdrug efforts. We do, however, annually provide to the Attorney General factual summaries and our objective assessment of a country's law enforcement capability to combat international drug trafficking.

As to the nature and extent of the drug threat from Cuba, Cuba lies in a direct air and maritime path from South America to Florida. As Cuba expands its foreign trade relations, its territory will become more vulnerable to exploitation by international criminals seeking to establish new bases of operations for illegal activities, including drug trafficking. Understanding these changes in trafficking trends is vital in order to take effective measures to stem the flow of drugs.

While Cuba's performance in interdicting narcotics has been mixed, the Cuban Government has recently strengthened agreements with several governments, including the United Kingdom, Italy, the Bahamas, and France, as well as the United Nations International Drug Control Program, the UNDCP. Although Cuban authorities, on occasion, have arrested individual drug traffickers, historically the Cuban Government was not aggressive in responding to incursions by these traffickers into their territorial waters and airspace. Cuba has argued that it lacks "naval means," and other resources to patrol all of its airspace and territorial waters while at the same time it does not routinely permit United States interdiction assets to enter its territory.

It is important to understand that much of our information regarding drug arrests and seizures by Cuban authorities has been

gleaned through international media sources as well as other law enforcement agencies, which is a result of not having a presence of the DEA in Cuba. Therefore, we have no formal contacts with Cuban authorities and we cannot independently corroborate much of the reporting on alleged Cuban involvement in drug trafficking.

The most recent case related to Cuba is the Colombian National Police seizure of some 7.2 metric tons of cocaine in Cartagena, Colombia, on December 3, 1998. Allow me to clarify for the subcommittee the limited extent of the information currently available to the DEA in this case. This seizure is part of a very active investigation being aggressively conducted by the Colombian National Police, the Spanish National Police, and the Drug Enforcement Administration.

Currently, DEA has no information to suggest that the shipment of 7.2 metric tons of cocaine was destined for the United States. Limited and as yet uncorroborated information indicates that the cocaine was bound for Spain. This information includes previous bills of lading for the containers, previous movements of the merchant vessel, Cuban police examination of containers in Havana that contained false walls, and the Cuban authorities' seizure of $107,000 equivalent in United States and Spanish currency in one of the containers.

At this stage of the investigation, DEA has no evidence regarding the final destination of the cocaine-laden containers beyond Cuba. Our best assessment of all available information currently indicates that Spain was the most likely destination for the cocaine shipment after it reached Cuba.

We are certain that the shipment was intended for Cuba as an intermediary stop. At this time, DEA has no evidence indicating that high-ranking officials in the Cuban Government were complicit in this shipment. The drugs were well enough concealed that Cuban officials might not have become aware of their presence had the shipment not been seized in Cartagena.

In conclusion, DEA will continue to evaluate the challenge of drug law enforcement posed by the constantly changing dynamics of the international drug trade in the Caribbean. A striking feature of the trade is the drug trafficker's ability and resourcefulness to respond and adapt to law enforcement operations. However, DEA continues to develop and implement flexible responses to this threat as evidenced by our most recent success in Operation Millennium and Columbus.

Operation Millennium targeted the heads of a major Colombian drug trafficking network, resulting in 42 indictments, 32 arrests, of which 31 defendants are currently awaiting extradition from Colombia to the United States in the seizure of over 13 metric tons of cocaine. In Operation Columbus, law enforcement agencies in 15 Caribbean countries, in concert with DEA, combined to disrupt drug trafficking in their region, resulting in over 1,200 arrests.

These operations underscored DEA's ability to coordinate sophisticated international drug enforcement operations, resulting in the arrests of some of the most powerful narcotics traffickers operating in the Colombian or Caribbean Islands today. In similar fashion, DEA continues to aggressively pursue all investigative leads arising out of bilateral investigations in Colombia and Spain regarding

the subject seizure of 7.2 metric tons of cocaine that occurred in Cartagena.

As always, Mr. Chairman, I appreciate the opportunity to appear before you. I appreciate the interest that you and the subcommittee have continuously showed in DEA and drug law enforcement. I will gladly answer any questions that you may have, sir.

[The prepared statement of Mr. Ledwith follows:]

Remarks by

William Ledwith

Chief of International Operations
Drug Enforcement Administration
United States Department of Justice

before the

House Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy, and Human Resources

regarding

Cuba's Links to Drug Trafficking

Room 2154
Rayburn House Office Building
United States House of Representatives
Washington, D.C.
November 17, 1999

NOTE: This is the prepared text and may not reflect changes in actual delivery

Statement of William E. Ledwith
Chief of International Operations
Drug Enforcement Administration
November 17, 1999

Chairman Mica and members of the subcommittee, thank you for the opportunity to appear before you today and as always, thank you for your continued support of drug law enforcement. The subcommittee is today hearing testimony on Cuba's links to drug trafficking.

DEA's mission is to protect American citizens from drug traffickers by enforcing the drug laws of the United States. A major means of accomplishing this mission is DEA's ability to target the command and control of the most significant international drug trafficking organizations operating in the world today. Several of these organizations smuggle their poison into the United States through the Caribbean. A portion of this smuggling transits Cuban waters or air space by virtue of its geographic proximity between the source zone countries and the United States.

The subcommittee is interested in DEA's knowledge of any steps taken by the Cuban government to counter the drug trafficking threat. This is difficult to assess because DEA has no office in Cuba and no established liaison with Cuban law enforcement authorities. Cuba has counternarcotics agreements with several other nations, but no such treaties with the United States. Cuba does work, on a case by case basis, with U.S. law enforcement and interdiction agencies.

As a law enforcement agency, the DEA does not make recommendations whether to certify or not to certify countries for cooperation in counter drug efforts. We do however, annually provide to the Attorney General factual summaries and our objective assessment of a country's law enforcement capability to combat international drug trafficking.

The nature and extent of the drug threat from Cuba

Cuba lies in a direct air and maritime path from South America to Florida. As Cuba expands its foreign trade relations, its territory will become more vulnerable to exploitation by international criminals seeking to establish new bases of operations for illegal activities, including drug trafficking. Understanding these changing trafficking trends is vital in order to take effective measures to stem the flow of drugs.

While Cuba's performance in interdicting narcotics has been mixed, the Cuban Government has recently strengthened agreements with several governments – including the United Kingdom, Italy, the Bahamas, and France – as well as the United Nations office of Drug Control Policy (UNDCP). Although Cuban authorities on occasion have arrested individual drug traffickers, historically, the Cuban government was not aggressive in responding to incursions by these traffickers into Cuban territorial waters

and airspace. Cuba has argued that it lacks the "naval means" and other resources to patrol all of its airspace and territorial waters while at the same time it does not routinely permit U.S. interdiction assets to enter its territory.

It is important to understand that much of our information regarding drug arrests and seizures by Cuban authorities have been gleaned through international media sources as well as other foreign law enforcement agencies which is a result of not having a presence in Cuba. Therefore, we have no formal contacts with Cuban authorities and we cannot independently corroborate much of the reporting on alleged Cuban involvement in drug trafficking.

The most recent case related to Cuba is the Colombian National Police (CNP) seizure of 7.2 metric tons of cocaine in Cartagena, Colombia on December 3, 1998. Allow me to clarify for the subcommittee the limited extent of the information currently available to the DEA on this case. This seizure is part of an active investigation being aggressively conducted by the CNP, Spanish National Police (SNP) and the DEA.

Currently, DEA has no information to suggest that this shipment of 7.2 metric tons of cocaine was destined for the United States. Limited and as yet uncorroborated information indicates that the cocaine was bound for Spain. This information includes previous bills of lading for the containers; previous movements of the merchant vessel; Cuban police examination of containers in Havana that contained false walls; and the Cuban authorities seizure of $107,000.00 in Spanish currency in one of the containers. At this stage of the investigation, DEA has no evidence regarding the final destination of the cocaine-laden containers beyond Cuba. Our best assessment of all available information currently indicates that Spain was the most likely destination for the cocaine shipment after it reached Cuba. We are certain that the shipment was intended for Cuba as an intermediary stop.

At this time, DEA has no evidence indicating that high ranking officials of the Cuban government were complicit in this shipment. The drugs were well enough concealed that Cuban officials might not have ever become aware of their presence, had the shipment not been seized in Cartagena.

In conclusion, DEA will continue to evaluate the challenge to drug law enforcement posed by the constantly changing dynamics of the international drug trade in the Caribbean. A striking feature of the trade is the drug traffickers ability and resourcefulness to respond and adapt to law enforcement operations. However, DEA continues to develop and implement flexible responses to this threat as evidenced by our most recent success in Operations Millennium and Columbus. These operations underscore DEA's ability to coordinate sophisticated, international drug enforcement operations resulting in the arrests of some of the most powerful narcotics traffickers operating in Colombia and the Caribbean Islands. In similar fashion, DEA continues to aggressively pursue all investigative leads rising out of bilateral investigations in Colombia and Spain regarding the seizure of 7.2 metric tons of cocaine.

As always, Mr. Chairman, I appreciate the opportunity to appear before you. I appreciate the interest you and the subcommittee have shown in DEA and in drug law enforcement. I will gladly answer any questions you may have.

Mr. MICA. Thank you. We will hold our questions until we have heard from our final witness, Admiral Ed Barrett, Director of the Joint Interagency Task Force East.

You are welcomed and you are recognized, sir.

Admiral BARRETT. Good morning, Mr. Chairman and subcommittee members.

JIATF East was created in 1994 as a result of PDD 14, which ordered a review of the Nation's command, control, and intelligence centers involved in international counterdrug operations. Our organization of approximately 300 people includes representatives from all five military services including the U.S. Coast Guard, several law enforcement agencies such as Customs, DEA, and FBI, and agencies from the intel community including CIA, DIA, and NSA.

We are working hard to internationalize the drug fight and also have several foreign liaison officers that work with us in Key West from the U.K., the Netherlands, France, Argentina, Brazil, Colombia, Ecuador, Peru, and Venezuela. We work directly for General Wilhelm, the Commander in Chief of the U.S. Southern Command.

In April 1999, JIATF South from Panama was merged with JIATF East in Key West, and we assumed responsibility for counterdrug planning and operations for the entire Southern Command area of responsibility, which include both the source zone and the transit zone. To date, in calendar year 1999, JIATF East has directly supported the seizure of over 45 metric tons of cocaine and over 3 metric tons of marijuana with a street value totaling $681 million.

I have been asked to comment and provide information on trafficking information. If you would look at the posters to your right, please, this data is from the Interagency Counterdrug Performance Assessment Working Group data base, and I am talking here, first of all, about just noncommercial air. We have seen a dramatic drop in noncommercial air flights over Cuban airspace in the last year. It was a major problem in 1997 and 1998, as you can see from the statistics.

Next slide, please.

This basically shows the historical tracks that we followed from 1997 and 1998. There were many tracks over Cuba which dropped cocaine north of Cuba right between the 12-mile territorial limit in the international waters and then on up into the Bahamas.

Next slide, please.

This shows the change to 1999 and it is through November 15th of this year. Basically, I think there were two things that happened here. We had excellent end-game success north of Cuba, great cooperation between DEA of Operation Bahamas, Turks and Caicos (OBAT), the Coast Guard in the Seventh District, and Customs in Florida. Working together, we had several seizures there north of the Cuban territorial waters. The second issue is that the drug traffickers will take the course of least resistance, and that is currently Haiti.

Next slide, please.

I will shift now to noncommercial maritime——

Mr. MICA. Could you go back just a second? I want to make sure that everyone sees that. Could the gentleman point out just for the benefit of our panel, the subcommittee, Cuba. And then you just

testified that the bulk of these flights are detected through Haiti; is that correct?

Admiral BARRETT. That's correct, sir.

Sir, the flights are going to Haiti, dropping drugs in Haiti or landing in Haiti, and then returning to South America.

Mr. MICA. Thank you.

Admiral BARRETT. I want to talk now about noncommercial maritime, or go-fasts. We saw a marked increase in go-fast tracks in 1999, particularly originating in the Jamaica area and going up through the Windward Passage to the Bahamas.

Next slide, please.

I did not have the information for 1997, but this gives you an idea of where we had go-fast detections in 1998. There were a few along the southern coast of Cuba and one along the northern coast.

Next slide, please.

Basically, after we analyzed the increase in go-fast tracks in the Windward, the majority of those were marijuana shipments from Jamaica up into the Bahamas. About 80 percent of the total go-fast tracks were actually marijuana. We had seizures of two cocaine go-fasts in the Windward, and, as was previously mentioned, there were two marijuana seizures that we are aware of from the Cuban Border Guards, and there were several loads of marijuana that were dumped because of law enforcement assets in the Windward.

In summary, at JIATF East we have seen little indication that cocaine traffickers are using Cuba as a transshipment point. What we have seen is noncommercial air and maritime suspect tracks flying over Cuba or skirting the territorial waters en route to the Bahamas and the southeast United States.

That concludes my statement, sir. Thank you.

[The prepared statement of Admiral Barrett follows:]

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STATEMENT OF

REAR ADMIRAL EDWARD J. BARRETT, UNITED STATES NAVY

DIRECTOR, JOINT INTERAGENCY TASK FORCE EAST

BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

ON
CUBA'S LINK TO DRUG TRAFFICKING

17 NOVEMBER 1999

Good morning Mr. Chairman and Committee Members, I am Rear Admiral Edward J. Barrett, Director of Joint Interagency Task Force (JIATF) East in Key West, Florida.

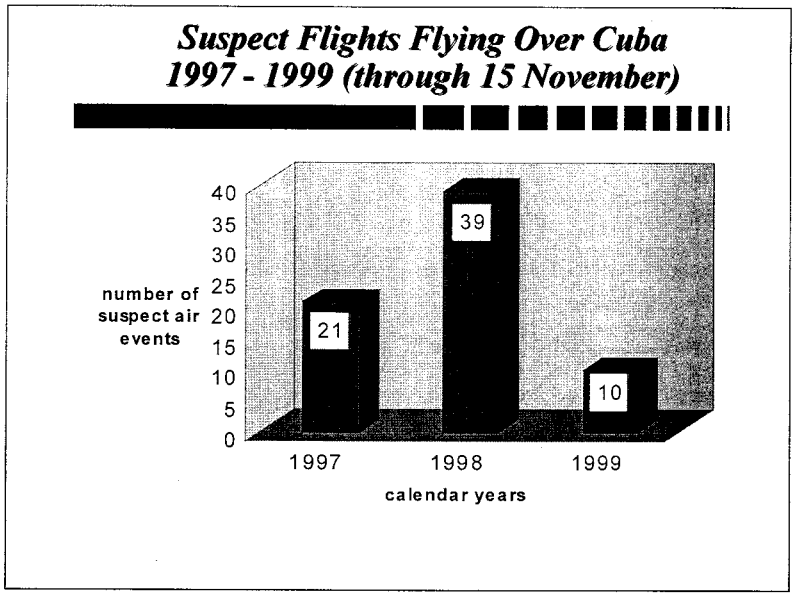
JIATF East was created in 1994 as a result of Presidential Decision Directive 14, US policy on international counter narcotics in the Western Hemisphere. Our organization of approximately 300 people includes representatives from all five military services, several law enforcement agencies and agencies from the intelligence community. We also have liaison officers from Great Britain, the Netherlands, France, Argentina, Brazil, Colombia, Ecuador, Peru and Venezuela working at JIATF East. The result is an integrated international task force organized to recognize the force multiplier effect of the various agencies and countries involved.

For command and control, JIATF East works directly for General Charles E. Wilhelm, the Commander in Chief (CINC), United States Southern Command. Our mission statement includes the essential tasks of detection and monitoring; the coordination of counterdrug operations; the implementation of the CINC's engagement plan and supporting our country teams. In April 1999, JIATF South from Panama was merged with JIATF East in Key West and JIATF East assumed responsibility for

counterdrug planning and operations for the entire Southern Command area of responsibility, which includes the source and transit zones.

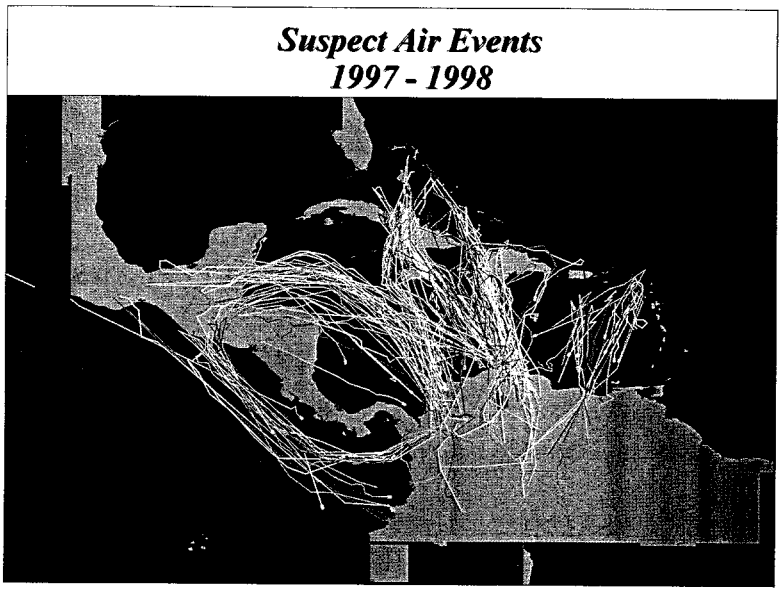
During CY99, JIATF East has directly supported the seizure of over 45 metric tons of cocaine and over 3 metric tons of marijuana with a street value of $681 million.

I have made up several slides to provide information on the air and maritime suspect tracks around Cuba.



This slide depicts suspect air tracks, 1997 through 1999 (as of 15 November), over-flying Cuba for the purpose of evading

pursuit aircraft. You can see from the chart that the problem has diminished recently.

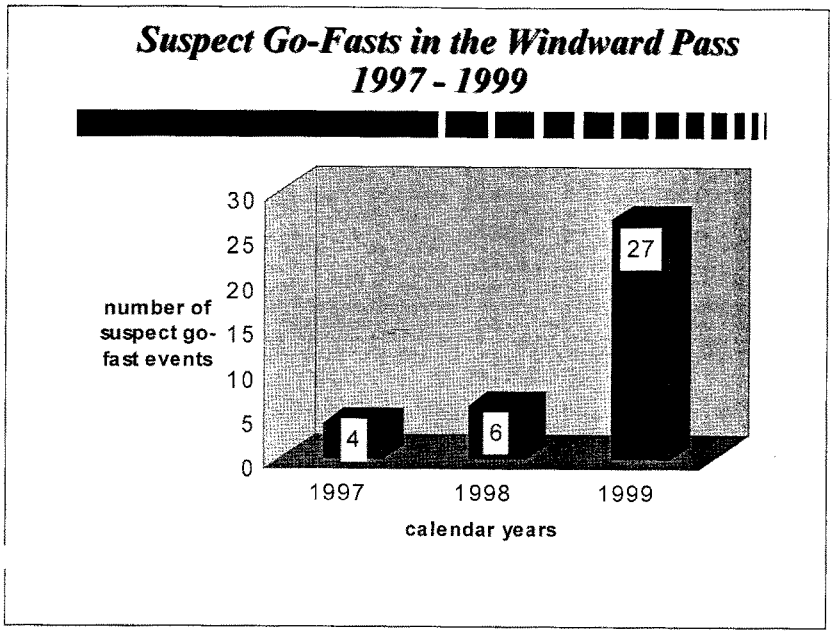


This slide portrays the historical air trafficking routes we observed in 1997 and 1998. Note the volume of traffic over-flying Cuba to drop in Cuban territorial or Bahamian waters.

In 1999, we still see the same historical route being used, but to a much lesser extent. End games north of Cuba have been very effective this year:

- 8 estimated successful deliveries of 500 kgs cocaine each, however, at a cost of:
  - 3 aircraft seized and/or destroyed
  - 1 go-fast seized
  - 4 persons arrested

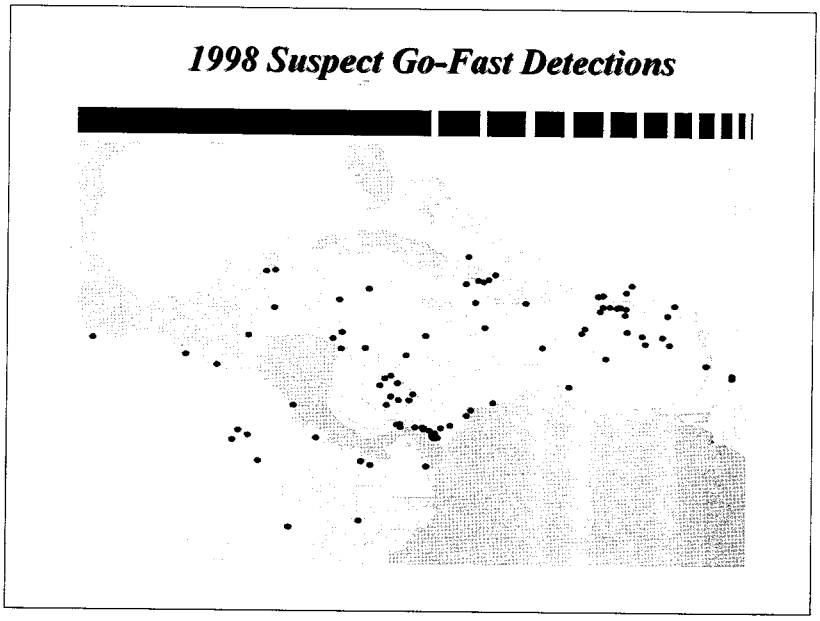
- 2 seizures of 464 kgs cocaine and 977 kgs cocaine, respectively
  - 1 aircraft seized and/or destroyed
  - 6 go-fast vessels seized
  - 7 persons arrested



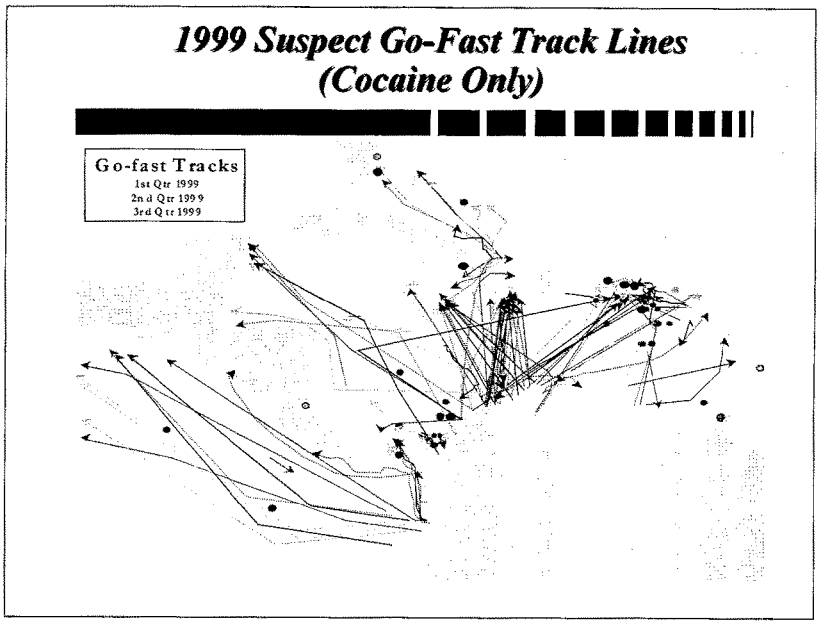
Now let me turn your attention to suspect go-fast events. In 1997 and 1998, we spent little time searching the windward pass between Cuba and Hispanola. In 1999, we began to detect go-fast boats departing Jamaica, transiting the windward for delivery of drugs to the Bahamas and southeast United States. We have successfully interdicted many of these go-fasts, and most have been marijuana shipments. This observed increase in the number of suspect go-fast is primarily due to increased operational presence in the Windward. Our intelligence

assessment is that this volume of traffic has existed for many years, and we only see it because we are there looking.

CY	EVENTS	ENTERED TTW/NOTIFIED CU BORDER GUARDS	CU BORDER GUARD RESPONDED	OUTCOME OF CU RESPONSE	CONFIRMED AS COCAINE
1997	4	2	2	SEIZED 1 (MJ)	0
1998	6	3	3	SEIZED 3 (MJ)	0
1999	27	15	11	SEIZED 2	2



This slide shows where our forces detected go-fasts. We did detect a small number south (4) and north of Cuba (1). In 1998, you can see that the numbers of events in/around Cuba is very small when compared to other areas in the transit zone.



In 1999, one sees an increase in the amount of go-fasts departing the north coast of Colombia and transiting due north, principally to Haiti and Jamaica. Again, some historically use the Windward pass to deliver drugs to the Bahamas and Southeast United States.

In summary there is little indication to suggest that cocaine traffickers use Cuba as a transshipment point for markets in the United States. Almost all cocaine headed for this market bypasses Cuba via other routes, typically Mexico, Central America, Haiti, and Puerto Rico. Because Cuba is geographically located along the north-south axis between the cocaine-producing southern hemisphere and the United States, low level cocaine movements, typically by noncommercial air and maritime, skirt around or over Cuba for other Caribbean destinations on its way to the United States.

Mr. MICA. Thank you.

Admiral, you just testified that you seized a total of 45 metric tons of cocaine. Is that in fiscal year 1999 or is that a full year?

Admiral BARRETT. Calendar year 1999, sir.

Mr. MICA. So far?

Admiral BARRETT. Yes, sir, that's correct.

Mr. MICA. So the shipment which was seized in Cartagena, bound for Cuba, would be about 20 percent?

Admiral BARRETT. I think that occurred in 1998, sir.

Mr. MICA. I am just saying in sheer volume, 7.2 metric tons is almost 20 percent of what you seized in 1 year; is that correct?

Admiral BARRETT. Seven tons is a very large shipment.

Mr. MICA. And I heard our DEA representative, Mr. Ledwith, also testify—did you say that the Cuban authorities detected another container in Cuba with some drug residue and money or something like that? I didn't catch all of your testimony.

Mr. LEDWITH. Sir, you are correct. Subsequent examination, as told to us through the Colombian intermediaries—we are unable to deal directly with the Cubans—indicated that they subsequently examined containers in Cuba after the seizure was made in Cartagena, discovered false compartments with Spanish money and a total of approximately $107,000 United States equivalent, as well as some cocaine residue. That is correct, sir.

Mr. MICA. And that container was different from the one that was seized in Cartagena?

Mr. LEDWITH. That is correct, sir.

Mr. MICA. But not linked with the same firm or linked to the same firm?

Mr. LEDWITH. Linked to the same firm, but different from the container seized in Cartagena. That container remained in Cartagena.

Mr. MICA. What is particularly disturbing about the 7.2 metric tons, which is 7½ tons as we know it, is that it doesn't appear—first of all, like a one-time or experimental shipment. The quantity is huge when you consider the Admiral said in an entire fiscal year they have gotten 25 tons. That's 25 percent of it, and you are telling me that the Cubans are saying there were other containers that may have held significant amounts of cocaine.

Is that correct?

Mr. LEDWITH. Sir, what I am saying is there were other containers found and examined subsequently, according to Cuban officials, that had hidden compartments in them. And one, in fact——

Mr. MICA. No cocaine, just traces?

Mr. LEDWITH. No, sir, no cocaine.

Mr. MICA. Well, again, 20 percent and we double that, you are looking at some significant traffic.

I don't know what you would consider major. The administration doesn't consider it major trafficking—whether it is going to Spain, and we are not able to tell what its final destination was.

Mr. Ledwith, you also testified that this is an open, active case with DEA and, I think you testified, with the Spanish National Police; is that correct?

Mr. LEDWITH. That's correct, sir.

Mr. MICA. Our staff, who were there recently, informed me—and correct me if I am wrong, staff—but the Spanish National Police considered this case closed? We have had two staffers talking with them as recently as the last week, so that doesn't seem to jibe.

The other thing that disturbs me is DEA says that there have been occasional—well, actually the Department of State says there is—Cuba does work occasionally with our law enforcement officials and yet DEA has testified that they lack any good consistent contact with DEA or specific information on this case or other trafficking. Are you saying that—Mr. Ledwith, that again you don't have the sources or resources there that are reliable in Cuba?

Mr. LEDWITH. Sir, our ability to work interactively with the Cuban authorities is exceptionally limited. What I was remarking on, is there have been historically some occasions where we have been able to make contact in an official capacity. Usually we would travel to Havana, and exchange documents at the airport.

I am really referring to our ability to interact with them in the capacity in which we interact with other police agencies from other countries, or our ability to independently conduct investigations or at the very least corroborate facts and circumstances by our presence in that area. We do not have that ability in Cuba.

Mr. MICA. Mrs. Mink.

Mrs. MINK. Thank you very much.

Secretary Beers, this authority given the President to examine the recommendations by State and DEA and others with respect to the dangers of drug trafficking to the United States was, by law, enacted in 1986. And I am curious, since I have not really had an opportunity to examine the history of this law with respect to what other administrations might have done with respect to Cuba; I only know from my staff's notes that Cuba has never been listed on the majors list.

Mr. BEERS. That's correct, ma'am.

Mrs. MINK. If so, then I need to know, when was the first list published by the administration? Was it the year following?

Mr. BEERS. 1987, ma'am.

Mrs. MINK. Now, since 1987 to the present time, do you have any historical records as to trafficking in and out of Cuba, headed for the United States, of any major drugs?

Mr. BEERS. There is one case which DEA could comment on that appears to be related to that which occurred—Bill, you can speak to that issue——

Mrs. MINK. Was that 1989? You are speaking about the 1989 incident, or is it earlier?

Mr. LEDWITH. Yes, ma'am, referring to an incident that occurred in 1987–1988, in particular.

Mrs. MINK. Could you elaborate?

Mr. LEDWITH. This is particularly in reference to the videotape that was shown earlier. It is an investigation in which—is that not the case that you are referring to, ma'am?

Mrs. MINK. I just wanted to know what the history has been in terms of the examination by either State Department or DEA or other agencies with respect to the drug trafficking from Cuba to the United States.

Mr. BEERS. Other than this case, which is the only one that I am personally aware of, the other area that has been looked at historically is drug flights over Cuba. If you go back historically and look at that, based on the information available to me, 1999 is a relatively low period in the overall trend. The peak years were 1991 and 1992 and are double—more than double even 1998 figures in terms of suspect overflights of Cuba by drug trafficking aircraft.

It has been an issue, it has been a concern, but it has never been a basis for making a determination that Cuba was a drug transit country. That is what I was referring to when I was talking about the unique nature of this transit situation, which we all agree is happening and is in a period now when the numbers went up in late 1997 to a peak in 1998 and have gone back down in 1999 to date. But even that period was lower than the peak period that I have information about, which was 1992. It has not been used as a basis for making this determination, and it was not again this year.

Mrs. MINK. The basis that any administration, the current one or previous administrations, has used in order to decide whether to place a country on the majors list is the amount of traffic to the United States; is that correct?

Mr. BEERS. Yes, ma'am, that's correct.

Mrs. MINK. Is that determination based upon surveillance of boats and air traffic, or is it based upon actual interdiction of drugs after they have been landed and have begun to move within the United States; or is it both?

Mr. BEERS. It is based on a series of pieces of information that are brought to the State Department by the various sources of information which we have. DEA is one of the primary providers of information, but not the only. The Intelligence Community is also asked to provide information.

We look at seizures. We look at trafficking patterns. We look at information that don't necessarily result in seizures but would indicate trafficking patterns. We try to do the best that we can with estimates in terms of flows, put that all together and come to a judgment as to whether or not this significantly affects the United States. So it is all of those things together.

In the case of Cuba this year, the examination was exhaustive. It has been an issue and an important issue that members and individuals within the administration have been most interested in. This is probably the most exhaustive review of the Cuban data that has ever been done, to the best of my knowledge.

Mrs. MINK. One final question, Admiral Barrett. In your last paragraph, you say, "In summary there is little indication to suggest that cocaine traffickers use Cuba as a transshipment point for markets."

Is there any evidence at all with respect to other drug trafficking emanating from Cuba as a transmission point to markets in the United States? Or was your comment only limited to cocaine?

Admiral BARRETT. Ma'am, I don't have any other information. I was trying to specify that I am not aware over the last couple of years of any air drops of cocaine that have been made to the land mass of Cuba or aircraft that have landed in Cuba, from the statistics that I was showing.

Mrs. MINK. What about marijuana?

Admiral BARRETT. The marijuana that we see is coming primarily from Jamaica up toward the Bahamas. They are using the territorial waters of Cuba in the Windward Pass to avoid law enforcement assets.

Mrs. MINK. Now, just for the purposes of the record, exactly what is this Joint Interagency Task Force of which you are Director? Is that all of the military services, Coast Guard and everybody that you are speaking for today?

Admiral BARRETT. Yes, ma'am. I am basically General Wilhelm's, the Commander in Chief of Southern Command's, tactical commander for counterdrugs. So we basically have the ability in our organization to track air and maritime targets from the source zone in South America toward the United States.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. MICA. Thank you. I would now like to recognize the gentlelady from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Mr. Ledwith, I have some questions for you regarding a south Florida cocaine kingpin, Jorge Cabrera, who has worked with both the Medellin and Cali cartels for a period of over 15 years. In one of the many newspaper accounts of Mr. Cabrera, it says that he was sentenced—that's from that newspaper blowup over there

sentenced in U.S. District Court in Miami to 19 years in prison and fined $1.5 million after being convicted along with several accomplices in the transportation of 6,000 pounds of cocaine into the United States. He was arrested by undercover detectives who confiscated the drugs, $50,000 in cash, several boxes of illegal Cuban cigars, and photos of Cabrera with Cuban President, Fidel Castro.

Mr. Cabrera has reportedly stated that he has given DEA and the U.S. Justice Department investigators evidence of Cuban Government compacts with the drug trade. I have a series of questions related to that and you may answer them as you wish.

I wanted to ask, what has the DEA done to followup on this? He stated that the notorious Colombian Cali cartel drug kingpin Carlos Pescone was escorted aboard Mr. Cabrera's boat in Havana with no objection from the Cuban regime and was brought to the United States. Do you think that the Cuban interior ministry was aware of this, and was our State Department interested in this information?

Mr. Cabrera's attorney, Stephen Bronis, in an October 7 letter to Attorney General Janet Reno, has accused our government of subverting the investigation that focuses on Cuba and drug trafficking.

I would like your comment on the background of this particular investigation. He states in his letter—and you may discuss the credibility of it—he says that Cabrera described in detail his trips to Colombia—and Mr. Pescone, related to that, to Colombia and Cuba—in the planning of freighter loads of cocaine using Cuba as the point of discharge. Related to this case of Mr. Cabrera, he had repeatedly talked about how the Cuban coast guard would look the other way.

Are you familiar with this case and if you would care to comment on Cabrera's assertion about the Cuban involvement in drugs?

Mr. LEDWITH. Ma'am, I am not personally familiar with that investigation on a basis to be able to discuss it in great detail with you at this moment. I would be happy to respond in writing.

Ms. ROS-LEHTINEN. I would like that response in writing.

Mr. LEDWITH. I would be happy to do so, ma'am.

I would say that we look at—and within DEA we are apolitical, and we look at every single indication that we possibly can. I can assure you that these allegations would be given serious consideration within DEA.

Ms. ROS-LEHTINEN. Mr. Beers, if you would comment on this case?

Mr. BEERS. I am not in a position to comment in detail, but we would also seek to get to the bottom or support the DEA or the law enforcement investigative body providing any kind of information suggesting the involvement of senior government officials or any government officials of any government anywhere in the world. We are interested in that also.

Ms. ROS-LEHTINEN. If I could ask Rear Admiral Barrett about the go-fast. In my opening statement, I had stated that there were various Miami television stations that had filmed the go-fast boats of the drug traffickers entering into Cuban waters that would not allow us to go into those waters to escape intersection. What opinions do you have about this? Have you seen such footage, and do you think that is something that you would care to followup on and investigate?

Admiral BARRETT. Ma'am, we have had mixed response from the Cuban Border Guard. As Mr. Beers said earlier, the Coast Guard in Miami has a telex to the Cuban Border Guard.

I do not have any direct links to the Cuban Border Guard. As an operational commander, the best way for us to track suspect targets and to have an endgame is to work op center to op center. I can't do that with Cuba. So basically, we pass the information to the Coast Guard in Miami and they pass it to the Cuban Border Guard via telex.

We have had mixed results from the Cuban Border Guard. Along the northern border, we have seen very little response; along the southeast border, we have seen fairly good response. I think about 75 percent of the go-fast tracks that were identified to the Cuban Border Guard were responded to. They didn't seize them. Generally what would happen is, they would get underway and the go-fast would run back into international waters. We have never seen a response from the Cuban Government on the air tracks flying over Cuba.

Ms. ROS-LEHTINEN. Mr. Beers, I had a question related to your statement. You said, "We have seen no evidence that the Cuban Government regularly tries to intercept drug smuggling flights and we are not encouraging them or supporting them to do so."

Our intention to establish this cooperative link with Castro, it would be for them to intercept drug smuggling flights?

Mr. BEERS. No, ma'am, to intercept the drops. It is to deal with the interdiction in the maritime arena. That would be the focus of our effort.

Ms. ROS-LEHTINEN. And the reason for that is because we believe that he is not part of the air drops? He does not have any knowledge in his government, in his regime——

Mr. BEERS. No, ma'am. We have very special circumstances that restrict the degree to which we are in a position to directly assist any government in the aerial intercept of aircraft. Cuba does not meet those specifications. Only two countries, Peru and Colombia, meet the requirements of the law that allow us to cooperate directly to interdict aircraft in the air.

Ms. ROS-LEHTINEN. Now, what kind of information would we be sharing with Castro related to any kind of smuggling operation around Cuba?

Mr. BEERS. The intention, as I have said before, would be to focus that information on maritime intercepts by the Cuban forces in conjunction with the Coast Guard, information that the Coast Guard Seventh District headquarters would provide to them. I am not in a position at this point in time to tell you specifically what kinds of information would actually be shared with them because those final decisions have not been made yet.

Ms. ROS-LEHTINEN. Are you aware of any international agreement that Castro has complied with that he has signed in his 41 years of ruling over Cuba?

Mr. BEERS. I am not a Cuba expert. I am not in a position to make that judgment.

Ms. ROS-LEHTINEN. Thank you.

Mr. MICA. I recognize Mr. Gilman at this time. He has another obligation.

Mr. GILMAN. Thank you, Mr. Chairman, and I will try to be brief.

Mr. Beers, did INL recommend that Mexico be on the majors list?

Mr. BEERS. Sir, as a matter of fact, it is the administration—individuals who participate in the process are part of the administration as a whole. And I, sir, with all due respect, am not in a position to confirm what INL's position was, or was not, on any of the countries with respect to the majors list.

Mr. GILMAN. The newspaper, the Post, I believe, said on November 11 that "The U.S. officials speaking in background said the State Department felt Cuba should be on the list, but the White House disagreed."

[The information referred to follows:]

THE WHITE HOUSE

WASHINGTON

November 10, 1999

Dear Mr. Chairman:

In accordance with the provisions of section 490(h) of the Foreign Assistance Act of 1961, as amended, I have determined that the following are major illicit drug producing or drug transit "countries" (including certain entities that are not sovereign states): Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Cambodia, China, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, Hong Kong, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Taiwan, Thailand, Venezuela, and Vietnam.

This year I have removed Aruba and Belize from the majors list; added Belize as part of this year's Central America region of concern; added the entire Eastern and Southern Caribbean, including the Leeward and Windward Islands, Aruba, and the Netherlands Antilles, as a region of concern; and also added North Korea as a country of concern.

I wish to make clear that the inclusion of a country or entity on the majors list does not reflect an assessment of its government's counter-drug efforts or extent of cooperation with the United States. For example, among the reasons that a transit country or entity is placed on the majors list is the combination of geographical, commercial, and/or economic factors that allow drug traffickers to operate despite the most assiduous enforcement measures of the government concerned. In the case of Hong Kong and Taiwan, for instance, both entities have excellent counter-drug records and cooperate closely with the United States.

Aruba. Aruba was designated as a major transit country in 1997. While geography makes Aruba, like most of the other island countries in the Eastern and Southern Caribbean, a potential drug transit point, at this time we do not have evidence that it is a major transit country for drugs bound for the United States. Rather, the drug trade there appears directed toward Europe. We will continue, however, to keep Aruba under observation together with the rest of the islands in the region.

Belize. Belize's geographical position next to Mexico on the Yucatan peninsula offers would-be drug smugglers an attractive corridor for moving drugs into Mexico and on to

the United States. Traffickers have used Belizean territory in previous years, when enforcement activities elsewhere enhanced the value of this route. Recently, however, we have detected significantly reduced drug flows to and through Belize. Therefore, I have decided to remove Belize from the majors list. If future monitoring of Central America indicates a resumption of important drug flows through Belize bound for the United States, I will again place the country on the majors list.

Central America. Central America's location between South America and Mexico, together with its thousands of miles of coastline, several container-handling ports, the Pan-American Highway, and limited law enforcement capability make the entire region a logical conduit and transhipment area for illicit drugs bound for Mexico and the United States. The variance in seizure statistics from country to country, and their fluctuation from year to year, underscore my concern with Central America's potential and volatile role as a transit region. For instance, Panama and Guatemala continue to report more seizures than other countries in the region, while seizures to date by Costa Rica, Honduras, and Nicaragua are below levels during the same period in previous years and flow levels in El Salvador remain low. Taken together, these circumstances indicate a need to continue to monitor the situation in Central America.

Cuba. While there have been some reports that trafficking syndicates use Cuban land territory for moving drugs, we have yet to receive any confirmation that this traffic carries significant quantities of cocaine or heroin to the United States. In particular, the intelligence and law enforcement communities reviewed the information concerning whether the 7.2 metric ton shipment of cocaine seized in Colombia in December 1998, in a container reportedly headed to Cuba, was destined for the United States. Their judgment remains that Spain, and not the United States, was the intended final destination.

We also looked closely at the use of Cuban waters and airspace for transit of drugs to the United States, as the term "major drug transit country" is understood to apply to the land, waters, and airspace of a country over which sovereignty may be exercised, consistent with international law and United States practice. Although we have detected what appears to be some air and sea activity consistent with trafficking patterns, this activity has decreased significantly since last year and indicates a corresponding decrease in drug flow. We continue to keep trafficking in the area under close observation and will add Cuba to the majors list if the evidence warrants.

Eastern and Southern Caribbean. The Leeward and Windward Islands, together with Aruba and the Netherlands Antilles, constitute a broad geographical area through which drugs bound for the United States may pass en route from Latin America. We have no evidence at this time, however, that any of these Eastern Caribbean nations is a major drug transit country under the statutory definition. The information we do have indicates that drugs moving through the area are overwhelmingly destined for Europe. We are, therefore, keeping the region under observation, and I will add the relevant countries to the majors list should conditions warrant.

Iran. Although Iran in the past had been a traditional opium producing country, over the past few years the Government of Iran reported success in eradicating illicit opium poppy cultivation. A survey of the country this year revealed no detectable poppy cultivation in the traditional growing areas. While one cannot rule out some cultivation in remote parts of the country, it is unlikely that there would be enough to meet the threshold definition of a major drug producing country. Important quantities of opiates reportedly continue to transit Iran en route to Europe, but we have no evidence that these drugs significantly affect the United States, a requirement for designation as a major drug transit country under current legislation.

Malaysia. Malaysia was removed from the majors list last year because drug flow estimates did not indicate that drugs transiting the country had reached the United States in significant quantities.

North Korea. Our observations to date have been unable to confirm reports that significant quantities of opium poppy may be under cultivation in North Korea or that heroin originating in the country may be entering the international drug trade. We continue, however, to monitor the situation. If we confirm that there is indeed significant poppy cultivation, or that North Korea is a transit point for drugs significantly affecting the United States, I will add the country to the majors list.

Syria and Lebanon. We removed Syria and Lebanon from the majors list 2 years ago after we determined that there was no significant opium poppy cultivation in Lebanon's Biqa' Valley. Recent surveys have confirmed that there has been no detectable replanting of opium poppy, and we have no evidence that drugs transiting these countries significantly affect the United States. We continue, however, to keep the area under observation.

Turkey and Other Balkan Route Countries. We remain concerned about the large volume of Southwest Asian heroin moving through Turkey and neighboring countries to Western Europe along the Balkan Route. We have no clear evidence, however, that this heroin significantly affects the United States as required for a country to be designated a major transit country. In the event that we determine that heroin transiting Turkey, Bulgaria, Greece, Serbia-Montenegro, Bosnia, Croatia, the Former Yugoslav Republic of Macedonia, or other European countries on the Balkan Route significantly affects the United States, I will add the relevant countries to the majors list.

Major Cannabis Producers. While Kazakstan, Kyrgyzstan, Morocco, the Philippines, and South Africa are important cannabis producers, we have not included them on the majors list since in all cases the illicit cannabis is either consumed locally or exported to countries other than the United States. I have determined that such illicit cannabis production does not significantly affect the United States.

Central Asia. We have conducted probes in Uzbekistan and Tajikistan, traditional opium poppy growing areas of the former Soviet Union. These probes have not shown significant opium poppy cultivation. If ongoing analysis reveals cultivation of 1,000 hectares or more of poppy, I will add the relevant countries to the majors list.

Sincerely,

William J. Clinton

The Honorable Benjamin A. Gilman
Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Mr. BEERS. Sir, I am not in a position to confirm or deny that statement. And I was not the U.S. official.

Mr. GILMAN. How do you resolve, Mr. Beers, the fact that Cuba was left off the majors list this year with General McCaffrey's statement that "The intelligence and law enforcement communities reported that detected drug overflights of Cuba, although still not as numerous as in other parts of the Caribbean, increased by almost 50 percent last year?"

Mr. BEERS. Sir, General McCaffrey could only have been referring to 1998 information compared to 1997 information. But it was——

Mr. GILMAN. Mr. Beers, it was a major increase over the last year, was it not?

Mr. BEERS. The 1999 information, which we have now, does not represent an increase. They represent a decrease.

Mr. GILMAN. Over last year?

Mr. BEERS. Calendar year 1999 information, based on the information available to me, indicates that there were 14 incidents, 9 of which were air, over this past calendar year.

Mr. GILMAN. So General McCaffrey is wrong; is that right?

Mr. BEERS. As I said, sir, I believe General McCaffrey's comparison was the data in 1998 to the data in 1997, not the data in 1999 to the data in 1998.

Mr. GILMAN. As far as you are concerned, there has been no increase in air traffic over Cuba in the last year?

Mr. BEERS. Not this year, sir, no.

Mr. GILMAN. Chief Ledwith, would you explain the DEA's position on a theory that this 7.2 metric ton cocaine shipment was headed for Spain when the Spanish officials tell us that it was destined for Cuba?

Mr. LEDWITH. As I mentioned earlier, sir, we have uncorroborated information at this point that would indicate that it was headed to Spain. As I mentioned in my original testimony——

Mr. GILMAN. Have you spoken or have your people spoken to the head of the Spanish police with regard to this?

Mr. LEDWITH. I know we have interaction from our office in Spain, with the Spanish police on several levels. I do not know if they have spoken to the head of the Spanish police. I can't say with certainty.

Mr. GILMAN. It's been long reported there is a draft U.S. drug trafficking indictment hanging over Raul Castro. Could you shed some light on this issue and where it stands?

Mr. LEDWITH. I would not be able to comment on that, sir. I really don't know.

Mr. GILMAN. Admiral Barrett, according to Drug Czar McCaffrey, as I stated before, the intelligence and law enforcement communities report that detected drug overflights in Cuba, although not as numerous as in other parts of the Caribbean, increased by almost 50 percent in the last year or two. Do you agree with that assessment?

Admiral BARRETT. No, sir. The statistics, as I showed in my tracking information, say there was a major increase between 1997 and 1998, but in 1999 there has been a significant drop-off.

Mr. GILMAN. Can you describe the volume of the drug trafficking that transits between northeast Cuba and Haiti? Do you think that the Cuban and Haitian Governments aggressively target the drug trafficking between those two countries?

Admiral BARRETT. Sir, the information that I have is that Haiti is a major problem area for transshipment. I have no information that there are any drugs going from Haiti to Cuba or from Cuba to Haiti. My information is that once it gets into Haiti, it comes up into the Bahamas or to the southeast United States.

Mr. GILMAN. Admiral, one other question. Can you explain the tactics, the strategy they are using of drug air drops into or near the Cuban waters? Just how prevalent is that method of delivery today?

Admiral BARRETT. Sir, that was a major problem in 1997 and 1998. As I said earlier, there was a coordinated effort by our organization working with DEA and OBAT with their assets, the Coast Guard in the Seventh District out of Miami, and Customs in Florida to put additional assets in the area north of Cuban territories. Every time we had an air track headed toward Cuba, we would put air assets out to monitor what boats, particularly go-fasts, there were sitting either in international waters or in the territorial waters of Cuba waiting for the drop. We were successful with several seizures in that area, and I think that is one reason that we have seen a drop-off with the flights over Cuba.

Mr. GILMAN. Admiral, was there any substantial number of air drops in and around those waters?

Admiral BARRETT. Yes, sir. For 1997 and 1998, it was a total of 60 overflights of Cuba and drops either north of Cuba or the flights would continue up to the Bahamas.

Mr. GILMAN. Thank you. Mr. Chairman, I would like to request that the Washington Times article of November 11 with a headline of "Havana Left Off U.S. Drug Majors List and White House Sees No Clear Evidence of Trafficking on the Island" be made part of the record.

Mr. MICA. Without objection, so ordered.

Mr. GILMAN. Thank you, Mr. Chairman, for allowing me to go out of order.

[The information referred to follows:]

CUBA

WASH TIMES 11/11/99

Havana left off U.S. drug 'majors' list

White House sees no clear evidence of trafficking on island

By Toni Marshall
THE WASHINGTON TIMES

President Clinton rejected appeals from House Republicans yesterday and decided to keep Cuba off the so-called "majors" list of drug exporting and drug trafficking nations.

U.S. officials, speaking on background, said the State Department felt Cuba should be on the list but the White House disagreed.

State Department spokesman James P. Rubin, speaking to reporters yesterday, said Cuba was not placed on the list because there has been no clear evidence that cocaine or heroin are transiting Cuba en route to the United States in quantities that significantly affect the United States.

The "majors" list includes 26 countries and territories, two fewer than last year, that are seen as drug producing or drug transit countries. Aruba and Belize were dropped.

"Obviously, we remain concerned about trafficking through and around Cuba and around Cuban waterways and airspace. Yet during this past year, we have seen an apparent decrease in the trafficking patterns," Mr. Rubin said.

Mr. Clinton informed several Senate and House committee chairmen of his decision in a letter.

At a news conference last Thursday concluding a 34-nation drug summit in Washington, Barry McCaffrey, director of the Office of National Drug Policy Control, said there was little reason to believe that the Cuban government was complicit in allowing Colombian cocaine and heroin to move through Cuban territory, airspace or seas to U.S. users.

However, he previously has said that drug flights out of Colombia through Cuban airspace have increased by 50 percent in the last year.

House Republicans expressed outrage at Mr. Clinton's decision, demanded Cuba's addition to the list and promised retaliatory measures.

House International Relations Committee Chairman Benjamin A. Gilman, in a statement, said his committee, along with the Government Reform Committee, "will hold public hearings in the near future to examine Cuba's role in drug trafficking."

"There is no reason Cuba should not be included in the president's list of major drug source and transit nations. Clear evidence shows that massive amounts of illegal narcotics bound for the United States transit the Cuban land mass, Cuban airspace and Cuban waters," he said.

"The Cuban government does nothing to stop the shipment of drugs through its territory," the New York Republican said.

Pointing to a recent Congressional investigation, Mr. Gilman said the administration failed to consider a 7-ton shipment of cocaine headed to Cuba from Colombia.

Mr. Gilman said the investigation showed that the massive shipment was likely destined for the United States, not Spain as the Castro regime and the Clinton administration claim.

The investigation in question involved the seizure of cocaine-filled shipping containers by Colombian police last December.

Spanish authorities deny that the drugs were headed for their ports.

The drug's final destination is a determining factor in the administration's determination of what country's go on its "majors" list.

Countries that make the list can be subject to economic penalties and can lose bilateral aid if they are found not to be cooperating with U.S. counter narcotics efforts.

Cuba has never been on the list.

Mr. MICA. The gentlelady from Illinois, Ms. Schakowsky, is recognized.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. Rather dramatic, and I would say inflammatory accusations were leveled at the President by the chairman of this full committee, that President Clinton is now complicit with every ounce of cocaine which goes to Cuba and ends up on the streets of Chicago, Indianapolis, Baltimore, and New York.

What I wanted to get at was what exactly is the difference, how the United States in terms of our drug enforcement investigations of tracking differs between a country of concern versus one of the majors?

Mr. LEDWITH. To DEA, it doesn't—there is no difference. Any country that is involved in drug trafficking that affects the United States, be it on the majors list or listed as a country of concern or not listed at all, would get the same degree of interest and scrutiny from DEA. We are not particularly interested in the majors versus the nonmajors. If they are shipping drugs to the United States, we are interested.

Ms. SCHAKOWSKY. So essentially—correct me if I'm wrong—the difference is in terms of the amount of aid that we might give to a country, which is irrelevant in this case because we don't give any aid, what are the differences that might—do you look at that activity less than you would?

Again, let me try to pin that down if there is anything more specific.

Mr. LEDWITH. To DEA, it is not an issue. We are not overly concerned with majors list or the countries of concern or countries that are not listed. Our interest is specifically in any country that is facilitating drugs entering the United States. It may be of political interest or of interest to other agencies within the U.S. Government, certainly appropriately so, but to DEA it is not an issue.

Ms. SCHAKOWSKY. Presented—I am not quite sure, so I could certainly be corrected—as some kind of incontrovertible evidence of drug trafficking was a video of an individual that—it sounded to me was a pilot involved in drug trafficking. Now, this was presented as absolute fact. I wonder what we know about that individual and why we should accept as absolute truth the words of someone that, I thought anyway, was someone involved in drug trafficking who might have a reason to give self-serving testimony.

Mr. LEDWITH. The person involved in that tape is a drug trafficker. He was significantly involved in drug trafficking in the United States, who made those claims. The person was provided with the opportunity to take a polygraph test; it was permitted to do so, and there was no deception indicated as a result of that test.

We do not regard this as absolute proof of anything. A polygraph test is not admissible in court. However, it is one of many indicators that would cause us to examine that person's allegations more closely.

Ms. SCHAKOWSKY. Are you saying that the statements he made on the tape were true?

Mr. LEDWITH. I am not a polygraph expert, but the results of the polygraph examination indicated that he believed that those statements were true.

Ms. SCHAKOWSKY. How did you then followup with the information? How did the DEA then followup with that information?

Mr. LEDWITH. DEA conducted an investigation. These people were ultimately sentenced and went to prison in the United States. I am not prepared at this moment to discuss the intricate details of that particular allegation, I am not that familiar with it. I would be happy to respond to you, but I can assure you that we would have further attempted to investigate those claims.

Ms. SCHAKOWSKY. The concern here today, of course, is really only the involvement with Cuba. That's the portion that I would be interested in. Is there any comment that you could make on that?

Mr. LEDWITH. I do not think there is any country in which drug traffickers with their interruptive potential and influence could not cause certain things to happen. I would never, as a matter of policy, rule out any allegation that a drug trafficker makes. We pay attention to all of them because in many cases they have proved to be accurate.

Ms. SCHAKOWSKY. Let me ask one final question. There was also a concern that the United States failed to followup on Mr. Herrera the White House chose to take Castro's story without a shred of evidence, and then there was a Mr. Herrera that did testify to this investigating committee, but the DEA said they were unable to get in contact with Mr. Herrera but wanted to interview him and polygraph him. Why is it that he seemed to be fairly readily—I am sure there was a lot of investigative work—readily available to the staff of the committee and not available to the DEA?

Mr. LEDWITH. It would not be accurate to represent that we could not find this gentleman, No. 1. We were able to find this gentleman if we chose to, and we knew where this person was. It is accurate to say that we did not interview this person and it is accurate to say that we did not provide this person with the polygraph examination. There are certain investigative strategies in a criminal investigation and this investigation remains open and ongoing in parallel areas. I can only discuss at this point that we were unable to do that at that time.

Ms. SCHAKOWSKY. Thank you.

Mr. MICA. Thank you.

I would now like to recognize Chairman Burton.

Mr. BURTON. It is pretty significant that a country that is involved in drug trafficking is not put on the majors list, and since there was a witness in Spain that had evidence that would bear directly on a possible decision of this type made by the President of the United States, why in the world wouldn't you have gotten to him right away? We did.

Mr. LEDWITH. Sir, I am unable to comment appropriately in this forum, but there are reasons.

Mr. BURTON. I would be very happy if you would come to my office and tell me why. We are cleared for Top Secret. I had Mr. Toms in my office, and we went into this in great detail, a lot of this stuff. And for you guys to come up here and say, well, there is some reason why you haven't talked to this fellow over in Spain when we sent our investigators over there and we did talk to him, and he said he would take a polygraph and come back here and testify, and you guys didn't go talk to him. And the President then

says there is not enough evidence to put Cuba on the majors list when there is a person there who can testify very clearly about it, who supposedly was involved and swears he wasn't. This doesn't make sense. Why didn't you do it? I don't understand why you didn't go over there quickly and find out.

Mr. LEDWITH. Sir, this is part a continuing criminal investigation. It is not concluded, and we will eventually be able to do that.

Mr. BURTON. Let me just say one more thing. You say they found Spanish money in containers that had drug residue?

Mr. LEDWITH. No. I think there were separate occasions.

Mr. BURTON. Where was that found?

Mr. LEDWITH. In Cuba, yes.

Mr. BURTON. Who was it found by in Cuba?

Mr. LEDWITH. The Cuban authorities.

Mr. BURTON. The Cuban authorities? Oh, my gosh, Fidel Castro's people went and found Spanish money when they said previously there were no drugs whatsoever. Then all of a sudden they come back when the heat is turned up, and you open up a canister and, lo and behold, the Cuban people tell the world there is Spanish money in there and there is drug residue. So obviously you did not know it was going to Spain.

You don't think that might be a plant by Castro? I mean, come on.

Let me go into other things here. Mr. Cabrera in a letter that was written in 1996 to the Attorney General of the United States says, "In his debriefings, Mr. Cabrera was careful not to embellish the facts." I want to read this to you.

He described in detail his trips to Colombia and Cuba and the planning of freighter loads of cocaine using Cuba as a point of discharge. Mr. Cabrera informed the investigators that on each of the cocaine importations the freighter would meet his organization's vessel at a predetermined global plotting system coordinate within 4 miles of the Cuban coast.

He described how the Cuban Government welcomed the presence of Carlos Pescone and other Colombian drug cartel leaders to Cuba on a regular basis. When Mr. Cabrera would arrive in Havana, he was embraced by Cuban officials and he has described his meetings with them, including his association with Manuel Pinero LoSada, a/k/a Barbaroka, Alfredo Guevara, and Fidel Castro. During his meetings with Castro, he even made reference to Cabrera's and Castro's mutual friends from the Cali drug cartel.

It's not a major drug shipping transit point for drugs. They were sending shiploads in there and he was meeting with Fidel Castro.

Let me just talk to you about something else. "Gonzalo Bassols Suarez"—he is one of the Cuban officials—"remains in Cuba's diplomatic service. Despite his 1992 U.S. indictment on drug smuggling charges, he is in the government. As minister counselor of Cuba's embassy in Bogota, he aided an arms-for-drugs smuggling ring involving the Colombian M–19 guerrillas and Cuban officials." He is still in power down there.

"Nelson Blanco, general of the revolutionary armies, implicated in the 1993 draft U.S. Federal indictment that named Cuban Minister of Defense and First Vice President Raul Castro and other senior Cuban officials in cocaine smuggling." He is still in power down there. He is still making decisions. Obviously, he has cleaned up his act. He is a nice guy; he is not involved in drug trafficking anymore.

Raul Castro, Fidel Castro's brother, indicted or should be indicted in Miami. He is still there.

"Alberto Colome Ibarra, Minister of the Interior and corps general of the revolutionary armed forces, named in a draft U.S. Federal racketeering indictment in 1993 for conspiring with our Cuban officials to ship cocaine from Colombia through Cuba to the United States."

I have a four-page list of these people. For this government and this President who appointed you, I think, to say that this is not a major transshipping point for drugs is just unbelievable. I can't believe that the agencies of our government would come here and tell us that that's not the case, and tell us there are cases pending and that's why you haven't talked to this guy in Spain who was willing to swear under oath and take a lie detector test that he was not involved; and that Castro's government—two of the people in Castro's government from the minister of the interior, their equivalent of the CIA, were in charge and they looked at every single thing that came into that company.

And they even called him and said, hey, where is that shipload of stuff supposed to be coming in from Colombia. Fifty-one percent of the company was owned by the Castro government. They controlled it. They had the minister of the interior running it; they knew about the 7.2 tons of cocaine coming in.

So what do they do? They get caught red-handed. They deny it completely, deny that there was anything that ever came into Cuba. And then they tell you that the Cuban police found a secret compartment that showed a little drugs in there and some Spanish currency which is floating all over Havana. And, oh, my gosh, you deduct that it's going to Spain.

I tell you, you know, when you come and testify before our committee and you tell us this stuff, it just drives me up the wall. The reason that I believe this is happening, is because the President of the United States wants to normalize relations with Castro. He is working with as many business people as he can possibly find, sending them down there to try to open the door to Fidel's dictatorship, and he didn't want this on the majors list because it would be a blowup and might cause a little problem as far as the normalization process.

When we passed the Helms-Burton law, the President was fighting for normalization with Cuba. Until Castro shot down those planes, he was going to get it done. But because of the political hell fire that came into being because of those people being shot down and killed, he ended up signing the Helms-Burton law; and he didn't want to do it, but he did it for political reasons. Now he doesn't want this thing to explode in his face, so the 7.2 tons of cocaine obviously was going to Spain.

How in the hell do you know that? You don't have any idea that's the case. As a matter of fact, there are all kinds of companies that Castro and his government have dealt with in Mexico that could be the conduit for that. That ought to be what you are checking into, instead of saying it all went to Spain. And at the same time

you are not even talking to the people who are involved in the company over there, who was willing to take a lie detector test, but you say it is still under investigation.

I yield back the balance of my time. This isn't the end of this.

[The information referred to follows:]

The Cuban & Colombian Narco-Trafficking Nexus II

Investigative Results

May 27-June 1, 1999
Madrid & Valencia, Spain

Prepared for:

Chairman Dan Burton
Committee on Government Reform

Chairman Benjamin A. Gilman
Committee on International Relations

Chairman Jesse Helms
Senate Foreign Relations Committee

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SUMMARY AND KEY CONCLUSIONS

On December 3, 1998, the Colombian National Police seized six ship containers in the port of Cartagena into which 7.2 metric tons of cocaine were packed in false compartments and concealed in oil to avoid detection. The shipment was consigned to a Havana company (51 percent owned by the Cuban government with two Spanish associates). After the shipment was detected, the Cubans have asserted that the cocaine was destined for the Spanish port of Valencia (where the Spaniards have other business interests).

In response to a March 1, 1999, letter to the Secretary of State by Chairmen Benjamin Gilman and Dan Burton asserting that Cuba should be added to the list of "major" drug transit countries, the State Department on May 13 (in separate letters signed by Assistant Secretary of State Barbara Larkin) asserted that the DEA has reported that "evidence" suggests that the shipment was headed for Europe, particularly Spain. (Beginning in 1998, the Administration has interpreted the "certification" law to apply only to those countries through which U.S.-bound drugs pass. By citing that "evidence" suggests the Cuba-bound cocaine was destined for Europe and not the United States, the State Department appears determined not to place Cuba on the "majors" list because doing so would undermine its efforts to soften U.S. policy toward the Castro regime.)

As part of a Congressional inquiry into this matter, staff members of the Committee on International Relations and Committee on Government Reform of the U.S. House of Representatives have interviewed key personnel in the U.S. Department of State, U.S. Drug Enforcement Administration, Colombian National Police, Colombian and Spanish Prosecutor's Offices, Spanish National Police, Spanish Civil Guard, and Colombian and Spanish port officials in Washington, D.C., Miami, Mexico City, Bogota, Cartagena, Valencia, and Madrid. (Staff of the Committee on Foreign Relations of the U.S. Senate accompanied these House staff members to Madrid in May 1999.)

KEY CONCLUSIONS

The key conclusions of this Congressional staff inquiry, to date, are as follows:

1. There is no evidence that the 7-ton cocaine shipment was bound for Spain.

- The U.S., Spanish, and Colombian authorities interviewed by the Committees' staff confirmed that the sole basis for the conclusion that the shipment was headed for Spain are assertions by the Cuban police and a public speech by Fidel Castro. Presently, there is no documentary evidence of any kind to support this accusation.

- Officials of the Spanish National Police detained (for 72 hours) the two Spanish entrepreneurs (who returned to Spain) based solely on Castro's public declarations that the Spaniards were responsible for the shipment. According to law enforcement sources,

these two Spaniards were released due to a lack of evidence to support the Cuban claims. The Spaniards held a public press conference, organized by their legal counsel, denying their guilt and are desperately negotiating to recover their property and capital left behind in Cuba – hardly the mark of major cocaine traffickers.

- The Cuban police have insisted that the 7-ton, 6-container cocaine shipment was bound for the Spanish port of Valencia (which is the home of the two Spanish entrepreneurs). However, that conclusion is implausible for several reasons. First, all experienced law enforcement officials interviewed on this subject have asserted that such a huge illicit shipment would only be sent over a proven, well-worn route. But port documents obtained by the Committees' staff show that Valencia received fewer than 90 containers from Cuba during the entire year of 1998. Second, 70 percent of Colombia-to-Spain cargo is shipped directly, with no stops in the Caribbean; the relatively few stops included Martinique or other Caribbean islands -- but none went via Cuba. In light of the fact that stops in the Caribbean are not common, Cuba's highly secured ports seem an unlikely and risky stop-over point for Europe-bound contraband – unless government complicity minimized such risks.

2. The shipment of cocaine seized in Colombia in December 1998 was just as likely headed to the United States as Spain.

- Officials of the respected Spanish National Police assert that the shipment could have just as likely been bound for the United States as Spain.

- The geography and history makes it much for likely that the cocaine was bound for the U.S. market. According to Spanish law enforcement sources, there has been no major interdicted shipment of cocaine or other drugs to Spain from Cuba; the only evidence of a Cuba link to the shipments to Spain are small quantities incidental to returning "sexual tourists." The U.S. government has publicly asserted that the Caribbean routes for cocaine bound for south Florida (transiting over, through, and between Cuba and Haiti) is burgeoning.

- The Cuban enterprise has identified its chief distributor in the region of "plastic" wares to be a company bearing the name "Plastimex." This may or may not be the company referred to in the documents. The Committees' staff have identified a company bearing that name located in Ciudad Juarez, on the Mexican border across from El Paso. Mexico is the transit nation for nearly 60 percent of the cocaine and other drugs entering the United States.

- The Castro government has been implicated in U.S. federal court for decades in cocaine trafficking. At no time did these accusations involve trafficking to anywhere other than the United States. The pattern of using front companies also is typical of past Cuban smuggling schemes.

3. Contrary to the Department of State's assertion in the May 13 letters to Chairmen Gilman and Burton, at the time of the staff's visit to Madrid (May 1999) there was no active high-priority ongoing investigation into this shipment -- least of all in Spain, to which (according to the letter) the cocaine was reportedly bound.

- Officials of the U.S. Embassy and of the DEA in Madrid had not been asked to clear and had not seen the State Department letter to Chairman Gilman.

- The DEA and the U.S. Embassy in Madrid had received no cable traffic on this Spanish-bound shipment and has not been tasked to take any action to coordinate investigative efforts with the Spanish authorities. One embassy officer said that he knew no more about this case than what he had read in the newspapers.

4. Cuban government officials would have to have been complicit with such a huge shipment of cocaine through Cuban territory.

- The Cuban government held a controlling interest (51 percent) in the Cuban/Spanish firm to which the cocaine-laden shipment was consigned. Cuba was quick to implicate the Spanish associates in the venture but has, according to Spanish and Colombian officials, failed to provide a scrap of evidence to support this claim.

- Regime insiders who have since defected, as well as experts on the Cuban state and economy, have asserted that there is absolutely no way in which such a shipment of cocaine could have traversed Cuban territory without the Cuban government's knowledge and complicity. They also noted that it is impossible for two foreigners to have run such an operation using Cuban territory without the governments knowledge or complicity. Several noted that it is infinitely more believable that the Spaniards were manipulated and deceived by the Cuban regime (which is known for its totalitarian control and superlative intelligence resources) rather than the other way around.

- The *modus operandi* of joint ventures in Cuba assumes a heavy presence of Cuban military and intelligence officials (e.g., the Cuban entity, "CUBALSE," that contracts materials and labor for such ventures is under the Cuban Ministry of the Interior).

- U.S. indictments and the famous Ochoa case (in 1989) demonstrate a pattern of embargo-running practices (including cocaine transiting). This case fits that pattern precisely. The Ministry of the Interior is responsible for creating facade companies that would be used to import goods into Cuba; on occasion -- when approved at the highest levels -- these enterprises engage in drug smuggling through Cuba to the United States.

5. Cuba should be on the first list of major drug transit countries targeting the United States, which will next be issued on November 1999.

- This lone 7-ton shipment (which was headed for Cuba) places Cuba ahead of Jamaica and

most other countries in the region in terms of seized cocaine likely destined for the United States.

6. Based upon the Committees' inquiry to date, the Department of State's May 13 letters did not accurately reflect DEA's actual position with respect to the final destination of this shipment.

- Contrary to testimony and letters, there is no "evidence" to suggest that Europe, particularly Spain, was the destination of this shipment. In disecting the words of the State Department officials, the Committees' staff found that the truth was not even close to their "spin."

- In a June 18, 1999, letter from the Drug Enforcement Agency Chief of International Operations William E. Ledwith to Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Rand Beers, the DEA said that the State Department's letter should have stated that, "Cuban [government] reporting contends that the shipment was destined for Spain, however, we have been unable to corroborate that information. The CNP [Colombian National Police] and DEA continue to investigate the origins and suspected destinations of this shipment." [Emphasis added; see text of letter attached.]

7. At present, U.S. law enforcement agencies are not adequately investigating this matter.

Background

On December 3, 1998, the Colombian Anti-Narcotics Police in the northern port city of Cartagena de las Indias, acting on intelligence obtained through a confidential informant, searched six shipping containers aboard the German-flag vessel *Capitán Ortegal* and discovered concealed compartments containing cocaine. A total of 7.254 metric tons of cocaine was found in containers with the following serial numbers: TPHU-687314-7, TPHU-690947-1, TPHU-625246-9, TOLU-238767-3, CFAU-200347-8, TPHU-633198-0.

According to shipping records obtained by the Committees' staff, the containers were shipped by a Barranquilla, Colombia, firm "E.I. Caribe Limitada," (co-founded by Hernán Darío Zapata Muñoz and Alonso Fernández Fernández in 1989). The firm's manager, José de los Reyes Villero Santoya, was detained by Colombian authorities after the December 1998 seizure. Colombian police believe that the cocaine was owned by the Llano cartel, run by Cristobal Galeano Murcia, who was arrested on December 14, 1998 (according to Bogota's *El Tiempo* newspaper, January 14, 1999).

The containers were consigned to a Havana, Cuba, enterprise "Artesanía Caribeña Poliplast & Royo." According to a document dated December 1998 produced by the National Anti-Drug Division of the Cuban National Revolutionary Police and obtained by the Committees, the Cuban Ministry of Light Industry owns a majority interest in "Artesanía Caribeña Poliplast y Royo," which also is part of the Ministry's "Union of Plastics Companies."

Two Spanish citizens were involved in the operations of the Havana-based firm that was supposed to receive the containers: José Royo Llorca, of Tarragona, Spain, and José Anastasio Herrera Campos, of Valencia, Spain. According to the Cuban police, both Spaniards were partners with Gaston Iriar and Jean Louis Homterbert, two French citizens who ran a tourism firm "Socoa Voyage," which had working relations with the Cuban Ministry of Tourism's CUBATOUR. The Committees' staff has not been able to confirm this relationship.

CASTRO'S COVER STORY

On January 4, 1999, in a speech in Havana's Karl Marx Theater on the 40th anniversary of the National Revolutionary Police, Cuban leader Fidel Castro publicly accused the two Spaniards (Herrera and Royo) of being responsible for the cocaine smuggling operation. Moreover, Castro asserted that the cocaine was bound for Spain. Law enforcement officials have told the Committees' staff that the Cuban police officials insist emphatically that the shipment was bound for Spain but that the Cubans have failed to produce any evidence to substantiate that claim.

As a result of Castro's speech, Spanish police arrested the two men implicated by the Cuban head of state but later released them for lack of evidence. According to law enforcement officials familiar with the case, the Spanish authorities relied solely on declarations by the Cuban police and Fidel Castro to detain Herrera or Royo, but Spanish police have no documentary evidence that implicates these individuals in a crime. According to Spanish police and foreign ministry officials, the Spanish government is awaiting any information or evidence that the Cuban government may have regarding this smuggling case.

In contrast with the Cuban government's reticence, Herrera and Royo held a news conference in January in Spain, on advise of their legal counsel, to deny the allegations made by Castro and his police. The Spaniards told the press. "In Cuba the government controls everything. The Castro government has all the information on the houses, the families who live there, and the telephones. Consequently, the President of Cuba is lying." The two men also asserted that Spanish and Cuban authorities in Madrid told them that they have no information regarding any charges pending against them.

Herrera told reporters in Valencia, Spain, that he was never a partner in Artesanía Caribeña Poliplast y Royo but rather a procurement officer named by the Cuban government for a business under the Ministry of Light Industry. "I am a purchasing agent of the Ministry of Light Industry charged with locating raw materials for 100-percent Cuban companies, but also, above all, to negotiate with Spanish firms," Herrera explained.

"This is outrageous. Everything is rooted in a unprecedented speech in which a head of state makes baseless charges," Herrera claimed. "I am not a partner in any company, or in anything else. José Royo is the owner of all of the assets that are being mentioned in Cuba. Not me.... We have inquired of the Ministry of Foreign Affairs in Spain regarding any accusation against us and they have informed us that there is nothing. We then asked for clarification from the Cuban government. We are awaiting some type of notification."

Herrera claimed not to even recall the name of the Colombian firm from which the shipment was expected. "At an international trade fair in Havana, we made contact with several companies from various countries, among them a company from Colombia. They offered us products, sent us samples, and after checking out the quality of the merchandise and the prices, we decided to purchase from them," according to Herrera.

Royo has said that in September 1998, he had contracted a Barranquilla company to send six containers of polyester resin, alabaster pigment for lightening paint, and other items to Havana. He added that this transaction was to obtain raw material to manufacture balloons, lamps, and other plastic items. He said that the raw material did not arrive on time, and that days later he learned that the merchandise ordered had never sailed from Cartegena because drugs had been found in the containers.

Herrera further explained that in October 1998 the Colombian firm sent a fax to Havana confirming the pending shipment. "The Cuban government requires that this be done in order to know what type of products will be brought onto the island," he noted. The Colombian company then explained that there would be an additional delay. "The shipment was delayed once more, and, on December 4, we were informed that the shipment could not be made due to unforeseeable circumstances," said Herrera. Asked why they had not complained about the delays, Herrera's nonchalant explanation suggests that he could not have been aware of the contraband cocaine accompanying the expected shipment: "The truth is that it was an inordinate delay, but we had been working with them for a year and a half and they cited reasons, the lack of certain materials, and so...."

CUBAN POLICE 'TESTS' UNDERMINE CASTRO'S ACCUSATIONS

Although the Cuban police have accused the proprietors of Artesanía Caribeña Poliplast y Royo in the drug smuggling operations, the Committee has obtained two Cuban police documents that appear to confirm that cocaine was never handled at the facilities of that firm. According to a document prepared by the National Anti-Drug Police of the Cuban National Revolutionary Police, field tests were taken from the Artesanía Caribeña factory site. "All tests of raw materials and finished products at the factory for drugs proved negative," the report states. "An examination of the structures of the containers had similar results."

A second document, a December 8, 1998, memorandum from the Cuban Interior Ministry Central Criminal Laboratory states that drug-sniffing dogs failed to detect drugs on the factory site. The memorandum states, in part, "A sample of dust was taken from the place covered by dogs in container ALRU-211275-3, to determine through a criminological drug test the following: if the drug cocaine was present. Normal tests were undertaken on the sample with negative results." These Cuban police tests suggest that cocaine was not handled at the factory – the one site in Cuba where the Spaniards had the most access and control.

A third Cuban police document obtained by the Committees appears to confirm Herrera's

claim to be a procurement agent. That document also contains a major clue as to the ultimate destination of the cocaine shipment. An undated declaration signed by Cuban police officials states, "In October 1998 by agreement of the Association's Administrative Committee at the request of Mr. Royo and Mr. Herrera, the latter was authorized to serve as the Associations's foreign sales agent which included other plastic products produced by the Union of Plastics Companies and are sold through the Union's own import-export firm, PLASTIMEX." The Committee staff's search of a firm called PLASTIMEX has produced one possible match: a firm bearing that name in Ciudad Juarez on the U.S.-Mexico border

HISTORY OF THE CUBAN COCAINE CONNECTION

'Castro gets around, man!': U.S. vs. Reinaldo Ruiz, et al

On February 23, 1988, a U.S. federal grand jury indicted Reinaldo Ruiz, his son, Ruben, and 15 others for smuggling cocaine into the United States. The Ruizes were shown in federal surveillance tapes bragging about their partnership with Cuban authorities who helped them smuggle cocaine through Cuban territories in the previous months. "You can accuse Cuba all you want," said Ruben Ruiz. "Can you prove it?... Castro gets around, man!"[1]

Castro initially denied the reports categorically; but, confronted with the Ruiz confessions, Castro was forced to launch his own inquiry, which, of course, cleared him of wrongdoing but placed the blame on Maj. Gen. Arnaldo Ochoa Sanchez and over a dozen "rogue" officers. Notwithstanding Castro's elaborate cover story, one fact that cannot be disputed is that Reinaldo and Ruben Ruiz were convicted and sentenced to prison terms in U.S. federal court based on evidence that also implicated systematic complicity of the Cuban regime in cocaine trafficking.

Senior Cuban officials were complicit in the Ruiz smuggling ring, assuring their American partner that Castro was aware of their scheme. The elder Ruiz even traveled to Havana to seal a cocaine smuggling deal, meeting with Ministry of the Interior officials Miguel **Ruiz** Poo, Major Amado **Padron** Trujillo, and Col. Antonio **de la Guardia**. (Each of these men were also implicated in Castro's Ochoa investigation, lending credence to the bulk of Ruiz' claims.

"Every time that I went over there [to Cuba] I was completely sure that I was 100% backing [*sic*], all the way to the top," Ruiz, Sr. would affirm. "Otherwise, I never ever would touch a thing down there.... When you [go] to an office, everything is taken care of. People play with cocaine like if it was mangoes, oranges, whatever. You know that everything was

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[1] Reinaldo and Ruben Ruiz were videotaped by U.S. law enforcement. See "Cuba and Cocaine," PBS *Frontline* series documentary.

controlled."[2] Ruiz says he asked de la Guardia, "'El senor' [Castro] know about this situation," to which the MININT colonel and Castro intimate responded, "Of course, chico."[3]

The Ruizes described how the Cubans arranged to have aircraft and boats stop at a Cuban military base at Varadero. Cuban coast guard, military, and port officials welcomed and assisted the smugglers (who arrived by boat and small plane). MININT personnel used MININT trucks to move bundled drugs from the plane that had arrived from Colombia to the boat bound for U.S. shores.

A Cuban air force MiG fighter aircraft and coast guard radar boats even escorted the smugglers in and out of Cuban territory. Ruben Ruiz, who flew the cocaine from Colombia, explained to another pilot (who was actually a U.S. government informant), "The airport is at your service.... I've flown in places in Cuba that nobody does. I'm talking military runways." Describing the departure from Cuban waters, Ruben Ruiz explained, "You know the big military coast guard boats? They scan the whole area out man and say 'go this way, go that way.'"[4]

Reinaldo Ruiz was convicted in August 1988 to 17 years in prison for cocaine smuggling. He died of a heart attack on December 31, 1990.

The 'Ochoa Case': A Drug Deal Gone Bad?[5]

After a U.S. district court indictment in February 1988 implicated Cuban officials in a drug smuggling ring using Cuban airbase, Castro initially denounced the accusation as "lies from top to bottom."[6] Castro soon discovered that U.S. prosecutors had secretly videotaped defendants Reinaldo and Ruben Ruiz bragging about Cuban support for their smuggling ring, including an accusation that the drug proceeds had gone "into Fidel's drawer."[7] By early 1989, Castro also learned that the Ruizes were prepared to implicate several Cuban Ministry of the

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[2] "Cuba and Cocaine," PBS *Frontline* series documentary.

[3] Oppenheimer, pp. 27-29. Ruiz described his stay at Havana's Comodoro Hotel, moving around Havana in a MININT vehicle, dining at Tocoloro restaurant, and taking an outing on de la Guardia's 30-foot boat *El Tomeguin*.

[4] "Cuba and Cocaine," PBS *Frontline* series documentary.

[5] *Castro's Final Hour*, by Andres Oppenheimer,Simon & Schuster, provides a detailed analysis and account of the Ochoa scandal. Many of the details from this section are drawn from Chapters 1-3 of this excellent book.

[6] "Castro's Final Hour," by Andres Oppenheimer, Simon & Schuster, 1992, p. 52.

[7] Ibid, p. 53-54. See Reinaldo Ruiz' taped confession in Public Broadcasting Service documentary, "Cuba and Cocaine," *Frontline* series, produced by Stephanie Teppen, written by Stephanie Teppen and William Cran, copyright 1991. Clips of the Ochoa-de la Guardia show trial are also contained in this one-hour documentary, including statements that drug smuggling had been cleared "at the highest levels" within the Cuban government.

Interior (MININT) officers, who were also considering defection. Desperate to contain this threat, Fidel and Raul Castro hand-picked Ochoa and his associates to take the fall. In the words of U.S. defendant Raul Ruiz, "Castro couldn't let something like that get out."[8]

Maj. Gen. Arnaldo Ochoa Sanchez was a highly decorated soldier who fought in the 1959 revolution, the Bay of Pigs, the Congo, Angola, and in other Castro adventures. As commander in Angola, Ochoa occasionally defied commander-in-chief Fidel Castro while forging a reputation as an able leader with a strong bond with his troops. Minister of Defense Raul Castro saw Ochoa expected promotion as commander of Cuba's Western Army as a personal threat. The explosive Ruiz indictment handed down by a U.S. federal grand jury in Miami represented an opportunity for Fidel Castro and his insecure younger brother, Raul, to destroy an emerging rival.

In June 1988, on the eve of his expected promotion, Ochoa was arrested on charges of "corruption and dishonest handling of economic resources." Also arrested were one of Castro's closest friends, MININT Col. Antonio "Tony" de la Guardia and his twin brother, Brig. Gen. Patricio de la Guardia. (Ochoa's aide-de-camp, Capt. Jorge Martinez Valdes, was also arrested along with other lower ranking officers.) "Tony" de la Guardia had been implicated only weeks before by the U.S. federal defendant Reinaldo Ruiz. Not coincidentally, *Castro's Ochoa "investigation" would also implicate two other men with whom U.S. federal defendant* Reinaldo Ruiz met in Havana to clear cocaine shipments through Cuba, ***MININT Maj. Amado Padron Trujillo*** and ***Miguel Ruiz Poo*** (Ruiz' Cuban cousin).

A few short months after denouncing the U.S. indictment as "lies," ***Castro's own investigators charged the same senior Cuban officials implicated by the U.S. prosecution***, with two key differences: Castro's inquiry squelched accusations that the smuggling had been cleared "at the highest levels" of the Cuban government and he wrapped Ochoa up in the drug scandal.[9] In short, the Castro brothers used their investigation to cover up the drug scandal, eliminate a political rival (Ochoa)[10], and clip the wings of the powerful Ministry of the Interior.

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[8] "Cuba and Cocaine," PBS *Frontline* series documentary.

[9] The treatment of Minister of Interior Jose Abrantes bolsters the case that the Ochoa-de la Guardia trial was intended to insulate the Castro brothers from charges of drug corruption while disciplining the MININT: Div. Gen. Abrantes, who was too close to Fidel Castro, was cleared of *drug charges* (at Fidel's behest, "Tony" de la Guardia absolved his superior). However, Abrantes was sentenced to 20 years in prison for negligence; he died on January 21, 1991 of an apparent heart attack. According to Andres Oppenheimer's book, *Castro's Final Hour*, p. 127, from prison Abrantes admitted that Castro knew of drug smuggling through Cuba and that in 1988 Castro had even asked him to "sell ten thousand kilograms of [seized] cocaine that was in storage at Havana's Cimez Hospital...."

[10] Oppenheimer notes that State Department official Michael Kozak, now U.S. principal officer in Havana, told a House subcommittee on August 1, 1989, that U.S. intelligence had noted that, *about two weeks before Ochoa was arrested,* Panama's General Manuel Noriega alerted Castro of a

A military show-trial convicted Ochoa, the de la Guardia brothers, and others of drug corruption. Ochoa, Antonio de la Guardia, Maj. Padron Trujillo, and Capt. Martinez Valdes were executed by a firing squad on July 13, 1989. Others were sentenced to lengthy prison terms.

Antonio de la Guardia's daughter, Irene de la Guardia-Massetti, was interviewed by Committee staff from exile in Madrid in May 1999. Ms. De la Guardia-Massetti claims that her father told her that ***Fidel Castro visited him in jail during the trial to promise leniency if he "kept the matter in the family."*** She also said that her father told her to tell her younger brother not to join the army "because they have betrayed me." Ms. De la Guardia-Massetti explained that Castro had asked her father not to implicate senior officers. Despite the fact that her father and the other defendants did not implicate their superiors they were still sentenced to death.

Links in the Cuban Cocaine Connection[11]

Jose Abrantes. Was Cuban Minister of Interior and Division General, convicted and imprisoned by the Cuban government on "drug charges" in August 1989. Sentenced to 20-year prison term; died in prison in 1991 of "heart attack."

Luis Barreiro. Cuban vice minister of interior under Minister Jose Abrantes in 1989. According to Antonio de la Guardia, he and Abrantes received the proceeds of smuggling.

Gonzalo Bassols Suarez. Remains in Cuba's diplomatic service despite his 1992 U.S. indictment on drug smuggling charges. As "minister-counselor" of Cuba's embassy in Bogota, he aided an arms-for-drugs smuggling ring involving the Colombian M-19 guerrillas and Cuban officials.

Nelson Blanco. General of the Revolutionary Armed Forces, implicated in 1993 draft U.S. federal indictment that named Cuban Minister of Defense and First Vice President Raul Castro and other senior Cuban officials in cocaine smuggling.[12]

Jose Blandon Castillo. Intelligence aide to Panamanian dictator Manuel Antonio Noriega who testified before a Miami grand jury in 1988 that Fidel Castro mediated between Noriega and the Colombian cartels to settle a drug-related dispute.

Oscar Carreno Gomez. Former Cuban chief of customs, arrested by the Cuban government in

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possible military *coup*.

[11] Drawn primarily from *Kings of Cocaine*, by Guy Gugliotta and Jeff Leen, Simon and Schuster, 1989, pp. 63-64; "Cuba and Cocaine," PBS *Frontline* series documentary; "Castro's Final Hour," by Andres Oppenheimer, Simon & Schuster, 1992.

[12] "U.S. Building Cuba Drug Case," by Jeff Leen, *Miami Herald*, April 8, 1993. The indictment was never finalized and key prosecutors were dismissed by the Clinton Administration in 1993.

August 1989 in drug smuggling scandal, along with Interior Minister Jose Abrantes; sentenced to 13-year prison term.

Amado Carrillo Fuentes. A Mexican cocaine smuggler who headed the infamous Juarez Cartel until his death on July 4, 1997. Reportedly lived at a *government protocol house* in El Laguito in the exclusive Vedado section of Havana and was aided by Cuban officials. (He reportedly had a Cuban wife and child.) Investigators speculate that Carrillo Fuentes may have used Cuba as a safe haven for four years or more, directed Caribbean smuggling from the island, or laundered funds there. Mexico's anti-drug chief Mariano Herran Salvatti publicly confirmed Carrillo's Cuba connection, and *Mexican investigators accused Cuba of a "snow job"* for failing to adequately explain the kingpin's business on the island.[13]

Raul Castro Ruz. First Vice President of the Council of State, General of the Revolutionary Armed Forces, Minister of Defense, and brother of Fidel Castro Ruz. As early as 1982, he met with Colombian drug kingpin Carlos Lehder to discuss cocaine smuggling through Cuba. (NOTE:"Cuba's Drug Transit Traffic," Rensselaer W. Lee III, Society, March/April 1997, p.52.) Gen. Castro was the object of a draft U.S. federal racketeering indictment in 1993 in which he was accused of a 10-year conspiracy in which tons of Colombian cocaine was transshipped through Cuba to the United States. Gen. Castro engineered the show-trial and execution of a political rival Maj. Gen. Arnaldo Ochoa Sanchez in 1989, which many believe was intended to eliminate witnesses to his own complicity and that of his brother Fidel.

Abelardo Colome Ibarra. Minister of Interior and Corps General of the Revolutionary Armed Forces. Named in a draft U.S. federal racketeering indictment in 1993 for conspiring with other Cuban officials to ship cocaine from Colombia, through Cuba, to the United States.

Antonio "Tony" de la Guardia Font. Colonel in the Cuban Interior Ministry in the "Moneda Convertible" (MC or "hard currency") Department. Operated a series of front companies intended to smuggle goods around the U.S. embargo and to generate hard currency for the regime. He was named in 1988 by U.S. federal drug defendant Reinaldo Ruiz as aiding his drug smuggling operations through Cuba. He was tried and convicted by the Cuban government on "drug charges," along with his brother, Patricio, Major General Arnaldo Ochoa Sanchez, and others. According to his daughter, Irene de la Guardia-Massetti, Fidel Castro visited de la Guardia in jail to promise leniency if he did not implicate his superiors in the scandal. He was executed on July 13, 1989.

Patricio de la Guardia Font. Convicted and imprisoned by the Cuban government on "drug charges" in June 1989, along with his brother, Antonio, Major General Arnaldo Ochoa, and others. Was brigadier general of the Cuban army and chief of staff of Interior Ministry. Now

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[13] Article in Mexican newspaper Reforma by Cesar Romero Jacobo and Roberto Cespedes, September 25, 1997; "Mexico Queries Cuba About Late Drug Lord," *Miami Herald*, December 2, 1997; "Drug Lord May Have Laundered Millions in Cuba," *Miami Herald*, February 13, 1998.

serving remainder of prison sentence. In an October 5, 1991, written statement obtained by the Committees from a family member in Madrid, Patricio de la Guardia Font stated that, "I knew also of the 500 kilograms of cocaine that the Minister of Interior [Abrantes] had kept in the "CIMEQ" clinic, etc., etc., etc.... On the afternoon of June 12, 1989, I spoke with Tony and after much pressure he admitted that there had been only four air [smuggling] operations in coordination with boats [los lanchecos] that carried technology, arms, and medical supplies from the United States – and the Colombians. To this, I asked if these operations were authorized and he responded that I should not be concerned because that there was a "consensus" [consenso] regarding these shipments. [Tony de la Guardia told me that] more than three million dollars, had been delivered personally to Minister Abrantes and Vice Minister Luis Barreiro.... I have always that there was certain authorization for every type of illegal and undercover operation carried out by my brother Antonio de la Guardia.... I am more than certain that my brother Colonel Antonio de la Guardia Font was more than authorized to carry out undercover operations for which he was punished and executed by firing squad."

Pablo Escobar. Medellin cocaine kingpin who conspired with Cuban officials to smuggle drugs over a 10-year period. Castro's own Ochoa show-trial in 1989 conceded that Escobar had met with a Cuban officer around 1987 as an emissary of Castro confidant, MININT Col. Antonio de la Guardia. The draft 1993 U.S. indictment also cited Escobar's role.

Carlos Lehder. Self-described "king of cocaine." Colombian who was introduced to Fidel Castro by indicted swindler Robert Vesco. Lehder testified at the trial of Panamanian Gen. Manuel Antonio Noriega in 1991 that Vice President Raul Castro and Communist Party official and spymaster Manuel Piniero Losada were involved in drug smuggling with the Medellin cartel; Lehder said that he made "several visits" to Cuba in 1981-82.[14] "Without the permission of Fidel, I could have never gone into Cuba...."[15]

Analdo Ochoa Sanchez. Before his execution by the Cuban government on "drug charges" on July 13, 1989, was a Castro friend, Central Committee member, and major general/division general of the Cuban army; won title "Hero of the Cuban Revolution" as well as widespread admiration within Cuban military for service in Ethiopia, Angola, and Nicaragua. Ochoa's widow told the Madrid newspaper *El Mundo* in October 1991 that, "Fidel and Raul Castro were always aware of that [cocaine] traffic...."

Manuel "Barbarroja" Pineiro Losada. Revolutionary veteran and, since 1974, head of the Cuban Communist Party's Americas Department, which provided support to armed insurgencies and coordinated drug smuggling by Colombian guerrillas with Cuban complicity. A trusted confidant of Fidel Castro, "Red Beard's" Americas Department reported directly to the Cuban

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[14] "Former Smuggler Ties Top Officials of Cuba and Nicaragua to Drug Ring," by Larry Rohter, *The New York Times*, November 21, 1991.

[15] Lehder appears in "Cuba and Cocaine," the PBS *Frontline* series documentary, explaining his Cuba ties.

president. Pineiro Losada was named in draft 1993 U.S. federal indictment for drug trafficking.[16]

Fernando Ravelo Renedo. Senior Cuban intelligence officer and diplomat. From his post as ambassador to Colombia, he conspired with Despite 1982 U.S. indictment for smuggling through Cuba, Ravelo is still a senior intelligence officer operating under diplomatic cover.

Fernando Ravelo Renedo. Cuban intelligence officer and "diplomat"; served as deputy chief of the Americas Department of the Cuban Communist Party Central Committee, which was responsible for supporting armed leftist insurgencies throughout Latin America and for running front operations responsible for smuggling goods into Cuba around the U.S. embargo. While serving as Cuba's ambassador in Bogota, he allegedly conspired with Colombia's M-19 communist guerrillas to smuggle cocaine through Cuba in return for weapons from the Cuban regime. Renedo was one of four Cuban officials indicted by a U.S. federal grand jury in November 1982 for smuggling cocaine, marijuana, and methaqualone through Cuba to the United States. He is the object of an outstanding Interpol warrant.

Rene Rodriguez Cruz. Before his recent death, senior Cuban official and Castro friend. Indicted for drug smuggling by a U.S. federal grand jury in November 1982. Served as member of Central Committee of the Cuban Communist Party.

Reinaldo Ruiz. American citizen, indicted February 23, 1988 on 27-counts of drug smuggling. Convicted. His accusations that his crimes were abetted by Cuban Ministry of the Interior officials (including his cousin, Miguel Ruiz Poo, and MININT Colonel Antonio de la Guardia) sparked the infamous "Ochoa trial" in Cuba, which led to the execution of Ruiz Poo, de la Guardia, and Major General Arnaldo Ochoa Sanchez.

Ruben Ruiz. American citizen, indicted February 23, 1988, along with his father Reinaldo Ruiz, on drug smuggling. Convicted. Federal prosecutors videotaped him describing his landing on Cuban military runways with a MiG escort and departing by drug-laden boat bound for the United States under Cuban Coast Guard escort.

Cuban Vice Admiral Aldo Santamaria Cuadrado. Cuban Navy vice admiral and vice defense minister. One of four senior Cuban officials indicted in November 1982 on U.S. federal drug smuggling charges. Said former Assistant U.S. Attorney Dick Gregory (82-89) of Santamaria, "It was essentially his navy ships which were protecting the dope ship that was coming through Cuba. Without his cooperation, of course, this safe haven for the drug boat was impossible."

Robert Vesco. A fugitive from 1989 U.S. indictment, who swindled mutual fund investors of $200-400 million, "treated like royalty" as a guest of Castro in Cuba. Spotted on Castro's yacht and protocol house No. 4. Earns his keep in Cuba through money-making schemes -- including money laundering and drug smuggling. Introduced cocaine baron Carlos Lehder to Castro.

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[16] See note no. 19, above.

CUBA-COLOMBIA NARCO-TRAFFICKING NEXUS--*THE FACTS*

as of: November 9, 1999

* A 7.2 metric ton cocaine shipment, bound for state-owned company, Union del Plastico, in Havana, Cuba, was seized by Colombian National Police in Cartegena, Colombia, on December 3, 1998. The consigned company, Poliplast y Royo, was a joint venture (51% Cuban government owned) with two minority (49%) Spanish partners.

* Cuban "spin" started the day after the seizure with Castro's anti-narcotics police searching the company's premises with drug dogs, and coming up with no traces of drugs anywhere. Followed by Cuban police going to Colombia, where upon arrival claiming the shipment was finally destined for Spain -- without any proof.

* Castro made a speech on January 4, 1999, identifying the two Spaniards as the culprits in this scheme which had been allegedly operated without his government's knowledge or complicity. The first, Jose Herrera, was in Spain at the time of the seizure. The second, Jose Llorca, was in Cuba, but was told there was a problem with the shipment in Colombia, and told to return to Spain on December 5, 1998. He was never detained or arrested in Cuba. The Cuban government gave him a gift for his sick wife, and Llorca left blank signed checks, and made an $80,000 loan to a Cuban company the day he returned to Spain.

* Spanish police arrested the two, due to Castro's allegations, but released them for lack of evidence.

* On 10/16/99, Herrera was interviewed by committee staff for nearly 8 hours. Herrera indicated he is willing to be interviewed by DEA, and is willing to take a polygraph. Additionally, he willingly volunteered he violated the Helms-Burton embargo to Burton staff, which can only add to his credibility.

* The Cuban/Spanish company, Poliplast y Royo was assigned to the Ministry of Light Industry, but run by two Cuban Ministry of Interior officials Anna Maria Quesada Gonzalez and Antonio Rodriguez. All decisions regarding the company were made by them, or by Carlos Lage Davila if the consent of the Council of Ministers was necessary.

* Contact with the Colombian company, E.I. Caribe, was established by Herrera, Llorca, Gonzalez, and Rodriguez at an international trade fair in Havana. Herrera negotiated the contract, but Gonzalez through the state-owned import-export company Plastimex had to make/approve all orders for raw materials, and in fact placed the orders after the contract was negotiated. When this shipment was delayed, and did not arrive, Gonzalez phoned Herrera daily pressing him to find out why it had not left Colombia. According to Herrera, she was very, very upset that this specific shipment had not been delivered. They found out about the problem with the shipment when, in a phone call to Rodriguez, they were told to look at the news stories from the 6th of December.

* All raw materials brought into Cuba must be ordered, and approved by the government company Plastimex. The containers are owned by the Cuban government. When containers came from Colombia, they had to stop in Jamaica, and were placed in one of two Cuban government holding yards -- Coral Line or Martiner. They were eventually picked up by the Cuban government shipping company Nexus, taken to the Cuban government run port in Havana, and placed in a holding area, where Cuban Customs and Army personnel were the only ones with access to the containers for as much as two weeks. Eventually a government run trucking company would bring the containers to the factory, where they were opened by Cuban Customs officers only. In short, the Cuban government has sole access and possession of the containers from the time they arrive in Jamaica until after they are unloaded in the factory, assuring some level of Cuban government complicity in at least this incident of drug trafficking.

* The Spanish authorities, prosecutors and police now consider this case closed. As far as they are concerned, the cocaine was not going to Spain. As a result DEA Madrid has closed the case as well.

* Castro's government has continued to finger these two Spaniards, but has yet to produce any evidence.

* However, according to an article on May 27, in *Prensa Latina*, the Cuban government owned newspaper, Rogelio Sierra, a spokesman for of the Cuban Foreign Ministry said that the seven tons of Cuba-bound cocaine seized in Colombia in December were destined for the United States.

* The US State Department has bought Castro's story, and accepted his claims as evidence, and proclaims the shipment was headed for Spain (May 13, letters to Burton & Gilman), despite the US Drug Enforcement Administration's (DEA's) contention that it had been unable to corroborate the Cuban assertions (June 18, letter from DEA to State Department).

* There has not been ANY real, conclusive, physical evidence to suggest this shipment was headed for Spain from Cuba.

* On June 22, 1999, Assistant Secretary of State Rand Beers told Reps. Diaz-Balart, Ros-Lehtinen and committee staff, "It's possible it [7.2 tons of cocaine] was coming to the U.S."

* Senior Spanish anti-narcotics police and Spanish Foreign Ministry officials have said this shipment was just as likely headed to the United States as Spain, and that they are not worried because they have NEVER seen a shipment of drugs come through Cuba to Spain. The traditional route is directly (70%) from Colombia to Spain, or through a stopping point like Martinique in the Caribbean.

* Two House and one Senate committee are conducting a thorough investigation into this shipment. It appears the shipment was likely headed to the United States, via Mexico. Containers routinely are sent by Cuban government shipping companies, empty to Mexico, and then return to Cuba with goods in them.

* The DEA now confirms it is considering Mexico as a possible destination for this shipment, and that one of the containers (which did not contain drugs) in the shipment was manifested for Mexico.

* Mexico is the entry point for nearly 60% of the hard drugs entering the U.S., according to DEA statistics.

* DEA consistently argues that drug trafficking organizations do NOT use such large shipments (such as this 7.2 tons) the first time. They would only do this after it was a tested and trusted route.

* The DEA has also indicated that drug trafficking organizations that utilize such large volume shipments send drugs to both the U.S. and Europe. One recent operation netted a trafficking organization sending drugs to Europe as well as Texas and Florida.

* Regardless of the final destination of the 7.2 tons of cocaine, Cuba, as the recipient of this shipment should meet the criteria to be placed on the "major's list" of countries who traffic or transit in illicit narcotics.

* The Cuban government has likely been complicit in drug trafficking for decades, as a method of collecting much-needed hard currency to keep Fidel Castro's communist regime in power. It has been reported that Fidel Castro's brother, Raul Castro has had a draft indictment against him in Miami since 1993 for drug trafficking. U.S. law enforcement has obviously known about Cuban complicity for years (the DEA has surveillance video tapes which implicate Cuban government complicity in specific shipments of cocaine to the US). There is no

reason to suspect this activity would have ceased.

Mr. MICA. Mr. Cummings, you are up. The chairman has yielded back the balance of his time. I would recognize you at this time.

Mr. CUMMINGS. I want to thank you very much, Mr. Chairman.

As I have been listening to all of this, Mr. Ledwith, as a criminal lawyer for about 17 years, I had an opportunity to meet a lot of DEA agents. They were some of the finest human beings that I have ever met, putting their lives on the line every day, every day trying to make life better for people all over the country.

I was just wondering, when you say that you have got an ongoing investigation and there are certain strategies that you use, I take it that is something very important to you. I guess the end result is that you catch the criminals and that there are certain things that you just can't talk about in open—a place like this.

Mr. LEDWITH. That's correct, sir.

Mr. CUMMINGS. But just as significant, there are certain people that you don't want to talk to at a certain point because it may cause the very things that you are trying to accomplish to be defeated.

Mr. LEDWITH. That's correct, sir.

Mr. CUMMINGS. But you said something that really—I guess just has been hanging on my mind, and that is that it really doesn't make any difference to you whether they are on the majors list or not. Why is that?

Mr. LEDWITH. Well, sir, I have spent the last 31 years of my life enforcing the laws of the United States. I don't do it by political affiliation nor does the Drug Enforcement Agency. It doesn't make a bit of difference to me if the drugs were going to Spain or the United States in that sense, in a political sense. It makes a difference to me that we were able to successfully conclude an investigation.

We do not align ourselves politically. We do not target people politically. And I would be both personally and professionally insulted if I was asked to do an investigation based on any kind of political perceptions. I would not do it. I would resign first.

Mr. CUMMINGS. Admiral, let me ask you something. You were the one that showed the maps, right, the charts?

Admiral BARRETT. Yes, sir; the air tracks and the maritime tracks, yes, sir.

Mr. CUMMINGS. One of the tracks had a lot of different colors, the lines. I don't know which one it was, but what did that mean? Did your man disappear?

Admiral BARRETT. Let me go up and see if I can——

Mr. CUMMINGS. What did those lines—when the different colors—I wanted to ask the question at that time, but it just was inappropriate. The one on——

Admiral BARRETT. Back one.

Mr. CUMMINGS. We have got the expert back.

Admiral BARRETT. Sir, there are different periods of time, just so you can see. It will show some of the contrast. They also would be—some are known tracks and others are possible tracks. As part of our data base, if we have only one piece of intelligence that an aircraft is going to leave and go to a destination and we have no corroborating evidence, then that is a possible track. We collect

that. We handle that a little differently, but we use that as part of the historical track information.

Mr. CUMMINGS. Maybe Mr. Ledwith can help me with this, too. When we find out that, say—you also said noncommercial flights are going by. Exactly what does that help you with, and what do you do about it? Are you following what I am saying?

Is there something that Cuba could have been doing to help us? I know about radar and all of that kind of thing, but I am just trying to figure out what could they be doing to help us address this problem? Listening to you all, I am not sure whether they are really involved in the drug trafficking themselves, but I am just wondering if there are things that they could be doing to assist you more than what they may be doing now.

Admiral BARRETT. Yes, sir. When I say "a noncommercial air track," it is basically a light aircraft that is generally equipped with extra fuel tanks to be able to make a trip from the north shore of—the north coast of Colombia, the La Guajira Peninsula, to overfly Cuba and drop their drugs and turn around and return to South America. And basically what we do, every time we get one of those tracks on our radar, we pass the information to the Coast Guard in the Seventh District and they alert the Cuban authorities.

So what I think we could do is if Cuba would respond, and as Mr. Beers said, they do not have a shoot-down policy, and we cannot give them specific radar information, but we can tell them a track is on the way, which we do regularly. And basically, if they responded, I think it would be a deterrent against the traffickers to not overfly Cuba.

Mr. CUMMINGS. Is there something other than shooting down that would be an appropriate response?

Admiral BARRETT. Well, we basically have a lot of problems right now with the air tracks that return to South America overflying Venezuela. Venezuela does not have a shoot-down policy. They do not allow us to overfly their sovereign air space now, but they do frequently respond with fighter jets that try to force the traffickers to land so they could make an arrest.

Mr. CUMMINGS. One other question. I guess just the mere fact that if you had a shoot-down policy, that in and of itself would be a deterrent, you would hope?

Admiral BARRETT. Yes, sir, very definitely. When we had successes on the air bridge between Peru and Colombia, where coca base was being delivered to the processing labs in southern Colombia, the Peruvian Air Force shot down approximately 3 percent of the flights and it stopped the air traffic.

Mr. CUMMINGS. Have we had any of those kinds of discussions, any at all, Mr. Beers?

Mr. BEERS. With the Cubans, no, sir. The law says that the United States and U.S. Government officials are not permitted to in any way assist or abet that kind of activity except in certain exceptional circumstances which require that the country in question have a national security emergency and that the United States and the country in question discuss the procedures which are undertaken before the country actually begins to fire on the plane; that is, to determine whether or not it is a drug trafficking aircraft,

whether or not it is prepared to land after being spoken to on the radio, after being signaled to, cockpit-to-cockpit, with normal international procedures, and only at that point and only with the decision of a higher-level official not in the cockpit.

Those are the kinds of procedures that we have asked, or are required to ask, of countries before we could knowingly transfer data to them that would aid them in any way in shooting down those aircraft.

Mr. CUMMINGS. Thank you.

Mr. MICA. Thank you. I would like to recognize now the gentleman from California, Mr. Ose.

Mr. OSE. Mr. Beers, if I may, I'm a little bit confused. What was the number of overflights of Cuba in the period from January 1, 1997 to September 30, 1997?

Mr. BEERS. The number that I have is approximately 20 plus. And I believe Admiral Barrett has a more accurate figure than I have in his presentation.

Admiral BARRETT. The bar chart, it's the first chart. Sir, I think the differences, these are calendar year figures. And I think Mr. Beers was talking fiscal year, but basically those are the figures from the interagency data base.

Mr. OSE. Here's the question I have: In the material we have it appears that for the period January 1, 1999 to September 30, 1999, according to Mr. Beers' testimony, there were nine such overflights.

Mr. BEERS. Yes, sir.

Mr. OSE. In the period from January 1, 1998 to September 30, 1998, there were 27 such overflights. What I'm trying to get to is the period from January 1, 1997 to September 30, 1997, the number of overflights. And what I'm confused about is that, Admiral, I heard you mention the number 60 as being the overflights both to Cuba and to the Bahamas.

Admiral BARRETT. Yes, sir. I was adding 1997 and 1998 from my chart. When Chairman Gilman asked me were there a lot of flights prior to 1999, I combined those years. And that's where I got the 60 figures.

Mr. OSE. The 1997 number is 21, the 1998 number is 39, and you have 10, Mr. Beers has 9.

Mr. BEERS. His goes to a later date this year than mine. And I'm prepared to stipulate that his numbers are the best numbers we have, sir.

Mr. OSE. All right. What I'm trying to do is reconcile General McCaffrey's observation that the overflights have increased by 50 percent with the representation that the overflights have reduced by 50 percent.

Mr. BEERS. Sir, the only explanation I can come up with is that the data speaks for itself and he meant to compare 1998 and 1997 and not 1999 and 1998, because we don't have anything that would come out anywhere close to that 50 percent figure increase in calendar year 1999.

Mr. OSE. I have a letter here dated May 27, 1999 from General McCaffrey to Chairman Burton. I want to quote, "the intelligence and law enforcement communities report that detected drug overflights of Cuba, although still not as numerous as in other parts

of the Caribbean, increased by almost 50 percent last year." So that would have been 1998.

Mr. BEERS. Yes, sir.

Mr. OSE. So that would have been a comparison presumably from 1997 for the period through September 30.

Admiral BARRETT. Yes, sir, that's correct.

Mr. OSE. That would essentially establish the general accuracy of these numbers, if I do some quick math.

Admiral BARRETT. Yes, sir. But, again, my figures are for calendar year. So when Mr. Beers was talking up through the end of the fiscal year, I've added 3 more months into mine. Mine are calendar year figures.

Mr. OSE. I was unclear on that, I appreciate that. And we had a major effort, as I said, with the domestic law enforcement agencies, DEA, Coast Guard and Customs, to get successful endgames against those air drops north of Cuba, and that happened late last year, early this year. And we think that's one of the reasons for the dropoff.

Mr. Ledwith, your comments about the end source for the 7.2 metric tons; you keep using the word "uncorroborated" information on which the DEA bases its opinions. And I'm trying to make sure I understand what uncorroborated means. And the reason I ask that is I read the deposition of Mr. Herrera, and I'm just trying to understand why do you use the word "uncorroborated?"

Mr. LEDWITH. Sir, in general we would use that word to indicate that we were not able to factually verify the information ourselves, that it is third-party reporting or it is reporting of Cuban origin. And we do not place the ultimate test of faith in any reporting that we have not done ourselves or have been able to factually corroborate ourselves. I would refer to it as uncorroborated at that point.

Mr. OSE. So if I understand correctly, you're surmising that the end destination of the container was Spain, but you're giving us a heads up that that information comes from Cuban sources?

Mr. LEDWITH. Partly from Cuban sources, partly from the Colombian National Police. The Colombian National Police, and I have the greatest faith in their reporting, seized documents at the time of the container seizure in Cartagena, that would also be part of the documents that we referred to. Some of the other information that we became aware of is as a result of Colombian National Police interaction with the Cuban police, because we do not have the capability to interact directly with them.

Mr. OSE. Is the information you're getting from the Colombian police coming from the Colombians or from the Cubans? In other words, are the Colombians serving as a conduit or is it generated from their own sources?

Mr. LEDWITH. It is my understanding, sir, that there's two different levels of information involved here; one is that which was seized by the Colombian National Police in Cartagena, Colombia at the time of the seizure. Those would be the documents indicating that this container was to be shipped on the vessel *Capitan Ortegal* to Jamaica with further routing to Cuba.

Mr. OSE. Mr. Chairman, I see the red light is on. I can't believe my 5 minutes are up, but before I yield back, I want to enter into the record two articles, one dated June 28, 1999 from the Miami

Herald and the other dated November 1, 1999 from the Washington Times, highlighting our efforts to track this down.

Then I can't help but have two questions which I appreciate any input on, and that is if—according to the tracking information that you've got on these flights, they have largely been redirected toward Haiti and that the dilemma I have is it is my understanding we're engaged in a bunch of nation building down in Haiti. And I can't understand why it is that drug traffickers are flying to a country that we have a military presence in and we can't do a damn thing about it.

The second item is if, in fact, this container was headed to Spain, as the uncorroborated evidence indicates, according to the definition on the certification process, that might bring into jeopardy whether or not Spain in fact should be identified as a number on the majors list.

So I just—I don't have time to explore those, but I appreciate the chairman's time.

[The information referred to follows:]

The Washington Times

Commentary

DAN BURTON / BENJAMIN GILMAN

Markers on the cocaine trail

Today is the deadline for a decision from the Clinton administration on whether to place Cuba on the official list of major drug transiting nations.

Last Dec. 3, the Colombian National Police seized six shipping containers initially destined for Havana that contained 7.5 tons of cocaine in hidden compartments. The Government Reform and International Relations Committees have conducted an investigation into this shipment. The investigation has provided compelling reason to conclude that the Cuban government was complicit with this shipment. Clearly Cuba belongs on the "major's list."

The Drug Enforcement Administration (DEA) contends that a drug trafficking organization would never send such a large and valuable shipment, worth more than $1.5 billion, without first testing the route with smaller loads. This indicates Cuba must have been a transit point before. This is only logical, given Cuba's location some 90 miles from U.S. shores. The links to drug trafficking make sense due to its profitability and Cuba's ongoing shortage of hard currency after the collapse of the Soviet Union and the implementation of the tough Helms-Burton embargo.

The state-owned Cuban company this shipment was consigned to was a joint venture with two minority Spanish partners. Mr. Castro has publicly accused these two as the masterminds of this drug shipment. Mr. Castro says these Spaniards were operating a drug trafficking ring in Cuba without his government's knowledge. Why would Mr. Castro allow one of these partners, who was in Cuba on Dec. 3, the date of the seizure, to leave the country without being questioned or detained?

Committee staff recently interviewed the other Spanish partner. He offered to be interviewed by the DEA and take a polygraph. He willingly provided extensive details about how joint-ventures operate in Cuba. In this case, two Cuban Interior Ministry agents and a vice president of Cuba's ruling Council of State were in charge of all financial and logistical aspects of the Cuban government-owned joint venture. The Cubans hired the workers, ordered the materials and made the decisions. The Cubans were responsible for ordering and arranging shipments in Cuban state-owned containers. The common practice was for these state-owned containers to be first shipped to Jamaica, where Cuban state-owned companies had port facilities. The containers would then be loaded onto Cuban state-owned ships and taken to the state-run Havana port where the Cuban Customs and Army inspected the ships. Containers often stayed in the port for weeks, before the state-owned trucking company would take them to the factory, where a Cuban Customs officer had to be present when the containers were finally opened. The Cuban government controlled the entire operation from beginning to end.

Fidel Castro

In this case, the shipment was twice delayed in Colombia. One of the Spanish partners received frantic calls daily in Spain from the Cuban Interior Ministry agent asking him to contact the Colombian company for an explanation. He could not understand why the Cuban official was so concerned about the delay in this particular shipment. He now knows.

When asked if he was surprised by Mr. Castro's allegations against them, he said, "My impression is that they had to unload this on somebody, and we had just the right profile."

Spanish authorities have closed the case. Cuban authorities failed to provide any evidence of the Spaniards' involvement, and the Spanish authorities have determined the cocaine was not coming to Spain.

This is not the first time we have heard of Cuban government complicity in drug trafficking. Reportedly, Fidel's brother, Raul Castro, has had a draft indictment against him in Miami for drug trafficking for years. White House drug policy director Gen. Barry McCaffrey says overflights of Cuba by drug planes have increased 50 percent in the last year, and there has been an increase in drug-running fast boats seeking refuge in Cuban territorial waters. Few, if any, meet resistance from Mr. Castro's military. How can a military that shoots unarmed civilian aircraft out of the sky and sinks boats full of innocent women and children not have the capacity to do the same for drug traffickers — unless there is complicity?

The time is long overdue for the president to place Cuba on the "major's list" as a major transit nation for illicit narcotics that substantially impact the United States. Anything less would clearly demonstrate the Clinton administration's lack of resolve to stop drug trafficking, and the administration's blatant efforts to normalize relations with a ruthless communist dictator, whose nation is now linked to major drug trafficking activities.

Rep. Dan Burton, Indiana Republican, is chairman of the House Government Reform Committee, and co-author of the Helms-Burton embargo of Cuba. Rep. Benjamin A. Gilman, New York Republican, is chairman of the House International Relations Committee.

Cocaine trail leads to Cuba, despite Castro's 'spin'

There are new revelations about Cuba's complicity with Colombian drug traffickers: On Dec. 3, 1998, 7.2 metric tons of cocaine were seized in Cartagena. Even Fidel Castro admits that the cocaine was destined for Cuba. After that, however, his "spin" begins.

Soon after the seizure by the Colombian National Police, Castro sent Cuban police to Colombia to tell a rather-convoluted story for which no supporting evidence has been offered. Castro's police proclaimed this shipment ultimately was headed for Spain, because two Spaniards operated the company in Cuba to which it was consigned.

But, interestingly, the Cuban government's Ministry of Light Industry owns a majority interest in the company.

In a January speech, Castro publicly accused the two Spaniards of being responsible for the cocaine-smuggling operation and again asserted that the cocaine was bound for Spain.

After his speech, Spanish police arrested and detained the two Spaniards, who had returned to Spain after the Cuban investigation began. When Cuba failed to provide the Spanish police with any evidence to support Castro's accusations, the men were released.

At a news conference proclaiming their innocence, the two said, "In Cuba the government controls everything. The Castro government has all the information on the houses, the families who live there and the telephones. Consequently, the president of Cuba is lying. . . . This is outrageous. Everything is rooted in an unprecedented speech in which a head of state makes baseless charges."

Spanish authorities confirm that they still have not received any evidence from Cuba to substantiate Castro's claims.

DAN BURTON

U.S. Rep. Dan Burton, R-Ind., is chairman of the House Government Reform Committee and co-author the Cuban Embargo Act. U.S. Rep. Benjamin Gilman, R-N.Y., is chairman of the House International Relations Committee.

BENJAMIN A. GILMAN

Ironically, a Cuban police investigation contradicts Castro's spin. Police documents claim that the company's factory and shipping containers found on site were searched: "All tests of raw materials and finished products at the factory proved negative. . . . An examination of the structures of the containers had similar results." A second search of the factory and containers by drug-sniffing dogs also came up negative.

This suggests cocaine was not handled at the factory — the one place where the Spaniards might have had opportunity and access.

It is far-more likely that Castro is using the two Spaniards as scapegoats. After all, what could he say once it was determined that Cuba was the immediate destination of 7.2 tons of Colombian cocaine? It is foolish to believe that two businessmen could dupe Castro's totalitarian government, given all of its social controls.

Amazingly, the U. S. State Department, which is supportive of normalizing relations with Cuba, has accepted the Castro version of events. In a letter to Congress, the State Department claimed to have "evidence" that the cocaine was going to Spain. The "evidence" ended up being these uncorroborated claims by the Castro government.

The State Department may have forgotten, but federal prosecutors in Miami reportedly have held a draft indictment for drug trafficking against Castro's brother, Raul Castro, since 1993.

White House Drug Czar Barry McCaffrey claims that Castro lacks the resources to respond to increased drug trafficking in Cuba's territorial waters and air space. However, in 1996, Castro ordered his MiGs to shoot down two unarmed civilian aircraft in international air space, and in 1994, ordered his Navy to sink the March 13th tugboat in international waters. Clearly, if Castro wants to respond to drug traffickers, he can.

While the ultimate destination of the December drug shipment remains under investigation, it is becoming increasingly likely that the cocaine was bound for the United States, possibly via Mexico. More than 60 percent of hard drugs entering the United States come through Mexico, according to the Drug Enforcement Administration.

Unless credible evidence turns up that this shipment was headed elsewhere, common sense dictates that it was bound for the United States. Therefore, Cuba must be placed on the State Department's "major's list" of nations through which substantial amounts of illicit narcotics pass en route to the United States. We have again asked Secretary of State Madeleine Albright to do just that. We will see if the State Department continues to choose to believe the Castro regime's assertions or the facts.

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Mr. MICA. I thank the gentleman. Without objection the two articles he referred to will be made a part of the record.

And I will now recognize the vice chairman of our subcommittee, the gentleman from Georgia, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

I too must express some degree of surprise, and mystification over why Cuba has never been on the majors list. Mr. Beers, I know you're very familiar with the language in the statute, I'm going to read it here for purposes of just laying the basis for my mystification, "the term major drug transit country means a country, A, that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or, B, through which are transported such drugs or substances."

It seems as if you're saying, reading in between the lines of your earlier discussion with, I forget which one of the other members of our committee it was, regarding General McCaffrey's statement that, and Mr. Ose from California just referred to this, that there had been a 50 percent increase in transshipment flights or flights over Cuba.

You seem to indicate that may not be that significant this year, because the way you read the statistics that would mean that it's, according to this they've dropped off, and therefore, that would be a reason not to have Cuba on the list. Would that not be a strong reason to have included Cuba in previous years, if now that provides the basis for not including them this year?

Mr. BEERS. Sir, what I was trying to say was that we have chosen as looking at the information.

Mr. BARR. Who is we?

Mr. BEERS. This is the U.S. Government position.

Mr. BARR. The State Department position.

Mr. BEERS. The U.S. Government, sir.

Mr. BARR. I want the State Department——

Mr. BEERS. Sir, I'm not in a position to speak about what individual or individual agency views were in a decision made by the President of the United States.

Mr. BARR. Does the State Department not have a view on whether or not Cuba should be included on the majors list?

Mr. BEERS. Sir, the Secretary of State's view that she communicates to the President on this is her view.

Mr. BARR. Does the State Department have a view? The State Department being that agency of our U.S. Government funded by taxpayer money? I'm trying to help you here. I'm not being antagonistic to you. I think you agree, even though you're not saying so. Does not the State Department have a position on whether or not a country should be included or not included on the majors list? I'm not asking you to say what it is.

Mr. BEERS. Yes, sir.

Mr. BARR. They do have a position.

Mr. BEERS. Yes, sir. That is true. The Secretary of State is required to provide that recommendation to the President.

Mr. BARR. I'm very happy to know the State Department has a position.

Mr. BEERS. Yes, sir.

Mr. BARR. Is it the position of the State Department that a country that has a significant number of flights allowed through or over its territory or in its territorial waters of drugs transshipped either to or affecting the United States should be included on the list?

Mr. BEERS. The administration's position, sir, with respect to the——

Mr. BARR. The State Department position. I'm not asking for a specific country, for heaven's sake. There has to be some criteria that the State Department uses in rendering its decision that you already told me it uses to make recommendations to the President.

Is part of the criteria that the State Department uses as a general matter of fact that there is evidence that there is a significant number of flights over or transshipments through the territorial waters or the territory of a country of mind altering drugs that are destined to or affect the United States?

Mr. BEERS. That is one of the things that we look at, yes, sir, as do other agencies.

Mr. BARR. OK. Looking then at this chart, one could perhaps make an argument, we might not agree with it, one might make an argument that in 1998 Cuba would be included, and then the fact that there has been significant dropoff to 1999 might provide at least a colorable argument that one could make, without a major grin, that it should not be included in the current year. But wouldn't it seem, if you took off of this chart the name of the country, that there probably would be a reasonable basis for including a country with that significant a number of flights, suspected flights, given its proximity to the United States, given its proximity to a number of other countries that are included in the list, that probably would make that country eligible for inclusion in the list?

Mr. BEERS. Sir, you can make that argument. The administration has chosen not to. We know the administration——

Mr. BARR. The President.

Mr. BEERS. No administration——

Mr. BARR. The President has chosen, has made that decision.

Mr. BEERS. The President, yes, sir. And no President has chosen to make that argument. The statistics which I have go back to 1991. The largest years were 1991 and 1992 and the administration that preceded this administration, and as I said, no administration has chosen to make this the sole criteria for putting a country, Cuba, on the majors list. This is a unique case.

Mr. BARR. I think it is a unique case, and that's what bothers us, that there seems to be very good reason to have it on the list, yet it is not. The President has again chosen to include some countries that, unlike Cuba, mount very, very strenuous efforts to assist us and take very strong measures against drug trafficking, and yet they're included on the list, and yet we have Cuba that does not make those efforts that is not included.

It seems to us unique and that's why we're probing, because we think that there is a reason, simply politics or——

Mr. BEERS. Why would that have prevailed since the beginning of this log-in, sir?

Mr. BARR. That is a mystification. But what we're focusing on is recent years. I mean we're not here to talk—at least I'm not here to talk about what Lyndon Johnson might have done or George

Bush or somebody else. That's not really the concern of this Congress. It may be to some Members on the other side, and it may be to you, I don't know, but our concern, those of us who are here today and who have spoken on this, are concerned with what seems to be very significant evidence that raises a very high likelihood that Cuba ought to be and satisfies the criteria, even more so than some of the other countries on the list, for inclusion.

Does the 7½ tons of cocaine destined for Cuba concern you?

Mr. BEERS. The 7½ tons of cocaine destined for anywhere would concern me. That is a very significant shipment. We all would agree with that.

Mr. BARR. And I know there's been some discussion here already today about whether or not the evidence indicates that it was destined for Spain or the United States. It's my understanding that there has been no firm conclusion on that, is that true? Is that accurate?

Mr. BEERS. Yes, sir, that is an accurate view. The preponderance of information continues to suggest that it was going toward Spain, but that is information, not evidence, and there is no firm conclusion.

Mr. BARR. So the administration has not ruled out that it was destined for the United States? You've not been able to rule that out?

Mr. BEERS. No, sir, but the other piece of information that's lacking here is we do not have other information about other shipments that went through the territory of Cuba that were destined for the United States this past year, or the year before that or the year before that or the year before that.

Mr. BARR. I think Mr. Burton's concern was that perhaps some of these leads are not being followed up, I think. I can't speak for him, but I think his concern is that there may be some effort to exclude certain possibilities that you might find out if too many questions perhaps were asked, and I know the other witnesses have expressed an unwillingness to go into that here in an open hearing. But I do hope that we can have some meetings that will shed some more light on that.

Mr. BEERS. Sir, we're trying to do everything we can, but as you also know, the State Department is not a law enforcement, investigative agency.

Mr. BARR. Looking back also at the 7½ tons of cocaine, such as the one in December 1998, is it—the language that we're talking about earlier in the statute, and I know the President's letter in May, true to form, uses some very specific words. He says "we have yet to receive any confirmation that this traffic carries significant quantities of cocaine or heroin to the United States," which is not precisely the language of the definition of a major country. It is not a criteria to include a country on the majors list that the drugs be specifically targeted to the United States, is that not correct?

Mr. BEERS. Sir, it is correct that the language of the law does not say that. We are going by legal opinion that was developed within our legal community within the government that has caused us to use the United States as the final destination as the determining element.

Mr. BARR. Let's say hypothetically we have a country and we can establish that two shipments come through that country of equal amounts and say, just hypothetically, 7½ tons each, and both of those are at the point of embarkation from the source country destined for the United States, but somebody makes a decision somewhere in the trafficking line that instead of sending all 15 tons to the United States, they're only going to send 7½ and they're going to send 7½ to one of our allied countries in Europe, which is a major concern to DEA. Would the fact that that 7½ did not actually wind up being targeted directly to the United States lessen the concern that you might have over that shipment?

Mr. BEERS. Sir, the fact that 7½ metric tons were coming to the United States out of the two shipments of 7½ each would be a significant concern to the United States and we would look very seriously at that.

Mr. BARR. You're not saying that you look at these numbers, these shipments, these drug transactions in a vacuum; is it not a concern when we have major shipments going to those of our allied countries as well? I mean that does happen.

Mr. BEERS. I'm sorry, sir, I thought you were talking about in the context of the majors list. No, sir, we, like DEA, would agree that drug trafficking anywhere in the world is a serious problem and a serious problem that directly or indirectly affects the United States and all the citizens of the world. And the State Department's effort to deal with trafficking is not limited to the focus on drugs that come to the United States. We have programs with countries that don't necessarily make major contributions to drug flows to the United States.

Mr. BARR. Thank you, Mr. Chairman.

Mr. MICA. I thank the gentleman. I have a couple of followup questions, first of all for Admiral Barrett. You obtain your surveillance information from various agencies, you said Coast Guard, Navy, various——

Admiral BARRETT. No, sir.

Mr. MICA. Where do you obtain that from?

Admiral BARRETT. We receive our track information from a system of radars that feed into my organization in Key West. We do——

Mr. MICA. Do you use any of the information obtained by Coast Guard and other aircraft and other flights?

Admiral BARRETT. Yes, sir. But normally speaking, those aircraft are working for me. We are——

Mr. MICA. So this information on flights is strictly radar based, currently and historically?

Admiral BARRETT. It will be initially radar based and then we actually launch aircraft to identify the suspect aircraft.

Mr. MICA. Well, who launches the aircraft?

Admiral BARRETT. I do, sir.

Mr. MICA. What aircraft?

Admiral BARRETT. Navy aircraft, Coast Guard aircraft.

Mr. MICA. Well, I'm a little bit curious as to the number of flights, because May 1st, we stopped all of the flights out of Howard Air Force Base; is that correct?

Admiral BARRETT. That's correct, sir.

Mr. MICA. And our staff was down there for some months after and there was a big gap in those—the capability of launching any aircraft from anywhere to go after drug traffickers; isn't that correct?

Admiral BARRETT. Sir, we have moved our assets to forward operating locations.

Mr. MICA. But, sir, there was indeed a gap from May 1—we had staff down there, I sent them down immediately, we had no capability out of Manta, almost no flights for some time, and limited out of Aruba. And then I was told in fact—is this not the case—that out of Aruba that we were getting bumped for commercial traffic, our flights?

Admiral BARRETT. I'm not aware of that, sir.

Mr. MICA. That's what I was told. But weren't there—from May 1st there was a dramatic decrease in the number of flights that took off for a number of months; is that correct?

Admiral BARRETT. No, sir, that's not correct.

Mr. MICA. Well, we're getting different information.

Admiral BARRETT. Sir, there was an extensive number and different type of aircraft that worked out of Howard. We did not have as many aircraft in Aruba and in Curacao. But I have assets also working out of Guantanamo Bay.

Mr. MICA. For several months there were none coming out of Manta——

Admiral BARRETT. Yes, sir, but Manta only covers the Eastern Pacific. It had no influence on the Central——

Mr. MICA. And there was a greatly diminished number from this information that we got from May, June, and July out of Aruba than had previously come out of Howard; is that correct?

Admiral BARRETT. That is correct, sir.

Mr. MICA. OK. Well, whether we had more flights or not, your other testimony provided to the subcommittee today is that there is an increase in go-fast; is that correct?

Admiral BARRETT. That is correct.

Mr. MICA. A dramatic increase. Not only go-fast, and if I were a drug trafficker, it wouldn't take me much time to figure out that there may be pressure from the air and surveillance, even if it's limited, but to move this stuff by another means. And you also testified today, this is almost 20 percent in one shipment, that's correct, of what you seized in 1999, 20 percent of the total?

Admiral BARRETT. Sir, I need to clarify a point. When I indicated that JITF East, my organization, had been directly involved in the seizure of over 45 metric tons, there are other agencies that also seized drugs in the transit zone that we may not have been directly involved in. So the historical——

Mr. MICA. But it's a significant amount, and then——

Admiral BARRETT. Yes, sir, very definitely.

Mr. MICA. And then Mr. Ledwith testified that the Cubans told him that they found containers with residue in it, that's right, Mr. Ledwith?

Mr. LEDWITH. Correct.

Mr. MICA. I don't want to get into money, because now I'm finding out that's in another one. So it appears that there's significant increase in Cuban involvement in drug trafficking. What concerns

me is Mr. Beers has testified today that this is the most exhaustive review ever conducted, yet Mr. Ledwith tells us that in fact the investigation isn't complete. We cannot confirm or deny if the United States was the final source.

We met with the CIA today in closed door session, they don't have a clue. They do not have a clue. I've read more in the newspaper close to the comic section than they could tell me in a closed door briefing of what's going on. If it's an exhaustive review, I would be very concerned.

Mr. BEERS. Of availability information, sir, excuse me.

Mr. MICA. Of available information. And they can tell you they don't have much available. Then I'm told by our staff that the Spanish police, national police has closed the investigation and Mr. Ledwith testifies that there's an ongoing investigation of—the Spanish National Police are part of it. Quite frankly I am concerned.

I did not become convinced before today that there was this involvement with the Cuba at this level. It has raised many more questions. I'm concerned about the volume. This is an incredible amount of narcotics. And I'm told now that there's even more and we don't know much about what's going on. And it does concern me.

So I have taken a new turn as far as my knowledge and I have to say I was very skeptical before the hearing. But now I'm even more concerned.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. I know that we have just a few minutes remaining on the clock. Mr. Ledwith, we know that there will be confirmation hearings before the DEA Administrator probably coming up in early next year. And I know we have at least one more—from what you hear from this subcommittee many of us have a lot of questions related to whether our agencies have done everything that we should and must do regarding this investigation of the over 7 metric tons headed from Colombia to Cuba.

And we definitely would like to encourage the Administrator to wrap up the investigation as quickly as possible and any loose threads should be closed up and all of those questions should be asked and people should be properly investigated and followup. And we hope that those confirmation hearings, of course, go well for the Administrator, and many of us will be checking with Senator Helms and Senator Hatch to make sure that our agencies are doing everything to wrap up that investigation and do a thorough job, and I know that DEA will do its job.

Mr. LEDWITH. Yes, ma'am. Investigations have a pace of their own and at times there are integral parts of an investigation that we have to work with, where we have to wait for certain things to happen. I mean in any investigation and it is impossible to establish timeframes for investigations in progress. But we will do everything in our power to complete this as soon as possible.

I would not wish to hold it to any kind of timetable with which we could not comply and bring the idea before the committee that we were uncooperative or unwilling. It is merely a case that these

things have a life of their own occasionally and we need to work within those parameters.

Ms. ROS-LEHTINEN. Let's hope there's more followup on this case than there was in the Cabrera case.

Mr. MICA. Mr. Ose.

Mr. OSE. Thank you, Mr. Chairman. Captain, could you flip to the air tracks, please. I want to first look at this one. I presume this reflects the 21 and 39 flights that were tracked for 1997 and 1998.

Mr. BEERS. Yes, sir.

Mr. OSE. And if you can see—I mean you have some bisecting virtually the center of Cuba, you have some over on the island of Hispaniola, some headed out to the east and some headed into central Mexico. Captain, would you go to the next page, now, please. Here we have the tracking for calendar year 1999 through November 15th, and what we see is a substantial reorientation of the tracks, if I'm reading the map correctly, a substantial reorientation of the tracks to Haiti, which is on the western end of Hispaniola.

Mr. BEERS. That's correct, sir.

Mr. OSE. Now the question arises in my mind if this tracking pattern contributes to the empirical evidence on which Haiti would be put on to the majors list—captain, flip back to the previous page—why is it that a similar tracking pattern over Cuba doesn't?

Mr. BEERS. Sir, that's not the only information on which Haiti and the Dominican Republic were looked at with respect to this decision. There are also go-fast boats which have landed cargo in Haiti and the Dominican Republic which comes on to the United States. And we have—if you will look at that, you will notice that those planes are landing in Haiti, they're not necessarily going on from Haiti. And so what we have used to look at that is all available information and based on all available information, which is that there are a variety of ways in which drugs come into and go out of Haiti, that's the basis for putting Haiti on the list, sir.

Mr. OSE. So if I understand correctly, a country in which we have a military presence engaged in nation building to reinstall the democratically elected government has under this scenario fewer tracks and yet then say Cuba and yet—captain, flip to the next page—here on the western end of Hispaniola, which is Haiti as opposed to the eastern end, which is the Dominican Republic, which I see, I think there's one track in the very southwestern corner.

I mean there's some inconsistency here in my opinion as to the empirical evidence you're using, whether it be go-fast boats, overflight patterns or what have you, to in one case have Haiti on the list, because of the overflight patterns of the go-fast boats, and then have the Dominican Republic on the list where the empirical evidence doesn't have any overflight pattern for instance.

Mr. BEERS. Sir, we don't use the overflight patterns as a sole criteria to put people on the list. That's what I've been trying to say.

Mr. OSE. I'm in agreement with you. I'm saying up here that the overflight pattern is empirical evidence that something is going on, and it ought to be raised in priority in terms of how you put a country on or off the majors list. There is a direct connection as we can hear from the testimony in terms of the dumping of cargo in international waters for pickup by go-fast boats between planes fly-

ing over a country and the subsequent delivery of material into the water.

I'm just amazed at the difference in the empirical evidence between Haiti on the west end and the Dominican Republic on the east end as it relates to overflight patterns only and the empirical evidence as it related to Cuba in previous years.

Mr. BEERS. Sir, the trafficking patterns that have caused both Haiti and the Dominican Republic to essentially be put on the majors list for the past several years is that the flow comes into the territory of both of those countries and goes out of the territory of both of those countries we believe to the United States. It is the land nexus that is the basis for the decision. If those countries were like Cuba, if those countries had only overflight in maritime transit around but did not touch, then we would be in a position which would be similar to Cuba. Neither of them are.

Mr. OSE. Mr. Chairman, we need to go, so I yield back.

Mr. MICA. Unfortunately, we do have a vote, with a little bit of time left. Without objection, the record will be left open for 3 weeks. We will be submitting additional questions to the witnesses. Being no further business to come before this subcommittee, this meeting is adjourned.

[Whereupon, at 1:10 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

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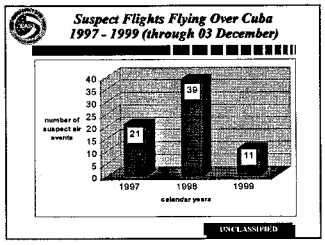
QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
CUBA'S LINK TO DRUG TRAFFICKING
17 NOVEMBER 1999
QUESTION #1

SUSPECT FLIGHTS FLYING OVER CUBA

Mr. Mica: According to a May 27, 1999 letter by the Director of the Office of National Control Drug Policy, General McCaffrey stated, "The intelligence and law enforcement communities report that detected drug overflights of Cuba, although still not as numerous as in other parts of the Caribbean, increased by almost 50 percent last year." In Congressional testimony on November 17, 1999, Admiral Barrett stated that he did not agree with General McCaffrey's assessment for this past year and thought that General McCaffrey must have been speaking of the change in overflights from 1997 to 1998. Can JIATF East resolve this apparent inconsistency?

Admiral Barrett: The following chart was used in my testimony. The data shown is based on the Consolidated Counterdrug Database (CCDB) which is the interagency agreed-on source for drug events. Also, the data is based on only "known" events (confirmed or substantiated in accordance with established definitions). The CCDB tracks data by country of origin and country of destination, and accordingly, very few events have a destination of Cuba. Most "Cuba" flights are destined for The Bahamas, either directly or by airdropping to waiting vessels in or near Cuban territorial waters for further transport to the Bahamas or to the U.S. Our analysis indicates nearly a 50 percent increase in flights when comparing 1997 to 1998, followed by approximately a 70 percent drop from 1998 to 1999.



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QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
CUBA'S LINK TO DRUG TRAFFICKING
17 NOVEMBER 1999
QUESTION #2

SUSPECT AIR TRACKS

Mr. Mica: Please provide data (by calendar year) on the annual number suspect air tracks and maritime smuggling incidents for the last three years for the country of Cuba. Also provide this data for Haiti, Dominican Republic, Jamaica, Mexico and the Bahamas. How confident is JIATF East in its ability to estimate the total number of suspect air tracks and maritime smuggling incidents? If a suspect aircraft flies very low can it avoid JIATF East radar? In testimony, it was revealed that only 10 air tracks to date have been detected heading to Cuba. However, in 1998, there were 39 suspect air tracks. Are there a minimum number of air tracks that would lead JIATF East to recommend putting Cuba (or any country for that matter) on the majors' list?

Admiral Barrett: Intelligence reports and operational detections from all agencies form the basis of the Consolidated Counterdrg Database (CCDB) which has been in existance for eight years. CCDB statistics indicate we detect over 90 percent of suspect air tracks and over 50 percent of suspect maritime tracks. Our primary sensor for detection of air tracks is Relocatable Over-the-Horizon Radar (ROTHR). Aircraft cannot fly under ROTHR coverage. JIATF East does not make recommendations regarding the majors list.

Known Air Events:
(Calendar Year)

Destination	Bahamas	Cuba	Dominican Republic	Haiti	Jamaica	Mexico
1997	21		5	1	2	18
1998	38	1	4	36	2	7
1999	11		1	44	2	5

Known Maritime Events:
(Calendar Year)

Destination	Bahamas	Cuba	Dominican Republic	Haiti	Jamaica	Mexico
1997	16		7	29	4	54
1998	11	1	3	18	6	61
1999	34	1	2	24		33

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QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
CUBA'S LINK TO DRUG TRAFFICKING
17 NOVEMBER 1999
QUESTION #3

CUBA'S COUNTERDRUG EFFORTS

Mr. Mica: Aside from the sheer number of suspect flights and maritime incidents, is it JIATF East's position that the Cuban Government has aggressively attacked narcotics trafficking in or near its waters or air space? Does Cuba have a consistent record of cooperating with U.S. law enforcement officials? Please describe Cuba's past relationship with U.S. law enforcement agencies. Can Cuban officials be trusted to put forth a good faith effort to combat drugs?

Admiral Barrett: During calendar year 1999 (through 3 December), there were 28 go-fast events (one additional event was confirmed since original testimony) in the Windward Passage. Fourteen of those entered Cuban territorial waters--five of which only skirted (momentarily entered) Cuban waters and the U.S. Coast Guard (USCG) notified the Cuban Border Guard of the remaining nine events. (Refer to the USCG response to Question #7 for the results.) Also during this period, there were 11 known air events that entered Cuban airspace--nine of those were confirmed to have overflown the Cuban landmass and the Cuban Border Guard was notified via telex--two only skirted Cuban airspace. (See USCG response to Question #7.) In at least two cases, the Cubans verified they were tracking the aircraft but did not respond. In at least one case, the Cubans provided us with position updates. Also, in at least two cases, Cuban patrol boats were sortied to the airdrop area but did not find anything. Of note, District Seven has received numerous telex messages initiated by Cuba concerning suspicious activity that U.S. forces were not aware of.

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QUESTION FOR THE RECORD
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
CUBA'S LINK TO DRUG TRAFFICKING
17 NOVEMBER 1999
QUESTION #4

COCAINE MOVEMENTS

Mr. Mica: In Admiral Barrett's Congressional testimony, he also stated that "low level cocaine movements, typically by noncommercial air and maritime, skirt around or over Cuba for other Caribbean destinations on its way to the United States." In this statement, does the word "skirt" indicate that drug traffickers routinely transit within Cuban waters and air space, just outside Cuban waters and air space, or both? Regarding the phrase, "on its way to the United States" in this same statement, what leads JIATF East to make the connection that these drugs are destined for the United States?

Admiral Barrett: Operational detections and intelligence reporting indicate traffickers over-fly Cuba in small private aircraft to drop loads of cocaine to go-fast vessels pre-staged in or near Cuban territorial waters. These go-fasts, operated by Bahamian or U.S. traffickers, transport the cocaine either to the southeastern United States or to The Bahamas for further transport to the U.S. Additionally, a relatively small amount of cocaine is transported from Jamaica northward to The Bahamas via go-fasts. Go-fasts using this route have usually been initially detected outside of Cuban territorial waters. Regardless of the smuggling scenario, it is typical of all drug smugglers operating in the vicinity of Cuba or other island nations to take advantage of the nation's territorial waters to elude pursuit by U.S. forces.

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QUESTION #5

THE WINDWARD PASSAGE

Mr. Mica: Describe the nature and volume of drugs that transit between Cuba and Haiti (i.e., the Windward Passage)? Do you think that the Cuban and the Haitian governments aggressively target drug traffickers that use the Windward Passage to transit drugs? Assuming much of these drugs are destined for the Bahamas as stated by Admiral Barrett in his testimony, is it possible (even likely) that these same drugs would eventually end up in the U.S. through the Bahamas-Florida drug trafficking route?

Admiral Barrett: While there has been no indication of drug movements from Cuba to Haiti or vice versa, the Windward Passage is routinely used for the northbound transit of drugs. Commercial vessels transiting directly from South America, as well as commercial vessels originating in Haiti, regularly transit the Windward with drug loads ultimately bound for the U.S. The majority of non-commercial maritime activity detected transiting the Windward have been go-fast vessels transporting marijuana from Jamaica to The Bahamas and the U.S.

The flow of cocaine into Haiti has increased dramatically over the past several years, making that nation a major Caribbean transshipment hub for Colombian cocaine. Upon arrival in Haiti, cocaine is repackaged/reconsolidated for further shipment, both northward and eastward. The drugs are moved northerly via commercial vessels and aircraft that depart Haiti with ultimate destinations in the U.S. Drugs are also moved easterly out of Haiti via overland routes into the Dominican Republic. Once there, the drugs are further transported by maritime conveyances to Puerto Rico.

Neither the Cuban nor Haitian Governments aggressively target drug traffickers that use the Windward Passage to transport drugs. Resource shortfalls severely limit both nations' ability to target and/or respond to

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QUESTION #5 (CONTINUED)

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drug traffickers. "The Government of Cuba notes that it does not have the naval means necessary to patrol its extensive coastline and many keys. In June [1998], a Justice Ministry Official said some of the boats the Cuban Government uses to chase smugglers at sea dated from World War II." *Ref. 1998 International Narcotics Control Strategy Report--Cuba (081722Z JAN 99).*

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QUESTION #6

GO-FAST BOATS IN CUBAN TERRITORIAL WATERS

Mr. Mica: According to past testimony, there is an established pattern of go-fast boats transiting drugs from Colombia through the Caribbean. Once detected by U.S. surveillance resources, these go-fast boats often veer into Cuban territorial waters to avoid interception by U.S. law enforcement agencies. How prevalent is this method of smuggling in and around Cuba as well as throughout the Caribbean? What is being done to combat this tactic?

Admiral Barrett: Since at least 1996, the majority of cocaine shipments detected transiting the Caribbean Corridor have been via go-fast type vessels carrying an average load of 850 kilograms each. Primary destinations for these vessels, originating from the north coast of Colombia, have been Panama, Nicaragua, Honduras, Mexico's Yucatan Peninsula, Jamaica, Hispaniola and Puerto Rico. At no time have detections or reporting indicated that go-fast vessels conducted transits from Colombia to Cuba. Over the years, shifts have occurred in favored trafficker conveyances, routes and methods. Traffickers continually modify their operations in response to law enforcement operations, effective endgames, increased host country participation, and as they obtain and exploit enhanced technology. While many changes in trafficking trends have been noted, at least two tactics remains consistent: Caribbean traffickers will take advantage of the territorial waters of many nations when in hot pursuit, and they have established routes based on the advantages offered by the proximity to "territorials." The influx of air activity to drop locations north of Cuba is one prime example. This route was established based on trafficker awareness of U.S. interdiction capabilities. Airdrops to go-fast vessels positioned north of Cuba dramatically decreased during the first half of 1999 and reflected the lowest levels detected since early 1997

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QUESTION #6 (CONTINUED)

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when the trend began. This decline was probably the result of law enforcement successes involving loads destined for major Bahamian traffickers. During 1999, the U.S. Coast Guard (USCG) tested a use of force protocol, to include warning shots and disabling fire, from its helicopters to stop fleeing go-fast boats. Two proof of concept operations were planned by JIATF East and executed by Atlantic Area Coast Guard with dramatic success. This success may well generate a policy change in the USCG and energize discussions in Department of Defense regarding the use of force against traffickers.

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QUESTION #7

TRANSFER OF INTELLIGENCE (TELEX)

Mr. Mica: How has the presence of the "telex" between the U.S. Coast Guard and the Cuban Border Guard facilitated the prosecution of drug interdiction cases in or near Cuban waters? In the past, when JIATF East passed real-time intelligence on to the Cuban Border Guard (via the telex in Miami) have the Cubans reacted appropriately?

Admiral Barrett: The following response was obtained from the U.S. Coast Guard Seventh District Office in Miami, Florida.

"In fiscal year 1999, the "telex" between the U.S. Coast Guard and the Cuban Border Guard was used to inform the Cuban Border Guard of 18 suspected counterdrug cases, including nine aircraft and nine high-speed surface vessel cases. We have indications that our maritime interdiction objectives are being served by this information sharing with the Cubans. Of the nine surface vessel cases, we have received reports that at least three have resulted in seizures by the Cuban Government: the seizure of 3,300 pounds of marijuana, a suspect vessel and the arrest of three smugglers in January 1999; the seizure of 1,200 pounds of marijuana from a go-fast boat in March 1999; and the seizure of 1,300 pounds of cocaine and a go-fast boat in August 1999."

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QUESTION #8

HAITI

Mr. Mica: According to Admiral Barrett's testimony, it appears that Haiti is fast becoming the new drug smuggling hot spot in the Caribbean. Why is that? What is being done to address this emerging threat? Does JIATF East have any indication that these numerous flights headed into Haiti eventually end up in Cuba?

Admiral Barrett: Political instability, pervasive poverty, a dysfunctional judicial system and the limited ability of Haitian National Police combine to make Haiti vulnerable to drug trafficking activity. Furthermore, the geographic location of Haiti is strategically ideal from a trafficker's perspective. The 360 nautical miles which separates the north coast of Colombia and the south claw of Haiti is well within the fuel range of go-fast type vessels. Traveling at an average speed of 15-25 knots, go-fasts can complete the transit in only 14-24 hours. The location is also advantageous for traffickers smuggling cocaine by air. The flight from Colombia to Haiti and back is within the range of the typical single or twin engine, general aviation aircraft used by smugglers. Traffickers are able to complete their drop in Haiti and return to Colombia without having to land and refuel. Risk of an endgame upon arrival in Haiti is minimal to both air and maritime smugglers.

There is an interagency initiative to analyze and determine what, if anything, can be done to establish an endgame capability with the host nation.

There is no indication to date that any of the numerous flights into Haiti eventually end up in Cuba.

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QUESTION #9

DETECTION AND MONITORING ASSETS

Mr. Mica: Currently, JIATF East has an array of aircraft, ships and other equipment dedicated to detecting and monitoring illegal drugs coming from South America to the U.S. Does JIATF East have enough assets to adequately do its job? Does JIATF East have enough trained and qualified personnel?

Admiral Barrett: JIATF East has limited operational assets for detection and monitoring. Currently, we are resourced to cover 15 percent of our assigned area of responsibility 15 percent of the time. Timely, accurate intelligence is absolutely essential to maximize the effectiveness of our operational assets.

To accomplish the National Drug Control Strategy goals and the U.S. Southern Command's Counterdrug Campaign Plan tasking, increased personnel are required in planning, intelligence and operations. In U.S. Southern Command's Integrated Priority List (IPL) for fiscal years 02-07, seventy-two additional manpower billets were identified and forwarded to the Secretary of Defense for service component fill. These additional personnel are essential for U.S. Southern Command and JIATF East to conduct decisive operations against the narcotraffickers.

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QUESTION #10

JIATF EAST AREA OF RESPONSIBILITY

Mr. Mica: What is the JIATF East area of responsibility and relationship to the U.S. Southern Command? What impact did the closing of Howard AFB in Panama have on JIATF East's ability to carry out its mission including the detection and monitoring of illegal drug smuggling throughout the Caribbean and in the drug source countries? In general terms, describe the nature of intelligence gathering activities which report to JIATF East (including aircraft, ships and radar systems).

Admiral Barrett: (Answer is classified and provided separately).

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QUESTION #11

CUBAN AIRCRAFT CAPABILITIES

Mr Mica: In recent Congressional testimony, Administration officials have cited the Cuban Air Force as having poor overall performance capabilities. Can the Cubans today intercept the types of aircraft that are being used for narcotics trafficking? Would those narcotics trafficking aircraft be comparable to the two aircraft flown by the Brothers to the Rescue organization which were shot down by the Cubans on February 24, 1996?

Admiral Barrett: Theoretically, the Cuban Government is capable of detecting, tracking and intercepting the types of aircraft that are being used for drug trafficking as they approach and fly over Cuban territory. Their success depends, in part, on their level of operational readiness. Cuban civilian air traffic control and military radars are capable of detecting and tracking incoming light aircraft. However, smuggling aircraft flying with lights-out, non-squawking (transponding) and at low altitudes are more difficult to detect, which diminishes warning and reaction time. Trafficking aircraft are physically comparable to the two aircraft flown by the Brothers to the Rescue organization, which were shot down by the Cubans on February 24, 1996; however, operating patterns are very different. Brothers to the Rescue advertised their intent and timing, and flew toward the most sensitive area in Cuba. In contrast, traffickers enter and exit Cuban airspace without prior notification, usually through internationally recognized air corridors.

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QUESTION #12

DRUG SMUGGLING IN CUBA

Mr. Mica: In Admiral Barrett's testimony, he discussed the Cubans relative success at stopping drug smuggling activity detected south of the island nation, but the apparent lack of results to intercept drug smuggling activity north of Cuba. Please provide whatever data was used to draw that conclusion. What is JIATF East's position with regard to the possibility that this pattern may indicate a willingness on the part of the Cuban Government to stop drugs destined for Cuba coming up from South America, but ignore any drug shipments either originating in Cuba or transiting through Cuba northbound en route the Bahamas or the United States?

Admiral Barrett: Cuba forces have had more success against go-fasts transiting the Windward Passage because of the locations of their Naval bases in eastern Cuba, one on the south side near Naval Air Station Guantanamo Bay and one on the north side. These strategic locations of Cuban forces, the natural choke-point of the Windward Passage and the usual presence of a U.S. Coast Guard cutter contribute to this success.

The apparent lack of results on the north side of Cuba is more a factor of drug delivery methodology than willingness by Cuba to respond. As stated in the response to question three, patrol boats were sortied to investigate airdrop areas, but were late in getting there. The primary threat to the south of Cuba is the transiting go-fast for which tracking is more easily maintained and longer lead time is usually provided for host nation response. Along with this is the fact that activity on the north side of Cuba (airdrops) has been decreasing. This is due partly to interdiction successes in The Bahamas and the lack of an effective endgame in Haiti.

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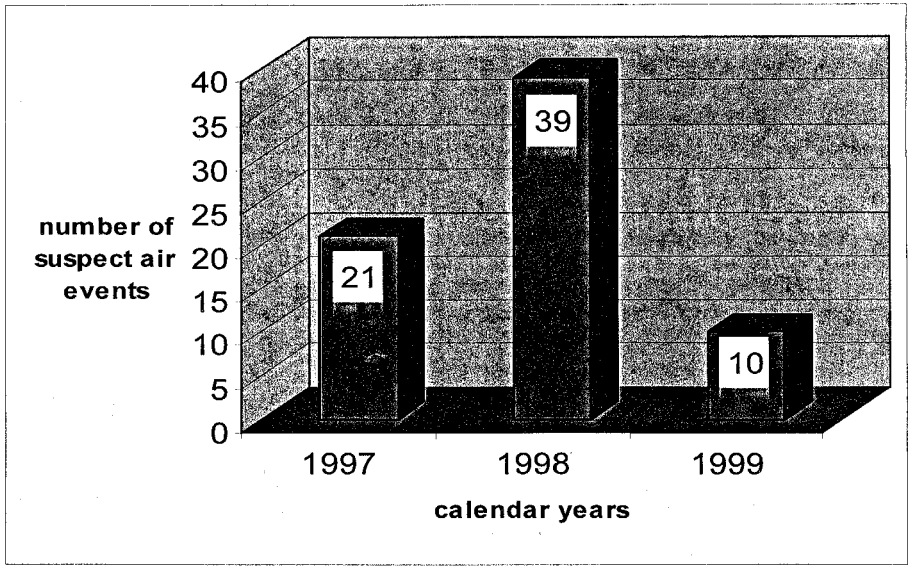
Suspect Flights Flying Over Cuba 1997 - 1999 (through 15 November)



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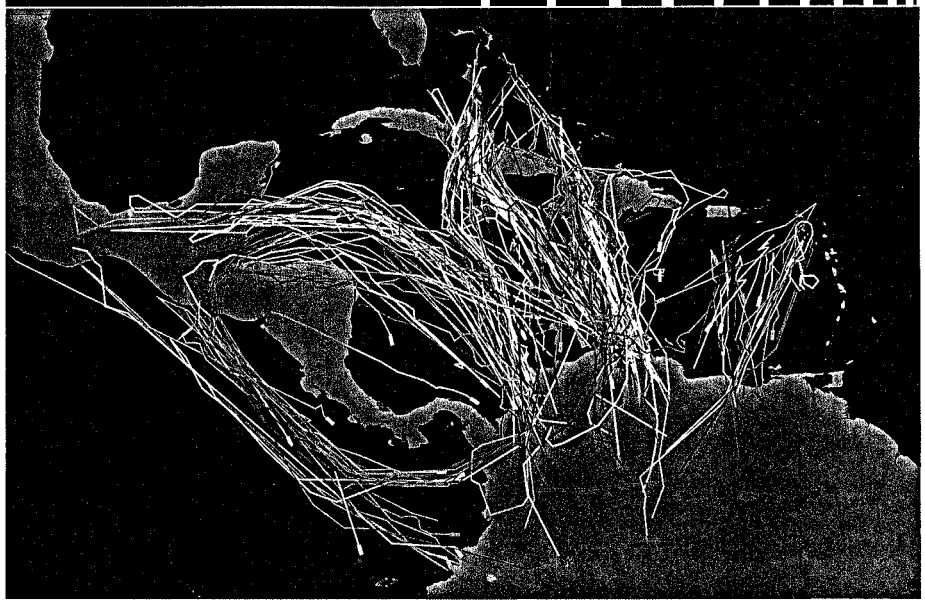
Suspect Air Events
1997 - 1998



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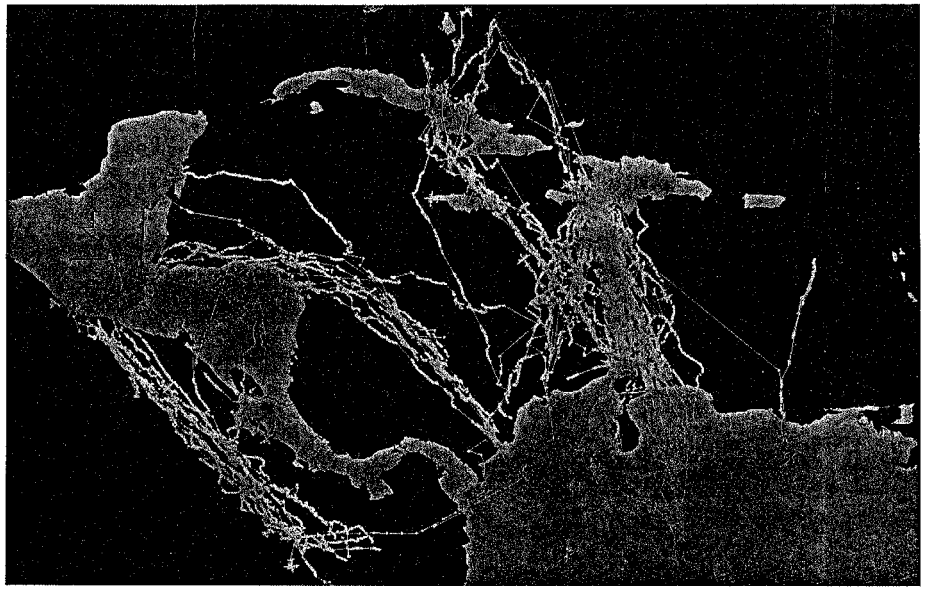
Suspect Air Events
1999 (through 15 November)



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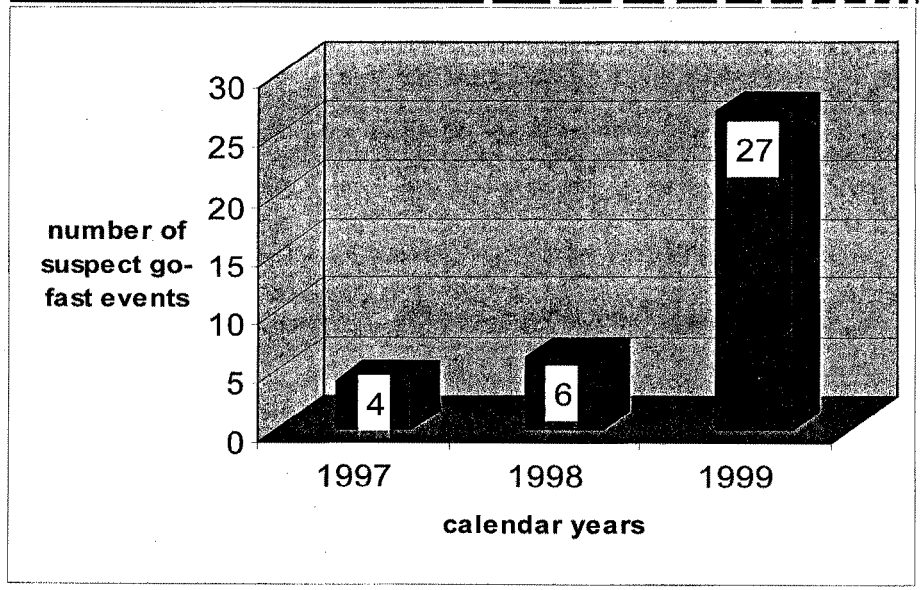
Suspect Go-Fasts in the Windward Pass 1997 - 1999



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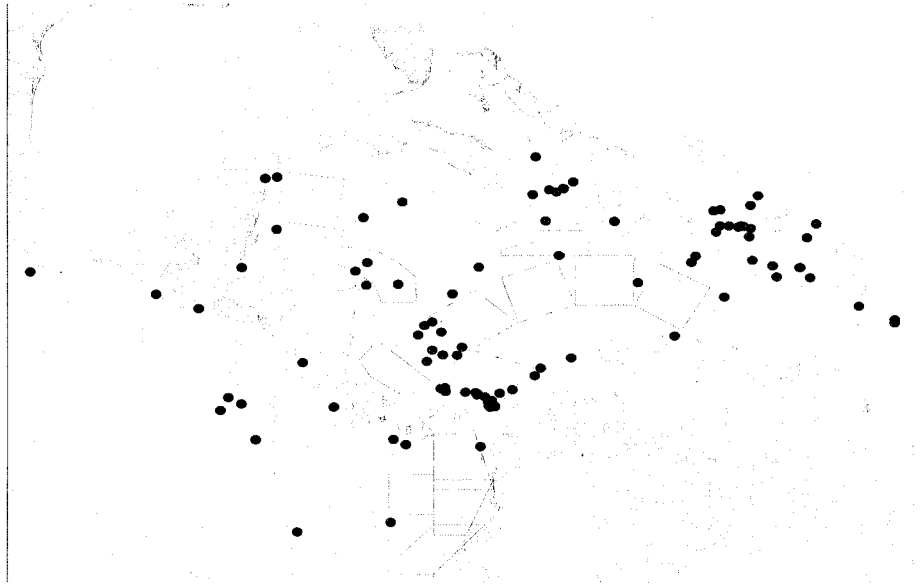
1998 Suspect Go-Fast Detections



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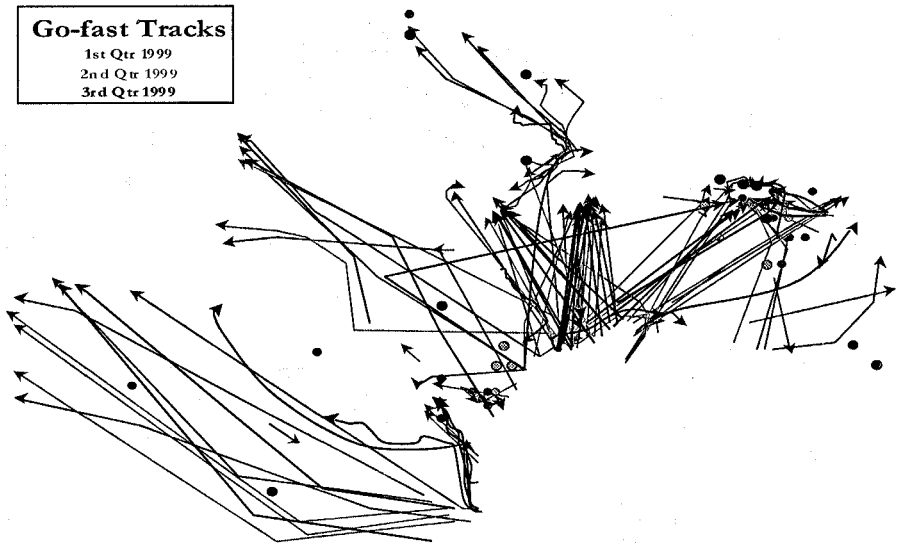
1999 Suspect Go-Fast Track Lines (Cocaine Only)



Solid lines depict Known events
Dotted lines depict Possible events

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United States Department of State

Washington, D.C. 20520

December 16, 1999

Dear Mr. Chairman:

Following the November 17, 1999 hearing at which Assistant Secretary R. Rand Beers testified, additional questions were submitted for the record. Please find enclosed the responses to those questions.

If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Barbara Larkin

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
As stated.

The Honorable
John L. Mica, Chairman,
Subcommittee on Criminal Justice,
Drug Policy, and Human Resources,
Committee on Government Reform,
House of Representatives.

Questions for the Record Submitted to R. Rand Beers
House Committee on Government Reform,
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
November 17, 1999

Question 1

How confident is the Department of State in the intelligence and information upon which it bases its recommendation to the President regarding whether to place countries (such as Cuba) on the majors list? For the majors list submitted by the President on November 10, 1999, what time period was used by the State Department in recommending the determinations contained in the report to Congress? Are the Department of State recommendations for the majors list objective? Are the Department of State recommendations influenced by domestic political considerations in any way? Can the Department of State characterize its recommendation to the President on Cuba with regard to the 1999 majors list?

Answer

The State Department is confident that its recommendations were based on the best intelligence and other information available to the USG. Much of that information was provided to us in classified assessments, including the Interagency Assessment of Cocaine Movement (IACM). As the IACM -- the key document used in the majors list determination -- emphasizes, estimates of absolute quantities are less significant than estimates of the relative share of the total detected cocaine flow to the U.S. attributable to each of the countries under scrutiny. It is from these

"market share" estimates -- and we stress that these are estimates, not verified quantities -- that the relative importance of the individual countries under observation can best be gauged.

The State Department looked closely at 1998 and 1999 air tracks, seizures, and other data -- including the IACM flow percentage data -- in developing its recommendations. In particular, we carefully reassessed the December, 1998 seven-ton cocaine seizure in Cartagena to determine whether it was destined for the United States.

The Department of State's majors list recommendations are objective, are based on the statutory definitions of major drug-producing country and major drug-transit country, and are made without regard to domestic politics.

The Department of State's recommendation on Cuba was based upon an objective analysis of IACM estimates, as well as sensitive law enforcement and intelligence reporting. The IACM estimates below indicate that Cuba, with respect to transit through Cuban land territory, is a relatively insignificant intermediate transit country for cocaine destined for the U.S.:

YEAR	DETECTED FLOW IN METRIC TONS	SHARE OF SOURCE ZONE PRODUCTION (%)
1997	0.00	0.0
1998	1.85	0.3
1999 (Jan-Jun)	0.00	0.0

Question 2

During the November 17, 1999 hearing, there was considerable discussion about the number of suspect air tracks over Cuba and other Caribbean island nations. In testimony, Mr. Rand Beers explained that the Department of State does not rely solely on suspect air tracks in developing its recommendations for the majors list. In developing the annual majors list what quantitative and qualitative criteria (e.g., types of data, indicators, information, annual reports, other considerations) are used by the Department of State in developing its recommendation for the majors list? What other agencies or departments are consulted by the Department of State in developing its recommendations to the President on the annual majors list?

Answer

The Department of State considered all data available to the USG on narcotics trafficking through Cuba in developing its majors list recommendation. For instance, we received an analysis of every suspect air track over Cuba this year. For Cuba, as for all other countries under consideration, we also try to estimate, using statistical methods applied to verified drug events, the amount of drugs that arrive in, or pass through, the country's landmass and where those drugs are destined. Air tracks alone, therefore, cannot provide an adequate indication of the amount of drugs actually transiting a country or of the ultimate destination of the drugs.

The essential criterion for putting a source country on the majors list is the area of illicit drug crops under cultivation. The essential criterion in deciding if a drug transit country, such as Cuba and the other Caribbean islands, is a major drug transit country is whether a significant quantity of drugs is believed to be moving through it on the way to the United States. The key tool used in evaluating this criterion is the Interagency Assessment of Cocaine Movement (IACM), a semiannual report coordinated by the Office of National Drug Control Policy. The IACM lists the detected cocaine flows to each of the "first-stop" countries on the way to the U.S. from South America.

The following agencies contribute to IACM flow data: the Defense Intelligence Agency, the U.S. Coast Guard Intelligence Coordination Center, the El Paso Intelligence Center, the U.S. Customs Service, the State Department Bureau of Intelligence and Research, the Director Of Central Intelligence Crime and Narcotics Center, the Drug Enforcement Administration, the National Security Agency, the Office of Naval Intelligence, the Joint Interagency Task Force West, the Joint Interagency Task Force East, the U.S.

Southern Command, and the Federal Bureau of Investigation.

In addition to the IACM, the Department of State utilizes U.S. mission reporting, USG law enforcement and intelligence reports, and seizure statistics provided by cooperating governments (particularly useful in estimating the "split" between U.S.- and Europe- bound drug shipments).

In developing its annual majors list recommendations, the Department of State consults with the following agencies or departments: the Central Intelligence Agency's Crime and Narcotics Center, the Department of Defense, U.S. Customs, the Department of the Treasury, the Office of National Drug Control Policy, the Drug Enforcement Administration, the Department of Justice, and the U.S. Coast Guard.

Question 3

At the November 17, 1999 hearing, Mr. Rand Beers characterized the Department of State review of drug trafficking links to Cuba as the most exhaustive review to date. What agencies were in involved in, consulted with, or relied upon in this year's review?

Answer

Agencies involved in this year's assessment of Cuba's drug role included the CIA, the DEA, the U.S. Coast Guard, the U.S. Customs Service, the Office of Naval Intelligence, the FBI, the Defense Intelligence Agency, the National Security Agency, the U.S. Interdiction Coordinator, and SOUTHCOM.

Question 4

How does the Department of State respond to criticism that by not placing Cuba on the majors list again this year, the Administration has weakened our ability to monitor the Cuban government efforts and to ensure that Castro is not facilitating drug smuggling through or by Cuba?

Answer

Whether or not any country is on the majors list has no effect at all on USG ability to monitor its counternarcotics efforts or detect official involvement in drug smuggling. Moreover, a U.S. desire to monitor Cuba's counternarcotics efforts is not a permissible consideration in determining whether a country falls within the definition of "major drug transit country," under Section 481 of the Foreign Assistance Act. In fact, as a country of concern, Cuba is and continues to be the focus of intensive scrutiny by U.S. agencies involved in the fight against narcotics trafficking.

Question 5

How does the Department of State resolve the fact that Cuba was left off of the majors list this year, and last year, with General McCaffrey's May 27, 1999 statement that, "The intelligence and law enforcement communities report that detected drug overflights of Cuba, although still not as numerous as in other parts of the Caribbean, increased by almost 50 percent last year."?

Answer

General McCaffrey's statement is accurate. By "last year" he was referring to 1998, not 1999. Detected drug overflights of Cuba during 1998 were double those of 1997. As the table below indicates, overflights have decreased markedly during 1999.

1997: 16

1998: 34

1999: 9 (January - September)

Question 6

It is well known that the Cuban government has long supported communist revolutions and organizations throughout the Western Hemisphere. Today, Colombia is struggling with the threat from leftist guerrillas, such as the FARC and the ELN, who are financed principally by the illegal Colombian drug trade. Does the Department of State have any evidence which indicates that Cuba is supporting these organizations (or similar organizations in drug source or transit countries)?

Answer

The Department of State has no evidence that Cuba is supporting the FARC, the ELN, or similar organizations in drug source or transit countries.

Question 7

In an October 7, 1996 letter to the U.S. Attorney General Janet Reno, Mr. Stephen Bronis requested an investigation into the case against his client, Mr. Jorge Cabrera. Mr. Cabrera was a cocaine kingpin, who worked for both the Medellin and Cali cartels over a period of 15 years. According to Mr. Bronis, his client gave D.E.A. and U.S. Justice Department investigators and prosecutors detailed evidence of Cuban government involvement in illegal drug smuggling into the U.S. Was the Department of State made aware of this information in a timely fashion? If so, when? Has the Department of State followed up on any of the information provided by Mr. Cabrera in various debriefs? According to Bronis' letter, Mr. Cabrera made various statements about his own involvement in cocaine smuggling to the U.S. via Cuba and about specific Colombian and Cuban individuals involved in illegal drug smuggling including Fidel Castro himself and the notorious Colombian Cali cartel drug king pin, Carlos Tascon. Mr. Cabrera gave information on other individuals who could corroborate his story. According to Mr. Bronis, Cabrera described [to prosecutors] how the Cuban government welcomed the presence of Carlos Tascon and other Colombian drug cartel leaders in Cuba on a regular basis." According to the letter, Cabrera recounts one instance when he escorted Mr. Tascon aboard his (Mr. Cabrera's) boat in Havana, Cuba with no objection from the Cuban government and later "brought [him] to the United States." Was the Department of State made aware of these statements by Mr. Cabrera? Does the Department of State have any evidence that the Cuban government was ever made aware of any of these allegations? In the letter, Mr. Bronis raises his suspicions "that political pressure was creeping into the decision-making process concerning the direction and results of the investigation." Was the State Department the source of this alleged political pressure? Mr. Bronis also accuses the U.S. government of inaction stating its "pathetic failure to investigate or prosecute the information revealed concerning the involvement of the Cuban government in drug smuggling." What is the State Department's response to these allegations of inaction on the part of the U.S. government?

Answer

The Department of State was not provided with any information concerning the Cabrera case. DEA and the Justice Department do not normally share investigative information concerning domestic criminal cases with the State Department.

The Department of State has not followed up on any information provided by Mr. Cabrera. The State Department is not tasked with conducting criminal investigations.

The Department of State has no knowledge of any statements provided by Mr. Cabrera relating to GOC involvement in drug smuggling and has no evidence that the Government of Cuba is aware of Mr. Cabrera's allegations.

The Department of State did not exert, and has no knowledge of, any political pressure brought to bear on the investigation of the Cabrera case.

The Department of State is not in any position to comment on allegations by Mr. Cabrera or his attorney concerning USG inactivity in investigating their

charges of Cuban government involvement in drug smuggling. We would refer you to DEA and the Department of Justice.

CUBA-COLOMBIA NARCO-TRAFFICKING NEXUS--*THE FACTS*

as of: October 25, 1999

* A 7.2 metric ton cocaine shipment, bound for state-owned company, Union del Plastico, in Havana, Cuba, was seized by Colombian National Police in Cartegena, Colombia, on December 3, 1998. The consigned company, Poliplast y Royo, was a joint venture (51% Cuban government owned) with two minority (49%) Spanish partners.

* Cuban "spin" started the day after the seizure with Castro's anti-narcotics police searching the company's premises with drug dogs, and coming up with no traces of drugs anywhere. Followed by Cuban police going to Colombia, where upon arrival claiming the shipment was finally destined for Spain -- without any proof.

* Castro made a speech on January 4, 1999, identifying the two Spaniards as the culprits in this scheme which had been allegedly operated without his government's knowledge or complicity. The first, Jose Herrera, was in Spain at the time of the seizure. The second, Jose Llorca, was in Cuba, but was told there was a problem with the shipment in Colombia, and told to return to Spain on December 5, 1998. He was never detained or arrested in Cuba. The Cuban government gave him a gift for his sick wife, and Llorca left blank signed checks, and made an $80,000 loan to a Cuban company the day he returned to Spain.

* Spanish police arrested the two, due to Castro's allegations, but released them for lack of evidence.

* On 10/16/99, Herrera was interviewed by committee staff for nearly 8 hours. Herrera indicated he is willing to be interviewed by DEA, and is willing to take a polygraph. Additionally, he willingly volunteered he violated the Helms-Burton embargo to Burton staff, which can only add to his credibility.

* The Cuban/Spanish company, Poliplast y Royo was assigned to the Ministry of Light Industry, but run by two Cuban Ministry of Interior officials Anna Maria Quesada Gonzalez and Antonio Rodriguez. All decisions regarding the company were made by them, or by Carlos Lage Davila if the consent of the Council of Ministers was necessary.

* Contact with the Colombian company, E.I. Caribe, was established by Herrera, Llorca, Gonzalez, and Rodriguez at an international trade fair in Havana. Herrera negotiated the contract, but Gonzalez through the state-owned import-export company Plastimex had to make/approve all orders for raw materials, and in fact placed the orders after the contract was negotiated. When this shipment was delayed, and did not arrive, Gonzalez phoned Herrera daily pressing him to find out why it had not left Colombia. According to Herrera, she was very, very upset that this specific shipment had not been delivered. They found out about the problem with the shipment when, in a phone call to Rodriguez, they were told to look at the news stories from the 6th of December.

* All raw materials brought into Cuba must be ordered, and approved by the government company Plastimex. The containers are owned by the Cuban government. When containers came from Colombia, they had to stop in Jamaica, and were placed in one of two Cuban government holding yards -- Coral Line or Martiner. They were eventually picked up by the Cuban government shipping company Nexus, taken to the Cuban government run port in Havana, and placed in a holding area, where Cuban Customs and Army personnel were the only ones with access to the containers for as much as two weeks. Eventually a government run trucking company would bring the containers to the factory, where they were opened by Cuban Customs officers only. In short, the Cuban government has sole access and possession of the containers from the time they arrive in Jamaica until after they are unloaded in the factory, assuring some level of Cuban government complicity in at least this incident of drug trafficking.

* The Spanish authorities, prosecutors and police now consider this case closed. As far as they are concerned, the cocaine was not going to Spain. As a result DEA Madrid has closed the case as well.

* Castro's government has continued to finger these two Spaniards, but has yet to produce any evidence.

* However, according to an article on May 27, in *Prensa Latina*, the Cuban government owned newspaper, Rogelio Sierra, a spokesman for of the Cuban Foreign Ministry said that the seven tons of Cuba-bound cocaine seized in Colombia in December were destined for the United States.

* The US State Department has bought Castro's story, and accepted his claims as evidence, and proclaims the shipment was headed for Spain (May 13, letters to Burton & Gilman), despite the US Drug Enforcement Administration's (DEA's) contention that it had been unable to corroborate the Cuban assertions (June 18, letter from DEA to State Department).

* There has not been ANY real, conclusive, physical evidence to suggest this shipment was headed for Spain from Cuba.

* On June 22, 1999, Assistant Secretary of State Rand Beers told Reps. Diaz-Balart, Ros-Lehtinen and committee staff, "It's possible it [7.2 tons of cocaine] was coming to the U.S."

* Senior Spanish anti-narcotics police and Spanish Foreign Ministry officials have said this shipment was just as likely headed to the United States as Spain, and that they are not worried because they have NEVER seen a shipment of drugs come through Cuba to Spain. The traditional route is directly (70%) from Colombia to Spain, or through a stopping point like Martinique in the Caribbean.

* Two House and one Senate committee are conducting a thorough investigation into this shipment. It appears the shipment was likely headed to the United States, via Mexico. Containers routinely are sent by Cuban government shipping companies, empty to Mexico, and then return to Cuba with goods in them.

* The DEA now confirms it is considering Mexico as a possible destination for this shipment, and that one of the containers (which did not contain drugs) in the shipment was manifested for Mexico.

* Mexico is the entry point for nearly 60% of the hard drugs entering the U.S., according to DEA statistics.

* DEA consistently argues that drug trafficking organizations do NOT use such large shipments (such as this 7.2 tons) the first time. They would only do this after it was a tested and trusted route.

* The DEA has also indicated that drug trafficking organizations that utilize such large volume shipments send drugs to both the U.S. and Europe. One recent operation netted a trafficking organization sending drugs to Europe as well as Texas and Florida.

* Regardless of the final destination of the 7.2 tons of cocaine, Cuba, as the recipient of this shipment should meet the criteria to be placed on the "major's list" of countries who traffic or transit in illicit narcotics.

* The Cuban government has likely been complicit in drug trafficking for decades, as a method of collecting much-needed hard currency to keep Fidel Castro's communist regime in power. It has been reported that Fidel Castro's brother, Raul Castro has had a draft indictment against him in Miami since 1993 for drug trafficking. U.S. law enforcement has obviously known about Cuban complicity for years (the DEA has surveillance video tapes which implicate Cuban government complicity in specific shipments of cocaine to the US). There is no reason to suspect this activity would have ceased.

TO: Chairmen Dan Burton, Ben Gilman, Jesse Helms

FROM: Kevin Long, PSM, House Government Reform Committee

DATE: October 27, 1999

RE: Results of interview indicate compelling case for Cuban government complicity in drug trafficking

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As our committees continue the ongoing investigation of Cuban government complicity in narco-trafficking, I have just returned from an interview of one of the Spanish businessmen, Jose Herrera, accused by Castro of masterminding the 7.5 ton cocaine shipment seized last December in Colombia, scheduled to transit Cuba.

Herrera voluntarily answered all questions from both majority and minority staff in more than eight hours of questioning. (I am enclosing a complete copy of the transcript of this interview to this memo). Herrera's credibility was greatly strengthened when he openly admitted to us, Burton staffers, that he had started companies in Panama at the request of the Cuban government, with the express intent of evading the Helms-Burton Embargo. Furthering his credibility is his willingness to be interviewed by DEA agents, and even is willing to submit to a polygraph exam administered by the DEA.

According to both DEA personnel in Madrid, and Herrera's attorney, the Spanish authorities have closed the case for a lack of evidence against either Herrera, or his partner Jose Llorca. DEA Madrid, as a result, has closed the case file on Herrera and Llorca as well. According to the Spanish authorities, the 7.5 tons of cocaine was not coming to Spain.

Herrera laid out a compelling case for the direct involvement of the Cuban government in every aspect of the daily operations of the joint venture company, Poliplast y Royo (51% Cuban government controlled and 49% Llorca/Herrera controlled). The company was assigned to the Cuban government's Ministry of Light Industry, but run by two agents from the Cuban government's Ministry of Interior (Cuban government intelligence service), Anna Maria Quesada Gonzalez and Antonio Rodriguez, (who reported directly to Carlos Lage Davila, the Vice President of Cuba's ruling Council of State), who controlled all financial and logistical aspects of the Cuban government-owned joint venture with the Spaniards.

Standard practice, including this case, was that the import of raw materials for the factory had to be approved first by one of the Interior Ministry agents, then by the Cuban government's import-export company Plastimex, and often by Carlos Lage Davila himself.

The imports and exports were always done in containers owned by the Cuban government, including the six containers from the December seizure (some of these containers were routinely sent "empty" to Mexico -- source of 60% of the hard drugs entering the US, according to the DEA -- and then returned to Cuba filled with raw materials). The containers were transported by Nexus, the Cuban government shipping company, and moved by the Cuban government trucking company. The Government of Cuba had complete control for extended periods of time in Jamaica and Cuba over the containers which were often held in Cuban government port facilities (Terminales Containadores Havana, or TCH, in Havana and Marinter or Coral Line in Kingston, Jamaica) before delivery to the factory. The containers were opened only in the presence of Cuban Customs, and sometimes Army.

In this case, the Government of Cuba has failed to provide any evidence of complicity by the Spaniards in the 7 ton cocaine shipment. The only evidence of drug smuggling identified by the Cuban police was an indication of a false compartment in one container (which is owned by the Cuban government) at the company's factory in Cuba. Cuban police documents reveal no effort to investigate possible Cuban government involvement in the 7 ton cocaine shipment.

I believe any reasonable person would conclude that the circumstances surrounding this 7 ton seizure have produced a compelling case that the Castro regime was complicit in narco-trafficking, at least in this instance.