BLACK-TAR HEROIN, METH AND COCAINE CONTINUE TO FLOOD THE UNITED STATES FROM MEXICO

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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BLACK-TAR HEROIN, METH AND COCAINE CONTINUE TO FLOOD THE UNITED STATES FROM MEXICO

FRIDAY, JUNE 30, 2000

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 9:38 a.m., in room 2247, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica and Kucinich.

Staff present: Sharon Pinkerton, staff director and chief counsel; Charley Diaz, congressional fellow; Carson Nightwine, professional staff member; Ryan McKee, clerk; Jason Snyder and Lauren Perny, interns; Sarah Despres, minority counsel; and Early Green, assistant minority clerk.

Mr. MICA. Good morning. I would like to welcome you to this morning's hearing of the Criminal Justice, Drug Policy, and Human Resources Subcommittee.

We are going to go ahead and begin. I know Members had a very long night. It was close to 2 a.m. Other Members have indicated they are coming, but because the session has been finished and the recess begun I am going to go ahead and start the hearing with the witnesses and hopefully be joined by some of the Members, who have had very little sleep but do plan to be with us.

The order of business first is opening statements—I will start with mine and will yield to others, and we will leave the record open for a period of 2 weeks for additional comments, materials, or information to be submitted for the record. Without objection, so ordered.

This morning's hearing focuses on black-tar heroin, methamphetamine, cocaine, and the deluge of illegal narcotics that continue to flood across our southern borders into the United States from Mexico.

Despite Congress' effort, international drug trafficking remains a growing threat to our national security. Unfortunately, Mexico's role as a drug gateway to the United States continues to dramatically expand.

As Ambassador Davidow, our United States Ambassador to Mexico, recently said, "The fact is the headquarters of drug trafficking is in Mexico." I think that comment, which was somewhat con-

troversial, but, nonetheless, very candid and accurate, speaks for the situation we find ourselves in today. Mexico is the headquarters of drug trafficking.

Today, no country in the world possesses a more immediate drug threat to the United States than Mexico. More than 60 percent of the cocaine on America's streets transit through our border with Mexico. Our Drug Enforcement Agency reports that Mexican black-tar and other heroin seizures skyrocketed by more than 20 percent in just 1 year, an outstanding increase that is just absolutely remarkable that in 1 year we would have a 20 percent increase.

The volume of methamphetamine, narcotics, and precursor chemicals from Mexico has also exploded, causing chaos and crime from rural America to urban centers, and I can testify to that. We have held hearings practically from sea to shining sea—California, Louisiana, Texas. I just came back. In the heartland of America, where three of our States meet—South Dakota, Iowa, the heartland of America, Nebraska—in Sioux City, IA, Monday morning we held a hearing with absolutely incredible testimony that methamphetamines are at epidemic levels and that rural America—again, the heartland of America—mostly the methamphetamine, the actual hard drug and those dealing in it, were Mexican drug lords and criminals involved in this activity, including many illegal aliens who have crossed our borders involved in this trafficking and death.

We heard stories in California that absolutely chill your spine of dozens and dozens, hundreds of families devastated by methamphetamine, and the testimony we heard of one particular case of child abuse, where both the parents on methamphetamine had tortured the child and then finished it off by boiling it to death, as the ravage of what we are seeing from this methamphetamine, and most of it is coming across our borders from Mexico. Again, we are hearing it over and over as we do our national field hearings and hearings here in Washington.

Sadly, also our Mexican-United States border has become the stage for violence, as well as drug trafficking. Mexican crime organizations use illegal immigrants and migrant workers to smuggle heroin, cocaine, methamphetamine, and other illegal narcotics, disrupting ranches and communities along the border, and, as I said, even into the heartland of our Nation.

Mexican drug lords are so emboldened they have even offered bounties for United States agents.

The National Drug Intelligence Center's threat assessment reports that the average size of Mexican heroin shipments is increasing and that South American heroin traffickers are increasingly smuggling Colombian heroin into the United States through Mexico. It is not bad enough that they have increased production some 20 percent in 1 year, and that is evidenced by the seizures that leaped that period, but also heroin that is now being grown in Colombia, produced in Colombia, is transiting at unprecedented quantities through Mexico, finding its way to our streets and communities.

Again, these drugs end up in our schools, in our businesses, and homes throughout the country, giving us a problem of unbelievable magnitude.

While Congress has poured substantial moneys into the southwest border initiatives to combat heroin trafficking, in 1 year seizures of heroin in this area increased from 52 events and 103.8 kilograms seized in 1997 to 80 events and 145.9 kilograms in 1998. The surge of high, pure, and cheap heroin is now threatening a growing number of people in the United States, and particularly we found and most alarmingly we found it is the young people of this country that are becoming the victims.

The University of Michigan has reported that the use of heroin by 12 to 17-year-olds has doubled over the last 7 years. That same study indicated that 83,160 eighth graders—eighth graders, mind you—have tried heroin.

The most recent estimate of the domestic hard-core heroin addict population in the United States is 980,000 people, and we have communities where we conducted hearings, like Baltimore, that now have somewhere in the neighborhood of 80,000 heroin and drug addicts, according to one of the city councilwomen there. The number is one in eight individuals in Baltimore is a narcotics addict. Of course, we found that some of that is due to their liberal policy. We held a hearing there on, I think, Monday. On Thursday, thank God, the mayor fired the police chief who testified before us in a lackadaisical attitude toward enforcement, and Mayor O'Malley hopefully is going to help, and I am pledged to work with the minority, particularly Mr. Cummings from Baltimore, to turn that community around.

Since the early 1990's, heroin use has increased dramatically, moving from big cities—and at one time heroin use was an urban problem—but now we see it affecting our smaller towns and dramatic increases in our rural areas. This is across the entire country now. No one has escaped the ravages of what we are seeing.

As we will hear from one of our witnesses today, heroin, in particular, continues to have the largest impact of all illicit drugs used in the Seattle area in terms of drug-related deaths—also in emergency department episodes and in criminal involvement.

Heroin overdoses and deaths continue to plague many of our metropolitan areas, also our suburbs. Again, I come from central Florida and represent a suburb area, and we have had young people dying in unprecedented numbers from heroin overdoses, and even our most recent statistics are more grim than the year before with the heroin deaths.

In Oregon, the State medical examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months of 1999.

Our subcommittee continues to receive disturbing testimony that Mexican crime organizations are attempting to market their heroin and methamphetamine in new areas. We heard testimony of distinct marketing programs by these Mexican drug traffickers, again even in the rural heartland in America, on Monday.

Analysts continue to examine the reason behind the surge in production, but say new, highly potent forms of heroin from drug cartels in Colombia and Mexico have been key to attracting new users, and this is unbelievable, but their new target are young women, girls. Young females are, indeed, their new target. These young people typically prefer to sniff or smoke their drugs rather than in-

ject them. Now, with the more-potent heroin that is available, this high purity and deadly heroin, it is available as a powder in bags or gel capsules and users can get high without injecting. That has made this insidious drug a more seductive and palatable narcotic to young teenage girls and our youth.

One of our witnesses today lost a sister to black-tar heroin. She was 1 of 85 people in Chimayo, NM, who died tragically in the past few years from ingesting this high-potency heroin.

Along with the increased availability has become a decrease in the price and an increase in purity. A milligram dose of 3.6 percent pure heroin cost about $3.90, 20 years ago, according to DEA. Now the average milligram is 41.6 percent pure and costs only $1.

DEA has recently seized Colombian heroin that was 98 percent pure, and that is about as deadly as it gets.

Sadly, heroin isn't the only deadly drug coming across the border. Three months ago I conducted two field hearings in California where the predominant drug problem was methamphetamine coming up from Mexico along the I–4, the major artery corridor, to Sacramento.

In San Diego, our subcommittee heard testimony that 43 percent of all individuals arrested in San Diego County were under the influence of methamphetamine, 43 percent. As I have said, the problem also is on the rampage in mid America.

The field hearing that I cited in Sioux City, IA, again illustrated the breadth and depth of this problem. They call it "Mexican meth," and it is ravaging right now the midwest.

Meth lab seizures in Iowa have increased from just 8 in 1995 to over 500 last year. That is the testimony that we had. And I think that that was Federal seizures. Maybe the States I think and locals had another 300 seizures.

At our recent Dallas hearing, DEA testified that in Oklahoma, alone, almost 1,000 labs were busted in 1999. In every one of those hearings I asked them where this garbage was coming from, where is this meth or the precursor chemicals and who is dealing, and every time the path leads back across the border to Mexico.

Nationwide, DEA seized 218 illegal labs in 1993. Last year, DEA seized over 1,900. And if you count all the meth labs seized by State, local, and Federal officials nationwide, the number is over 6,400.

Mexico is also the transportation corridor for 60 percent of the cocaine coming into this country. While the Mexicans don't produce any cocaine and they do produce this new surge of black-tar heroin that we have described—it is an incredible increase we have seen in a 1-year period—they are not producers of coke, the base for cocaine. However, again, Mexico is the major transit area for cocaine coming into this country.

I am very concerned to learn this week that Mexican seizures of cocaine have again dropped. It shows again the lack of will, lack of participation, lack of commitment and thumbing their nose at the United States in this problem that Mexican officials again are reporting a drop in seizures of cocaine in that country.

Given what we know has been almost a threefold increase in coca production over the past few years, this drop in seizures is a warning signal to me of very lax enforcement on their side of the border.

Finally, the criminal organizations are more frequently using illegal immigrants to carry drugs across the border, and the number of illegal immigrants we are hearing that are involved in narcotics trafficking is astounding—again, even in Iowa. We conducted a hearing north of Atlanta, GA, with the vice chairman of the subcommittee some months ago and found an incredible number of illegal aliens in rural Georgia, and not much is being done to remove these people. We look at the resources they spent sending one Cuban boy back, and we can't get drug dealers and traffickers who are here illegally to begin with off our streets and sent back. Something is wrong.

Now we read of ranchers who are patrolling their land with dogs and guns, and some ranchers resorting to being vigilantes in order to restore order along our borders. And the violence isn't occurring just on our side of the border. Mexican citizens right now are paying an incredible price for the drug trade that flourishes in their country. I have received reports that the states of Baja and the Yucatan Peninsula are also suffering from unprecedented numbers of murders and violence. What has been traditionally corruption in Mexico is now turning to a combination of corruption and incredible violence. In the state of Baja, they have even lined up people and gunned them down en masse, and we have record numbers of deaths in the Tijuana/Baja Peninsula area. They have killed, I believe, the second police chief there, and lawlessness prevails in that state that has now become a narco-terrorist province within Mexico.

Just this April an ally of the United States, Mr. Jose Patino and his colleagues working to indict drug traffickers, were abducted, tortured, and executed as they drove from San Diego to Tijuana.

While the administration has suggested that a strong bilateral approach to law enforcement with Mexico is necessary to achieving our mutual interests and controlling our border and protecting our citizens, very little has, in fact, been done to translate these words into action. Mexicans again continue to thumb their nose at even the basic request that the entire House of Representatives passed several years ago asking for extradition of Mexican drug dealers, and to date not one Mexican major drug kingpin has been extradited to the United States. Every one of our requests, in fact, that we have made through resolutions of the House have been ignored. In fact, some reports indicate that the Mexican Attorney General's Office has done little to strike a blow against the known traffickers in Mexico.

I am greatly concerned that the vetted units that we have invested in cannot operate due to a lack of trust. They have made even a farce out of vetted units that we have attempted to establish.

Where are the signs of cooperation? In each of the categories of extradition, including also, as I said, other things that have been requested, including a maritime agreement and anti-corruption measures, we have seen almost no or little progress. The only time we get any progress is close to certification when they think that there is some threat, but, unfortunately, they bought all the lobbying and P.R. resources they can to thwart the intent of our certification law, made a mockery of even that.

Today, given the havoc that is being wreaked on our Nation, it is even more imperative that we critically examine the results of past efforts and develop and implement sound plans and strategic initiatives for the future. We should be ahead of the curve knowing at all times that we are making progress and not losing ground.

My goodness, last night the House of Representatives did pass an emergency supplemental legislation. We know the source and route area that this administration has helped develop through its inane policy with Colombia. The source and problem is Colombia for a lot of the drugs that are produced. Mexico is now joining the production ranks in significant quantities. But I think that the action last night will provide us with the resources that we need to move forward.

We were successful with initiatives that Mr. Hastert helped initiate, and the predecessor to this subcommittee helped initiate in Peru and Bolivia, and those have dramatically increased the production of cocaine in those countries, and I think that we will have a similar effect when the bill is well balanced to also provide resources to other areas. But, again, we must have an ally in this whole effort, and Mexico must be part of the picture since it is the biggest trafficker in illegal narcotics in the world right now.

I am not convinced that Mexico has done enough, as you can obviously ascertain, to stem the rising tide of drug exportation across the border into this country.

Just last month, seven U.S. court justices who represent the five districts that currently handle 26 percent of all criminal case filings in the southwest border courts came to Capitol Hill to tell Congress about the mounting crisis in their courts. These jurists reported that drug prosecutions in that area had doubled between 1994 and 1998, while immigration prosecutions increased five-fold.

As a Nation, we must face certain irrefutable facts. Increasing the amount of illegal drugs, particularly heroin, coming from or through Mexico, in fact, is ending up on our streets. Heroin and those who traffic in it spread and finance gang violence, crime, destroy young lives, and undermine our communities and our very quality of life.

The question remains how can we best stop what is going on, how can we best bring the situation under control, and that is why we are here today, to hear from witnesses who are involved directly on the front lines of this effort.

I am pleased to have before us two panels this morning, and we will have additional statements by Members submitted to the record. Again, we will leave the record open for a period of 2 weeks.

[The prepared statement of Hon. John L. Mica follow:]

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OPENING STATEMENT
JOHN L. MICA

"Black-Tar Heroin, Meth, Cocaine, Continue to Flood U.S. from Mexico"

JUNE 30, 2000

Despite Congress's efforts, international drug trafficking remains a growing threat to our national security. Unfortunately, Mexico's role as a drug gateway to the United States continues to expand. As Ambassador Davidow said, "The fact is that the headquarters of drug trafficking is in Mexico…" Today, no country in the world poses a more immediate drug threat to the United States. More than 60% of the cocaine on America's streets transits through our border with Mexico. D.E.A. reports that Mexican black tar and other heroin seizures skyrocketed by more than 20% in just one year. Methamphetamine, narcotics and precursor chemicals from Mexico have also exploded causing chaos and crime from rural America to urban centers.

Sadly, our border has become the stage for violence as well as drug trafficking. Mexican crime organizations use illegal immigrants and migrant workers to smuggle heroin, cocaine, methamphetamine and other illegal drugs, disrupting ranches and communities along the border.

The National Drug Intelligence Center's Threat Assessment reports that the average size of Mexican heroin shipments is increasing, and that South American heroin traffickers are increasingly smuggling Colombian heroin into the United States through Mexico. Eventually, these drugs end up in our cities, schools, businesses and homes throughout the country. While Congress has poured substantial monies into Southwest Border initiatives to combat heroin trafficking, in one year seizures of heroin in this area increased from 52 events and 103.8 kilograms seized in 1997 to 80 events and 145.9 kilograms in 1998.

This surge of highly pure and cheap heroin is now threatening a growing number of young people in this country. The University of Michigan has reported that the use of heroin by 12 – 17 year olds has DOUBLED over the last seven years. That same study indicated that 83, 160 eighth graders have tried heroin! The most recent estimate of the domestic hardcore heroin addict population in the United States is 980,000 people. Since the early 1990's, heroin use has increased dramatically, moving from big cities to smaller towns and rural areas across the country.

As we will hear from one of our witnesses today, heroin in particular continues to have the largest impact of all illicit drugs used in the Seattle area in terms of drug-related deaths, emergency department episodes, and criminal involvement. Heroin overdoses and deaths continue to plague many of our metropolitan areas, our suburbs and our schools, including my own district in Orlando, which has suffered a rash of heroin, overdoes. In Oregon, the State Medical examiner's Office reports an average of five people a week died of heroin-related causes in the first 6 months of 1999.

Mexican crime organizations are attempting to market their heroin in new areas. Analysts continue to examine the reasons behind this surge in production, but say new, highly potent forms of heroin from drug cartels in Colombia and Mexico have been key to attracting new users – particularly girls. Girls typically prefer to sniff or smoke their drugs rather than inject them. Now, with more potent heroin available as a powder in small bags or gel capsules, users can get high without injecting. That has made this insidious drug more seductive and palatable to teenage girls and young women. One of our witnesses today lost a sister to black tar heroin. She was one of the 85 people from Chimayo, New Mexico who have died tragically in the past few years from ingesting high potency heroin.

Along with the increased availability has come a decrease in price and an increase in purity. Twenty years ago, a milligram dose with 3.6% pure heroin cost about $3.90 according to Drug Enforcement Administration. Now, the average milligram is 41.6% pure and costs only $1. DEA has recently seized some Colombian heroin that was 98% pure.

Sadly, heroin isn't the only deadly drug coming across the border. Three months ago, I conducted two field hearings in California where the predominant drug problem is methamphetamine coming up the I-5 corridor to Sacramento from Mexico. In San Diego, our Subcommittee heard testimony that 43 percent of all individuals arrested in San Diego County were under the influence of methamphetamine – 43 percent! The problem has also hit the Heartland of America. I just came from a field hearing on Monday in Sioux City, Iowa, where their number one illegal drug problem is also methamphetamine.

They call it "Mexican Meth", and it is ravaging the Midwest. Meth lab seizures in Iowa have increased from just eight in 1995 to over 500 last year. At our recent hearing in Dallas, DEA testified that in Oklahoma alone, almost 1,000 labs were busted in 1999.

Nationwide, DEA seized 218 illegal drug labs in 1993. Last year DEA seized over 1,900 and if you count all the Meth labs seized by federal, state and local officials nationwide, the number is over 6,400.

Mexico is also the transportation corridor for almost 60% of the cocaine coming into this country. I was very concerned to learn recently that Mexican seizures of cocaine have dropped. Given what we know has been an almost a 3 fold increase in coca production over the last few years, this drop in seizures is a warning signal to me of lax enforcement.

Finally, the criminal organizations are more frequently using illegal immigrants to carry the drugs across the border. We now read of ranchers patrolling their land there with dogs and guns with some ranchers resorting to vigilantism in an attempt to restore order. And, the violence isn't occurring just on our side of the border. Mexican citizens have paid a high price for the drug trade that flourishes in their country. I have received reports that the states of Baja and the Yucatan are suffering from unprecedented murders and violence.

Just this April, an ally of the US, Mr. Jose Patino and his colleagues, working to indict drug traffickers were abducted, tortured and executed as they drove from San Diego to Tijuana.

While the Administration has suggested that a strong bilateral approach to law enforcement with Mexico is necessary to achieving our mutual interest in controlling our border and protecting our citizens, little has been done to translate these words into action. In fact, some reports indicate that the Mexican Attorney General's office has done little to strike a blow against the known traffickers in Mexico. I am greatly concerned that the vetted units we have invested in cannot operate due to a lack of trust. Are there any signs of cooperation? In each of the categories of extradition, concluding a maritime agreement, and anti-corruption measures I see little if no progress.

Today, given the havoc that is being wreaked on our nation, it is even more imperative that we critically examine the results of past efforts and develop and implement sound plans and strategies for the future. We should be ahead of the curve knowing at all times if we are we making progress or losing ground. Despite some reports that progress has been made against drug trafficking in Mexico, I am not convinced that Mexico has done enough to stem the rising tide of drug exportation across the border to our country.

Just last month, seven U. S. Court Judges who represent the five districts that currently handle 26 percent of all criminal case filings in the U.S. southwest border courts, came to the Hill to tell congress about the mounting crisis in their courts. These jurists reported that drug prosecutions nearly doubled between 1994 and 1998 while immigration prosecutions increased five fold.

As a nation we must face certain irrefutable facts: increasing amounts of illegal drugs, particularly heroin, coming from or through Mexico, are ending up on American streets. Heroin and those who traffic it spread and finance gang violence, destroy young lives, and undermine our communities and quality of life. The question remains, how can we best stop it?

I look forward to hearing from today's witnesses as we seek a better understanding of our border control efforts and the national priority it should represent.

CRISIS IN THE BORDER COURTS

Impact of Massive Illegal Immigration, Related Drug and Other Criminal Prosecutions Along the U.S. Southwest Border Upon the Federal Courts

FACT SHEET

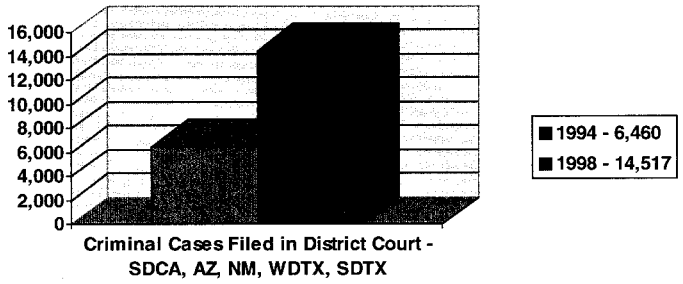
- **The Southwest Border Initiative has dramatically increased federal prosecutions along the U.S./Mexico Border.**

Beginning in 1995, the Southwest Border Initiative ("SBI"), a national strategy designed to crack down on illegal immigration and drug smuggling in Southern California, Arizona, New Mexico and Texas, has produced record numbers of federal prosecutions in those states. Operating under a congressional mandate and increased funding, the Department of Justice has significantly expanded its presence along the U.S./Mexico border, stationing thousands of additional Border Patrol, INS and DEA agents there since 1994, with plans to significantly increase the number of such agents over the next two years.

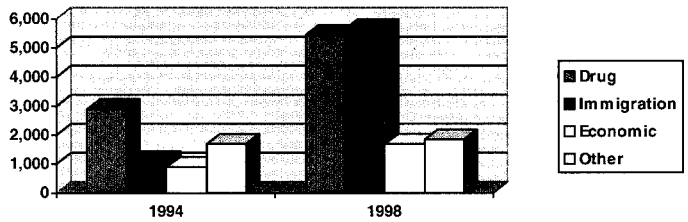
- **The SBI has had an enormous impact upon the workload of the federal courts on the southwest border.**

The five federal district courts of the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas (the "Border Courts") ***now handle 26 percent of all federal court criminal filings in the United States***. The other 74 percent of federal criminal filings are divided among 89 other district courts.

- **Since 1994, criminal cases filed in the Border Courts have increased by 125 percent.**



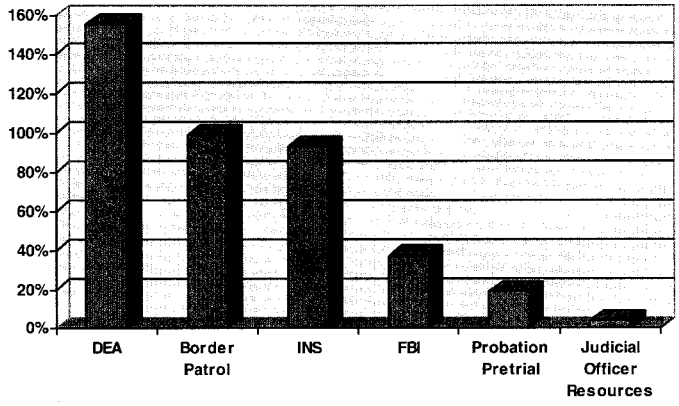
- **Drug prosecutions in the Border Courts nearly doubled between 1994 and 1998, from 2,864 to 5,414, and immigration prosecutions increased more than five-fold, from 1,056 to 5,614.**



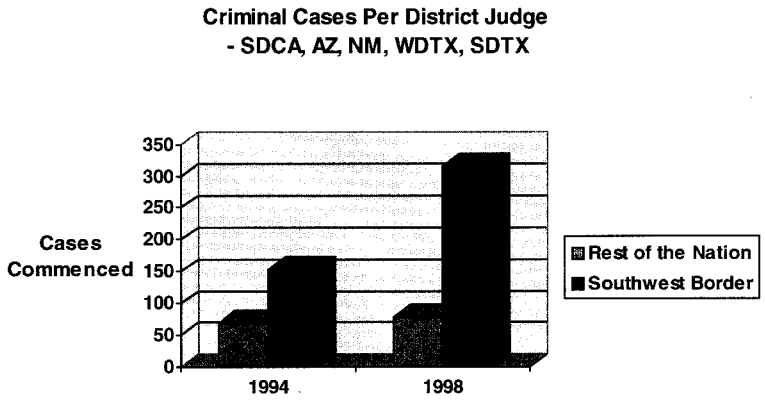
- **In contrast to the skyrocketing caseload and massive expansion of prosecutorial resources, judicial resources in the Border Courts have fallen far behind.**

Between 1994 and 1998, DEA personnel in the Border Courts surged 155 percent, Border Patrol personnel 99 percent, INS personnel 93 percent, and FBI personnel 37 percent. By contrast, the federal judicial officer resources in these five districts have increased only four percent, with probation and pretrial resources increasing only 19 percent.

Percentage Increase in Staff 1994 to 1998
- SDCA, AZ, NM, WDTX, SDTX



- **The Average Caseload per district judge in the Border Courts is more than quadruple the national average.**[1]



- **The federal judiciary has taken action to provide immediate relief in response to this growing crisis in the Border Courts.**

Despite very limited resources, the Administrative Office of the U.S. Courts has authorized some additional emergency funding that can be used immediately by clerks' offices and probation and pretrial services offices in the Border Courts, including:

- additional funding for courtroom deputies, interpreters and other staff,
- additional funding for travel costs incurred by persons providing temporary assistance to the Border Court locations,
- funding for residential placement of pretrial defendants, and
- volunteer officer recruiting around the country for temporary duty tours to the Border Court locations to assist in writing pretrial and presentence reports.

Funding these emergency measures directly reduces resources available to other courts for critical needs throughout the United States.

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[1] The Consolidated Appropriations Act of 1999, P.L. 106-113 (1999), provides authorization for three additional Article III judgeships for the District of Arizona. These new judgeships should alleviate some of the caseload burden in that state when they are filled.

Mr. MICA. This morning, as we proceed, we have two witness panels. Let me introduce the first panel.

The first panel is Judge W. Royal Furgeson, Jr., the U.S. District Court, Western District of Texas; Mr. Joseph D. Keefe, who is a Special Agent in Charge of Special Operations Division of the Drug Enforcement Administration; Mr. Ed Logan, who is a Special Agent in Charge, San Diego, of the U.S. Customs Service; and Mr. Luis E. Barker is a Chief Border Patrol Agent in El Paso sector of the U.S. Border Patrol under INS.

We are pleased to welcome these witnesses to our subcommittee this morning.

Let me say, as we proceed, this is an investigations and oversight subcommittee of the full Government Reform Committee of the House of Representatives. In that regard, we do swear in all our witnesses, which we will do in just a moment.

Also, if you have any lengthy statement, any statement for the subcommittee, oral presentation beyond 5 minutes, I ask that you request that it be submitted to the record and will be done so by unanimous consent. Also, any additional data, background that you would like to be made part of the record, if you request through the Chair that also will be added to the proceedings and your statement today.

With that, if you could please rise and be sworn.

Raise your right hands.

[Witnesses sworn.]

Mr. MICA. This was answered in the affirmative. We'll let the record reflect that.

Welcome this morning. I think first we'll turn to Judge W. Royal Furgeson, Jr., who is the U.S. district court, western district of Texas.

Welcome, sir. You are recognized.

STATEMENTS OF JUDGE W. ROYAL FURGESON, JR., U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS; JOSEPH D. KEEFE, SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION, DRUG ENFORCEMENT ADMINISTRATION; ED LOGAN, SPECIAL AGENT IN CHARGE, SAN DIEGO, U.S. CUSTOMS SERVICE; AND LUIS E. BARKER, CHIEF BORDER PATROL AGENT, EL PASO SECTOR, U.S. BORDER PATROL, INS

Judge FURGESON. Thank you very much, Mr. Chairman. My name is Royal Furgeson, and I am a U.S. district judge for the western district of Texas. I was one of the judges who came last month to Congress to talk with the Congress about the impact of the southwestern border initiative on the Federal courts on the border.

As you well mentioned in your report, the five judicial districts on the border are now handling 26 percent of all criminal filings in the U.S. courts. That is basically 5 percent of the Federal courts handling 26 percent of the criminal filings.

If the trend continues, we estimate that this 5 percent may be handling as much as a third of all criminal filings within several years.

Let me give you just a brief indication of the impact your initiative has had on my court. By the way, I do have a written statement that I would request be put in the record.

Mr. MICA. Without objection, your entire statement will be made part of the record.

Please proceed.

Judge FURGESON. Thank you, sir.

I am the presiding judge over the Pecos Division of the Western District of Texas. It is one of seven divisions in the Western District. Three of our divisions are on the border—El Paso, Del Rio, and Pecos. The Pecos Division covers 430 miles of border with Mexico. It includes the Big Bend National Park, which is the fourth largest national park in the 48 States, the lower 48.

In 1995, the first year that I presided over the criminal docket of the Pecos division, there were 45 criminal cases filed. That is about the time that the southwest border initiative began. Since the start of the southwest border initiative, my docket has grown considerably. Last year, 1999, there were 386 criminal cases filed in the Pecos division. That is an 800 percent increase in 4 years.

In the first 5 months of this year, 252 criminal cases have been filed in the Pecos division. That comes to 50 cases a month. I believe there will be over 600 cases filed in the Pecos division this year. That will be a 55 percent increase in criminal filings over last year.

Last year, I and the two judges to my west who handle El Paso, TX, presided over an average, among the three of us, of about 750 cases. The average criminal case filings for district judges last year in America was 74. Right now our three courts are handling something like 10 times the number of average filings for judges across the United States.

I think the goal of the border initiative was to stop drug smuggling and drug trafficking. I think that goal is well underway. I don't know if these gentlemen to my left believe they have met the goal yet, but they are doing an impressive job of interdicting drug smuggling, and those drug smuggling cases are then coming into our courts in record number.

What we have been trying to tell the Congress, Mr. Chairman, and what we told the Congress when we came last month, was that this increase in law enforcement on the border is having an enormous impact on the judiciary on the border, and we are really under an incredible stress attempting to handle the cases that are coming into our courts.

Our goal is to handle them and handle them as effectively and efficiently as we can, but with the enormous addition of cases in our courts, we are under enormous strain.

We have asked for additional funding for the courts on the border. That is a part of our request for the total budget of the judiciary this year, and we have also asked for new judgeships and other kinds of support, and we have been very gratified by the response we have received.

Thank you, sir.

Mr. MICA. Thank you, Judge Furgeson.

[The prepared statement of Judge Furgeson follows:]

STATEMENT OF JUDGE ROYAL FURGESON
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
BEFORE THE
SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES
ON
"PROTECTING THE SOUTHWEST BORDER"

June 30, 2000

Mr. Chairman, and Members of the Subcommittee, my name is Royal Furgeson. I am a United States District Judge for the Western District of Texas. I appreciate the opportunity to testify before you today regarding the troubles we face along our nation's southwest border. It is my hope that my comments here will be of value to the Subcommittee as you address this important issue.

I. The Western District of Texas

The Western District covers more than 90,000 square miles of territory. It includes seven divisions, three of which border Mexico. The border Divisions are El Paso, Pecos and Del Rio. I preside over the Pecos and Midland-Odessa Divisions of the Western District of Texas. I travel a circuit, sitting in both Midland and Pecos. For reference, Midland is 330 miles south and west of Dallas, on Interstate Highway 20. Pecos is 90 miles west of Midland, on Interstate 20. El Paso is 300 miles west of Midland, on Interstate 20/Interstate 10.

II. The Pecos Division of the Western District of Texas

The Pecos Division of the Western District of Texas encompasses ten of the eleven most western counties of Texas, covering 30,450 square miles of territory, almost twelve percent of the total land area of Texas. One of those ten counties, Brewster, is larger than the state of Connecticut. The Pecos Division shares 430 miles of international boundary along the Rio Grande with Mexico, representing one-fifth of the 2,000 mile United States/Mexico border. There are only two authorized ports of entry on this stretch of border, one in Presidio, Texas, and one in Fort Hancock, Texas. The Presidio port is permanently staffed, 24 hours a day; the Fort Hancock port is permanently staffed, but only for 15 hours a day.

Much of the territory in the Pecos Division is rugged, remote and inhospitable. The region, if not desert, is certainly semi-arid and barren. The legendary Rio Grande is not much of a border, for it is not much of a river, and certainly not a grand one. The fourth largest national park in the lower 48 States, the Big Bend National Park, is located in the Pecos Division. There are not many people in the Pecos Division. The combined population of all ten counties is less than 79,000 people.

To travel anywhere in the Pecos Division of the Western District of Texas, one must travel far and through a sparsely populated land. The three main highways that run north from the Mexican border are Highway 67 to Marfa, sixty miles from the border; Highway 118 to Alpine, ninety-seven miles from the border; and Highway 385 to Marathon, sixty-six miles from the border. The Border Patrol maintains checkpoints on all three highways: the one on Highway 67 is five miles south of Marfa, the one on Highway 118 is fourteen miles south of Alpine and the one on Highway 385 is six and one-half miles south of Marathon. While these checkpoints are permanent, they are not staffed on a regular basis, because of lack of manpower.

III. The Growing Docket of Criminal Cases on the Border

In 1995, the first full year that I presided over the criminal docket of the Pecos Division, 45 criminal cases were filed. Last year, in 1999, 386 criminal cases were filed, an 800% increase. Thus far, in the first five months of 2000, 252 criminal cases have been filed in the Pecos Division, an average of 50 each month. I expect over 600 criminal cases to be filed by the end of this year, resulting in a 55% increase over last year.

These kinds of increases are not limited to the Pecos Division or even to federal courts along the Texas border. Indeed, they extend to the five federal judicial districts bordering Mexico (California Southern, Arizona, New Mexico, Texas Western and Texas Southern). Without question, the increase in criminal filings along the border is the result of personnel increases by the Border Patrol, Immigration and Naturalization Service, the Drug Enforcement Administration and the Federal Bureau of Investigation. These personnel increases began in 1994 with the implementation of the Southwest Border Initiative, a national strategy designed to crack down on illegal immigration and drug smuggling. Since then, thousands of additional federal law enforcement agents have descended on the border, resulting in staffing increases of 155% for the DEA, 99% for the Border Patrol, and 93% for the INS. More increases are on the way.

The effect of these increases on the border districts (California Southern, Arizona, New Mexico, Texas Western and Texas Southern) has been dramatic, increasing the criminal dockets by 125%. During this same period, however, there have been no federal judges added to the border. Further, increases in the judiciary's budget have allowed for only a 30% increase in staff along the border. Today, the five border districts account for 26% of all criminal cases filed throughout the 94 judicial districts in the United States.

IV. Drug Cases on the Border

The majority of the criminal cases being filed in the Pecos Division are drug cases. In 1995, of the 45 cases filed, 32 were drug cases. In 1999, of the 386 cases filed, 371 were drug cases. For some reason, at different points along the border, different kinds of drugs are smuggled into the country. For example, a substantial majority of the Pecos Division drug cases coming out of the Big Bend area involve marijuana. The Pecos Division also includes a Border Patrol checkpoint on

Interstate Highway 10 at Sierra Blanca, Texas, and most of the drug cases from this checkpoint involve cocaine, heroin or methamphetamine. Until this year, I helped on the El Paso Division docket, where a substantial majority of the cases involve cocaine. Second in number to the drug cases filed in the Pecos Division are cases involving immigration violations. With increasing frequency, these immigration cases have some relationship to drug trafficking.

V. Impact on the Federal Judiciary of Increased Law Enforcement Efforts on the Border

Based on the explosive growth of the Pecos criminal docket, fueled by drug cases, I have the impression that there is such an overwhelming demand for illegal drugs in the United States that it is going to be difficult to stem the tide of illegal drug smuggling for the foreseeable future. My view is that the Pecos docket, like all border dockets, will continue to expand by double digit percentages each year throughout this decade. From what I can see, the probability of apprehension and conviction is still not high enough to bring about deterrence, especially in light of the ingenuity and skill exhibited thus far by drug smugglers. Much more needs to be done by way of interdiction, arrest, prosecution and trial.

Yet, more federal law enforcement on the border means more cases coming into a court system that is already under high-tension strain to keep up. It is a major frustration of the judiciary that we have been unable to adequately explain to the Congress and to the American people that criminal activity on the border cannot be addressed simply by increasing law enforcement efforts on the border. Eventually, those arrested for crimes must come through the rest of the criminal justice system into the courts. If the courts do not have the resources to deal with the increases, the delivery of justice is jeopardized and will be eventually impaired.

A. The Judiciary. Even in the highly unlikely event that criminal filings in Pecos will level off, there is still a significant problem with the judicial administration of the Pecos docket. Indeed, there is a significant problem along the entire border because, since the increased law enforcement effort began approximately five years ago, not one new judgeship has been added to the federal judiciary on the border, as noted above. In Pecos, for example, we have already surpassed the capacity of the federal judiciary, namely me, to handle the cases. At present, the Fifth Circuit is bringing Louisiana federal judges to the Pecos Division (as well as the El Paso and Del Rio Divisions in the Western District and the Laredo, McAllen and Brownsville Divisions in the Southern District) on approximately a monthly basis to handle the overflow. Thanks to the good spirit of my brother and sister judges from Louisiana, the Pecos docket is current. It remains unclear how long this kind of effort can be maintained especially in light of the expected growth of the docket. Fortunately, at the magistrate level, the part-time position for United States Magistrate Judge in Pecos is being elevated to a full-time position, which makes a big difference. We should have a new Magistrate Judge on board by April 2001.

B. The Lawyers. It is not only the federal judiciary that is impacted by this docket avalanche; it is also federal prosecutors, defense counsel, marshals, federal clerks, federal pretrial service officers and federal probation officers. In addition, there is a substantial impact as well on

the state criminal justice systems. Although the Pecos Division has four excellent prosecutors, it is very difficult to conceive how those four can continue to do their jobs with dockets exceeding 150 cases each. The defense attorneys working the Pecos docket, including one public defender and approximately 25 private lawyers, are committed professionals, but they appear to be stretched to the limit. Often they must travel over 100 miles simply to interview one client. It is my view that the attorneys on both sides of the Pecos docket, federal prosecutors and defense counsel, are working overtime and on weekends to meet their obligations to justice and to our Constitution. How much further we can ask them to stretch remains to be seen, but their admirable efforts deserve high commendation.

C. The Marshals. In my opinion, the Deputy U. S. Marshals serving the Pecos Division, whose duty it is to bring detained defendants to court, are sorely understaffed. Because there are no federal pre-trial detention facilities anywhere along the 2000-mile stretch of border with Mexico, defendants all along the border, to include the Pecos Division, are housed in local detention facilities, often hundreds of miles from court. As of last week, the Marshal for the Western District of Texas housed 3,283 defendants in 35 local detention centers. In 1999, the cost to house such defendants was over $35 million, including medical costs of $1.35 million. Deputy Marshals must travel far distances to transport defendants throughout the Pecos Division and the Western District. The stress of this effort is enormous, and that the work is done so well is a remarkable tribute to the commitment of the men and women in the Marshal's Service.

D. The Support Personnel. The same problems relate to the staffing of our clerk's offices, pretrial services offices and probation offices. For example, in the Pecos Division, we are getting help in the preparation of presentence investigation reports from federal probation officers as far away as Pennsylvania. Last year, the Western District of Texas led the nation in the preparation of presentence investigation reports.

E. The Infrastructure. The great wave of additional border cases has also placed an enormous strain on the judiciary's bricks-and-mortar infrastructure. Pecos got a new courthouse four years ago. We have already out grown it. All along the border courthouse construction is not keeping up with the need. Laredo, Texas, was authorized a new courthouse years ago, but it took longer than expected to get the courthouse through the planning stage. By the time the bids came in, the costs of construction exceeded the appropriations for construction by $10 million to $12 million. If Congress does not authorize a supplemental appropriation for the Laredo courthouse as soon as possible, severe limits will be placed on the federal judiciary's ability to handle an exploding docket in the middle of the Texas border with Mexico. While preliminary efforts are underway to plan courthouses in El Paso, Texas, and Las Cruces, New Mexico, the need for the facilities in these locations is immediate. Again, inadequate courthouses in these two communities hamper the ability of the federal judiciary to address explosive dockets.

F. The Local Jurisdictions. The federal drug cases on the border also place an added strain on the criminal justice systems of the poorest counties in Texas, which are those along the Mexican border. Often, federal prosecutors will divert smaller drug cases to local state prosecutors for

resolution. These border counties have no budgeted funds to deal with such extra cases, so the costs of housing, investigation and trial must be borne by the local counties, with little ability to absorb such extra expense. In fairness, the federal government should fund this diversion effort, but has not yet done so. Under the circumstances, local border prosecutors now refuse to take federal cases, leaving a large body of smaller drug cases unprosecuted or under prosecuted.

VI. Some Suggestions

From all indications, federal drug cases will continue to proliferate on the border. It is the goal of the federal judiciary on the border to provide a fair justice system to address these cases. To do this properly, however, the judiciary must receive added support. A substantial increase in the support for federal law enforcement efforts on the border entails a concomitant need to increase the support for the remainder of the federal criminal justice system on the border, including the courts.

In light of the challenges outlined in this Statement, the federal judiciary respectfully requests that the Congress consider the following:

A. Increase federal judgeships. While there has been a substantial increase in federal law enforcement personnel on the border over the last five years, there has been no increase in judges. For example, there are three active federal judges assigned to handle the El Paso, Pecos and Midland-Odessa Divisions of the Western District. Last year, in these three Divisions, 2,207 felony criminal cases were filed. This is an average of 736 cases per judge. Last year, across the Nation, the average filings in felony criminal cases were 74 cases per judge. Over the long haul, it is simply not possible for border judges to handle ten times the average workload of their counterparts and still maintain the quality of justice that we expect from our courts. New judgeships are a must for the border. There are presently bills introduced in both houses to add 13 new judgeships on the border.

B. Increase the judiciary's budget. The federal judges on the border have been well-supported by the Administrative Office of the United States Courts. However, budgets can only be stretched so far. This year, the federal judiciary is requesting total funding of $4.6 billion, which represents an increase of 8.5% for its budget. In dollars, this is an increase of $363 million. A good part of this increase (6%) is required to maintain the staffing and space needs not funded in 1999 or 2000. In those fiscal years, the judiciary did not receive additional funds to manage its growing workload. For example, nationally, the number of court support staff funded in fiscal year 2000 was actually three percent lower than that funded in fiscal year 1998 at a time when overall criminal filings increased 19%. The remainder (2.5%) is required primarily to meet the needs of the federal courts on the border. Enacting the full request is exceedingly important, especially since we are now in a catch-up mode.

C. Add new courthouses. Regarding courthouses, there are two emergency needs in Texas and one in New Mexico. In Laredo, Texas, courthouse construction has been approved but the bids exceeded estimates by $10 million to $12 million. A supplemental appropriation is essential so that

the Laredo courthouse construction, which has already been unduly delayed, can be started. Additionally, the courthouses in both El Paso and Las Cruces are hopelessly outdated, to the point of creating security concerns. Approval for new construction in each location is essential.

D. Adequate compensation for court-appointed counsel. By 1995, the Judicial Conference had urged Congress to fund a maximum rate of $75 per hour for both in-court and out-of-court services of counsel appointed under the Criminal Justice Act. Due to funding limitations, the higher rates have been implemented in only 16 judicial districts. It is recommended that the $75 rate be funded nationally; if that is not feasible, we ask that the $75 rate be extended to counsel in the border courts because of the extraordinarily heavy burdens placed on these attorneys. We should note that even $75 per hour is far below professional-standard rates for competent legal services.

E. More Deputy Marshals for the U. S. Marshals Service. While most other parts of the Justice Department along the border have grown significantly in recent years, coinciding with (and contributing to) the exploding caseload in these districts, the Marshals Service has remained at essentially the same strength. The number of qualified law enforcement personnel (including Deputy Marshals and contract hires) engaged in processing, guarding, and transporting detainees is woefully inadequate. Although the efforts of the existing Marshals' staffs have been nothing less than heroic, their numbers fall far short of what is necessary to ensure the safety of courthouse personnel and the public. The risk to personnel and the public is exacerbated by the lack of adequate detention facilities in many of the older courthouses. It is not too much to say that this is a disaster waiting to happen.

F. More federal pre-conviction detention facilities. In Western Texas alone, as noted above, over 3000 defendants in custody are housed in 35 separate contract facilities spread over hundreds of miles, at a direct cost of over $35 million a year. The indirect costs include heavy burdens on prosecutors, defense counsel, probation officers, pretrial services officers, and Deputy Marshals. Most of the border districts suffer from these problems, generating enormous costs, both financial and logistical, in transporting prisoners to and from the courthouse. The building of prisons would not address the immediate problem, as the Bureau of Prisons primarily deals with post-conviction prisoners. The Department of Justice needs special appropriations to build short-term holding facilities in locations closer -- much closer -- than 200 plus miles from the court.

G. Support for local border prosecutors. Until the crush of federal border cases became sof massive, federal and local prosecutors worked together well so that less serious federal offenses could be diverted into the state system. In that way, all offenders were prosecuted in an efficient, effective way. Such cooperation is no longer possible, at least without federal funding, because the number of cases to be diverted is so large. Local prosecutors on the Texas border reside in some of the poorest counties in America, so federal funding is imperative before this cooperative effort can be re-established. Various studies have been conducted to determine the cost of this diversion program to local prosecutors from one end of the border (Brownsville, Texas) to the other (San Diego, California), with resulting estimates in the range of $100 million per year. In an effort to get

a more exact number, I have contacted the Border Studies Program at UT-El Paso and have been told that an accurate figure could be achieved by funding a study costing approximately $100,000. Such a study would be helpful and worthwhile for all concerned.

Thank you for this opportunity to discuss with you the needs of federal courts on the border with Mexico. I am optimistic that we can work together to ensure that our criminal justice system works effectively and efficiently everywhere in this wonderful Nation, to include our border with Mexico.

Mr. MICA. We'll suspend questions until we have heard from all of the witnesses on this panel.

We will now hear from Joseph D. Keefe, and he is the special agent in charge of special operations division of DEA, our Drug Enforcement Agency.

Welcome, sir. You are recognized.

Mr. KEEFE. Mr. Chairman, I appreciate this opportunity to appear before the subcommittee today to discuss the issue of drug trafficking along the southwest border.

My submitted testimony will provide you with objective assessment of the law enforcement issues surrounding the drug threat posed by international drug trafficking organizations. My overall remarks today will be limited to the Mexican heroin trade and our response to this threat.

The organized crime syndicates in Mexico have grown significantly more powerful and wealthy over the last 6 years. Their position in the cocaine trade has been significantly enhanced by the Colombians payment in cocaine for providing transportation services for drug lords. These trafficking organizations have accrued billions of dollars in drug profits annually and now rival their Colombian counterparts in power, wealth, and influence.

The Mexican organized crime syndicates are not satisfied with their billions in cocaine profits. They also seek profits in the heroin trade. Mexican heroin has become the second-largest source used in the United States.

Organized crime syndicates based in Mexico now dominate the marketplace in the west and hold a substantial share of the midwest market and are actively pursuing markets on the East Coast. Historically, traffickers from Mexico use their proximity and access to the southwest border to their advantage. After safely smuggling heroin across the border, these organizations routinely stockpile the heroin in locations such as San Diego and Los Angeles, CA. The heroin is subsequently distributed in pound quantities throughout the United States.

By keeping quantities small, traffickers minimize the risk of losing significant quantities of product to U.S. law enforcement. In addition, once the heroin reaches the United States, these traffickers rely upon well-entrenched drug smuggling and distribution networks to distribute their heroin.

The popularity of black-tar heroin has increased as its purity has soared. Traditionally, Mexican heroin, such as Mexican brown or black-tar heroin, was recognized as inferior and less pure grade of heroin; however, recent investigations such as Operation Tar Pit have revealed purity levels of black-tar heroin as high as 84 percent, explaining its increased popularity.

Heroin abuse is not restricted to the inner city poor or the Hollywood elite. Middle class teenagers and young adults in places like Orlando, FL; Plano, TX; and Rio Arriba County, NM have fallen prey to heroin addiction as a consequence of their experimentation with high purity dosages of this dangerous narcotic. Tragically, Rio Arriba County, NM, had the highest per capita heroin overdose rate in America. Between 1995 and 1998, the small town of Chimayo, located in Rio Arriba County, suffered over 85 deaths attributed to high-purity black-tar heroin.

In order to combat drug production and trafficking networks operating along the southwest border, DEA, in concert with other Federal agencies, established the southwest border initiative, an integrated, coordinated law enforcement effort designed to attack the command and control structure of organized criminal operations associated with these criminal organizations.

The most effective way to dismantle these drug traffic organizations is through multi-agency cooperative investigation. The special operations division enhances agencies' ability to dismantle these organizations. The special operations division is a joint national coordinating and support entity comprised of agents, analysts, and prosecutors of the Department of Justice, U.S. Customs, Federal Bureau of Investigation, Drug Enforcement Agency, and Internal Revenue Service. Its mission is to coordinate and support regional and national criminal investigations and prosecutions against drug trafficking organizations that threaten our Nation.

These cooperative investigations have yielded tremendous results, as evidenced by the success of Operation Impunity, Operation Green Air, and most recently Operation Tar Pit.

Operation Tar Pit was a year-long investigation which resulted in a complete disruption and dismantling of the largest black-tar heroin organization operating in the United States to date. The operation culminated in the arrests of over 225 suspects and the seizure of 64 pounds of black-tar heroin.

The investigation revealed that this organization was responsible for smuggling and distributing approximately 80 to 100 pounds of black-tar heroin a month into the United States. In addition, Operation Tar Pit proved that Mexican traffickers were, in fact, attempting to expand their traditional western markets into the more-lucrative high purity white heroin market in the eastern part of the Nation currently controlled by Colombian-based traffickers.

This criminal organization established heroin drug trafficking sales as far west as Hawaii and as far east as New Jersey.

Operation Tar Pit also revealed this organization's ruthlessness and total disregard for human life. During the investigation it was learned that these criminals targeted methadone clinics and preyed on heroin addicts who were seeking help for their heroin addiction. Their callous marketing efforts were responsible for driving recovering addicts back into the cycle of heroin use.

Drug trafficking organizations operating along the southwest border continue to be one of the greatest threats to communities across the Nation. The DEA is deeply committed in our efforts to identify, target, arrest, and incapacitate the leadership of these criminal drug trafficking organizations.

Cooperative investigations such as Operation Tar Pit serve to send a strong message to all drug traffickers that the U.S. law enforcement community will not sit idle as these criminal organizations threaten the welfare of our citizens and the security of our towns and cities.

Mr. Chairman, thank you for the opportunity to appear before your subcommittee. I will be happy to answer questions at the right time, sir.

We also have a short video to show you at some point.

Mr. MICA. How long is the video?

Mr. KEEFE. Just about a minute, sir.

Mr. MICA. Why don't we just go ahead and show that now at the end of your testimony, if you are ready.

Mr. KEEFE. Mr. Chairman, this video shows an example of how they were moving—in Operation Tar Pit, how the traffickers were moving pounds of black-tar heroin within the United States.

An example here is a boom box often used by a typical Mexican female, often juvenile, would often carry a boom box on a bus and travel from Los Angeles, CA, for example, to Columbus, OH.

The other example is a rice cooker, which was shipped by mail, which also contained approximately about a pound of black-tar heroin which would be shipped from the West Coast to whichever city it was going to, and they did this continuously throughout this investigation.

[Videotape presentation.]

Mr. KEEFE. You can see the black-tar heroin contained in the packets.

Mr. MICA. In our hearing on Monday on Sioux City, IA, local enforcement officials described how they set up an auto parts business and were shipping—I think it was meth in this case—into the Sioux City area, the tri-county area, tri-State area up there, and so sophisticated that they actually created this bogus business. When they went after them the business evaporated. I think that was also tied to an operation in California.

They were setting up false businesses and then shipping the stuff in through that, similar fashion.

Thank you.

[The prepared statement of Mr. Keefe follows:]

Remarks by

Joseph D. Keefe
Special Agent in Charge
Special Operations Division
Drug Enforcement Administration
Before
The Subcommittee on Criminal Justice, Drug Policy
and Human Resources
February 29, 2000

Mr. Chairman, Members of the Subcommittee: I appreciate this opportunity to appear before the Subcommittee today to discuss the issue of drug trafficking along the Southwest Border. I would like first to thank the Subcommittee for its continued support of the Drug Enforcement Administration (DEA) and overall support of drug law enforcement. My prepared testimony will provide you with an objective assessment of the law enforcement issues surrounding the drug threat posed by international drug trafficking organizations operating from Mexico. My oral remarks today will focus on the Mexican Heroin trade and our response to this threat.

The dedicated men and women of the DEA are committed to improving the quality of life of the citizens of the United States. The agency directs and supports investigations against the highest levels of the international drug trade, their surrogates operating within the United States and those traffickers whose violence and criminal activities threaten towns and cities across the country. These investigations are intelligence-driven and frequently involve the cooperative efforts of numerous other law enforcement organizations.

Mexico based drug trafficking organizations pose some of the greatest challenges to law enforcement agencies in the United States. For years, we have watched with concern as powerful organized crime syndicates based in Mexico began to dominate the distribution of drugs throughout our country. Through the dedicated efforts of Federal, state and local law enforcement agencies, we now have a clearer picture of how these drug lords direct the sale of drugs within the U.S., how they collect their billions of dollars in drug profits, and how they arrange for the assassination of witnesses in both Mexico and the United States.

In the recent past, drug traffickers from Mexico had maintained dominance in the western part of the United States, and in some Midwest cities. Today, the Drug Enforcement Administration, along with other law enforcement agencies has developed evidence leading to indictments demonstrating that associates of organized crime groups based in Mexico have established themselves on the East Coast of the United States, thus becoming significant participants in the nationwide drug trade.

The organized crime syndicates in Mexico have grown significantly more powerful and wealthy over the last six years as their position in the cocaine trade in the U.S. has been enhanced by the Colombians' payment in cocaine, for providing transportation services for drug loads. After receiving as much as half of every shipment they smuggled into the U.S. for the Cali Cartel, drug lords like Amado Carrillo-Fuentes, the Arrellano-Felix brothers, and Caro-Quintero managed to establish their own enormous distribution networks in the western and Midwestern United States. These trafficking organizations have amassed billions of dollars in drug profits annually and now rival their Colombian counterparts in power, wealth, and influence.

Overview of Narcotics Smuggled along the U.S./Mexican Border:

Cocaine:

Nearly one half of the cocaine available in the United States is transported across the Southwest border. Typically, large cocaine shipments are transported from Colombia, via commercial shipping, fishing and "go-fast" boats and off-loaded in Mexico. The cocaine is transported through Mexico, usually by trucks, where it is warehoused in cities like Guadalajara, Tijuana or Juarez, which are operating bases for the major criminal trafficking organizations. These drug trafficking organizations are known to exploit any means possible in order to smuggle their poison into the United States.

Methamphetamine:

Over the past several years, established drug trafficking organizations based in Mexico and Southern and Central California have seized control of the illicit methamphetamine trade. The principal reasons for their rise to dominance is the ability of these organizations to exploit existing, well established transportation and distribution networks on both sides of the border, as well as their ability to illegally secure large amounts of precursor chemicals. These drug trafficking organizations have revolutionized the production of methamphetamine by operating large-scale laboratories in Mexico and California that are capable of producing unprecedented quantities of methamphetamine. Almost all of the "super labs" operating in the United States are located in California. These organizations operate only a small percentage of the total methamphetamine laboratories seized nationally. However, these labs produce an estimated 85% of the methamphetamine distributed in the United States. These criminal organizations have saturated the western United States market with methamphetamine; established their distribution cells in other regions of the United States; and are

increasingly moving their methamphetamine to markets in the Midwestern and eastern United States.

Marijuana:

The Southwest Border is a major transit area for both Mexican and Colombian marijuana smuggled into the United States. Seizures of marijuana have almost doubled from 480,000 kilograms in 1996 to approximately 947,000 kilograms seized in 1999.

Mexico is the predominant foreign source for marijuana consumed in the United States and has been a major supplier of marijuana to the U.S. for several decades. The principal organizations that transport marijuana across the border are Mexico-based polydrug organizations. These organizations smuggle significant amounts of marijuana, as well as other illicit drugs into the U.S. Through an extensive organization of associates, Mexico-based organizations control the transportation and distribution of marijuana from hub cities along the Southwest Border to drug consumption markets throughout the United States.

Mexican Heroin:

One of the most alarming trends today is the resurgence of heroin use and addiction among our nation's young people. According to the 1998 National Household Survey on Drug Abuse, an estimated 230,000 Americans began using heroin during the two previous years. Tragically, the average age of these new users was 18 – the lowest age since the 1960's.

These organized crime syndicates are not satisfied with their billions in cocaine profits; they also seek similar profits in the heroin trade. Mexico has become the second-largest source of heroin used in the United States. Organized crime syndicates based in Mexico now dominate the heroin market in the West and hold a substantial share of the Midwest market and are actively pursuing markets on the East Coast. We have evidence that these traffickers are providing samples of black tar heroin or brown powdered heroin to contacts on the East Coast in an attempt to generate product interest. In addition, some Mexican traffickers have sought the expertise of Colombian chemists in an effort to produce high purity white heroin in their laboratories.

Historically, traffickers from Mexico used their proximity and access to the Mexico-U.S. border to their advantage. After safely smuggling heroin across the border, these organizations routinely stockpile the heroin in locations such as San Diego and Los Angeles, California. The heroin was subsequently distributed in pound quantities throughout the United States. By keeping quantities small, they minimized the risk of losing significant quantities of product to U.S. law enforcement. In addition, once the heroin reaches the U.S., these traffickers rely upon well-entrenched polydrug smuggling and distribution networks to distribute their heroin.

The popularity of black tar heroin has increased as its purity has soared. Traditionally, Mexican brown or "black tar" heroin was recognized as an inferior and less pure grade of heroin. However, recent investigations have revealed purity levels of black tar heroin as high as 84%, explaining its increased popularity.

At this purity level, heroin can be administered by several methods, including smoking and snorting the heroin. First time and casual users who find injecting heroin unglamorous and who want to avoid sharing dirty needles prefer these methods of ingestion. However, as drug users gain tolerance, addicted snorters and smokers are forced to turn to injection, which quickly leads to hard core addiction.

Heroin abuse is not restricted to the inner city poor and the Hollywood elite. Middle class teenagers and young adults in places like Orlando, Florida, Plano, Texas and Rio Arriba County, New Mexico have fallen prey to heroin addiction as a consequence of their experimenting with high-purity dosages of this dangerous narcotic. In Orlando, approximately 51 deaths were attributed to heroin overdose in 1999 and, in Plano; at least 19 young adults have died from heroin abuse since 1996. Tragically, Rio Arriba County New Mexico had the highest per capita heroin overdose death rate in America. Between 1995 and 1998 the small town of Chimayo, located in Rio Arriba County, has suffered over 85 deaths attributed to high purity, black tar heroin.

Although black tar heroin has been available in the U.S. for many years, these tragic consequences of heroin use clearly illustrates the threat now posed by this potent type of heroin. In addition, black tar heroin produced in Mexico has become the heroin of choice in areas traditionally dominated by Colombian heroin and Southeast Asian heroin manufactured in the Golden Triangle.

Violence:

Drug trafficking organizations based in Mexico routinely rely on violence as an essential tool of the trade. Much of the drug-related violence, which has become commonplace in Mexico, has spilled over into the United States. Many of these acts of violence have been aimed at U.S. law enforcement personnel working along or in close proximity to the Southwest Border.

Over the past few years drug traffickers have adopted a strategy of taking increasingly confrontational and defensive actions when moving drug loads across the Southwest border. During 1998, a relatively new trend involving armed attacks by Mexican traffickers on U.S. law enforcement officers continued with fatal consequences. These armed encounters developed during the drug traffickers' attempts to avoid arrest while fleeing back to Mexico. One such attack took place on June 3, 1998, along the Southwest border near Nogales, Arizona. U.S. Border Patrol Agent Alexander Kirpnick and a fellow agent were attempting to arrest five Mexican males who were transporting marijuana north across the border when he was shot and killed by one of the traffickers.

Law Enforcement Response:

In response to the emergence of these criminal drug trafficking organizations, it became apparent that a coordinated strategy for law enforcement counterdrug activities needed to be implemented. In order to combat drug production and trafficking networks operating along the Southwest border, DEA, in concert with other Federal agencies established the Southwest Border Initiative – an integrated, coordinated law enforcement effort designed to attack the command and control structure of these criminal organizations. This strategy focuses on intelligence and enforcement efforts, which target drug distribution systems within the U.S., and directs resources toward the disruption of those principal drug trafficking organizations operating across the border.

In 1999, DEA developed Special Field Intelligence Programs (SFIP's) which are designed to gather intelligence aimed at identifying Mexico based heroin trafficking organizations operating in the United States, particularly along the southwest border. The SFIP concept is designed to collect, analyze and disseminate drug trafficking intelligence in areas where intelligence gaps exist. In addition, DEA launched Operation Chiva in May 1999, which targets individuals that distribute black tar heroin throughout the United States. The objectives of this operation are to identify, arrest and prosecute the most significant traffickers of Mexican heroin, and to coordinate a nationwide strategy in this effort for DEA field offices.

The most effective way to dismantle these major drug trafficking organizations is through multi-agency cooperative investigations. The Special Operations Division enhances agency ability to dismantle these criminal organizations. The Special Operations Division (SOD) is a joint national coordinating and support entity comprised of agents, analysts, and prosecutors from DOJ, Customs, FBI, DEA and IRS. Its mission is to coordinate and support regional and national criminal investigations and prosecutions against international drug trafficking organizations that threaten our nation. These cooperative investigations have yielded tremendous results as evidenced by the success of such cases as Operation Impunity, Operation Green-Air and more recently Operation Tar Pit.

Operation Tar-Pit was a year long investigation which resulted in the complete disruption and dismantling of the largest black-tar heroin organization operating in the United States to date. The Operation culminated in the arrests of over 225 suspects and the seizure of over 64 pounds of black tar heroin.

The leadership of this organization was based in the Mexican State of Nayarit, Mexico, and maintained several heroin-processing laboratories in Nayarit which were supplying the United States. The El Paso Intelligence Center reported that approximately 125 kilograms of heroin had been seized along the Southwest border. Of the heroin seized at the Southwest border in 1998, 39 percent was reported as black tar heroin, 23 percent as brown heroin, 19 percent as South American heroin and 19 percent as

unknown. Currently, black tar heroin accounts for as much as 80 percent of the total amount of heroin produced in Mexico.

The investigation revealed that this organization was responsible for smuggling and distributing approximately 80 to 100 pounds of black-tar heroin a month into the United States. In addition, Operation Tar Pit proved that Mexican traffickers were in fact attempting to expand their traditional western markets into the more lucrative, high-purity white heroin market in the eastern part of the nation currently controlled by Colombia-based traffickers. The targeted Nayarit, Mexico based organization established heroin drug trafficking cells as far west as Hawaii and as far east as New Jersey.

Operation Tar Pit also revealed this organization's ruthlessness and total disregard for human life. During the investigation, it was learned that these criminals targeted methadone clinics and preyed on heroin addicts who were seeking help for their heroin addiction. Their callous marketing efforts were responsible for driving recovering addicts back into the cycle of heroin use.

Conclusion:

Drug trafficking organizations operating along the Southwest Border, continue to be one of the greatest threats to communities across this great nation. As a result of their alliances with Colombian organizations, Mexico based drug trafficking organizations increasingly have become organized, specialized and efficient, with individual components steadily consolidating power and control over well-defined areas of responsibilities and geographic strongholds. The influence of these organizations is pervasive and continues to expand to new markets in the U.S. cities. Their power, influence and growth are presenting new challenges to law enforcement agencies that are addressing this threat.

The DEA is deeply committed in our efforts to identify, target, arrest and incapacitate the leadership of these criminal drug trafficking organizations. The combined investigations of DEA, FBI, the U.S. Customs Service and members of other federal, state and local police departments continue to result in the seizure of hundreds of tons of drugs, hundreds of millions of dollars in drug proceeds and the indictments of significant drug traffickers.

Cooperative investigations such as Operation Tar Pit serve to send a strong message to all drug traffickers that the U.S. law enforcement community will not sit idle as these organizations threaten the welfare of our citizens and the security of our towns and cities.

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee today. At this time I would be happy to answer any questions you may have.

Mr. MICA. We'll turn now to Mr. Ed Logan, special agent in charge in San Diego, U.S. Customs Service.

Welcome, sir. You are recognized.

Mr. LOGAN. Thank you, Mr. Chairman and members of the subcommittee. I am pleased to appear before you today to discuss the U.S. Customs Service's efforts in protecting the southwest border.

As the committee is well aware, the Customs Service, along our border with Mexico, must work in a multidimensional threat environment. While we have positioned most of our personnel and resources facing south along the 1,800-mile land border that we share with Mexico to screen persons, conveyances, and goods moving north, we also must be watchful on southbound trade and traffic which may be carrying weapons, undeclared currency, hazardous materials, controlled technology, stolen cars, or fugitives from justice leaving the United States.

At the same time, due to our geography, we must also look west and east, where the Pacific Ocean and the Gulf of Mexico provide yet another avenue for drug smugglers long schooled in the ways of moving narcotics by sea.

We also must be able to look up and monitor our skies, which became in the 1970's and the 1980's the quickest way for drugs to enter the country.

Last, all the agencies along the border must be ever vigilant to the presence of tunnels, which have been created to move both narcotics and illegal aliens into the United States.

Within California, in my area of operations, in 1999 Customs encountered over 30 million passenger vehicles, 95 million persons, almost a million trucks, thousands of pleasure craft, and cleared for entry into the United States commerce over $12 billion of trade only from Mexico.

To meet our threat, we have deployed personnel, technology, air, and vessels to screen the border environment, whether that be on land, in the air, or at sea. All of these pose unique challenges.

Screened from this enormous haystack of people and conveyances, the Customs Service has seized 192 tons of marijuana, 5 tons of cocaine, 1,164 pounds of methamphetamine, and 226 pounds of heroin, most of it black tar, along with arresting over 4,000 drug smugglers.

In 8 short years, we have witnessed drug seizures rise at our California ports of entry from 370 in 1991 to over 4,000 in 1998.

As I have previously testified before this committee in March, last year over 58 percent of all detected drug smuggling events at United States ports of entry along the Mexican border occurred in California. While Customs is responsible for enforcing sections of the U.S. code on behalf of 60 other Federal agencies and routinely conducts a wide variety of investigative activity, Commissioner Kelly has clearly stated that interdicting narcotics and dismantling drug smuggling organizations is our highest priority.

The windows of opportunity for would-be drug smugglers are staggering, and the number climbs each year as the benefits of NAFTA continue to increase trade with our southern neighbor, which rose 115 percent in California from fiscal year 1994 to 1999.

Our efforts to deal with our ever-increasing work load may be characterized as follows: continuous coordination with Federal,

State, and local resources through coalition law enforcement; the utilization of technology; effective intelligence gathering and sharing; and proactive investigative operations targeted drug smuggling organizations.

The increased availability of x-ray systems and dedicated intelligence and investigative efforts at our commercial facilities are already resulting in increased seizures of narcotics. For example, this fiscal year to date at Otay Mesa and Tecate there have been 44 significant seizures of marijuana concealed in trucks, averaging approximately 1,400 pounds each. This is up from 6 seizures in 1995 that averaged approximately 600 pounds, and 30 the previous year that averaged 960 pounds.

We are seeing a disturbing trend toward the increased use of commercial trucks, including concealment in false walls and roofs, as well as commingled in legitimate commerce.

Black-tar heroin, on the other hand, is much more difficult to detect as it enters the United States from Mexico. While there are some poly drug smuggling organizations which move heroin, cocaine, marijuana, and methamphetamine, our recent experience in intelligence tell us that there are highly organized Mexican traffickers who specialize in smuggling black-tar heroin into the United States and distributing it in communities across the United States. DEA's highly successful Operation Tar Pit is vivid confirmation.

Heroin couriers by the hundreds move stealthily through the southwest border, many carrying relatively small amounts concealed on and in their bodies. Other couriers move it in larger quantities in vehicles, usually between 15 to 20 pounds, concealed in specially constructed compartments and modified car components like manifolds and engine blocks. Often the only way we can confirm the presence of heroin in vehicles, even when we have advance intelligence, is to x ray. In many cases the heroin is so well integrated into the vehicle we have to partially destroy the car to remove the drugs.

This is why interagency intelligence sharing on drug smuggling operations and organizations and techniques is so critical to effective counter-narcotics operations. While interdicting the drugs at the border is important, our controlled deliveries and investigative bridge strategy enables the Customs Service, oftentimes in partnership with DEA, the FBI, and State and local agencies, to identify the scope of the smuggling and distributing organizations transiting our border for heartland, U.S.A., and all other major metropolitan cities.

Those of us who work on the United States-Mexican border know that it is an environment in which drug smuggling routinely infiltrates legitimate trade and commerce. The traffickers and smugglers are experienced, well-financed, often well-trained, and, sadly, highly effective in their efforts.

In conclusion, we take pride in our law enforcement coalition as the Customs Service is not alone along the border. We remain shoulder-to-shoulder with all of the agencies, Federal and State, who have resources dedicated to this important effort. I am proud to represent the Customs Service in providing insights into the

hard work being conducted by the men and women of the Customs Service every day along the border.

I have a longer statement, Mr. Chairman, and I would request that it be submitted.

Mr. MICA. Without objection, your entire statement will be made part of the record. Thank you for your testimony.

Mr. LOGAN. Thank you, sir.

[The prepared statement of Mr. Logan follows:]

Testimony of Edward W. Logan
Special Agent in Charge
United States Customs Service
Before the U. S. House of Representatives
Government Reform Committee
Subcommittee on Criminal Justice, Drug Policy and Human Resources
"Protecting the Southwest Border"
June 30, 2000

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before the committee to discuss the U. S. Customs Service's efforts in "Protecting the Southwest Border".

As I have previously testified, the challenges facing the U.S. Customs Service along our border with Mexico are complex and wide-ranging. While the border extends over 1800 miles, cross border trade and commerce is concentrated through our 26 Ports of Entry, six of which are located within my area of responsibility in Southern California. The majority of our inspectional resources are focused at six California ports of entry while our investigative resources, while heavily dedicated to support POE operations, also cover a wide variety of law enforcement responsibilities and activities. They include interdiction and investigative operations in the marine environment of the Pacific Ocean in concert with the U.S. Coast Guard and protection of our air borders by the Customs Air and Marine Interdiction Branch located at the North Island Naval Air Station. Within that context, in FY 1999 in California we encountered over 30 million passenger vehicles, 95 million persons, almost a million trucks, thousands of pleasure craft and cleared for entry into U.S. commerce over $12 billion dollars of trade related merchandise from Mexico.

Culled from this enormous amount of people and conveyances, the Customs Service seized 192 tons of marijuana, 5 tons of cocaine, 1,164 pounds of methamphetamine and 226 pounds of heroin and arrested over 4,000 drug smugglers. In eight short years, we have witnessed the number of drug seizures rise at our California Ports of Entry from 370 in 1991 to over 4,000 in 1998. Last year, over 58% of all detected drug smuggling events at U.S Ports of Entry along the Mexican border occurred in California.

In total, Customs is responsible for enforcing more than 600 sections of the U. S. Code on behalf of 60 other Federal agencies. In addition to seizing narcotics and dismantling smuggling organizations, Customs enforcement actions protect domestic manufacturing industries from unfair foreign competition, and help ensure the health and safety of the American public. Through our Strategic Investigations and Antiterrorism initiatives, Customs continuously fights the battle to prevent proliferant countries, terrorist groups, and criminal organizations from obtaining sensitive and controlled commodities, such as Weapons of Mass Destruction. Customs is also a recognized leader in the investigation of cyberspace-related violations, including intellectual property rights violations.

However, as Commissioner Kelly has repeatedly stated, drug interdiction and dismantling drug smuggling organizations are our highest priority. As this Committee is well aware, the Southwest border has become a smuggling corridor of preference for the flow of marijuana, cocaine, heroin, methamphetamine and pharmaceuticals. The windows of opportunities for would-be drug smugglers are staggering and the number climbs each year as the benefits of NAFTA continue to increase trade with our southern neighbor which rose 115% from FY 1994 to FY 1999.

Our efforts to deal with our ever increasing workload may be characterized as follows: improved coordination of federal/state and local resources through coalition law enforcement; the utilization of technology, effective intelligence gathering and sharing; and proactive investigative operations targeted at drug smuggling organizations.

First and foremost, continued and improved border coordination remains critical to future success. Through the Border Coordination Initiative (BCI), we are confident our past successes will be repeated, duplicated, and surpassed. The Border Coordination Initiative is a proven approach to integrating the efforts of the U. S. Government's border law enforcement agencies. Customs and INS began BCI as a means of creating a seamless process of managing cargo and travelers at our nation's Southwest Border. BCI incorporates the multitude of skills and expertise within each of our organizations, in order to more effectively interdict the flow of narcotics, illegal aliens and other contraband.

BCI was launched in late September 1998, at a conference in Washington, D. C. that was attended by all Southwest Border INS and Customs managers. Attorney General Reno, then Treasury Secretary Rubin, U. S. Customs Commissioner Kelly, INS Commissioner Meissner, Deputy Attorney General Holder, and Under Secretary Johnson participated in this meeting. BCI's initial focus was and remains on the Southwest Border, an area we believe to be the primary threat for cocaine, marijuana, methamphetamine and increasingly, heroin.

Coalition law enforcement is nothing new to the San Diego law enforcement community, and the Customs Service has forged strong alliances with its counterparts to combat the increase in drug smuggling activity along our border. Certainly, the various local High Intensity Drug Trafficking Area (HIDTA) initiatives are examples. From a Customs perspective, we are primarily focused on detecting drug smugglers as they attempt to cross land borders, as well as our marine and air borders, the latter two that pose special challenges.

In the ports, Customs Inspectors and Canine Handlers along with their INS counterparts aggressively face the daily barrage of thousands of vehicles and pedestrians by exchanging intelligence on the latest concealment techniques used by both alien and drug smugglers. These frontline officers routinely operate in a difficult and dangerous environment not knowing who or what might be in the next vehicle. In order to thwart the prospective smugglers and "spotters" who watch the Port of Entrys attempting to

find vulnerabilties, Customs officers regularly conduct pre-primary surge operations on unpredictable schedules. Pre-primary operations have been highly effective in identifying narcotic laden vehicles before their arrival at the clearance booths.

Critical to all law enforcement operations, tactical intelligence is routinely shared among all the border agencies on a daily basis. As a result, Intelligence Collection and Analysis Teams (ICATs) have been created throughout the country. In our area, the ICAT is staffed by Customs Special Agents, Customs Inspectors, INS agents, INS analysts, the US Border Patrol and the California National Guard. These teams analyze smuggling trends and concealment methods which they, within minutes, can expeditiously disseminate to other border ports and Border Patrol check points who then can screen for similar profiles.

Assisting our Inspectors is a wide array of non-intrusive technology focused at screening trucks, cars and merchandise to ensure that they don't conceal narcotics or other contraband. X-ray and gamma ray systems at our ports have been highly successful in detecting narcotics laden trucks and even trailerable vessels, which have hidden compartments not visible to the human eye. Density meters (also called busters) are handheld devices that inspectional personnel can use to determine whether narcotics might be hidden inside tires or other objects. Fiber-optic devices have also been vital in screening gasoline tanks that continue to be a favorite location to hide drugs in cars. Laser range finders are also available which can precisely and quickly measure external and internal dimensions of large conveyances in order to locate possible false walls. Suffice it to say, the Customs Service continues to view existing and emerging technology as a critical tool in efficiently screening cross border traffic.

Smuggling organizations operating along the southern border are abundant, innovative and resilient. Successful dismantling of these organizations requires a comprehensive strategy, one that interfaces the functions and expertise of all enforcement disciplines. As indicated in previous congressional testimony by former U.S. Customs Deputy Commissioner Sam Banks, we have developed the "Investigative Bridge" to address this problem. It involves:

- The integration of the Customs enforcement disciplines, investigations, intelligence, interdiction and air/marine operations in an effort to exploit the interrelationship of drug transportation and distribution. By building an "Investigative Bridge" between border and smuggling activity and criminal organizations located inland, further dismantling of these groups is possible.

- The bridge is built when a drug seizure at a Port of Entry (POE) leads to the identification of an organization's inland command and control center and/or additional co-conspirators. Similarly, a bridge is also built when the investigation of an organization develops information leading to a drug interdiction at the border. Through this focus on integration and cohesion, the Investigative Bridge Strategy maximizes enforcement results.

- Controlled deliveries are an integral part of the strategy. These have proven to be extremely effective in identifying members of organizations, locating narcotic consolidation locations, and uncovering persuasive evidence of criminal activity.

- Controlled deliveries and cold convoys require close cooperation between inspectors, agents, and local law enforcement, at the interdiction site, along delivery routes, and at the ultimate destination. Timely notification and response by agents, couple with a seamless hand-off are necessary elements to ensure success of the operation and a "building of the bridge".

- The strongest bridge is constructed when the talents, abilities, and authorities unique to multiple agencies are combined. Numerous initiatives and task forces exist which embrace this idea, and Customs actively participates whenever possible.

Some specific examples of participation include:

- The Border Coordination Initiative (BCI) ensures comprehensive sharing of border intelligence and the coordination of enforcement operations between Customs and the Immigration and Naturalization Service (INS).

- The High Intensity Drug Trafficking Area (HIDTA) program concentrates Federal, state, and local law enforcement efforts in high-threat areas such as the Southwest border.

- The Organized Crime Drug Enforcement Task Force (OCDETF) focuses combined Federal, state, and local law enforcement efforts on significant, high-level drug trafficking and money laundering organizations.

Active participation in these multi-agency initiatives complements Customs Investigative Bridge strategy along the Southwest border.

Our Intelligence suggests that:

- Current intelligence from all sources continues to point towards a highly diverse and constantly evolving smuggling environment that poses major threats all along the border. These threats continue to suggest strong pressure by major trafficking groups using all forms of transportation and all available means. The statistics also point toward a significant and ongoing flow of major drugs to the Southwest border.

- Intelligence in FY 1999 has pointed towards routine, multi-ton loads of 6-8 tons at a time being smuggled into Mexico from the source zone that are subsequently broken down into smaller shipments for movement to the border.

- The drugs are being smuggled by wide array of drug transportation groups that are using all types of major conveyances and concealment methods including cars,

trucks, vans, oversize vehicles, rail cars, private aircraft and vessels, and pedestrians.

- One of the important trends that appears to be intensifying is the proliferation of smaller, more tightly knit organizations which move 100 - 150 kilos at a time in a rapid fashion. These groups are subsequently storing the drugs in warehouses and other locations in some of the major urban areas along the border.

- Once a sufficient quantity of drugs is acquired, the groups then move the illegal drugs to major urban areas in the interior of the United States for distribution. These areas include Chicago, Los Angeles, Miami, and New York. The California border has become a low cost provider of all types of drugs.

Many of the narcotic transportation groups operating along the California/Mexico border have links to or are paying tribute to the Arellano-Felix organization in order to operate. The Arellano Cartel is particularly violent and, accordingly, there has been a major increase in drug related murders in Baja, California. This violence has impacted the United States and has made the Southwest border an increasingly volatile and complex area. Tijuana, for example, witnessed over 450 narcotics-related murders in 1999, the victims of these murders included many Mexican law enforcement and high profile public figures.

Additionally, current intelligence indicates that narcotics smuggling and transportation organizations are aggressively recruiting "load" drivers in San Diego homeless shelters, juveniles and the economically disadvantaged in their continuous efforts to regenerate the ranks of "mules' who have been arrested. In addition, the organizations are continuously attempting to recruit Mexican truck drivers to bring drugs on their daily commercial runs. Narcotics laden trucks and cars can be loaded and put into the Customs clearance queue in less than an hour, therefore, limiting our ability to receive and exploit advance intelligence.

Along those lines, there has been a demonstrable upsurge in drug smuggling attempts in the commercial environment in California. Truck traffic at the Otay Mesa commercial facility, for example, is up 107% this year. This factor coupled with the increased availability of x-ray systems and dedicated intelligence and investigative efforts at our commercial facilities are already resulting in increased seizures of narcotics. For example, this fiscal year to date at Otay Mesa and Tecate there have been 44 significant seizures of marijuana averaging approximately 1400 pounds each that have been concealed in trucks. This is up from 6 seizures in 1995 that averaged approximately 600 pounds and 30 the previous year that averaged 960 pounds. We are seeing a disturbing trend toward the increased use of commercial trucks by smuggling organizations with larger quantities of drugs.

Another major challenge for the Customs Service is the smuggling of Mexican pharmaceuticals into the U.S. There is now even a web site where potential buyers can purchase pharmaceuticals from Mexican pharmacies. The pharmacies that accept

orders over the Internet also conduct mail order operations using U.S. Post Office boxes in cities located along the border. The level of such activity is increasing rapidly. In 1999, the number of packages seized containing illicit prescription drugs from Mexico, Thailand, China and other countries increased fourfold.

The proliferation of pharmacies operating in Tijuana is staggering as this city of 1.2 million hosts approximately 950 pharmacies while the whole of San Diego county with a population of 2.7 million has but 400. In Mexicali with a population of 745,000 and a much smaller tourist base than Tijuana, there are approximately 700 pharmacies.

It is important to recognize that if certain conditions are met, pharmaceuticals purchased in Mexico can be legitimately introduced into the U.S. in non-commercial quantities for the personal use of the buyer. The reality is that these conditions are seldom met. The motivating factors cited by well intentioned naïve purchasers are the ease of purchasing in Mexico, the mistaken belief that they are doing so legally and the false perception of reduced cost vis a vis the purchase of the same pharmaceuticals in the U.S. An 80% cost differential is frequently touted but not found in practice.

The concern of the Customs Service is that pharmaceuticals not meeting the importation for personal use criteria often wind up on the streets or in underground pharmacies and unlicensed medical clinics that have sprung up to serve California's illegal alien population. Sometimes the drugs are dispensed by licensed health care professionals circumventing legitimate restrictions or find their way into illicit markets in other states. In January 1998 a joint investigation conducted by the Customs Service and the U.S. Food and Drug Administration seized Mexican pharmaceuticals, totaling a value of $63,000.00, from a Utah pharmacist who arranged to have them smuggled in and was dispensing them in his chain of eight pharmacies in the Salt Lake City area. The uncertainty that accompanies pharmaceuticals raises public health and safety concerns.

Current intelligence indicates that large amounts of pharmaceuticals are routinely smuggled from Tijuana and Mexicali into the U.S. on a daily basis. Once in the country, they are often repackaged or further shipped to various inland cities. The Customs Service along with investigators from the Food and Drug Administration, the Drug Enforcement Administration, the U.S. Postal Service and the U.S. Attorneys Office are currently evaluating strategies, investigative and prosecutorial options to deal with this fast growing problem.

Another issue, while not purely drug related, is stolen cars being driven into Mexico. All Southwest Border ports and the major crossings on the Northern Border are scheduled to receive License Plate Reading (LPR) equipment. LPR's have the capability to count the number of vehicles, identify cars reported stolen, and identify those that are positive IBIS and National Crime Information Center (NCIC) hits.

San Ysidro, Otay Mesa and Calexico East are currently on-line, reading plates of vehicles leaving California for Mexico. This outbound capability has provided us with

confirmation of information which we have long suspected, that hundreds of U.S. stolen vehicles or stolen license plates are being driven into Mexico. Between July 16, 1999 and November 30, 1999, the California LPRs recorded 1,107 NCIC hits, 43% of which were for stolen license plates and 55% for stolen vehicles. The other 2% of the hits were for other miscellaneous reasons. Conceivably, the stolen license plates could have been placed on other stolen vehicles.

It is our judgement that many of these cars are used to supply the underground market in used car parts. More ominously, these stolen vehicles are put into service by drug organizations. The assassination of the Tijuana Chief of Police on February 26th, 2000 involved one such stolen U.S. vehicle. The vehicle was found abandoned near the assassination site. Customs determined that vehicle matched a vehicle stolen in Chula Vista, California.

While Customs conducts as many outbound operations as possible in concert with San Diego and Imperial County based local law enforcement agencies, it is clear that organized theft rings are able to avoid these periodic operations by merely outwaiting our efforts. We are discussing with Mexican Customs an arrangement under which alerts generated by our license plate readers would be transmitted simultaneously to both U.S. and Mexican Customs, so that they could stop those cars when the U.S. is not conducting outbound operations. We are also preparing a request to the Federal Bureau of Investigations that Mexican Customs be allowed to query NCIC's data ase of stolen cars. These two measures could substantially reduce the number of stolen cars that disappear into Mexico.

While our 26 Southwest Border ports of entry detect and seize an impressive amount of narcotics, in addition to effecting thousands of arrests, the Pacific Ocean and the Gulf of Mexico have also been exploited by maritime drug and alien smugglers. Thousands of pleasure craft and fishing vessels routinely pass in proximity to our marine borders, many of which have been detected bringing drugs or aliens. Remote beaches as well as local marinas have been used to off load tons of narcotics thereby circumventing the land border completely.

In 1991, the Customs Service in San Diego formed a maritime coalition. Today, it consists of special agents and Marine Enforcement Officers from the Customs Service, U. S. Border Patrol, U.S. Coast Guard, INS, San Diego District Attorney's Office, the Harbor Police, the Coronado Police Department, the Chula Vista Police Department, the San Diego Police Department, and DEA. Operating in our coastal waters, this task force has witnessed a consistent threat in the movement of narcotics by sea. This includes everything from a wet suit-clad swimmer to jet skis, zodiacs, small pleasure craft and fishing boats. In the past two years, the task force has arrested 145 violators and seized over five tons of marijuana, 1.5 tons of cocaine, 93 pounds of methamphetamine, over a million dollars in currency, 15 firearms, 28 vessels and 26 vehicles. We are proud of the efforts of all of the agencies involved. These are significant accomplishments given that the taskforce consists of only 22 law enforcement officers (10 of which are from Customs) and supported by two Customs

marked Interceptor vessels, one unmarked utility craft, one Border Patrol Rigid Hull Inflatable, as well as USCG patrol craft.

The Customs Air and Marine Interdiction Branch in San Diego, has a unique support-oriented mission. Recently the Branch was allocated one aircraft specifically designed to complement the maritime coalition with radar surveillance. The combo airborne/ surface maritime interdiction package is in its infancy on the West Coast but promises to be a model for future maritime enforcement.

Similar to the maritime border that extends out from the coast, our air border extends up from the surface. The shear size of the population in Southern California provides a demographic magnet for drugs into the region. When this invisible border has no deterrent force, private aircraft, used for smuggling, have proven to be the fastest way to deliver drugs to "market." It is important to recognize that the Air and Marine Interdiction Branch in San Diego is responsible for not just the Southern California border but the entire West coast to include the Northern border of Washington state.

Customs interceptor aircraft are concentrated in Southern California due to the stockpiling of drugs, by the cartels, just south of the border. The strategy of these smuggling organizations is to wait for opportunities to transfer drug shipments into this country when our efforts may be focused on other "hot" spots. To complement quick response to border intrusions, Customs Air Interceptors practice with the U.S. Air Force F-16s for the purpose of handing off intercepted "smuggler" aircraft in a timely fashion.

Our air interdiction assets are also called into play in other law enforcement activities. Under Presidential Decision Directive (PDD) 62, the air assets of Air & Marine Interdiction are periodically called upon to provide airspace security over designated major events. A few examples are the Democratic and Republican National Conventions. Because of the specialized missions developed within the Air and Marine Interdiction our market is the Northern Hemisphere but our resources are local and limited.

Those of us who work on the U.S./Mexican border know that it is a challenging environment. One in which traffickers and drug smugglers routinely infiltrate their goods into legitimate trade on a daily basis while also attempting to exploit the vastness of the surrounding waterways and remote terrain along our border. They are experienced, often well trained, well financed and, sadly, highly effective in their efforts.

In conclusion, we take pride in our law enforcement coalition, as the Customs Service is not alone in our counter narcotics efforts. We are shoulder to shoulder with all of the agencies, Federal, state, and locals who have resources dedicated to this important effort. I'm proud to represent the U.S. Customs Service in providing insights into the hard work being conducted by the men and women of our service every day along the border.

Mr. MICA. I will now turn to Luis E. Barker. Mr. Barker is chief of the border patrol, El Paso sector of the U.S. Border Patrol, INS.

Welcome, sir. You are recognized.

Mr. BARKER. Good morning, Mr. Chairman and distinguished members of the subcommittee. I am Luis Barker, chief patrol agent of the El Paso sector of the U.S. Border Patrol. I am pleased to have the opportunity to appear before the subcommittee today to speak to you about the Border Patrol and our narcotic enforcement efforts along the southwest border.

The El Paso sector encompasses 125,000 square miles of territory, including the entire State of New Mexico and two counties in west Texas. We have 12 Border Patrol stations and 6 permanent Border Patrol checkpoints under our jurisdiction. Currently, we have approximately 1,000 agents assigned to the El Paso sector, one of the largest geographical sectors in the country. The topography of the El Paso sector is quite diverse. It includes 180 land border miles and 109 river boundary miles.

The El Paso sector agents, like those across the country, diligently perform their duties every day in an environment that is becoming more dangerous and threatening because of alien and narcotics smugglers. Border Patrol agents protect our national security, are arresting individuals who enter the country illegally and who may pose a criminal threat to our communities.

Before 1993, there was no comprehensive unified plan for controlling this 2,000-mile frontier. The number of Border Patrol agents was insufficient to get the job done, and those we had were not provided all the equipment and technology necessary to do the job. As a result, illegal immigrants and drug smugglers came across the border with little fear of being apprehended. The Border Patrol management strategy we developed to deal with the problems on the southwest border was comprehensive and multi-year. The strategy is simply a call for prevention through deterrence—that is, elevating the risk of apprehension to the point where immigrant and drug traffickers consider it futile to enter the United States illegally.

That concept first took shape in late 1993 in El Paso with Operation Hold the Line. The operation was designed to reduce the alarming increase in illegal entries and crime in the metropolitan El Paso area. Approximately 400 agents teamed together on the border for 25 miles. El Paso sector was able to reduce apprehensions by more than 70 percent and reduced crime by 15 percent almost overnight. For the first time, this border community saw an effective integration strategy could make a difference, as well as improve the quality of life in New Mexico and west Texas.

These strategies still remain in effect today, although not without additional challenges. Because of the effectiveness of Hold the Line in west Texas, areas in southern New Mexico are now being impacted heavily. Some illegal immigration shift is now being felt in areas in New Mexico such as Deming, Columbus, and Lordsburg. These southern New Mexico communities are experiencing a trend of increasing apprehension and smuggling activity. In some areas, agents are encountering large groups of immigrants, as large as 75 to 100. Alien smugglers have increased their illegal ac-

tivity and subsequent exploitation of people who are willing to pay them.

In addition to these challenges, there is also the constant element of danger for agents who are tasked with the responsibility of interrupting smuggling episodes. For the first time, we are seeing a consistent pattern of narcotics smuggling in southern New Mexico via backpacking and horseback in the outlying New Mexico areas. The interception of narcotics loads is a daily occurrence at traffic checkpoints in New Mexico. This past Sunday, agents working a checkpoint near Alamogordo seized more than 1 ton of marijuana in a U-Haul truck bound for Florida. The driver, as it turned out, had an outstanding warrant from Florida on aggravated charges with a firearm. This scenario is not uncommon.

Our agents remain vigilant 24 hours a day and now have at their disposal technology that includes surveillance cameras, night vision equipment, aircraft, and newly introduced vehicle barriers designed to prevent drive-through narcotic loads from entering the United States at specific points along the border.

In the immediate El Paso area, we are also seeing more ingenuity by those who persist in breaking immigration laws. Illegal immigrants and drug couriers come in and utilize storm drainage tunnels, which consists of an entire network of underground entranceways into the United States. While our agents are now stepping up surveillance on tunnel networks, it is a problem that persists.

Drug interdiction remains a top priority for the El Paso sector agents. In New Mexico, alone, our agents have made 634 seizures this current year. On a national scale since 1993, we have more than doubled the number of Border Patrol agents to over 8,600, with the vast majority stationed on the southwest border. We have increased their effectiveness by providing state-of-the-art equipment to our agents, such as infrared scopes, underground sensors, and other force-multiplying equipment and technology. With congressional support, we are improving our enforcement infrastructure along the border by installing fences and anti-drive-through barriers and constructing all-weather roads to enhance mobile patrolling efforts.

Although the Border Patrol's primary mission is to enforce immigration laws of this country, a national drug control strategy acknowledges the Border Patrol as a primary Federal interdiction agency along our land border with Canada and Mexico. Strategically, the more effective the Border Patrol is at deterring illegal entry of any kind, the more effective are the counter-drug strategies of the inspection agencies at the ports of entries and the investigative agencies in the interior. The Border Patrol specifically focuses on drug smuggling at our ports of entry.

On March 25, 1996, the INS and DEA signed a memorandum of understanding which outlines the authorities, responsibilities, and general procedures for the Border Patrol to follow in its drug interdiction activities. The Border Patrol also participates in the INS and U.S. Customs border coordination initiative. As a result of cooperation and good working relationship among INS, DEA, and the U.S. Customs Service, drug investigation efforts and interdictions are on the rise.

Mr. Chairman, the men and women of the U.S. Border Patrol are proud to be serving their country as they enforce our Nation's immigration laws. I thank you for allowing me the opportunity to appear before you today, and I will be happy to answer any question that you might have.

I have a longer version of my oral comments.

Mr. MICA. Without objection, your entire statement will be made part of the record, so ordered.

Thank you.

[The prepared statement of Mr. Barker follows:]

Statement of

Luis E. Barker

Chief Patrol Agent

U.S. Border Patrol, El Paso Sector

Immigration and Naturalization Service

Before the

House Government Reform Committee

Subcommittee on Criminal Justice, Drug Policy

and Human Resources

Regarding

U.S. and Mexican Counter Narcotics Efforts

Rayburn House Office Building, Room 2154

June 30, 2000

Good morning Mr. Chairman and distinguished members of the subcommittee. I am Luis Barker, Chief Patrol Agent of the El Paso Sector of the United States Border Patrol. I am pleased to have the opportunity to appear before the Subcommittee today to speak to you about the Border Patrol and our narcotics enforcement efforts along the southwest border.

The El Paso Sector encompasses 125,000 square miles of territory, including the entire state of New Mexico and two counties of west Texas. We have 12 Border Patrol stations and six permanent traffic checkpoints under our jurisdiction. Currently we have approximately 1,000 agents assigned to the El Paso Sector, one of the largest geographical sectors in the country. The topography of the El Paso Sector is quite diverse; it includes 180 land border miles, and 109 river boundary miles.

El Paso Sector agents, like those across the country, diligently perform their duties every day in an environment that is becoming more dangerous and threatening because of alien and narcotic smugglers. Border Patrol Agents protect our national security by arresting individuals who enter this country illegally and who may pose a criminal threat to our communities.

Before 1993, there was no comprehensive unified plan for controlling this 2,000-mile frontier. The number of Border Patrol agents was insufficient to get the job done, and those we did have were not provided all the equipment and technology necessary to do the job. As a result, illegal immigrants and drug smugglers came across the border with little fear of being apprehended.

The Border Management Strategy we developed to deal with the problems on the southwest border was comprehensive and multi-year. The strategy specifically called for "prevention though deterrence," that is, elevating the risk of apprehension to a point where immigrants and drug traffickers consider it futile to enter the United States illegally.

That concept first took shape in late 1993 in El Paso, with Operation Hold-the-Line. The operation was designed to reduce an alarming increase in illegal entries and crime in the metropolitan El Paso area. With approximately 400 agents teamed together on the border for 25 miles, the El Paso Sector was able to reduce apprehensions by more than 70 percent, and reduce crime by 15 percent—almost overnight. For the first time, this border community saw that an effective immigration strategy could make a difference, as well as improve the quality of life in New Mexico and west Texas. This strategy still remains in effect today--although not without additional challenges. Because of the effectiveness of Hold-the-Line in west Texas, areas like southern New Mexico are now being impacted heavily.

Some of the illegal immigration "shift" is now being felt in areas of New Mexico, such as Deming, Columbus, and Lordsburg. These southern New Mexico communities are experiencing a trend of increasing apprehensions and smuggling activity. In some areas, agents are encountering groups of illegal immigrants as large as 75-100. Alien smugglers have increased their illegal activities and the subsequent exploitation of people who are willing to pay them.

In addition to these challenges, there is also the constant element of danger for our agents who are tasked with the responsibility of interrupting these smuggling episodes. For the first time, we are seeing consistent patterns of narcotics smuggling in southern New Mexico via backpacking, and horseback in outlying areas of New Mexico. The interception of narcotics loads is also a daily occurrence at traffic checkpoints in New Mexico. This past Sunday, agents working a checkpoint near Alamogordo seized more than a ton of marijuana in a U-Haul truck bound for Florida. The driver, as it turned out, had an outstanding warrant from Florida on aggravated assault charges with a firearm. That scenario is not uncommon.

Our New Mexico agents remain vigilant 24 hours per day, and now have at their disposal technology that includes surveillance cameras, night-vision equipment, aircraft, and newly introduced vehicle barriers designed to prevent "drive-through" narcotics loads from entering the U.S. at specific points along the border.

In the immediate El Paso area, we are also seeing more ingenuity by those who persist in breaking immigration laws. Illegal immigrants and drug couriers commonly utilize storm drainage tunnels, which consist of an entire network of underground entranceways into the United States. And while our agents are now stepping up surveillance on tunnel networks, it is a problem that persists.

Drug interdiction remains a top priority for El Paso Sector agents. In New Mexico alone, our agents have made 634 seizures in the current fiscal year.

On a national scale, since FY 1993 we have more than doubled the number of Border Patrol agents. Our force now stands at over 8,600 with the vast majority stationed along the southwest border. We have increased our effectiveness by providing state-of-the-art equipment to our agents such as infrared scopes, underground sensors and other force-multiplying equipment and technology. In recent years, congressional support for Border Patrol facility construction has been significant. We are improving our enforcement infrastructure along the border by installing fences, anti-drive through barriers and constructing all-weather roads to enhance mobile patrolling efforts.

We have implemented our strategy through well-coordinated operations all along the Southwest border, which build on operations implemented in preceding years. These operations now include Operation Hold-the-Line in El Paso,

Operation Gatekeeper in San Diego, Operation Safeguard in Tucson, and Operation Rio Grande in McAllen.

Although the Border Patrol's primary mission is to enforce the immigration laws of this country, we have found that we are continuing to play a greater role in the seizure of illegal drugs that cross the border into the United States. The Border Patrol has been interdicting every kind of contraband and smuggler since its inception in 1924. The National Drug Control Strategy acknowledges the Border Patrol as "the primary federal drug interdiction agency along our land border with Canada and Mexico. Strategically, the more effective the Border Patrol is at deterring illegal entry of any kind, the more effective are the counter drug strategies of the inspections agencies at the ports and investigative agencies in the interior. The Border Patrol specifically focuses on drug smuggling between the Ports-of-Entry." [1]

The Border Patrol interdicts drugs mainly through two different kinds of enforcement activities: by patrolling the border itself, and by conducting immigration inspections at traffic checkpoints within the United States. The Border Patrol turns its drug seizure cases over to the DEA, Customs or another Federal, state, or local agency for investigation and prosecution.

[1] 1999 National Drug Control Strategy, p. 69

On March 25, 1996, INS and DEA signed a Memorandum of Understanding which outlines the authorities, responsibilities, and general procedures for the Border Patrol to follow in its drug interdiction activities. The Border Patrol is also a participant in the INS and U.S. Customs Border Coordination Initiative. As a result of the cooperation and good working relationship among the INS, DEA and Customs, drug investigation efforts and interdictions are on the rise.

In FY 1999, Border Patrol agents seized 1,188,930 pounds of marijuana, cocaine, and heroin combined. This is a 35 percent increase over the 878,949 pounds that were seized in FY 1998 by the Border Patrol.

This year, the Border Patrol has already made more drug seizures and intercepted more drugs than ever before. Although the fiscal year has not ended, from October 1999 through April 2000, Border Patrol agents have already made 4,789 drug seizures, seizing 774,166 pounds of marijuana, 13,791 pounds of cocaine and 404 ounces of heroin.

Mr. Chairman and Members of the Subcommittee, the men and women of the United States Border Patrol are proud to be serving their country as they enforce our Nation's immigration and narcotics laws.

I thank you for allowing me the opportunity to appear before you today, and I would be happy to answer any questions that you might have.

Mr. MICA. I thank each of the witnesses on this first panel for your testimony.

Let me start with Mr. Keefe. DEA produces heroin signature identification of drugs and heroin coming into the United States and can identify pretty accurately where heroin is coming from; is that correct?

Mr. KEEFE. Yes, sir.

Mr. MICA. In the last report that has been provided to our subcommittee, it indicated a 20 percent increase in 1 year, and that is, I think, from 1997, I think it is, to 1998. When will you produce again another assessment of your signature on heroin?

Mr. KEEFE. I'll have to get you that answer, Mr. Chairman. I don't know——

Mr. MICA. You don't know?

Mr. KEEFE [continuing]. Exactly when it will come out.

Mr. MICA. Is that accurate?

Mr. KEEFE. I just understand, sir, that one should be out in 2 months, approximately.

Mr. MICA. In 2 months?

Mr. KEEFE. Yes, sir.

Mr. MICA. This is a pretty dramatic increase in any kind of narcotic. In fact, it's a pretty startling increase. I've never seen anything that dramatic as far as a production level. Have you?

Mr. KEEFE. No, sir. Not with the Mexican heroin. No, sir.

Mr. MICA. And you are saying that also this is a very deadly heroin; is that correct?

Mr. KEEFE. Because of the high purity.

Mr. MICA. And what was the level? You said you've identified some of this at what percentage of purity?

Mr. KEEFE. The highest we saw in Operation Tar Pit was 84 percent.

Mr. MICA. That's 84 percent?

Mr. KEEFE. Yes, sir.

Mr. MICA. And that probably is accounting for the deaths. We heard the deaths, I think, along the border in Chimayo, that one New Mexican border town, probably in my community in Orlando, and other areas. Is the high purity what is killing them?

Mr. KEEFE. Yes, sir.

Mr. MICA. We are tracing this back without question to Mexico, also, the black tar?

Mr. KEEFE. That's correct, sir. We know it was produced, grown in Mexico, made into heroin in Mexico, then smuggled across into the United States.

Mr. MICA. What would you attribute to the dramatic increase? Is it lack of U.S. enforcement going after this, or is it laxness on the part of the Mexicans to bring production under control?

Mr. KEEFE. Well, I——

Mr. MICA. I mean, you're increasing your enforcement efforts. Obviously, something is happening on the other end if we are getting this significant production.

Mr. KEEFE. I think the Mexicans, in the heroin field, sir, are competing with the Colombians. They have learned from the Colombians in marketing. They've learned from the Colombians through dealing with the cocaine.

Mr. MICA. Well, that's the marketers, but I'm talking about the officials in charge in Mexico. It doesn't appear this is a priority to go after the production. Would that be correct? And we're seeing more of this stuff coming in from Mexico, a dramatic increase.

Now, what is most disturbing, is this week, I received—I guess, Madruso, the Attorney General, had announced that the seizures are down of cocaine. That's what he publicly announced, I think, this past week. Does that confirm what you've heard?

Mr. KEEFE. Yes, sir.

Mr. MICA. This is Mexican seizures.

Mr. KEEFE. Mexican, yes, sir.

Mr. MICA. Now, our heroin seizures are up, right?

Mr. KEEFE. Yes.

Mr. MICA. Our cocaine seizures are up?

Mr. KEEFE. I believe so. Yes.

Mr. MICA. Yes. And theirs are down. At least their production is up of heroin.

Mr. KEEFE. Yes, sir.

Mr. MICA. And their seizures of cocaine are down. Do you think that you're having any less cocaine transiting through their country?

Mr. KEEFE. No, sir.

Mr. MICA. What disturbs me, too, is the marketing that we've heard. It appears that they are actually marketing black-tar heroin in the United States; is that——

Mr. KEEFE. That's correct, sir.

Mr. MICA. And was it you, Mr. Logan who testified that they are even targeting methadone clinics? Or was that you?

Mr. KEEFE. That was me, sir.

Mr. MICA. This is the first time I've heard that. I've heard marketing, almost giving out samples to young people for potential growing the user market, but you're saying they're even going now after methadone clinics?

Mr. KEEFE. They would go into the areas of the methadone clinics—obviously, the people going there were heroin users at one time, or whatever—and target those people with, as you mentioned, free samples, for instance, as they've moved into new cities throughout the United States.

Mr. MICA. And you said—I think it was you that testified—just correct me if I am wrong—80 to 100 pounds a month?

Mr. KEEFE. Yes.

Mr. MICA. Is that seizures, or just an estimate coming across?

Mr. KEEFE. That's what we estimated this group was moving for the past year in Operation Tar Pit.

Mr. MICA. Judge Furgeson, you are in the business of bringing to justice these folks. Are your courts—now, you are a Federal court officer?

Judge FURGESON. Yes, sir.

Mr. MICA. Are you prosecuting people who are using small amounts of narcotics?

Judge FURGESON. We see a wide range, Mr. Chairman.

Mr. MICA. Tell me, most people think that the courts are now going after someone who is smoking a marijuana joint or that is using a small-time user. Is that what you're dealing with?

Judge FURGESON. That's not the case at all. My first year I was in El Paso——

Mr. MICA. Describe the majority of cases you are handling, because a lot of people—in fact, I went to bed last night watching somebody spiel off about how this is just a treatment problem, and if we treat these folks everything will be fine. I want to know if your folks are in that category, that they just need a little treatment and the problem will go away.

Judge FURGESON. Well, my first year in El Paso I had a 2-ton cocaine case. It was two semi trucks——

Mr. MICA. Was that for personal use?

Judge FURGESON. No, sir.

Mr. MICA. Alright. [Laughter.]

Judge FURGESON. No, sir. And the defendants were Colombians. I sit in three different places. El Paso is a very large cocaine corridor, and I think the great percentage of cases coming into El Paso are large cocaine shipments.

The Pecos division covers the Sierra Blanca checkpoint, which is manned by the Border Patrol on I–10, and there we see heroin, cocaine, and methamphetamine. Not too long ago I had an 11-pound methamphetamine case, which I think is a substantial amount of methamphetamine.

In the Pecos division, the Big Bend area, I see very large amounts of marijuana, 1,000-pound, 1,500-pound cases of marijuana. There are smaller cases, as well, 100 pounds, 200 pounds.

Mr. MICA. Well, smaller cases, again—personal use?

Judge FURGESON. There is no personal use case in my court. None.

Mr. MICA. So we're not clogging the courts with people who need treatment and the small-time abusers or addicts?

Judge FURGESON. There are——

Mr. MICA. I don't want to put words in your mouth. Tell me what you are seeing in your court.

Judge FURGESON. I'm not seeing anything——

Mr. MICA. Because people don't want to be—they tell me they don't want to be spending money going after people who are small-time users or an addict who needs treatment. Is that what the Federal courts are doing? Are you harassing these people badly in need of treatment?

Judge FURGESON. There are no personal use cases in my court. I mean, it is not close. Probably the closest thing to a small amount of smuggling comes from what we call "backpackers," people who are convinced to put 40, 50, 60 pounds of marijuana on their back in groups of 5, 10, 15, and they backpack that marijuana across wide tracts of dessert.

Mr. MICA. And that's the majority of your cases?

Judge FURGESON. No. That is the cases where people are bringing in smaller amounts. They're bringing——

Mr. MICA. Still trafficking?

Judge FURGESON. Yes, sir.

Mr. MICA. The other thing I hear repeatedly is we've got to do away with minimum mandatory. We've held hearings on minimum mandatories, that our Federal laws are just too tough on these

guys. What is your advice to the subcommittee? Should we throw away the tough sentencing guidelines?

Judge FURGESON. I like the guidelines because I think the guidelines build uniformity into our system. Now, I'm a younger—I'm a newer judge. I have been on the bench 6 years. Some judges with longer terms do not like the guidelines, but I think the guidelines are helpful.

I, like all judges, would like to have more flexibility in sentencing, and I do appreciate the safety valve——

Mr. MICA. That's what I was going to ask you about. Most people aren't aware, but Congress also gave a safety valve, so there is an opportunity to give people a chance and gives you some flexibility in this process.

Judge FURGESON. Absolutely. And the safety valve provisions in the sentencing guidelines are very helpful to Federal judges, very helpful.

Mr. MICA. You talked about prosecution and your need—I mean, for additional resources, the incredible strain this has created on the court system there. Is it also affecting other services, like the U.S. Marshals?

Judge FURGESON. The work of the marshals on the border has increased, I think, about 100-plus percent in 4 or 5 years, and the resources, the additional personnel and staffing, has increased 15 percent.

The work the U.S. Marshals are doing on the border in my opinion is heroic, and it is done under very daunting circumstances. I would really hope that the Attorney General will consider a substantial increase in marshal personnel for the border. What those men and women are trying to do is close to impossible.

Mr. MICA. The other thing that we've noticed—I have been involved in this back in the 1980's with Senator Hawkins when we did a lot in starting the war, a real war on drugs, and we did the Andean strategy, the drug certification, Vice President's task force, and other things that made a big difference, and we started seeing a dramatic decline in drug use and going after illegal narcotics, but the beginning of this administration we actually saw, I think, in 1992, about 29,000 drug prosecution cases. Then they started dropping, dropping, dropping drug prosecution.

We started raising hell with them back in 1995 when we took over, and they started getting back. They're about to the 1992 level of going after. It sounds like you are doing most of the work.

My point is, now I'm getting back as chairman of the subcommittee reports that sentencing is going down, down, down, prosecution is going up. Do you find that to be the case in your jurisdiction?

Judge FURGESON. You mean that people are getting lesser sentences?

Mr. MICA. Lesser sentences. Yes.

Judge FURGESON. I follow the guidelines, and I would be very surprised—I don't know what my statistics are. I sentence 500 or 600 people a year, maybe more than that, maybe up to 700 or 800 now, but I follow the guidelines, and so I am not clear that the sentences are reducing in severity.

Mr. MICA. Well, look at your jurisdiction and maybe you could provide us with some of that specific information.

Judge FURGESON. I would be glad to do that.

Mr. MICA. We would appreciate that.

Let me turn now to the Border Patrol. You know, one of the disturbing things we have heard here is threats on our agents, and some of these drug traffickers, particularly on the Mexican side, have become pretty emboldened, threatening our agents. There have been reports of bounties. What is the response of the agency to those kinds of threats that we've heard of?

Mr. BARKER. Every threat is taken seriously and they are investigated by the FBI. Once we get them, we make sure that the alert is put out. These agents are well capable of protecting themselves, and we make sure that, even in those situations where they are not teamed up, that help is close by in the event that it does occur.

Mr. MICA. What kind of penalties are there if there is an attack or somebody goes after one of our agents? And do we have a reward system to so-called "return the favor"?

Mr. BARKER. There is no reward system, per se, but, again, these agents certainly are capable of protecting themselves and, again, we take them all seriously, and we make provisions to make sure that there is backup in the event that these agents are attacked.

We are seeing that in many forms, not in terms of a bounty, but the attacks on these agents both in the form of rocks thrown and shots fired at our agents. Just in a little bit over a month we had an agent pursuing a load back to the border, back to the river, and when he got to the place where the backpackers had brought the drugs into the United States they were met by a person who was laying in wait who fired a shot through the windshield. Fortunately, the agents—it was during the day time—saw the person level the weapon and got down. It went through the windshield on the driver's side.

We are seeing that a lot more. We are seeing it in terms of rockings where they are protecting loads once they are intercepted and they try to make their way back across the border.

Mr. MICA. So, compared to 2 or 3 years ago, what is the situation with acts of violence against Border agents?

Mr. BARKER. It has gotten worse. And, again, not all of them are firearms.

Mr. MICA. Are you all dealing with Mexican officials on the other side and asking for cooperation?

Mr. BARKER. Yes. We do that on a regular basis.

Mr. MICA. What's the response?

Mr. BARKER. The response is mixed right now, mainly because they are introducing this new police on the border, and we have had the contacts with them, and sometimes they do show up, sometimes they don't.

One of the problems is identifying the location both in Mexico and in the United States where someone can get there in a reasonable period of time. We have engaged with them to map these locations, so when we identify a place they'll know exactly where it is.

The response time is the critical issue, and that's the part that we are trying to get our arms around, because if we call them and they are not able to respond almost immediately, it is almost futile.

Mr. MICA. Mr. Logan, you talked about the difficulty of going after some of these drugs that are coming in across the border from

Mexico, the more sophisticated ways to disguise narcotics. What is the progress that Customs is making in getting equipment and technology in place to deal with this problem?

Mr. LOGAN. Well, for example, at Otay we have two, a Vacis system and a standing prototype x ray. Another Vacis is on tap, I believe, for August. There's also some technology being done related to submarine warfare called a "sonar pinging device," which we hope and anticipate may have some success in identifying loads in gas tanks, as well as tires.

Gas tanks, Mr. Chairman, account for approximately 26 to 30 percent of all narcotics loads in vehicles that come across, so we think that advantage will help us.

The technology is vital and it is crucial, but it never replaces a trained investigator or a trained inspector, inter-agency cooperation, and intelligence, which clearly continues to be the most helpful, whether it is electronic means, wire tap information, informant information, interagency investigations, like tar pit—continue to be vital in trying to find that needle in the haystack. The haystack is growing immensely.

Mr. MICA. We have been down to the southwest border, and we have conducted hearings both on the border and reviews of what is going on, and also back here in Washington. One of the recommendations was that we have some type of a border coordinator or border czar. Has the administration made any progress, to your knowledge, on appointing a coordinator, someone to help make certain those efforts all come together? Do you know anything about this Mr. Logan, Mr. Keefe, Mr. Barker?

Mr. LOGAN. Well, there continues always to be interagency cooperation. To my knowledge, there has not been a coordinator named.

Mr. MICA. No progress on that? Mr. Barker.

Mr. BARKER. Yes, there is a border coordinator. Prior—it was the U.S. Attorney in the State of New Mexico, but he has since left and another one was appointed, but I agree with Mr. Logan. I think the interagency cooperation on the ground is crucial and I think there is quite a bit of that, because I know, especially in El Paso, we interact quite regularly with DEA and Customs. In fact, we've gotten agents on every task force that those two agencies have.

Mr. MICA. And overall we do not have a coordinator in place at this point?

Mr. BARKER. I think there is one, and he is a U.S. Attorney.

Mr. KEEFE. The U.S. Attorney for the District of Arizona I believe is currently on the Southwest Border Council. Yes, sir. And they meet regularly, as do the law enforcement agencies meet with that council regularly, sir.

Mr. MICA. OK. Well, that was one of the recommendations that came out of the hearing, that we have somebody in charge and coordinate. Maybe we can check with the agency heads to see how that is progressing. It was one of the problems that we identified.

Are DEA agents still restricted, to your knowledge, on being armed in Mexico?

Mr. KEEFE. Nothing has changed, to my knowledge.

Mr. MICA. Nothing has changed. Are you aware of any major kingpin drug trafficker expedited since DEA last came to testify before our subcommittee?

Mr. KEEFE. No, Mr. Chairman.

Mr. MICA. No one?

Mr. KEEFE. No, sir.

Mr. MICA. You testified mostly, Mr. Keefe, about black-tar heroin and the focus of this hearing has been predominantly on the black-tar heroin, but the meth explosion is basically another phenomena that we've never seen anything like. Everywhere we conduct a hearing now we are hearing local and State law enforcement officials tell us that they are being inundated by methamphetamine and mostly traced back to Mexico. Are you getting those same reports?

Mr. KEEFE. We see it back to Mexico or to Mexican national organizations that are producing it in California.

Mr. MICA. They are also using networks of illegals involved in transport and even production in the States now.

Mr. KEEFE. That's correct.

Mr. MICA. So the other thing that we're seeing is the actual meth product being transported from Mexico, and now we are getting into the illegals and the meth gangs being involved in these meth labs; is that also correct?

Mr. KEEFE. In the United States?

Mr. MICA. Yes.

Mr. KEEFE. Yes, sir.

Mr. MICA. Well, with producing small amounts of methamphetamine there are some domestic chemicals that can be used. Are we seeing precursors also come in from Mexico?

Mr. KEEFE. Yes. Obviously, they would be smuggled in, so yes there are some precursors coming in from Mexico, as well as coming into the United States, purchasing them here too, sir.

Mr. MICA. This is just beyond belief, but in the central part of the United States, midwest, I guess Representative Latham had gotten a training center established at the cost of about $1.2 million a year for the past several years just to train local and State enforcement people on how to deal with meth labs. I understand going after meth labs is not a simple thing, because there is explosive and hazardous material involved. That's just, again, for that little tri-State area.

Are you seeing or getting reports from local officials of the same problem in dealing with, again, this meth production, this meth lab around the country?

Mr. KEEFE. Absolutely. Absolutely, Mr. Chairman. It is a tremendous problem, as you mentioned, because the toxicity of the chemicals, the potential for explosion, and environmental concerns when they dump the waste into a local stream or just bury it in the ground.

Mr. MICA. Again, I don't want to be over-exaggerating the meth situation, but everywhere we go—we have been in Sacramento. I mean, I couldn't believe the testimony we heard a couple of months ago from Mr. Ose's District along San Diego. San Diego had a meth epidemic.

We were in Louisiana and heard incredible testimony of the meth coming now into the New Orleans area.

In Dallas, TX, for Mr. Vitter, we held a hearing there. They told us there were 1,000 meth lab seizures in Oklahoma and the northern part of Texas.

Are these figures accurate?

Mr. KEEFE. I would have to get you that information. I'm sure DEA has that information. We certainly can get it for you, Mr. Chairman.

Mr. MICA. I see we have this Operation Tar Pit to go after the black-tar heroin now that we are seeing an explosion of. What about meth? Do we have a similar operation for meth, and Mexican meth, in particular?

Mr. KEEFE. We have numerous investigations, joint investigations, going on right as we speak, Mr. Chairman.

Mr. MICA. Again, this is a different dimension. We know that black-tar heroin is being produced in Mexico, and Mexico feels we can identify it by your signature analysis program. Now we have not only the hard meth coming in, the product coming in, but we've got them producing, using the United States and these venues I've just described as production facilities in smaller labs.

Do we have an effort to go after these people and trace them back? And many of them, we're getting reports, again, are illegals who shouldn't be here in the first place.

Mr. KEEFE. Yes, sir. Sir, if I could just explain, as far as the number of labs go you referred to in different parts of the country.

Mr. MICA. Right.

Mr. KEEFE. A lot of those were referred to, as we call them, for lack of a better term, "Mom and Pop labs," which are very small, produce maybe an ounce. A pound would be large. These are usually not Mexican national organized crime groups involved with these labs.

Mr. MICA. Again, I've got to tell you, from Iowa, and the law enforcement folks told us that Mexican illegals are involved with the actual production. Trafficking is one thing, and I just described to you after your video that they had set up a sophisticated operation with auto parts, set up a store front, and were putting in the hard product. Now it shifts to production domestically. Bringing a hard product in is one problem, and we are discussing that as it transits the border here, but now we are seeing a new phase of this.

I know there are many, many Mom and Pop, but we're also seeing bigger producers, Mexican gang initiated.

Mr. KEEFE. Agree 100 percent. What we would say at DEA, what we would see is that 10 percent of the clandestine labs in the United States are involved with Mexican traffickers, which are responsible for 85 percent of the methamphetamine in the United States. So the labs that we see the Mexican nationals involved in in the United States are what we call these "super labs," which would be capable of making more than 10 pounds at a time.

We see primarily most of those labs to date in the California area, and the traffickers as you referred to in Sioux City and those areas in the midwest, it is being transported across the United States to those organizations for distribution.

I'm not saying that there aren't Mexican labs in the midwest, sir. At this time, DEA has not seen as we refer to the super labs. We see more Mom and Pops, which, as you mentioned, are a tremendous concern for those areas because of the financial problems in the cost to clean up those 1,000 labs, whether it is the Mexicans involved with the production or the Mom and Pop labs. It is still a tremendous law enforcement concern that is costing millions of dollars to clean up the problem.

Mr. MICA. You also testified about payment in cocaine, this bartering.

Mr. KEEFE. Yes, sir.

Mr. MICA. Can you describe for the subcommittee a little bit more of what new pattern we are seeing?

Mr. KEEFE. What we used to see in the early 1990's, when the Colombians started to work through the Mexicans, they used to pay the Mexicans for transportation so much money per kilo to get the cocaine into the United States. Let's use, back in the days when they were sending it in to Los Angeles, for instance, they would send it into Los Angeles. Once it was successfully delivered into Los Angeles, the Mexicans would return the drugs to the Colombian traffickers in the United States for distribution across the United States.

The Colombians have now relinquished a lot of that to the Mexicans, and instead of paying them per kilograms they share with them. If it is a load, for instance, of 1,000 kilos, for example, coming into the United States, they will give, part of their agreement, 500 kilos to the Mexicans for the Mexicans to distribute, and then the Colombians will take their part and distribute it in those areas, primarily the East Coast for those. So the profit margin for the Mexicans, as you can imagine, has grown tremendously by doing business this way.

Mr. MICA. Yes. Let me go back to our Border Patrol representative. One of the problems that we have had is corruption on the Mexican side of the border, and we are hearing that it is becoming more and more difficult to deal with Mexican officials because of the corruption element. Have you had a problem in that regard?

Mr. BARKER. Normally it does not affect us in terms of narcotics investigation because that is turned over to DEA. Most of the relationship that we have is to obtain information and to obtain cooperation that when something occurs on this side of the border and the person flees Mexico that we have some way to get him back or to apprehend the person. But in terms of investigation of narcotics, no, because we don't do the investigation.

Alien smuggling is almost non-existent, and those are the larger investigations that we do.

The cooperation is basically exchange of information, have a cooperative environment, but it does not translate to investigations.

Mr. MICA. With your Border Patrol agents—I know DEA and Customs and others interdict more of the drugs, but what are your agents seeing out there as far as drugs coming across the border? More? Less? And what kinds of narcotics?

Mr. BARKER. It is more, and the majority of our seizures is related to marijuana. They are using backpackers a lot more than they did before. They are breaking the loads down in smaller quantities

and using more backpackers just to make sure that if it is caught they do not lose a great quantity of their drugs.

It has changed over the last few years. Probably about 5 or 6 years ago we saw them floating maybe a ton of marijuana across the border. They do not do that any more. They use backpackers, horseback riders in remote locations, and in some cases backpackers go for 10, 20 miles to deliver the goods. They do it over a period of days to a specified location where it is picked up.

So we are seeing the proliferation of use of backpackers, also in the tunnels and, in El Paso, the drainage system. They are packaging the marijuana so they can fit through 18-inch tunnels to get them to the place of distribution.

Mr. MICA. I've flown over the border in some of the patrol surveillance planes, and that's a pretty big border, so it sounds like that is creating an even greater problem for you when they break down the loads in this manner; is that correct?

Mr. BARKER. Yes, sir. But we have ways to respond to that. We have been the beneficiary of some of the cameras that allow us to see greater areas.

The other thing that we do is we have agents that are experienced trackers, and normally they will check these remote locations to look for the telltale sign of people smuggling drugs, because they can tell the difference, generally, between a person who is leading aliens across as a smuggler of aliens or a person who is backpacking narcotics, and they are very good at that and they track these people.

The one thing that it gives us, it gives us a better opportunity to catch them because of the time that it would take for them to get from the border, the intended destination. And we have many ways of doing that.

Judge FURGESON. Mr. Chairman, you mentioned cameras. I get a lot of cases with sensors. There are sensors all along the border used by the Border Patrol, and those sensors pick up a lot of traffic.

Mr. MICA. Well, we are trying to get the most sophisticated equipment available and resources, both manpower and also assisting Customs and DEA and others, and technology to deal with the problem.

One of the things that we have seen, and I think also in this video, we also conducted a hearing just on drugs through package service and the mail. Is DEA and Customs seeing, again, more sophisticated, legitimate use of legitimate transport for moving drugs around the country? Is that what you are seeing, Mr. Logan?

Mr. LOGAN. Absolutely, Mr. Chairman. The courier services, the FedExs, the UPSs, when it absolutely, positively has to be there, you can access your package departure in arrival zones on the Internet. I'm confident that DEA is tracking that domestically. They've got some terrific cases going on in San Diego. UPS in San Diego, for example, once the narcotics are successfully smuggled in, that was one of the largest warehouses on most of narcotics because they were being shipped out of the UPS warehouses in Chula Vista. DEA was highly successful in an interagency State and local effort to track those packages and deliver them.

Mr. MICA. Mr. Logan, can you provide the subcommittee with an update on anything relating to status of Arellano-Felix, the brothers that we have been after?

Mr. LOGAN. Well, Customs is part of a larger operation with the FBI and DEA on the Arellano-Felix organization, and certainly we are frustrated that those fugitives have not been found or located. Customs continues to provide manpower, along with DEA and FBI, State, and locals to work every lead that we can. Certainly it is our judgment that narcotics that's transiting in the Baja area, there is a toll taken, the tax by the area on the Felix organization.

Interesting side light, with Tar Pit we don't believe, that according to the DEA SAC in San Diego, Errol Chavez, that they were paying a toll, because they were able to keep the amounts and the black-tar heroin coming through those areas with a very low profile, so we were unaware of any toll being taxed by the Arellanos in the black tar.

Joe may have some additional on that, but that was our sense in San Diego.

Mr. MICA. Do you have anything on that, Mr. Keefe?

Mr. KEEFE. As Mr. Logan said, we did not see this group out of Nayarit connected at all to the Arellano-Felix. We saw them totally independent, right from the production, the growth of the opium, right through the distribution into the United States.

Mr. MICA. What do they call that? Integrated——

Mr. KEEFE. Vertical integration.

Mr. MICA. A vertical integration operation.

Well, I appreciate each of you coming forward today. Our subcommittee is trying to put together a coherent policy to deal with this problem.

As I said last night, we made some great progress. We know that most of these narcotics are produced in Colombia. Now we are seeing for the first time a dramatic increase of heroin production in Mexico, but which gives us another challenge and front to deal with, particularly given the level of corruption that we have had testimony relating to the problems, again, in Mexico.

Now the violence in Mexico—now we hear about vertically integrated operations to produce this, coupled with the new activity with methamphetamine. That presents us with a pretty serious challenge.

Unfortunately, I think it is going to take even more violence in Mexico to get their attention and cooperation, and, unfortunately, they are seeing that, too, at unprecedented levels. Maybe at the election they are having there will be some change and the emphasis placed on the domestic threat that poses for Mexico, and certainly the threat and problems it has created in the United States.

Again, I want to thank all of you. I apologize. As I said, we were up voting until 2. There is no lack of interest in this subject. We probably will submit additional questions to you for the record, since we don't have a full membership of this subcommittee here, and we would like your response, if possible.

Again, we appreciate your cooperation today.

There being no further business or questions at this time, we'll excuse this panel.

Our second panel this morning consists of two witnesses. The first witness is Chief Fabienne Brooks with the criminal investigations division of the King County Sheriffs Department in Seattle, WA. The second witness is Mr. Mario Medina. Mr. Medina's family, unfortunately, has experienced tragedy along the Chimayo, NM, border and will testify about that situation that so dramatically affected their family.

We will just stand in recess for about 2 minutes.

[Recess.]

Mr. MICA. We'll call the subcommittee back to order and again welcome Chief Brooks and Mr. Medina.

I'll call first on Chief Brooks, who is with the criminal investigations division of King County Sheriffs Department, Seattle, WA.

Before I do that, let me say that we are an investigations and oversight subcommittee of Congress, and we must swear you in as you provide testimony to our subcommittee, so if you'd stand and raise your right hands.

[Witnesses sworn.]

Mr. MICA. The witnesses answered in the affirmative. We will now recognize Chief Brooks with the King County Sheriffs Department from Seattle, WA.

Welcome. You are recognized.

STATEMENTS OF CHIEF FABIENNE BROOKS, CRIMINAL INVESTIGATIONS DIVISION, KING COUNTY SHERIFF'S DEPARTMENT, SEATTLE, WA; AND MARIO MEDINA, FAMILY VICTIM, CHIMAYO, NM

Ms. BROOKS. Good morning, Mr. Chairman. On behalf of the King County sheriff, Dave Reichert, I am very honored to be here this morning to speak with you on the topic of black-tar heroin.

My name is Fabienne Brooks and I am the chief of the criminal investigations division for the King County Sheriffs Office. I have already submitted my testimony.

Mr. MICA. Without objection, your entire statement will be made part of the record, and please proceed.

Ms. BROOKS. OK. I will summarize it.

Mr. MICA. Go right ahead.

Ms. BROOKS. Just briefly, informationally, King County is the largest metropolitan county in Washington State in terms of population, number of cities, and employment. It is the 12th most populous county in the United States, and the King County Sheriffs Office, with over 1,000 employees, is the third-largest police agency in the State of Washington and 13th largest sheriffs office in the United States.

King County is an area that poses many attractive attributes for the distribution of heroin. It is the home of a major international airport, it is the hub of passenger and commercial rail and bus lines, and it has significant highway systems, not the least of which is I–5, which runs from the Mexican border up through Canada. We have a significant population, and thus it is a large customer base for this type of drug.

King County is ranked as high as third in the Nation in heroin use in the recent past, and this is evidenced by a large and established user population.

Just about 95 percent of the heroin used in King County has been identified as Mexican black-tar heroin. Drugs are secreted in or inside persons willing to bring these drugs into the area for a fee. They are hidden inside commercial trains or freight trucks crossing into the United States. We think much of the heroin reaching our area comes in vehicles, as you heard from earlier testimony.

In 1998 we arrested what is known as a "cell leader," which is a person who oversees a communication or a distribution network, with 9 pounds of black-tar heroin. This arrived in just one load from Mexico. The load was secreted inside a specially made metal box that was contoured to fit inside an engine block of a car. Once the car arrived, it was driven into a garage, where the engine was dismantled and the heroin was removed.

We believe this particular leader had been in business since the mid-1980's, and he would receive a load this size about once to twice a month.

As with many organized crime groups operating in an area, crime also accompanies the activities of heroin dealers, and this ranges from homicides to minor thefts committed by users. Of the people incarcerated in the King County jail, 60 percent are there on drug-related charges, not necessarily just heroin, but on drug-related charges.

Several years ago, the King County Sheriff's Office recovered a baby that had been stolen from a family whose father was thought to be connected to the sales of drugs. The baby was to be held for ransom until the father paid the suspect.

The family reluctantly called the police and the child was safely reunited with the family and suspects arrested after a brief pursuit.

So, in addition to being ranked third in a use of heroin nationwide, King County has also been ranked as third for heroin overdoses, and that is what makes this area consider itself to be in an epidemic stage.

The 1998 rate of heroin-related deaths had grown 200 percent over the previous 8 years. The reason for the deaths is the purity of the Mexican heroin, which we have tested to be between 60 to 80 percent pure.

Because of the geographical condensing of the people, street dealing in heroin is more prevalent in this community in our area and it provides a unique law enforcement problem for the Seattle Police Department. They have collected data that shows users come in from outside the area to buy heroin, and a large number of the buyers travel in areas of King County to get there.

The strategies of the drug dealers, which was not talked about earlier, is that they use commercial airlines, they use produce trucks, they use passenger vehicles, and one of the ways they set up locations in our community, we've discovered, is that they arrange to rent a house that has a garage, and then they hire someone to take care of their home so that it doesn't arouse suspicion by the neighbors so that it doesn't appear neglected, and they act like quiet, no-problem neighbors, oftentimes picking locations on dead ends where it is hard to surveil and hard to pay attention to the traffic.

They hire neighbors perhaps to watch the house for safety reasons and to get information on strange cars that may be seen in the area. Sort of a neighborhood block watch in reverse.

They can also arrange for a vehicle repair business. This is what they do, as well.

The challenges for the King County Sheriffs Office and law enforcement in our area is because we are so diverse and large with the different number of police agencies involved that there is a high need for inter-agency communication. Just because the heroin is purchased in one area doesn't necessarily mean that it is going to stay in that area. There are multiple routes. We are one of only three States that doesn't have two-party consent. I mean, we do not have one-party consent in our State. I apologize for that error.

What we are doing in King County is participating in a countywide heroin initiative task force that has brought together representatives of all groups associated with this problem—care providers, health care people, fire department, police agencies, treatment providers—looking at the heroin problem from treatment and prevention to enforcement. And we are also involved in the northwest HIDTA Drug Task Force in our area.

So, in summary, I would like to thank you again for the opportunity to address you, and I will be happy to answer questions.

Mr. MICA. Thank you for your testimony.

[The prepared statement of Ms. Brooks follows:]

Good morning, Mr. Chairman and distinguished Subcommittee members. On behalf of the King County Sheriff Dave Reichert, I am honored to speak to you this morning on the topic of "Heroin Coming in From Mexico". My name is Fabienne Brooks. I am the Chief of the Criminal Investigations Division for the King County Sheriff's Office.

Demographics of King County

King County is the largest metropolitan county in Washington State in terms of population, number of cities and employment. It is the twelfth most populous county in all of the United States. The King County Sheriff's Office, with over 1,000 employees, is the third largest police agency in the State of Washington and the 13th largest Sheriff's Office in the United States.

- Size: 2,134 sq. miles with 38 cities.
- Population: 1,665,800. 24% is under the age of 18.
- Ethnicity:
  - White 80%,
  - Asian + Pacific Islander 10%,
  - African-American 5%,
  - Hispanic 3%,
  - Native American 1%.

King County is an area that poses many attractive attributes for the distribution of heroin.

- King County is home of a major international airport (SeaTac), large seaport (Port of Seattle), passenger and commercial rail and bus-line hubs (Amtrak, Burlington Northern, Greyhound, etc) and significant highway systems (I-5, I-90, etc). King County has a rapidly growing economy that is supported by a large commercial vehicle base. The diverse transportation system offers endless routes of drugs into King County.

- King County has a significant population and thus a large customer base. As the population grows in the popular Seattle area, so does the number of children in the area, which further increases the potential for new users.

- King County has ranked as high as third in the nation for heroin use in the recent past. This is evidence of a large and established user population, which includes the established ability to distribute heroin on the street level.

- Washington State is the home of numerous farming communities throughout the state. A large migrant population is available to heroin traffickers. Large sums of money offered to low paid workers is an attractive temptation. Dealers are able to more easily blend into the area.

Origination and Destination of Heroin

95%+ of heroin used in King County is Mexican black tar heroin. This heroin is processed in Mexico and transported across the border by any means available. Drugs are secreted on or inside persons willing to "mule" the drugs for a fee. Heroin is hidden inside commercial trains or freight trucks crossing into the US. Passenger trains, busses and aircraft have heroin smuggled through luggage, which can be easily left unclaimed if authorities are thought to have discovered the contraband. A routine technique of Mexican heroin traffickers is to send their product into the USA on many, smaller loads. If one gets discovered, the odds are that the large majority of the other loads will make it through.

Much of the heroin reaching King County is thought to arrive via vehicles. Mexican traffickers have employees and businesses here and in Mexico that work as hidden compartment manufacturers as a full-time job. All the time given to the effort to hide drugs makes the ability to find them extremely difficult if not impossible.

In 1998, The King County Sheriff's Office arrested a drug cell leader[1] and many of his "employees" with 9 pounds of black tar heroin. This amount arrived in just one load from Mexico inside a vehicle driven here. This load was secreted inside a specially made metal box that was contoured to fit inside the engine block of the car. Once the car arrived, it was driven into a garage where the engine was dismantled to remove the heroin. This particular leader was probably in business since the mid 1980s and would receive a load of this size every 1-2 months. Dozens of these cell leaders operate within the Puget Sound region.

The King County area has been recognized as an attractive destination for heroin dealers. These distribution groups have evolved into sophisticated, organized crime groups with their own hierarchy and operating (business) practices. The seven county region in and around King County has also been recognized as a High Intensity Drug Trafficking Area (HIDTA) because of the level of trafficking occurring here.

Social and Criminal Impact on King County

As with many organized crime groups operating within an area, crime also accompanies the activities of heroin dealers. These crimes range from homicides to minor thefts committed by users. Several years ago, the King County Sheriff's Office recovered a baby stolen from a family whose father was thought to be connected to the sales of drugs. The baby was to be held for ransom until the father paid the suspects. The family reluctantly called the police and the child was safely reunited with the family and suspects arrested.

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[1] A cell leader is a supervisor of a drug organization operating in a particular area. He/she can be independent or subordinate to the main crime group operating in Mexico.

In addition to being ranked as third in use of heroin nation-wide, King County has also been ranked as third for heroin overdoses. The 1998 rate of heroin related deaths had grown 200% over the previous 8 years. The purity of the Mexican heroin is 60-80% -- making this heroin very powerful. The purity allows for the heroin to be "cut" or diluted in order to stretch out the amount to make for more sales. If not used cautiously, heroin of this strength can kill a user.

The popularity of the King County region for heroin dealers has led to an increased availability of heroin. This has resulted in more heroin being sold to more people and has caused the price to drop from over $100/gram 4-5 years ago to a low of $40/gram today. As a result, more heroin is around to be sold, dealers need to sell larger amounts to make more money and new customers need to be found to keep the business growing. One of these customer bases is younger, school-age children. Now that the price is lower, heroin is more affordable to younger users. Schools and the social association connected with them offers open communication lines for heroin to be distributed.

Urban vs. Rural Differences of Heroin in King County

From a law enforcement standpoint, distribution of heroin in King County differs slightly from the urban Seattle neighborhoods to the more rural un-incorporated King County places.

Seattle has approximately half the population of King County but covers only about 1/10th of the area of the county. This results in more compact neighborhoods and an obvious, "downtown" section of the city that exists nowhere else in the county. Because of this geographical condensing of people, street dealing of heroin is more prevalent and creates a unique law enforcement problem for the Seattle Police Department. The Seattle Police have collected statistics on where users have come from to buy heroin when street "sting" operations have been conducted. A large number of buyers travel into the known drug dealing areas from outside the city to make purchases due to the known availability in some of the "downtown" areas. We don't know if heroin is unavailable in the rest of King County. We do know that it is just more concentrated on the street level in some places of Seattle. As one travels outside Seattle, the rest of King County is a mixture of cities, large and small, multiple suburban neighborhoods and rural areas. These are spread out over approximately 1,800 square miles. In order for a dealer to be successful here, he/she must be more flexible and travel longer distances.

Drug Dealer Strategies

If a load of Mexican heroin is successfully transported into the USA, it can be sent to the King County area in multiple ways:

- It can be carried in carry on luggage on a train or bus.

- Commercial Airlines can be used with drugs secreted in the luggage on the person.
- Produce trucks and semis are used with the legitimate loads used to hide the drugs from detection.
- Passenger vehicles are frequently used from California to Washington via I-5 and US-97. If not hidden inside the vehicle's engine of body, couriers will body carry heroin or hide the drugs inside containers in the passenger compartment. One technique female couriers have used is to travel with children inside the car. The drugs are hidden in a used diaper bag under dirty diapers police might not be willing to search or inside the actual diaper the baby is wearing. If stopped by the police, the female will purposely make the children cry in order to create an atmosphere the police may not want to deal with for a long period of time.

Heroin traveling north may make multiple stops for off-loading other dealer's supplies or to switch vehicles. Heroin arriving must be transferred to a vehicle eventually in order to make the last leg of the journey to the destination.

The final destination for unloading heroin for King County may not actually be in King County. Traffickers will use the county and city jurisdictional boundaries to their advantage since they are aware police in the USA operate within those boundaries and rarely venture outside to do other work. Dealers will set up locations with some of the following considerations:

- Cell leaders will arrange a house, usually a rental with a garage.
- Someone will be hired to take care of the exterior so as not to arouse suspicion by neighbors.
- They will act like quiet, no-problem neighbors.
- They will pick locations on dead-ends that are difficult for the police to surveil.
- They may hire neighbors to watch out for their house while they are not there and to get information on any strange cars that may be seen in the area.
- They could also arrange a vehicle repair business, friendly to their "business," to off-load the load vehicle that has the tools and expertise to remove vehicle parts in order to recover the shipment.

Once un-loaded, the heroin will be given to distributors to disperse to other lower level dealers. These dealers then will have a cell phone and/or pager for buyers to contact them. Again, these dealers may live in adjoining counties but travel to King County to sell. Because of the large area may have to cover in King County, he/she will have a non-descript car or truck that may not be registered to them, that if seized by the police, will not create a hardship. If owned by another person, he or she can claim they did not know their car was being used for dealing and get their car back.

The amount of area a dealer will cover is based on what the dealer wants to do in order to make a sale. Some will travel from area to area; all over King County, all day long making meets with buyers. These dealers will follow several practices, as they become more experienced:

- They will conduct counter-surveillance on the roadway for police following them.
- They will change the meet location at the last minute in order to foil the plans of the police.
- Some dealers will only deal with people who have houses they can come to so they can see if the person is "for real" of if they may be set up by the police.
- Buyers with homes and families are a safer bet for the dealer, since they are less likely to be the police and if they are informants, less likely to place the family in danger for retaliation.
- Other dealers will only meet where they feel safe like at businesses where drug dealings are prevalent and the police would stand out as not being a regular.
- Dealers will travel with their family in the car to appear more benign to the police if stopped. Within the last month, the King County Sheriff's Office tried to make a deal with a dealer that would only meet inside at a well known drug dealer meeting place at an area restaurant. We were able to make the deal happen without having to go inside by picking a time the business was not open and forcing the suspects to conduct the exchange in the parking lot. The suspects picked their 17 year-old niece to make the drug/money exchange. A pound of heroin was seized and 5 people were arrested.
- Dealers and cell leaders will spread out their contraband to numerous locations so that if one location is discovered, others will be safe.
- They will hide the drugs and money in separate locations.
- They may live at one house and work their drug business at another house or apartment and move frequently to avoid being caught by the police.
- The dealer may get a legitimate job for a short time in order to obtain a paycheck stub to substantiate any money found with them if stopped by the police.
- Successful dealers may change their cell phone number frequently to avoid wiretaps and call tracing. They will also use phone cards to further distance themselves from a particular phone number or location.

Challenges for King County Law Enforcement

- King County geography is diverse and large, ranging from dense urban to remote rural.
- Multiple routes and modes of transportation in the region provide endless options for dealers.

- Washington State is tied for second to last on number of police officers per population.[2]
- Washington State is one of only three states without one party consent, state law, recording authority.
- Jurisdictional tunnel vision of various law enforcement agencies creates a limited focus on local drug enforcement that is a far more regional problem.

Pro-active Efforts in Decreasing the Flow of Heroin

1. The King County Sheriff's Office is a member of the county wide Heroin Initiative Task Force comprised of representatives in all groups associated with the heroin problem, from treatment and prevention to enforcement. (See attachment "A" for Task Force membership list, mission statement and problem statement.)
2. The King County Sheriff's Office is involved in the education of citizens through multiple programs of the problems of heroin and other drug use.
3. The King County Sheriff's Office is a leader in regional drug investigations of heroin dealers coming to the area and is a member agency of the HIDTA drug task force.

In summary, heroin dealing and use invades many levels of the society that law enforcement deals with on a regular basis. Heroin problems create the obvious crime problems to which police respond, but in addition, create a plethora of issues, non-criminal in nature, that the King County Sheriff's Office deals with on a regular basis. Family crisis' such as domestic disturbances, overdoses, child endangerment and abuse are routine calls for police to respond to when the parent or family member becomes a slave to drugs when their focus should be on their family.

Health issues like the spread of Hepatitis, tuberculosis and HIV not only endanger the deputies and officers who come in contact with drug users but anyone who is a member of society.

To reiterate an earlier mentioned statistic, 95%+ of the heroin used in King County is making it's way here from Mexico. It is this particular heroin that is perpetuating the heroin problems some have termed as a crisis in this part of the country. The King County Sheriff's Office will continue to apply it's resources with not only enforcement, but with problem solving, prevention and partnerships to this issue.

Thank you for your attention and the opportunity to address you this morning.

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[2] 2.17 per 10,000, *Census of State and Local Law Enforcement Agencies*, Bureau of Justice Statistics

Attachment "A"

Heroin Initiative Task Force Members

As of 3/27/00

- Council member Margaret Pageler, Seattle City Council
- Judge Ann Levinson, Municipal Court
- Nozm Maleng, King County Prosecutor
- Dr. Robert Petersdorf, Professor, University of Washington
- Bill Hobson, Director, Downtown Emergency Service Center
- Craig Kinzer, Kinzer and Company
- Assistant Chief Clark Kiinerer, Seattle Police Department
- Dr. Robert Thompson, WA Addiction Services
- Kate Joncas, President, Downtown Seattle Association
- Ralph Forquera, Director, Seattle Indian Health Board
- Senator Julia Patterson, 33d District
- Dr. Alonzo L. Plough, Director, Public Health - Seattle & King County
- Kris Nyrop, Director, Street Outreach Services .
- Larry Watson, Chemical Dependence Professional, HMC
- Vizma Schulmeisters, Human Services Mgr., United Way King County
- Peggy Saari, League of Women Voters
- Sheila Capestany, Staff to Councilmember Richard Conlin, City of Seattle
- David Mosely, City Manager, Federal Way
- Doreen Marchione Director, Hope Link
- Judge Ricardo Martinex, US Magistrate
- Undersheriff Pat Lee, King County Sheriffs Office
- Chief Fabienne Brooks, King County Sheriff's Office
- Robert Clewis
- Linda Drummond
- Cynthia Bergh
- David Cousineaul President, Seattle Children's Home
- Richard Yarmouth, CityYear
- Ralph LaRose

Mission Statement
for
Heroin Initiative

To form a partnership of government and community leadership groups in order to prevent and mitigate the effects of heroin on the community and criminal justice, health, drug treatment, and youth services systems.

The partnership will review and propose changes in the areas of:

- sentencing structure
- education of health providers
- social and work support
- treatment capacity and access
- youth and fainilies at-risk
- public perception

Heroin Initiative
Problem Statement

General Drug Use
Drug use and its effects permeates every comer of our society, afflicting inner cities, affluent suburbs, and rural communities; the rich and poor; the educated and uneducated; and professional and blue collar workers as well as the unemployed. Our myths of drug users are shattered when we learn that seventy-three per cent of illicit drug users in America are employed. And, that substance use remains stubbornly common among adolescents and young adults; the percentage of school children using drugs in 1998 remained one and a half to two times higher than in 1991.

No individual, family, or community is immune from the effects of substance use. Approximately 55% of the economic burden of alcohol and drug problems are born by those who do not use the substances. Various cost estimates postulate that failure to provide accessible and effective treatment costs taxpayers $276B each year. Included in these costs are expenditures for medical care, law enforcement, motor vehicle accidents, lost productivity and incarceration. Not included are consequent foster care and social services for children whose parents fail to receive treatment.

Heroin Use
Nationally, indicators of chronic drug use e.g. mortality, ER admissions, drug treatment admissions, and arrest urinalysis data show that crack cocaine and heroin are the predominant sources of illicit drug problems. While indicators of chronic use suggest a leveling off in crack use, heroin use continues to increase. Heroin use predominantly affects males and females in their most productive work years (25-54 years of age) and during childbearing age.

Heroin use in the Seattle King County area is in crisis proportion. The King County per capita overdose rate ranked third in the US. In 1998, 144 died of opiate related deaths in King County, an increase of over 200% since 1990 and an all time high; estimates for 1999 predict a slight decrease in opiate related deaths. Overall, the increase seen in heroin related deaths do not appear to occur for either cocaine or amphetamine deaths although 69% of opiate users nationally are also involved with cocaine and/or alcohol.

Heroin is a highly addictive drug processed from morphine, a naturally occurring substance extracted from some types of poppies. It is typically sold as a white or brownish powder or a black, sticky substance known as "black tar" heroin; the

latter is the predominant form of heroin in King County and is only possible to administer by injection.

Health Effects of Heroin Use

Nationally, injection is the preferred method of heroin administration by most users. Drug injection is linked to a number of broad-based infections including HIV/AIDS, Hepatitis B and C viruses. More than 80% of King County heroin addicts are infected with Hepatitis C and about 2-3% carry the HIV virus. In Vancouver, B.C., however, up to 23% of injection drug users have the HIV virus. Moreover, the principal mechanism for HIV infection in newborns is through the mother's injection drug use.

General health status in injection drug users is also compromised. Important health consequences include heart valve infections, brain abscesses, pneumonia, tuberculosis, chronic hepatitis, cirrhosis, and liver cancer. In major metropolitan areas from 1991-95, the annual number of opiate-related emergency room visits increased from 36,000 to 76,000 and the annual number of opiate deaths increased from 2,300 to 4,000. This associated morbidity and mortality further underscores the human, economic and societal costs of addiction.

Most importantly, drugs can produce an altered brain state. Scientists using brain imaging techniques have shown that drugs can cause significant damage to an important class of brain cells resulting in slowed thinking, depressed mood and motor impairment. These effects can be long term and persist even after drug use is halted.

Local Heroin Use Studies

A study conducted in the Seattle King County area from 1988 to 1991 showed that 70% of injection drug users cited heroin as their drug of choice; a recent study shows the rate to be even slightly higher. Two local epidemiological studies of injection drug users in Seattle suggest that new study recruits and young injectors continue to be highly likely to report heroin as their primary drug. In addition, the studies show that heroin use increased in 1998, particularly in younger injectors. The number of new study recruits reporting heroin as their primary injection drug increased from 61% in 1994 to 75% in 1997, 87% in 1998 and 86% in 1999. Among injectors younger than 20, the proportion reporting heroin use increased from 78% in 1994 to 100% in 1998. In the 20-29 age group, the increase was somewhat smaller, from 75% in 1994 to 84% in 1998 and 80% in 1999.

Opiate addiction has long been associated with increased criminal activity to support what may be a $3,00047,000 per month habit. Even among addicts who have jobs, the expense of keeping up with a $150/day habit is a struggle. Some turn to shoplifting, others to burglary, forgery, robbery and mail theft. *About 60% of county jail inmates are serving time for drug related crimes.* From 1991

through 1996, the number of prosecutions for heroin related offenses in Seattle King County remained steady between 2,200 and 2,600. In 1997, heroin prosecutions rose to over 3,000 and in 1998 increased again to 3,270. If the trends for the first three-quarters of 1999 continue, there will be 3, 1 00 prosecutions by the end of the year. In addition to an increase in the number of prosecutions, the number of convictions for heroin-related offenses has also increased. In 1998, there were 1,325 convictions and by the end of 1999, there will be an unprecedented expected number of 1,770 heroin convictions.

Although prosecution and conviction data cannot be directly interpreted as indicators of prevalence of use in the 6ommunity, it is useful information especially when trends mirror other data sources.

Urinalysis data from King County adults arrested in the first and second quarters of 1999 indicate that opiates were present in 17% of arrestees who agreed to urine testing. Because the data have only been collected since mid-1998 and are only collected on those who agree to testing, it is limited in its relevance to heroin use trends. However, the 17% opiate presence in urinalysis ranks as one of the three highest in 35 sites from around the country (only Philadelphia was higher and Chicago was tied).

Crime and Heroin

Nationally, a third of state prisoners and one in five federal prisoners said they had committed their current offense under the influence of drugs. Prisoners serving drug sentences w6re the largest single group at 60% in federal prisons. Drug offenders account for 25% of the growth in the state prison population and 72% of the growth in the federal prison population since 1990.

Drug Treatment

Drug use is preventable and drug addiction is treatable. It is estimated that although over 5.3 M people in the U.S. are in severe need of substance use treatment, only 37% receive such treatment. For heroin users, the rate generally referred to is that for every person in treatment, there are 4-5 people who are in need of treatment. The federal government has continued a policy of spending nearly double the amount on supply reduction (interdiction) with questionable results as on demand reduction (prevention and treatment). Numerous studies have convincingly shown treatment to be more effective than law enforcement and incarceration on decreasing the demand for illicit drugs. Inadequate provision of funds for prevention and treatment is an expensive societal course. For instance, providing treatment to all in need could save over $150B over the next 15 years. A large study in California demonstrated that every dollar invested in drug treatment generates $7 in savings of future costs.

A number of studies show that substance abuse treatment has a pronounced positive impact on decreasing illegal drug use, criminal activity, victimization, hospital visits, inpatient mental health visits, homelessness, exchange of sex for

money and drugs, HIV related risk behaviors, welfare dependency, relapse and criminal activity among inmates who receive treatment in prison, and unemployment. Treatment of women addicted to drugs has also been shown to improve rates of healthy pregnancies.

Seattle King County drugs treatment admissions for those who use primarily heroin increased in 1999.' In 1998, there were 1,300 treatment admissions for heroin (out of about 10,000 heroin addicts in the County) and by third quarter 1999, there were 1400 admissions. A mobile methadone program began in 1999 but did not admit patients until early fall so probably had little impact on the increase in admissions. Waiting lists kept at drug treatment centers and at the downtown Seattle needle exchange program indicate a high number of people seeking treatment that cannot be admitted due to unavailability of space. At the downtown needle exchange alone, 500 people are currently on the waiting list.

Conclusion

Without help, adolescents and adults will suffer from poor health, unstable family relations, and other negative consequences of substance abuse. In addition, since parental alcohol and other drug abuse is a significant predictor of youth drug use, and is often the cause of serious child abuse and neglect, treatment for parents is key to breaking the inter-generational cycle of Addiction. Not surprisingly, 56% of respondents to a survey conducted by the Harvard school of Public Health in 1997 identified drugs as the most serious problem facing children in the United States.

Drug abuse impairs rational thinking and the potential for a full, productive life. Drug abuse, drug trafficking, and there consequences destroy the personal liberty and well being of communities. Crime, violence, workplace accidents, family misery, drug-exposed children and addiction are only part of the price imposed on society. Drug abuse spawns global criminal syndicates and bankrolls those who sell drugs to young people. Illegal drug use indiscriminately destroys old and young, men and women from all racial and ethnic groups and every walk of life.

Action needs to be taken to prevent drug abuse, increase availability and accessibility of treatment, and break the cycle of addiction. It is the intent of the Heroin Initiative to study the roots of the problem, evaluate effective prevention and treatment modalities and recommend action. Drug addiction is a medical and public health issue. Like alcoholism, it is a disease that can be successfully treated to decrease harm to the individual and society.

Mr. MICA. We will get to questions in just a few minutes.

I am pleased now to recognize Mr. Medina. I appreciate your coming forward and providing us with your testimony and your personal experience. I know you had a tragedy in your family.

At this time, if you could, sir, describe what has taken place and the, again, horrible effects on your family to the subcommittee. Thank you, sir.

Mr. MEDINA. Good morning, Mr. Chairman. I'm going to read a brief part of my statement here.

Mr. MICA. Take your time. Again, we appreciate your coming forward.

Mr. MEDINA. Sure. My family had to deal with this very problem. My sister passed away from a drug overdose. My only sister is now dead and I am left an only child. Instead of my parents retiring at the age of 65, they are now raising their two granddaughters as their own children. My nieces, who are now 13 and 11, ask questions as to why God took their mother. These are results caused by drugs in society.

Mr. MICA. Thank you. I appreciate your, again, coming before us today.

[The prepared statement of Mr. Medina follows:]

Mario Medina - Chimayo, NM 6/30/00

A small town wrecked by the havoc of drugs coming in from the southwest border. Each family has been affected in one way or another. The effects of heroin have shattered both families and their dreams. In many instances it is now in some third generations of some families. In recent studies statistics the usage of heroin in relation to the size of community is overwhelming. Clinics have been setup to dispense Methadone, which is considered a synthetic form of heroin, which is then regulated, and the dosage minimized therefore weaning the patient from the drug. In no instance have I ever known this to solve the problem of the user. Many users have entered rehabilitation programs, which are very costly. In thirty-two years I have never seen anyone give up heroin forever. My family had to deal with this very problem. My sister passed away from a drug overdose. My only sister is now dead, and I am left an only child. Instead of my parents retiring at the age of sixty-five, they now are raising their two granddaughters as their own children. My nieces who are now thirteen and eleven ask questions as to why God took their mother. These are the results caused by drugs in society. I feel the best way to curb the drug use is to stop the drug before it can come across the southwest border. More manpower could have great effects on the trafficking of drugs from Mexico. Punishment needs to be enforced and tougher legislation passed on the trafficking of drugs. One year ago a drug bust netted about twenty-nine arrests, at least half got off with probation. This certainly does not scare the dealers, but sends the signal that we are not enforcing punishment!

Mr. MICA. Let me first turn, if I may, to Ms. Brooks, if that concludes your testimony.

Mr. MEDINA. Yes, it does.

Mr. MICA. I will start with several questions. First of all, you said your area is third in the United States in heroin overdoses; is that correct?

Ms. BROOKS. That's correct.

Mr. MICA. And you said there was a 200 percent increase in deaths, heroin overdose deaths. What period was that for?

Ms. BROOKS. From 1990 through 1998.

Mr. MICA. From 1990 to——

Ms. BROOKS. Over a 4-year period, yes.

Mr. MICA. And that continues? You're seeing a continuation of the same type of problem?

Ms. BROOKS. Exactly. I don't have the information for 1999 statistics, but they estimated that the number of deaths was on the increase.

Mr. MICA. One of the things that we have tried to do—and we do have oversight over the HIDTAs, the high-intensity drug trafficking area designation, is to provide resources to areas that have been impacted. I'm afraid we may have to declare the United States a HIDTA before this is over. But how are the resources that are being provided by the Federal Government being utilized? Are they adequate? Are they properly utilized? Is it just a lack of not getting additional assistance? Is this effective use of our Federal tax dollars? Could you give us your insight?

Ms. BROOKS. Well, it certainly is an effective use of our tax dollars in terms of attacking the drug problem. We have a close working relationship with the HIDTA Task Force and I have an investigator assigned to that task force to help focus on drug investigations in King County.

Federal rules allow for a different level of investigation of drug dealers.

Mr. MICA. Yes.

Ms. BROOKS. Part of the information that we get comes from neighborhoods and phone calls. That doesn't necessarily rise to the level of Federal investigation. So, while the money from HIDTA goes to Federal-level investigations, local law enforcement sort of has to keep doing with the funding that they have.

Local law enforcement block grants for collaborative efforts on the local law enforcement level would provide additional resources for us to be able to look into the problem and to approach the problem.

Mr. MICA. Did I hear you describe to the subcommittee a situation with black-tar heroin has reached an epidemic proportion in that region, or your locale?

Ms. BROOKS. Heroin use has reached an epidemic proportion, and 95 percent of it is black-tar heroin.

Mr. MICA. You said 95 percent?

Ms. BROOKS. Right.

Mr. MICA. That's an incredible figure.

Ms. BROOKS. Right.

Mr. MICA. Our subcommittee has been as far as Sacramento. We have not been to your jurisdiction. But that is alarming. And most of it is coming in transited over I–5, you said, through couriers?

Ms. BROOKS. Through couriers, yes. I mean, there are some airplanes, but——

Mr. MICA. It has also made your area, now that you have the narcotics, sort of a magnet for attracting additional users and criminal activity.

Ms. BROOKS. Exactly.

Mr. MICA. Do you think we can handle this by just spending more money on treatment and giving up the enforcement?

Ms. BROOKS. I don't think we should give up the enforcement piece of it. There is always going to be a need for the enforcement part. I think adding more resources for an overall holistic approach to it would help reduce the level, but if you just put money on treatment then the enforcement goes lacking.

Mr. MICA. Basically, you are drowning in this stuff.

Ms. BROOKS. Yes.

Mr. MICA. The sheer quantities that are coming in.

Ms. BROOKS. Yes.

Mr. MICA. Mr. Medina, your sister died a tragic death. What did she die from?

Mr. MEDINA. Ingestion of black-tar heroin.

Mr. MICA. Where did that heroin come from?

Mr. MEDINA. To my knowledge, I——

Mr. MICA. There's only one place that I know it is produced. That's Mexico.

Mr. MEDINA. I guess so.

Mr. MICA. Unfortunately, your family's situation I understand was repeated some 80-plus times in the community you came from. Is that correct?

Mr. MEDINA. That's in 1 year.

Mr. MICA. In 1 year?

Mr. MEDINA. It repeated itself in 1 year 80 times.

Mr. MICA. So she isn't alone in losing her life to this deadly narcotic. Was she involved in criminal activity, or——

Mr. MEDINA. Not that we know of.

Mr. MICA. And I believe she also was the victim of a very high content, high purity content black-tar heroin.

Mr. MEDINA. Yes, she was.

Mr. MICA. And you said she left behind two children?

Mr. MEDINA. Yes, she did.

Mr. MICA. What has been the effect on your family?

Mr. MEDINA. Pretty much just a family affected as drugs as far as the small community we live in. Just about every family has been affected in one way or another, whether it be a friend, a relative, a close sibling. It has affected everyone.

Mr. MICA. Well, you know, I'm one of the Federal elected officials. We are only temporary representatives here trying to figure out ways to establish policy to keep this from happening. You were kind enough to come and tell us about your tragedy. What is your recommendation to us? Should we give this up? As a human being who has probably been inflicted with a tremendous amount of pain,

what is your recommendation to Congress, to me and others who set this policy?

Mr. MEDINA. My recommendation would be to try and stop the problem before it starts. Pretty much I know a lot of users in the community that I live in, and I think you need to get the people before they start using the drug.

Mr. MICA. Once they have become a user, our statistics show a 70 percent failure rate with public treatment programs. Did your sister go through any treatment program?

Mr. MEDINA. No.

Mr. MICA. Alright. Then she wasn't a habitual user?

Mr. MEDINA. She used about maybe 8 months.

Mr. MICA. So she was addicted for 8 months?

Mr. MEDINA. Yes.

Mr. MICA. And then died of an overdose?

Mr. MEDINA. Yes.

Mr. MICA. Do you know others in the community that have been similar——

Mr. MEDINA. I know many.

Mr. MICA. How big is Chimayo?

Mr. MEDINA. It is approximately about 3,000 in population.

Mr. MICA. It's 3,000 and you had 85 deaths?

Mr. MEDINA. Yes. But that's actually like Rio Arriba County, which is not a southern town. It is actually a northern county in New Mexico. But it is actually traveling the whole county now. It is not just Chimayo.

Mr. MICA. So you think we should continue our efforts to keep this stuff from coming across our borders?

Mr. MEDINA. I think the effort needs to put more not in treatment but in stopping people from using the first time.

Mr. MICA. Going after the people who are dealing in this death.

Have the people who gave your sister the narcotics been located?

Mr. MEDINA. Not to my knowledge.

Mr. MICA. So basically her death has gone unavenged?

Mr. MEDINA. Yes. Pretty much.

Mr. MICA. Well, again, we appreciate your coming forward and giving our subcommittee your testimony, your personal experience. There were 15,973 that died in 1998 as a direct result of illegal narcotics and drug overdoses. Therefore, the number is growing and growing. We don't have the 1999 figures, and we are losing more than we lost in some of our wars as a result of these narcotics.

The testimony you have provided, Ms. Brooks, shows us another spot on the chart and the national map of a very serious problem. Any other recommendations you might have for this subcommittee on how to deal with this problem? Again, as a local official we seek your input on how we can do a better job.

Ms. BROOKS. In just listening to Mr. Medina, one of the areas I think we need to focus on is education, because the young kids have the perception of heroin being the person who uses the thing around your arm and you inject it, but they aren't injecting it, so they don't think it is a big problem, and they think that they can use it once and that's fine. Well, statistics show that that doesn't happen, and I think if we can put more focus on educating and let-

ting people know the extent of the problem and what the ramifications of it are for the young people it may be able to deter them from using it.

Mr. MICA. One of the things that we've done in Congress is we've started a program. It is the most extensive in the history of the U.S. Government, really, as far as drug education and media attention to the problem, that's our national media campaign. It is over $1 billion plus matched by $1 billion locally, and that has been in effect a little over a year now. Unfortunately, we are getting back mixed reviews on its effectiveness. What is your observation, Ms. Brooks?

Ms. BROOKS. Personally, I have to admit I haven't seen it, and I watch TV a lot. I'm not quite sure where the message is going, if it is going to the right people.

Mr. MICA. That disturbs me, because you obviously have a target area. You are third in the Nation.

Ms. BROOKS. Yes.

Mr. MICA. We are spending $1 billion and requiring another $1 billion in contributions, and you haven't seen the program.

We're going to have the drug czar in here, I think July 11th, and do another review of the program, not to give the drug czar a hard time, but when we have an area like your community that is experiencing, again, dramatic increases in deaths and abuse and trafficking, and we don't have even you, being aware of that program, or it being targeted to there, we obviously have a problem.

Mr. Medina, have you seen any of the ads or efforts to educate?

Mr. MEDINA. Pretty much the same old clinics and, you know, the methadone and these high-dollar rehabs, which I think is more a private industry, moneymaking situation. Other than that, that's about all.

Mr. MICA. I think I would have to share your opinion. It has turned into a cottage industry, and again, people aren't aware of it, but we have doubled since 1992 the amount of money in treatment, Even since the new majority, we've increased the money for treatment some 26 percent in 4½, 5 years here, and the numbers who are addicted are dramatically increasing, and particularly among our young people.

How old was your sister, Mr. Medina?

Mr. MEDINA. She was 31 at the time.

Mr. MICA. Thirty-one. Pretty much destroyed her life, and I'm sure the effects on your family have been dramatic.

I don't think there is a family in the country that hasn't been affected today. I give these speeches on Tuesday nights, usually, the special orders, and talk for an hour on the drug problem, and as I left last week, one of the clerks who followed me out at midnight said, "Mr. Mica, my son is 21," I think he said, "and the last year or two he has been on drugs," and his family has been through a living hell and they can't find successful treatment. They can't deal with the problem. Unfortunately, we are hearing that repeatedly across the land. It continues to be something that is an incredible challenge for us.

Sort of in closing, Ms. Brooks, the enforcement and prosecution levels in some States are not as tough as the Federal minimum

mandatories. What is the situation in your State? Are your State laws tougher or are the Federal laws tougher?

Ms. BROOKS. I believe the Federal laws are tougher in our State.

Mr. MICA. And would you recommend to the subcommittee—again, I am under tremendous pressure. We've held a hearing on lowering the minimum mandatories or abolishing them, and we get criticized for having them. We have allowed flexibility and, some, again, relief and flexibility to judges. What is your recommendation to the panel?

Ms. BROOKS. My recommendation, in terms of the mandatory minimums, are to work toward increasing those minimums on the State level so that they match what the Federal levels are.

Mr. MICA. Well, that would be something you would have to do with Washington, but——

Ms. BROOKS. Well, I would recommend that they stay where they are.

Mr. MICA. At the Federal level?

Ms. BROOKS. Yes.

Mr. MICA. Yes. And you, again, see that as some type of a deterrent or effective way to deal with the problem?

Ms. BROOKS. That's one way to deal with the problem. I think, again, it needs to be an approach that includes treatment providers as well as punishment, because, unfortunately, once people get addicted they feel like they have to—well, they do commit crimes to continue their habits, and if we can treat them for that issue——

Mr. MICA. And separating them out——

Ms. BROOKS. And separating them out——

Mr. MICA [continuing]. Between people who are addicted and committing crimes and people who are trafficking or dealing in deadly quantities.

Ms. BROOKS. Exactly.

Mr. MICA. What about prosecution? Are you all going after, at the local level, the traffickers and dealers primarily, or are you focused on just the users?

Ms. BROOKS. We are focusing primarily on the dealers. There are certainly users that we target, but we focus on the mid-level dealers who are distributing the heroin.

In King County, 1997 we had prosecutions to over 3,000. In 1998, it went up to 3,200. I don't have the 1999 statistics, but it was believed that it would be about at that same level, so we are still prosecuting and it is increasing.

Mr. MICA. And you said over 60 percent of those in your jails, local jails, are there because of drug-related offenses?

Ms. BROOKS. Yes.

Mr. MICA. Are they there for a felony or for misdemeanors or combination? Again, how would you describe the people who end up incarcerated, small-time users?

Ms. BROOKS. I don't have the information in terms of if the 60 percent are primarily felonies or misdemeanors, but I can tell you they are in there for a variety of reasons, from the petty shoplifts up to the major burglaries and assaults.

Mr. MICA. But you would say that crime is a result of their——

Ms. BROOKS. The crime is a result of their addiction.

Mr. MICA [continuing]. Addiction?

Ms. BROOKS. Yes.

Mr. MICA. Well, we appreciate your testimony before this subcommittee.

Mr. Medina, we also appreciate your coming before us.

Did you have any final comments or recommendations? Again, I know you came a long way, but it is important that we focus on this problem, and we don't want another individual lost in our country or family affected the way you have had a horrible tragedy occur, so again we thank you for coming, for being a part of this.

I thank both of you.

On July 11th—just an announcement for the subcommittee—we will have Drug Czar Barry McCaffrey testifying on a second hearing relating to our drug education and national media campaign.

There being no further business to come before this subcommittee, I'd like to excuse these witnesses. Thank you again for coming forward.

The Subcommittee on Criminal Justice, Drug Policy, and Human Resources is adjourned.

[Whereupon, at 11:44 a.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

U. S. Department of Justice
Drug Enforcement Administration

Washington, D.C. 20537

AUG 06 2000

Honorable John L. Mica
Chairman, Subcommittee on Criminal Justice
Drug Policy, and Human Resources
B-373 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to testify before the Subcommittee on June 30, 2000, regarding the threat of black tar heroin, methamphetamine and cocaine, emanating from the Southwest Border. Enclosed are the responses to follow up questions provided for the hearing record.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

Joseph D. Keefe
Special Agent in Charge
Special Operations Division

Enclosure

1. Can you explain the differences between black tar heroin, brown heroin and white heroin and their harmful effects?

Most illicit heroin is a powder, which may vary in color from white to dark brown because of impurities left from the manufacturing process or the presence of additives. The color and consistency of black tar heroin is a result of the crude processing methods use to illicitly manufacture heroin in Mexico. Black tar heroin may be sticky like roofing tar or hard like coal, and its color may vary from dark brown to black. Black tar heroin is often sold on the street in its tar-like state at purities as high as 84%. Black tar heroin is most frequently dissolved, diluted and injected.

The typical heroin user today is younger and consumes more heroin than a typical user did just a decade ago. This is not surprising given the higher purity currently available at the street level. Heroin in the United States was almost exclusively injected which resulted in the rapid administration of low purity heroin. However, the availability of high purity heroin has meant that users now can snort or smoke the narcotic. This method of administration is more appealing to new users because it eliminates both the fear of acquiring syringe-borne diseases such as HIV/AIDS and hepatitis, and the stigma attached to intravenous heroin use. However, as drug users gain tolerance, addicted snorters and smokers are forced to turn to injection, which quickly leads to hard core addiction.

Heroin is a central nervous system depressant and is classified under the Controlled Substance Act as a Schedule I drug due to its high potential for abuse; no current accepted medical use; and lack of accepted safety for use of the drug under medical supervision. Heroin is an insidious drug that quickly addicts even those who have used it only a few times. We frequently see statistics that categorize some drug abusers as "casual users." There are no long-term casual heroin users; the onset of addiction is rapid, particularly when injection is the method of administration.

Heroin's properties initially make it seem very appealing. Upon ingestion of heroin, endorphins are released naturally and activate what is called the reward/pleasure center of the limbic system, the emotional center of the brain. This evokes an immediate sense of well-being and often a feeling of invincibility. The truth is, however, that there is no romance in heroin. As with all narcotics, the pleasurable feelings of well-being and invincibility are not sustainable unless the dosages are increased. With the increase of dosages, particularly with the high purity of heroin being sold today, the onset of addiction is hastened dramatically. Ignorance, addiction, and the increased purity of heroin available today combine to take the lives of between 3000 and 4000 heroin abusers annually. In addition, hardcore heroin addicts routinely turn to a life of crime such as burglaries, robbery and prostitution in order to finance their habit. The overall impact of heroin use and abuse continues to have a devastating impact on not only the user, but the surrounding community as well.

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2. Do you have estimates of the proportion of methamphetamine being smuggled in from Mexico, as opposed to being produced in the United States? Is importation of these drugs increasing? Are methamphetamine producers from Mexico moving their operations into the United States?

Most of the methamphetamine, arriving from foreign sources, continues to enter across the Southwest Border (SWB). During CY-99, the amount of methamphetamine seized along the SWB was more than double that seized in CY-97. Southern California continues to be the primary entry zone for methamphetamine entering the United States from Mexico, and this is where more than two-thirds of the methamphetamine arriving from Mexico was seized.

The importation of methamphetamine from Mexico into the United States is increasing. At the same time, organized Mexican methamphetamine organizations are clandestinely manufacturing methamphetamine on both sides of the United States/Mexican border. Mexican drug trafficking organizations are producing methamphetamine in Arizona, southern and eastern Oregon, eastern Washington, and Montana, and appear to be establishing themselves in North and South Dakota, Wyoming, and Utah. The expansion of manufacturing centers, from Mexico to areas along the United States/Mexico border and within the United States, will significantly enhance the traffickers' production and capability to distribute methamphetamine within the United States.

The number of clandestine labs seized nationwide by DEA has increased from 306 lab seizures in CY-94 to 2,047 in CY-99, a 569% increase. The amount of methamphetamine produced by Mexico is unknown and no model has been suggested to quantify this production. Intelligence, however, suggests that it is substantial. Seizures of methamphetamine at the SWB have increased from 505 kilograms in CY-97 to 1,053 kilograms in CY-99. Methamphetamine seized at clandestine lab sites for CY-99 were 359.29 kilograms. The clandestine lab database did not exist in 1997, therefore no numbers are available for that time period. The seizures made at clandestine lab sites were domestic methamphetamine. The origin of any other methamphetamine seizures cannot be determined because no signature method exists.

The majority of clandestine labs seized by are small producing grams and ounce quantities of methamphetamine. In CY-99, over 7,000 clandestine lab seizures were reported to EPIC. Only 204 were "super labs", capable of producing 10 pounds or more of methamphetamine.

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3. What is being done to stop precursor chemicals from entering and leaving Mexico? What does Mexico do to detect and combat precursor chemicals?

The Chemical Diversion and Trafficking Act of 1988 gives the DEA authority to monitor all imports and exports of listed chemicals. Consequently, under that authority, the DEA routinely monitors and controls all exports of U.S. controlled chemicals to Mexico. In May 1997, the DEA disqualified the regular customer status of all companies in Mexico that import ephedrine and pseudoephedrine (the two primary methamphetamine precursor chemicals) thereby causing increased vigilance of exports of these chemicals to Mexico. This action was taken in response to the exponential growth in methamphetamine production and trafficking by organized Mexican trafficking organizations.

The U.S. – Mexico Bilateral Chemical Control Working Group, formed in May 1996, and meeting at least once a year, is the forum through which the two countries address areas of mutual concern in chemical control. As a result of previous meetings, in March 1998, Mexico's comprehensive chemical control law became effective. This law expanded existing regulations for Table I chemicals of the 1988 UN Convention to include Table II chemicals. While this law will be useful in the prevention of chemical diversion, the U.S. continues to voice serious concerns regarding Mexico's import/export provisions, legislative lack of ability to suspend suspicious chemical shipments, and lack of a centralized chemical unit which results in long delays in information exchanges.

This U.S. – Mexico Bilateral Chemical Control Working Group met most recently, July 21-22, 2000, in Mexico City to continue progress on a draft Memorandum of Understanding (MOU) in chemical control. This proposed MOU, between the Attorney General's Office of the United Mexican States and the U.S. Department of Justice, is aimed at increasing communication and cooperation regarding chemical control and outlines concrete steps that go beyond the general international obligations in the 1988 United Nations Vienna Convention. Although in prior meetings, considerable time was spent and limited progress was made discussing specific topic areas and developing a realistic framework for mutual assurance of the legitimacy of proposed shipments, this most recent meeting rendered a compromise and consensus in almost all areas of concern. Both delegations are optimistic that the MOU will be completed in the very near future.

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4. Do you predict any violence between Mexican traffickers and other trafficking groups now that the Mexican criminal groups are starting to take over the heroin and methamphetamine trade?

The threat of drug-related violence posed by the Mexican drug trafficking organizations continues to be significant. This trend in drug-related violence can be attributed to the rivalries between major Mexican drug trafficking organizations, the use

of violence and intimidation to further criminal objectives, and the inability of the Government of Mexico (GOM) to arrest and prosecute the perpetrators of this violence.

Drug related violence impacts on the safety and security of both United States and Mexico law enforcement personnel and has far-reaching effects on the safety and security of citizens in both countries. Therefore, every effort should be made by the GOM to eliminate Mexican drug trafficking organizations and the resultant violence they perpetrate. An example of the pervasive nature of violence in Mexico was the April 12, 2000, murder of two Procuraduria General De La Republica (PGR) Federal Prosecutors, Jose "Pepe" Patino-Moreno and Oscar Pompa-Plata and Fiscalia Especializada Para la Atencion de Delitos Contra la Salud (FEADS) Captain Rafael Torres-Bernal, who were found brutally murdered in Baja California Norte, Mexico. They had been investigating the Arellano Felix Organization (AFO). To date, no one has been officially charged in connection with these brutal murders.

The extent of the influence of the Mexican organizations trafficking methamphetamine in the United States has continued to increase dramatically during the last six years. Drug Enforcement Administration (DEA) reporting indicates that methamphetamine seizures at the Mexico Ports of Entry have increased from seven kilograms in 1992 to an estimated 781 kilograms in 1998. During the same time period, an analysis of data collected through *Operation Pipeline* indicates that daily seizures on our nation's highways of multi-kilogram quantities of methamphetamine from Mexican nationals increased from one kilogram in 1993 to 383 kilograms in 1998. Furthermore, United States investigations have revealed that these Mexican methamphetamine organizations are operating clandestine laboratories in Mexico and California. The continued growth of Mexican involvement in the methamphetamine trade has been exemplified by the increased number of United States investigations initiated in cities such as Atlanta, New York and Des Moines, Iowa.

The majority of Mexican black tar heroin is currently destined for the western half of the United States. However, during the last few years, there has been an identifiable expansion in trafficking patterns of Mexican black tar heroin. The distribution patterns of Mexican heroin have expanded beyond the southwestern and western United States. Mexican heroin has increased in popularity in large mid-western cities such as Chicago; has been encountered in large East coast cities with a significant Hispanic and migrant community, such as Atlanta; and has been found in areas of the Northeast. In June 2000, Operation Tar Pit, an operation targeting a Mexican heroin trafficking organization importing and distributing black tar heroin in the United States culminated. The Mexican traffickers were prevalent in 21 states, ranging from Hawaii, Alaska, Georgia, and New Jersey. The Mexican traffickers sought out new markets and even cut their prices to compete with the Colombian heroin traffickers. There was no intelligence indicating that this activity led to violence with other trafficking organizations, in particular the Colombians. In fact, reporting indicates that Colombian and Mexican organizations sometimes collaborate in the importation and distribution of heroin to the United States. On the other hand, if Mexican traffickers increasingly attempt to independently distribute

black tar heroin to the eastern part of the United States, especially New York City where Colombians operate, it is possible that territorial battles may ensue.

Black tar heroin is increasingly making its way into United States markets. However, thus far, there has not been any violence between Mexican traffickers and other heroin traffickers, such as the Colombians or Nigerians.

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5. Are DEA agents allowed to be armed in Mexico now?

The DEA considers the safety of its Special Agents to be of the utmost concern. Mexican law still prohibits DEA Special Agents from carrying firearms in Mexico. Regardless, DEA Special Agents in Mexico continue to carry out their authorized duties as aggressively as possible. DEA Special Agents assigned to Mexico exercise extreme safety precautions at all times. In cases where the safety of DEA Special Agents has been compromised in Mexico, the DEA has addressed these issues with the GOM.

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6. Can you give us your assessment of the progress, if any, regarding Mexican law enforcement corruption?

DEA remains concerned about corruption in Mexico. This is best illustrated by the GOM's December 1999, statement in which the GOM reported that since April 1997 through 1999 more than 1,400 of the 3,500 Mexican federal police officers had been fired for corruption. However, only 357 of these officers have been prosecuted. Therefore, DEA generally limits its information sharing to Mexican officials who are either vetted or at the highest levels of the Mexican law enforcement community.

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7. Do you believe the level of cooperation and communication between the United States and Mexico has increased, decreased, or remained fairly constant?

The overall collaboration of DEA with Mexican counterparts has remained fairly constant. Some successful arrests and seizures have been effected by the GOM, while working jointly with the DEA. The progress to date by the GOM in apprehending and prosecuting significant leaders or dismantling their major organizations has been limited. However, there have been recent arrests and/or seizures that indicate a willingness on the part of the GOM to curtail the activities of lessor known drug traffickers or associates of major drug trafficking organizations. For example, on July 9, 2000, Agustin Vasquez-Mendoza, a Federal Bureau of Investigation (FBI) fugitive wanted on charges related to

the murder of DEA Special Agent Richard Fass, was arrested in Mexico. On May 4, 2000, Ismael Higuera-Guerrero, aka "El Mayel," a major AFO associate, was arrested in Mexico. Additionally, Isaias Hernandez and Juan Hernandez-Ibarra, two Nayarit, Mexico-based heroin traffickers were arrested by GOM authorities in response to the GOM participation in Operation Tar Pit. Operation Tar Pit was a United States Government multi-agency law enforcement operation that targeted and dismantled several heroin trafficking organizations throughout the United States.

Nonetheless, the GOM is still presently reluctant to fully utilize the Organized Crime Law, and carry out investigations that result in arrests, convictions and extradition of significant cartel leaders, thereby allowing these criminal organizations to continue to operate their criminal enterprises.

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8. Have the Mexican authorities provided the necessary intelligence and support for United States counterdrug operations?

The June 2000, culmination of Operation Tar Pit in the United States demonstrated that a level of good cooperation between United States and GOM law enforcement personnel is an achievable goal. Operation Tar Pit, a United States based investigation, targeted a black tar heroin trafficking organization based in Nayarit, Mexico and importing and distributing Mexican black tar heroin in 22 cities and 21 states in the United States. As a result of Operation Tar Pit, law enforcement counterparts in Mexico coordinated the investigation, arrest and transport to Mexico City of two of three Mexican individuals formally indicted in the United States. Operation Tar Pit resulted in approximately 27 seizures of primarily black tar heroin totaling 64 pounds in the United States and approximately 247 arrests (including the two arrests in Mexico).

The DEA and the GOM's equivalent to the DEA, the FEADS, continue to conduct joint investigative endeavors throughout Mexico. The joint investigations are being conducted with the two primary investigative components of the FEADS Vetted Units, which are the Sensitive Investigative Unit (SIU) and the ten Bilateral Task Forces (BTF's). As of June 2000, the GOM has a total of 73 FEADS agents assigned to the vetted units. This number reflects an increase of 11 agents in May 2000.

With the Mexican Vetted Unit Program entering its fourth year, it was mutually recognized that the Program had not achieved a status of effectiveness as originally envisioned and it was further decided that a comprehensive survey of the Program would be conducted bilaterally in order to identify its needs, strengths, and weaknesses. The Vetted Unit Program Survey, conducted in early December 1999, resulted in a United States/Mexico bilateral report, which identified goals to be accomplished for improvement of the Program's effectiveness. The Survey concentrated on four principal goals envisioned as performance measurements of effectiveness for the Mexican Vetted Unit Program, which are: the polygraph examination process; enforcement effectiveness

and targeting; manpower and staffing; and, equipment requirements and acquisition. Deficiencies in the aforementioned areas were addressed in the report and corrective actions have been taken.

As a result of this Survey, in mid-January 2000, FEADS Director Mariano Herran-Salvatti, addressed the manpower concerns by announcing that the BTF's will be increased to 80 FEADS agents in the next few months. It was mutually agreed that the desired manpower level of 12 FEADS agents per BTF will be realized. To date, only one BTF is staffed with 12 agents.

In the area of the polygraph examinations, it was agreed that a written protocol is necessary. In brief, the protocol allows GOM-administered polygraph examinations in lieu of DEA/FBI conducting their own examinations on vetted unit candidates. The polygraph protocol has been drafted and reviewed and is awaiting the signature of Mexico's Attorney General.

The Survey also addressed the investigative achievements of the vetted units. The inability of these units to fully employ the provisions of the Organized Crime Law to properly investigate these major organizations has been equally disappointing. As a result, common targets for each BTF and the SIU have been identified and will be both the focus and priority for each of these units. The Mexico City-based SIU, which had been ineffective since the compromise in February 1999, is fully operational and also working on designated targets.

From October 1999 through March 2000, the DEA has documented that the 10 vetted units operating in Mexico were directly responsible for 23 arrests (one of which was a target of Operation Impunity) and seizures of 52 kilograms of cocaine; 1,921 kilograms of marijuana; nine kilograms of heroin; 77 pounds of methamphetamine; one clandestine methamphetamine laboratory; and the seizure of precursor chemicals, numerous assets, vehicles, handguns and ammunition.

In September 1999, DOJ completed the implementation of the Brownsville/Merida Agreement. Mechanisms are in place for each country to contact the other when cross border investigative activity is to physically occur or is proposed to physically occur in that country. In support of this agreement, the DEA Mexico City Country Office (MCCO) Attaché has implemented a policy for all United States Law Enforcement Agencies to better coordinate bilateral investigative activities emanating from the United States. These investigations will require approval by the PGR Deputy Attorney General and coordination with the FEADS Commissioner.

Ultimately, DEA believes that the vetting process is our best chance at ensuring integrity with our counterparts. DEA will remain actively engaged with GOM counterparts, and will continue to sensitize them to the realities of the vetting process. DEA will also encourage the GOM to fully staff and support the BTF's and the SIU with FEADS personnel that have already been vetted. However, without the willingness of the GOM to staff the vetted units with fully vetted, qualified agents, the merit of this

labor intensive and expensive process is questionable. Furthermore, until such time that adequate anti-corruption assurances and safeguards can be implemented, DEA will exercise extreme caution in sharing sensitive information with Mexican counterparts.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
200 EAST WALL, SUITE 301
MIDLAND, TEXAS 79701

CHAMBERS OF
ROYAL FURGESON
JUDGE

TELEPHONE:
(915) 686-4040

July 21, 2000

Mr. Ryan McKee
Subcommittee on Criminal Justice, Drug Policy
and Human Resources
B-373 Rayburn House Office Building
Washington, DC 20515

Dear Mr. McKee:

Enclosed are answers to the questions transmitted to me by Chairman Mica, with attachments. If you need anything further, please let me know.

Very truly yours,

Royal Furgeson

RF:blg
Encls.
cc: Chief Judge Carolyn King
Chief Judge George Kazen
Mr. Dan Cunningham

QUESTIONS: Judge Furgeson

Plan for Improving Court Operations Along SW Border

1. **It is my understanding that you have considered a five-point plan to improve the border courts' operation. What are the five points of your plan?**

   A. Add new judgeships to the border.
   B. Increase the budget of the federal judiciary to finance more resources for the border.
   C. Finance additional courthouse construction on the border. Emergencies exist in Laredo, El Paso and Las Cruces.
   D. Increase the Marshals on the border.
   E. Increase the compensation for appointed attorneys.

Court Resource Needs

2. **What is the biggest resource problem facing the border courts?**

   Insufficient number of judgeships.

Violence Along the Border

3. **Have border court judges encountered acts of violence in their courtrooms?**

   Other judges may have, but I have not.

Human and Other Resource Needs

4. **Is the U.S. Marshals Service adequately staffed to carry out their border court duties?**

   The U.S. Marshals Service is woefully understaffed to carry out their border duties. The Marshals are such a small part of the Department of Justice that they seem to get lost and forgotten when additional resources and support are appropriated. On the border, the Marshals' workload has increased over 125% in the last five years and their staffing in the same period has increased only 15%.

5. **Is the compensation provided attorneys representing indigents in the border courts adequate?**

   No, it is not adequate. While some districts are authorized to pay appointed attorneys $75 per hour for all of their work, this allocation is less in the Western District of Texas. Out here, appointed lawyers must often travel hundreds of miles to see their clients and to come

to court. I preside over the Pecos Division of the Western District of Texas. The Division covers over 30,000 square miles. One of the countries in the Division (Brewster) is larger than Connecticut. I see lawyers drop from our panels because of burn out and low funding. It is essential to get their compensation increased.

6. **Are the border courts' physical and service facilities adequate to handle the tremendous increase in drug and immigration prosecutions?**

The physical and service facilities are not adequate. In the Pecos Division, our workload has skyrocketed. We built a new courthouse four years ago and we have already outgrown it. The courthouses in Laredo, El Paso and Las Cruces are completely inadequate for their dockets.

7. **According to a Dallas Morning News article, border district attorney's are not prosecuting U.S. drug cases because of the lack of funding. Can you comment on this problem?**

On the border, the U.S. Attorneys divert smaller drug cases to local district attorneys. Because counties on the Texas border are the poorest counties in America, the local district attorneys do not have extra funds to pay for these added cases. It is only fair that these diverted cases, which are federal cases, get financed by the federal government. It is also more efficient and cheaper than leaving them in federal court. But, without the funding, the counties cannot finance the cases and the border district attorneys must decline prosecution.

8. **Please provide for the record specific statistics and trends regarding arrests, prosecutions and sentencing for your jurisdiction over the last three years.**

See attached statistics. As to sentencings, we do not have information per court or per division, but we do have information from the U. S. Sentencing Commission which is shown under the heading "Sentencing Trends in the Western District of Texas."

Table 1

SENTENCING TRENDS IN THE DISTRICT OF WESTERN TEXAS
Fiscal Years 1994-1999

			Average Sentence (in months)[2]		Departures[2]							
					Within Range		Substantial Assistance		Other Downward		Upward	
YEAR		Number of Cases[1]	Mean	Median[3]	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1994												
	All Cases	**1,484**	**47.9**	**27.0**	**1,076**	**76.2**	**248**	**17.6**	**58**	**4.1**	**31**	**2.2**
	Immigration	177	21.8	18.0	167	11.8	0	--	8	0.6	1	0.1
	Drug Trafficking	734	64.6	40.0	514	36.4	184	13.0	25	1.8	6	0.4
1995												
	All Cases	**1,478**	**45.9**	**24.0**	**1,007**	**41.4**	**293**	**12.1**	**100**	**4.1**	**24**	**1.0**
	Immigration	240	18.4	15.0	187	7.7	11	0.5	41	1.7	0	--
	Drug Trafficking	665	69.9	46.0	401	16.5	217	8.9	25	1.0	7	0.3
1996												
	All Cases	**1,939**	**35.8**	**18.0**	**1,255**	**65.9**	**318**	**16.7**	**307**	**16.1**	**24**	**1.3**
	Immigration	619	15.2	6.0	397	20.9	31	1.6	175	9.2	6	0.3
	Drug Trafficking	787	60.0	41.0	459	24.1	221	11.6	97	5.1	2	0.1
1997												
	All Cases	**2,971**	**31.3**	**15.0**	**2,087**	**71.8**	**373**	**12.8**	**432**	**14.9**	**13**	**0.4**
	Immigration	945	12.7	4.0	694	23.9	33	1.1	191	6.6	0	0.0
	Drug Trafficking	1,244	51.7	30.0	775	26.7	268	9.2	193	6.6	2	0.1
1998												
	All Cases	**3,394**	**29.8**	**18.0**	**2,607**	**79.5**	**342**	**10.4**	**312**	**9.5**	**20**	**0.6**
	Immigration	1,188	20.4	10.0	910	27.7	33	1.0	170	5.2	4	0.1
	Drug Trafficking	1,492	42.4	27.0	1,153	35.1	226	6.9	101	3.1	4	0.1
1999												
	All Cases	**4,109**	**32.2**	**21.0**	**3,064**	**76.0**	**315**	**7.8**	**631**	**15.7**	**19**	**0.5**
	Immigration	1,535	25.4	16.0	1,049	26.0	48	1.2	393	9.8	6	0.1
	Drug Trafficking	1,946	37.5	24.0	1,515	37.6	216	5.4	197	4.9	1	--

[1] This value includes the total number of cases for which the Commission received any information.

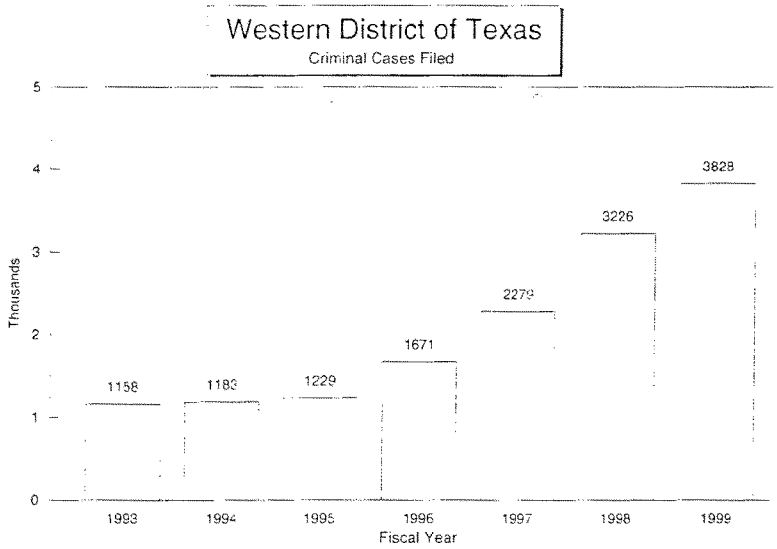
[2] The average sentence reflects sentences of imprisonment and probation. Also, the number of cases used to compute average and median sentence is somewhat less than the total number due to missing information. Likewise, the total number of cases sentenced within the guideline range or to a departure may not add to the total due to missing information on this variable.

[3] The median is a summary statistic reporting the midpoint of the distribution of the data. It is often used when the number of data points, individual sentences in this analysis, is small. The statistic is less susceptible to extreme values.

SOURCE: U.S. Sentencing Commission, 1994-1999 Datafile, USSCFY94-USSCFY99.

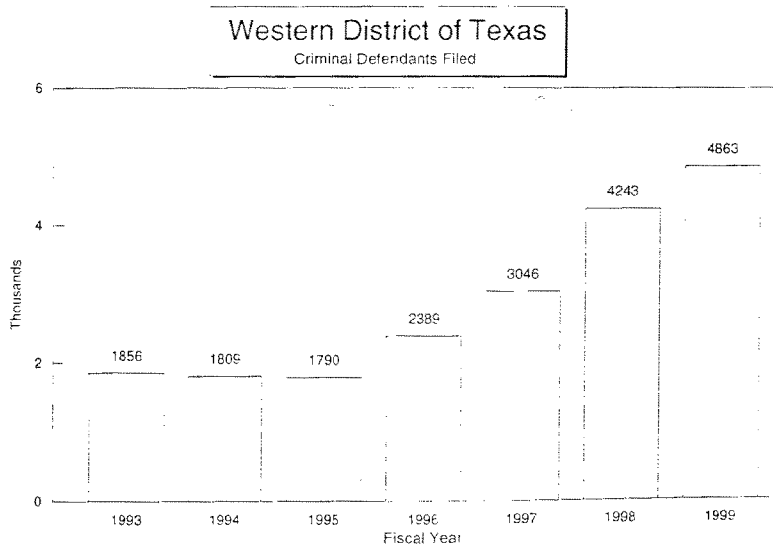
CRIMINAL CASES FILED -- TEXAS WESTERN PAST 7 FISCAL YEARS

	1993	1994	1995	1996	1997	1998	1999
Austin	168	144	182	170	140	231	244
Del Rio	100	93	133	270	402	614	760
El Paso	396	392	458	778	1054	1526	1834
Midland	73	79	74	70	77	120	125
Pecos	113	46	52	55	208	268	396
San Antonio	215	317	230	241	275	339	391
Waco	93	112	100	87	123	128	78
Total:	1158	1183	1229	1671	2279	3226	3828
+/-		25	46	442	608	947	602
% Change		2%	4%	36%	36%	42%	19%



CRIM DEFENDANTS FILED -- TEXAS WESTERN PAST 7 FISCAL YEARS

	1993	1994	1995	1996	1997	1998	1999
Austin	263	237	267	268	218	352	320
Del Rio	163	139	187	380	466	799	963
El Paso	587	591	595	1037	1267	1794	2072
Midland	100	114	114	103	146	188	171
Pecos	195	72	71	91	298	404	548
San Antonio	411	464	353	366	450	526	629
Waco	137	192	203	144	201	180	160
Total:	1856	1809	1790	2389	3046	4243	4863
+/-		-47	-19	599	657	1197	620
% Change		-3%	-1%	33%	28%	39%	15%



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Chairman John L. Mica
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Dear Chairman Mica:
I would like to thank you for the opportunity to testify before your subcommittee. I've included answers to the follow up questions that you forwarded to me.
I would also like to amend my testimony in that I have seen the television ads educating the community on the dangers of heroin and drugs. It wasn't until this past weekend that I saw them. I commend the Office of Drug Control Policy on the eye-catching and informative format of the advertisements.
Please do not hesitate to contact me if there is any additional information you need.
Again, thank you for the wonderful opportunity.

Sincerely,

Chief Fabienne Brooks
King County Sheriff's Office
Criminal Investigations Division
401 4th Avenue N., RJC 104
Kent, WA 98032
(206) 296-2722
(206) 296-0913 (Fax)

HEROIN COMING IN FROM MEXICO

QUESTIONS
Source of Heroin in Your District
1. Where does most of King County's heroin come from?
Answer: 95%+ of heroin used in King County is Mexican black tar heroin. This heroin is processed in Mexico and transported across the border by any means available. Drugs are secreted on or inside persons willing to "mule" the drugs for a fee. Heroin is hidden inside commercial trains or freight truck crossing into the US. Passenger trains, busses and aircraft have heroin smuggled through luggage, which can be easily left unclaimed if authorities are thought to have discovered the contraband. A routine technique of Mexican heroin traffickers is to send their product into the USA on many, smaller loads. If one gets discovered, the odds are that the large majority of the other loads will make it through.
Much of the heroin reaching King County is thought to arrive via vehicles. Mexican traffickers have employees and businesses here and in Mexico that work as hidden compartment manufacturers as a full-time job. All the time given to the effort to hide drugs makes the ability to find them extremely difficult if not impossible.

Is Heroin Use Rising in Your District?
2. How does heroin use and volume compare to other drugs being consumed in King County?
Answer: Heroin use comprises about one third of the first drug of choice. Cocaine is tied for this use. Cocaine use has leveled off while heroin continues to rise. The results are an increase in overdose deaths and needle transmitted diseases since injection is the most popular way to take in the drug.
Other drugs make up the remaining third. This includes methamphetamine, marijuana, GHB, ketamine, etc.

Is Heroin Use Rising Among Youth?
3. How does heroin affect the younger population for King County?

Answer: Heroin use is increasing in the younger age groups. It is becoming more available and affordable; thus more likely to be tried by school age youth. From 1994 to 1998, heroin use increased as injected drug of choice from 78% to 100% for users under 20 years of age. In addition, the easy availability of heroin allows more exposure to the drug to all age groups. Due to the large area of King County, drug dealers have become very mobile in their selling of heroin. If contact is developed with a source of heroin, the dealer will come to you. Younger users don't necessarily have to travel to get the drug.

Heroin Impacts on Families and the Community

4. Everyone knows heroin is bad for the user. How is it bad for the rest of the citizens of King County?

Answer: Heroin use can be attributed to multiple crimes perpetrated on the citizens that have nothing to do with drugs. This ranges from homicides to minor thefts. Heroin use, via needles, creates a large and growing health problem (HIV, Hepatitis, TB, etc.) for everyone coming in contact with the infected user. Children playing can find discarded needles. Police officers searching suspects can be infected by an unintentional poke of a needle. Overdoses are at an all-time high in King County. Family problems, created by drug use, result in rifts within families. Areas of Seattle are considered street dealing corridors because of the large number of drug dealing occurring there.

Legalization would only create a larger segment of the population unable to function as a contributing member of society. Taxes would have to be raised to continue the role that government feels it needs to create for those groups not able to contribute to society. This would range from welfare to treatment, including everyone who is affected by the user.

Not only would the non-user be responsible for even more care taking of the addict, the children of the user would continue to fight for the attention of their parent(s) against a highly addictive drug, and they would lose.

Is Heroin Use Rising Among Women?

5. Has your office noticed an increase in heroin use among teen-age girls and women?

Answer: Over the last two years, women involved in heroin cases brought to the attention of the KCSO have made up 25% of the suspects involved in these cases. This information involves cases where suspects are dealers and users. The statistics for King County Drug Court, where users who are arrested for just possession are offered an alternative to a regular criminal trial, females make up 36% of the total participants. For the same reasons mentioned in #3 above, heroin is available to most of the population. This will include women as well. Drug use is a major reason some women go into prostitution that would not otherwise do so.

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July 11, 2000

Subcommittee on Criminal Justice, Drug
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ATTN: CONGRESSMAN SOUDER
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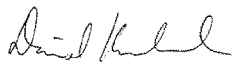
To whom it may concern at the Subcommittee:

My name is Daniel Kurland and following today's hearing on Drug Policy at 9am in the Rayburn building, I had a good conversation with Congressman Souder. After speaking about the topic for quite a while, the Congressman recommended I type up my own testimony and send it to this office to be submitted into the official record. Congressman Souder will remember the conversation as I had it with him just moments after they Subcommittee adjourned for the day. Thank you for my request, and I thank you for your time.

Sincerely,

Daniel Kurland

DK



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Testimony of Daniel Kurland, a Student, and Victim of the Drug Epidemic Before the House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources Hearing entitled "Evaluating the National Youth Anti-Drug Media Campaign" July 11, 2000

Chairman Mica, and other distinguished members of the Subcommittee, thank you for the opportunity to enter this into the record.

My name is Daniel Kurland, I am a 20 year old student at a university in Atlanta, GA. I have a mother and a father, and I live with them in the summers in Columbia, MD. where I grew up. I am giving this testimony to make aware to the Subcommittee, and the public, my tale of horrors with drugs.

I grew up in a nice, middle class neighborhood in Maryland, and was afforded many great opportunities as a child and beyond thanks to the hard work of my parents. My public schools were excellent in quality and reputation, and I had the chance to attend any one of my picks of colleges due to my high school performance. I am grateful for all I was afforded growing up, nonetheless, the epidemic of drugs struck my family and I just the same as a family from the ghetto. Let me say, as I will reiterate later, this is a national problem, it is spreading in the streets, in the countrysides, and in the cul-de-sacs. I started using drugs at age 16 in my sophomore year of high school. I romanticized drugs and thought they were the opening of the "doors of perception," much like my hero Jim Morrison had once said. I read all the great Beatnik books, the hippie manuals, and watched the Cheech and Chong movies with delight. I also attended a number of concerts where drug use was considered cool and appropriate. "The music sounds better," was the familiar cry of people of all ages. When I went to these concerts, I had older men about 40-45 offer me drugs, as well as kids probably no older than 15. To see older people, supposedly my role models, using drugs in front of me was a sign of comfort. "Hey these people are doing it, it must be ok." I progressed to stronger drugs as I got older, including Nitrous Oxide, "hippie crack" as it is called, mushrooms, and others. I liked drugs, they made me feel good, they took away my shyness, and they made me feel I was a better guitarist. All signs around me in the media and in my music and personal research pointed the way for me, drugs were as cool and easy as drinking a Coke. Drugs are the devil because they are easy.

My wake up call came when I was only a month into my first semester in college. I was startled by a knock on my friend's door. I was detained by police the whole night and was put on probation for a year for using drugs. That wake up call scared the hell out of me, quite literally. I was threatened with expulsion if I did anything wrong, and I altered my whole way of life. I changed my clothes, my lifestyle, and even my friends. I regret having to do this because they were and are still good people. I thought that would be my final wakeup call, but it was not. A week later I was diagnosed with mononucleosis. I thought that was my last wake up call, it was not. A couple of weeks later I learned that my only brother had died of an overdose.

I never knew my brother had used heroin, I only know that my brother and I had many times enjoyed marijuana, alcohol, and other minor drugs together. He had specifically y sworn to me he had not, nor ever would use "hard drugs." He would not promise never to use drugs after I got busted a couple weeks earlier. It hurt me, and I was worried.

Not long after his death, I entered therapy where I have been for 2 1/2 years dealing with the pain, confusion, anger and frustration of his death. I also have been dealing with my addictive personality and have pledged to always remain drug free. I have had troubles

remaining drug free since his death, and have struggled still with prescription drugs. Other situations in my life have reminded me of the problems of drugs in our country. I have, since my horrors, learned of a number of my friends who have been disciplined by the law, and was horrified a year after my brother to learn of older friends who were seriously injure d because of drugs. The pain did not end there. A year after my brother had passed, I learned, at school, that my mother had voluntarily entered a drug rehab program due to a pain medication addiction. I suffered weeks not talking or seeing my mother as I waited for her to leave the rehab treatment center. Life was hard, yet again, because of drugs. Everyone that I knew had been afflicted by drugs were middle class suburban people who had good intentions, but got swept away by the drug craze. Drugs create new realities, and the problems of life force young people and old people, to make dangerous decisions about handling them.

This is my story, but specifically, I would like to talk about the anti-drug media campaign being waged in the country. I think the program, while well intended, could use some modifications.

First and foremost, I saw the drug commercials when I was younger, and they worked! I did not use drugs, and was not planning to until I was at the peer-ripe, popular culture-ripe age of 16. As I got older, I mocked the commercials and was not scared of the consequences, I was entertained and provoked. I read about junkies and drug-"losers" in books and thought their stories as burnouts, or less fortunate, were romantic for me as a suburban white kid from a nice background. What did a frying pan do for me? Nothing. Just say no, I did for a while. In DARE I used to roll fake joints, because I found it to be rebellious and "far-out." People sometimes think drugs are only associated with the poor, the violent, and the less intelligent. This is wrong. Drugs inspire the rich, the creative, and the curious. I saw the ads with the celebrities telling us not to use drugs, but why did it matter when my favorite celebrities were using, if not promoting drug use?
I only responded to anybody else telling me not to use drugs when I was either scared half-to-death, or when someone I knew had died because of using drugs. Everybody I know that used drugs only stopped using, or never used drugs, after they had been scared out of their wits.

Being scared for me should have worked. My freshman year of high school I went to a maximum security prison for a day with an intern program and returned catatonic for a couple of days. When I was threatened with expulsion, I changed my program to become drug-free when I got mono, I solidified my program, when my brother died, the program was confirmed, when my friends got arrested, my program was driven in the ground, when my mother went to rehab, my program was finally buried deep in my soul and solidified at the deepest levels. I saw the ads, I went to DARE, I heard role models tell me not to do it, and I still did it. I only responded when outside forces beyond my control, most notably the law, stepped in and showed me the consequences of my action. The law scared me, and the personal pain scared me into willing submission into a drug-free lifestyle.

With all of this said, I can begin to conclude with some suggestions as how to modify the Anti-Drug Media Campaign to make America, but more importantly, America's children, drug free.

First, the federal government should encourage school curriculas to include mandatory visits to prisons for students in high school. These programs will frighten kids about the ultimate consequences of their action. Kids care if drugs hurt other people, they care if drugs will lead them to prison, where their freedom, their Playstation, their girlfriend, their McDonalds, and their rights will be lost. Most kids do not think their bodies will be

damaged and their health will be compromised. Let the kids know up front, they will deal with murderers, rapists, abusers, and psychos if they go to prison. And, if they do not go to prison, they will have to deal with lawyers, parents' losing their trust, and probation officers or program officers breathing down their neck. We need to tell them the truth even if it hurts, or if it is not politically correct. After all, when a kid is dead, does G-d or anybody else remember if they were politically correct? The law enforcement system is what brings a lot of kids to the rehab programs, the boot camps, and the correction facilities. Kids who have been caught know not to use drugs because at the least, if they do not worry about their health, they do worry about losing their privileges. Kids who have never been caught by drugs, or feel invincible as many do, often times do not take anything from advertisements or other types of education.

Second, if their are advertisements on television, let them be controversial and explicit. Let a kid see what happens while a kid overdoses, let them see what happens in a car accident while driving while high,or drunk, let them see what happens to their friend who gets a bad hit of LSD. Show pictures of their affected bodies, show pictures of their gravestones, show pictures of funerals, show pictures of a small 8 by 6 cell with no air conditioning, not TV, a dirty toilet bowl, and show a picture of their new neighbors in the criminal justice system. If we want to play this game, we need to hit the audience where it is most effective. Nice advertisements are pretty and nice to talk about, kids will smile and then not care. Most kids who use drugs, then reform themselves, conclude that they might have, key word "might have" been helped if they saw these types of advertisements on their television.

I personally do not know if these suggestions would have stopped me from using drugs, I know some forms of these answers did not. I continued to use drugs because I did not think I would get in trouble because of it, and because my idols were using drugs and I was admiring them in radio, on TV, or in person. But, we are here today to talk about a specific plan of attack in the war against drugs. I think kids need to be reminded that they are, black and white, very likely to be disciplined by the law in many unfriendly fashions if they continue a life of drug use, or drug trade. If kids are concerned about drug use, let them see real, tangible results of the drugs that they are so interested in. If pot damages the brain, interview a brain dead pothead who can not talk right for thirty seconds. If heroin causes you to lose forty pounds and throw up, show them pictures of it. A lot, even bright, or privileged kids, are bad at drawing connections, let them at least see direct connections and be more informed about their choices.

In closing, I thank the Subcommittee for hearing my testimony and I wish the campaign good luck in its mission to rid the country of this awful, biblical-proportion -epidemic which is stealing our children's innocence and their lives. I feel an obligation to tell the story so that people like my brother and I do not have to endure the pain we felt together, and apart. Thank you and g-d bless America, we should feel this pain no longer.

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