

# *REPORT TO THE CONGRESS*



*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*

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## **Illegal Entry At United States- Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective In Stemming The Flow Of Drugs And People**

The flood of illegal aliens and illicit drugs across the United States-Mexico border continues. Federal agencies responsible for law enforcement along the border operate almost independently--little consideration is given for each other's missions. These separate yet similar lines of effort are diluting border coverage and control. This report addresses the need for effective leadership and direction. This report contains recommendations to Federal agencies and to the Congress to strengthen law enforcement at the border.



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-175425

To the President of the Senate and the  
Speaker of the House of Representatives

Federal law enforcement along the United States-Mexico border has been the center of much interest and controversy. Although improvements have been made, there is still a great deal of overlapping and duplication of functions among agencies along the border.

This report discusses the problems Federal law enforcement agencies have in handling the influx of narcotics and illegal aliens and contains our recommendations for improvements.

Our review was made pursuant to the Budget and Accounting Act of 1921 (31 U.S.C. 53) and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report today to the Director, Office of Management and Budget; Director, Office of Drug Abuse Policy; the Secretaries of the Treasury, State, and Transportation; and the Attorney General of the United States.

*James B. Attest*

Comptroller General  
of the United States

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

ILLEGAL ENTRY AT UNITED STATES-  
MEXICO BORDER--MULTIAGENCY  
ENFORCEMENT EFFORTS HAVE NOT  
BEEN EFFECTIVE IN STEMMING THE  
FLOW OF DRUGS AND PEOPLE

D I G E S T

Mexico is the principal source or transit country for illicit drugs and illegal aliens entering the United States. Law enforcement activity along the United States-Mexico border is a large part of the Nation's domestic and international effort to contain these problems.

Controlling the movement of people, aircraft, boats, and vehicles along this 2,000-mile open-land border is complex and difficult. It requires what has not yet been achieved--a comprehensive, coordinated effort by all Federal law enforcement agencies.

If Federal law enforcement activities along the border were better planned, coordinated, integrated, and executed, more control could be maintained. Instead, separate Federal agencies carry out their specific missions with limited consideration for the activity of the others. This produces separate but similar lines of effort that dilute border coverage and control, with little consideration given to overall border security.

Federal Government expenditures to improve border control have nearly doubled since fiscal year 1971. About \$142 million was spent in fiscal year 1976.

The principal agencies involved are the Customs Service, Immigration and Naturalization Service, and the Drug Enforcement Administration. Other agencies having an interest in controlling the Southwest border are the Federal Bureau of Investigation;

GGD-78-17

Bureau of Alcohol, Tobacco, and Firearms; Department of Defense; Federal Aviation Administration; Coast Guard; Department of Agriculture; and Public Health Service.

A COMPREHENSIVE STRATEGY IS NEEDED

Since the Federal Government has not developed an integrated strategy or an overall border control plan to determine what it intends to accomplish with its various agency law enforcement resources:

- Costly overlapping and poorly coordinated enforcement continues to exist.
- Border forces do not intercept significant quantities of heroin and cocaine. The Customs Service and the Immigration and Naturalization Service seize only about 2 percent of the heroin estimated to come from Mexico. The Drug Enforcement Administration--including seizures made in Mexico near the border--accounts for an additional 4 percent.
- Border drug apprehensions involve the small-time operator, courier, or user and seldom lead to the identification and conviction of important drug traffickers or to the immobilization of trafficking organizations.
- The Federal Government is apprehending increasing numbers of illegal aliens (over 600,000 in 1975), but believes that for each illegal alien caught, at least two others get through. The border is a revolving door.
- Too little is known about how most drugs enter the country to make decisions on how to respond. Available intelligence suggests that heroin, cocaine, and dangerous drugs are being smuggled through the ports-of-entry. However, inspector staff-power at major United States-Mexico ports has remained about the same or decreased, while patrol forces away from the ports have increased.

The agencies involved have stated that recent improvements have been made in some of these areas.

Illegal entry into the United States is more than just a serious enforcement problem. Illicit drugs and the influx of illegal aliens are considered to have enormous adverse social cost. Estimates of the annual cost to counter drug-related crimes, lost productivity, treatment, and prevention range from \$10 billion to \$17 billion. The toll of broken homes and ruined lives is incalculable. Estimates on illegal aliens in the United States range up to 12 million. Illegal aliens cause a wide variety of economic and human difficulties, including lost tax revenues, increased social welfare costs, and greater competition for available jobs. Recent appraisals by the Congress and administration of the nature and extent of the drug abuse and immigration problems show conditions are worsening.

#### ALIENS

It is generally acknowledged that reliable estimates of the illegal alien population in the United States do not exist. An Immigration and Naturalization Service contractor estimated that about 5.2 million of the 8 million illegal aliens he believes are in the United States are Mexican nationals. Most illegal aliens apprehended are Mexican--about 89 percent. The number of illegal Mexican aliens apprehended increased from about 29,700 in fiscal year 1960 to over 680,000 in fiscal year 1975. The illegal entry of Mexicans increased after 1965 when the U.S. Government did not renew a 22-year-old agreement with the Government of Mexico that had allowed Mexicans to seek farm jobs in this country legally (Bracero program).

#### DRUGS

U.S. authorities estimated that in 1971 drugs flowing from and through Mexico

represented 20 percent of the heroin, 90 percent of the marihuana, and 80 percent of the illicit dangerous drugs (amphetamines and barbituates) consumed in the United States. In September 1976 officials estimated that during 1975

--89 percent (5.2 metric tons) of the heroin reaching the United States came from poppies grown in Mexico,

--75 percent (2,700 tons) of the marihuana coming into the United States originated in Mexico,

--one-third of Colombian cocaine (4 to 5 tons) passed through Mexico, and

--one-third of the dangerous drugs (16 million dosage units) entered from Mexico. Much of this was believed to represent diversions from U.S. exportations.

Although the U.S. Mission and the Mexican Government have intensified the eradication effort in Mexico to reduce the amount of Mexican heroin available for smuggling into the United States, little attention has been given to the intelligence needs of border enforcement agencies. The U.S. Mission needs to design a program for developing information to assist in intercepting smugglers at the border (ch. 4). While certain steps can be taken, such as helping Mexico develop its capability to provide actionable intelligence, the Mexican Government is the key to any real success. Improved effectiveness in stopping smugglers at the border is dependent upon the priority and commitment of the Mexican Government to supporting law enforcement activities on both sides of the border. Indications are that the Mexican Administration is giving an increased commitment to the area.

## RECOMMENDATIONS TO AGENCIES

GAO recommends that:

1. The Director of the Office of Management and Budget prepare an annual analysis on law enforcement along the United States-Mexico border. Such an analysis would bring together the separate budget requests of the various border enforcement agencies to facilitate integration of agencies' plans, programs, resources, allocations, and accomplishments. The analyses should be included with the agencies' appropriation requests.
2. The Director of the Office of Management and Budget and the Director, Office of Drug Abuse Policy, together with the Attorney General, Secretary of the Treasury, and the other Department heads having responsibility for border law enforcement should develop an integrated strategy and comprehensive operational plan for border control. This plan should consider the various alternatives for managing border operations ranging from the present management structure to single-agency management.
3. The Office of Management and Budget should coordinate closely with responsible congressional committees legislation needed to accomplish the proposed plan.
4. The Secretary of State should require the U.S. Mission in Mexico to expand the Narcotics Control Action Plan to include program goals and specific objectives for supporting border interdiction efforts.

## RECOMMENDATIONS TO THE CONGRESS

Because of the problems discussed in the report, the appropriate congressional committees or subcommittees should hold oversight hearings to evaluate past performance and provide guidance for future activities. To diminish the incentive to smuggle drugs across the border, the Congress can help by legislating the following:

- Expand the jurisdiction of Federal magistrates to encompass most misdemeanors, e.g., minor drug offenses, especially marihuana.
- Appropriate funds for additional U.S. magistrates to be appointed in the Southwest border area.
- Establish criminal penalties for pilots who fly without a valid certificate.

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The Office of Management and Budget and the Departments of Justice, the Treasury, and State generally agreed with GAO's findings and recommendations. The various departments support the conclusion that the absence of a Federal Government integrated strategy and an overall border control plan has resulted in overlapping, duplication, and poorly coordinated enforcement activities. Detailed comments are discussed on pages 68 to 73.

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ABBREVIATIONS

ADIT	Alien Documentation, Identification and Telecommunication
ADP	Automatic Data Processing
ASB	Air Support Branch
ATF	Bureau of Alcohol, Tobacco, and Firearms
BNDD	Bureau of Narcotics and Dangerous Drugs
CCINC	Cabinet Committee on International Narcotics Control
DAWN	Drug Abuse Warning Network
DEA	Drug Enforcement Administration
EPIC	El Paso Intelligence Center
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
IDIG-M	Interdepartmental Intelligence Group-Mexico
INS	Immigration and Naturalization Service
MFJP	Mexican Federal Judicial Police
NADDIS	Narcotics and Dangerous Drugs Information System
NCAP	Narcotics Control Action Plan
NCIC	National Crime Information Center

NLETS        National Law Enforcement Telecommunication System  
NORAD        North American Air Defense Command  
OMB          Office of Management and Budget  
ODAP        Office of Drug Abuse Policy  
STRIDE      System To Retrieve Information From Drug Evidence  
TECS        Treasury Enforcement Communication System

## CHAPTER 1

### INTRODUCTION

Illegal entry into the United States is a serious problem. The influx of illicit drugs and illegal aliens is considered to have the greatest adverse social cost. Annual cost estimates to counter drug-related crimes, lost productivity, treatment, and prevention range from \$10 billion to \$17 billion. The toll of broken homes and ruined lives is incalculable. Estimates on illegal aliens in the United States range up to 12 million. Illegal aliens cause a wide variety of economic and human difficulties including lost tax revenues, increased social welfare costs, and greater competition for available jobs. Recent appraisals by the Congress and administration of the nature and extent of the drug abuse and immigration problems show conditions are worsening.

Congressman Charles B. Rangel's concern over reports declaring Mexico the principal supplier of the illicit U.S. heroin market prompted him to ask us on December 8, 1975, to report to the Congress on suppression of the heroin flow from Mexico. This report addresses one aspect of the problem--U.S. border law enforcement and its effectiveness in controlling illegal entry across the United States-Mexico (Southwest) border. Our report, "Opium Eradication Efforts In Mexico: Cautious Optimism Advised" (GGD-77-6, Feb. 18, 1977), addressed another aspect of the Congressman's concern--efforts to eradicate the opium poppy at its source within Mexico.

### FEDERAL GOVERNMENT STRATEGY

Regretably, it is unlikely our Nation will ever eliminate drug and illegal alien problems.

Federal strategy to curb the extent and impact of drug abuse in the United States has become multifaceted, recognizing the link between education, treatment, rehabilitation, law enforcement, and research. It consists of a variety of domestic and international efforts to reduce the supply of and demand for illicit drugs. No single approach available to Government can minimize the social cost of drug addiction. Supply reduction efforts attempt to disrupt the entire chain of production and distribution through eradicating crops in illegal growing areas abroad, interdicting illicit shipments, arresting and jailing important traffickers, and seizing and confiscating the equipment and fiscal resources needed to operate trafficking networks.

One of the major themes of the Federal strategy is that there should be more selectivity and targeting of Federal efforts. Federal policy gives priority to reducing both the supply of and demand for drugs which inherently pose a greater risk to the individual and to society. Additionally, priority law enforcement is to be given to high-level trafficking networks rather than "street-level" activities.

U.S. policy to prevent illegal immigration emphasizes border enforcement rather than apprehension of illegal aliens after settlement. Massive deportation of illegal aliens already in the United States is considered both inhumane and impractical.

#### MEXICO--MAJOR SOURCE OF SUPPLY

Mexico is the major source or transit country for illicit drugs and illegal aliens entering the United States. U.S. authorities estimated that in 1971 drugs flowing from and through Mexico represented 20 percent of the heroin, 90 percent of the marihuana, and 80 percent of the illicit dangerous drugs (amphetamines and barbituates) consumed in the United States. In September 1976 officials estimated that during 1975

- 89 percent (5.2 metric tons) of the heroin reaching the United States came from poppies grown in Mexico,

- 75 percent (2,700 tons) of the marihuana coming into the United States originated in Mexico,

- one-third of Colombian cocaine (4 to 5 tons) passed through Mexico, and

- one-third of the dangerous drugs (16 million dosage units) entered from Mexico. Much of this was believed to represent diversions from U.S. exportations.

Our report, "Opium Eradication Efforts In Mexico: Cautious Optimism Advised," cited the inadequate bases supporting the estimates that were made of the quantity of Mexican heroin reaching the United States and the continuing need to develop meaningful data.

It is generally acknowledged that reliable estimates of the illegal alien population in the United States do not exist. An Immigration and Naturalization Service (INS) contractor, however, estimated that about 5.2 million of the 8 million illegal aliens he estimated are in the United

States are Mexican nationals. Most illegal aliens apprehended are Mexican--about 89 percent. The number of illegal Mexican aliens apprehended increased from about 29,700 in fiscal year 1960 to over 680,000 in fiscal year 1975. The illegal entry of Mexicans increased after 1965 when the U.S. Government did not renew a 22-year-old agreement with the Government of Mexico that had allowed Mexicans to seek farm jobs in this county legally (Bracero program).

#### UNITED STATES-MEXICO BORDER

Efforts within Mexico provide the first opportunity to interdict illicit drug trafficking by working with the Government of Mexico to minimize exports to the United States. The second opportunity to interdict drug traffic and the first to apprehend aliens is at the U.S. border. Other potential border-related law enforcement problems are the smuggling of firearms, stolen property, and stolen vehicles into Mexico. In some communities along the United States-Mexico border, crimes committed by and against border crossers is causing increasing concern.

Our previously mentioned report on opium eradication efforts in Mexico points out that progress has been made by the Government of Mexico in attacking the source of heroin--the opium poppy. This progress has resulted, in part, from substantial U.S. funding; however, we cautioned that future success would require continued upgrading of the narcotics control capabilities of the Mexican Federal Judicial Police (MFJP)--Mexico's narcotics agents--and the continuing commitment by the Government of Mexico toward this end.

Control of the border is basically a problem of controlling the movement of people, vehicles, aircraft, boats, and goods. While there are other agencies which have an interest in controlling the Southwest border (e.g., Federal Bureau of Investigation (FBI); Bureau of Alcohol, Tobacco, and Firearms (ATF); Department of Defense; Federal Aviation Administration (FAA); Coast Guard; Department of Agriculture; and Public Health Service), the principal agencies involved in law enforcement are the Customs Service (Customs), Immigration and Naturalization Service, and the Drug Enforcement Administration (DEA).

The INS includes the U.S. Border Patrol, port-of-entry inspectors, and investigators, whose primary responsibility is to prevent the illegal entry of persons into the United States or to apprehend and return illegal entrants. Customs, from a law enforcement standpoint, has the primary responsibility of preventing contraband from entering the United States and of detecting and apprehending smugglers. Customs

also includes patrol officers, port-of-entry inspectors, and investigators. DEA is the single Federal agency charged with the responsibility for investigations pertaining to narcotics and dangerous drug violations.

#### OBSERVATIONS AND SUGGESTIONS FOR IMPROVING BORDER LAW ENFORCEMENT

Since the early 1970s administration studies, in addition to our reports, have made suggestions for improving Federal efforts to reduce drug abuse and illegal immigration. Recently, separate Domestic Council task forces have presented reports on these issues to the President. With the emergence of Mexico as the major source of illicit drugs and illegal aliens, the Southwest border has received Executive and congressional attention. Appendix I presents a summary of the studies and reports which identified problems between Federal border enforcement agencies. Included were recommendations to improve cooperation/coordination and to reduce costly overlapping. While some of these recommendations have been implemented, the essential characteristics of the problems remain.

#### SCOPE OF REVIEW

Our review was primarily directed toward an analysis of the activities and resources of Federal agencies having direct, indirect, and supporting responsibilities for law enforcement along the United States-Mexico border.

We reviewed policies, procedures, practices, correspondence, and documentation relating to each agency's approach, as well as studies which have been made on the problems of border control. Data was compiled regarding illegal aliens in the United States; Mexican narcotics production and transshipping estimates; illegal alien apprehensions; the seizure of drugs, equipment, and material used in smuggling; and arrest of drug smugglers. Additionally, we examined and analyzed agencies' files relating to selected drug interdiction cases.

#### Locations visited

Our review was conducted at

- Department of State, DEA, INS, U.S. Attorney, Customs, Coast Guard, and FAA Headquarters offices in Washington, D.C.;
- the U.S. Embassy in Mexico City and DEA's Mazatlan District Office; and

--various regional and district offices of these Federal agencies in the Southwest area of the United States.

Case analyses

Our findings and conclusions are based, in part, on an analysis of drug interdiction cases. At the locations visited, we reviewed (1) all sea and air interdiction cases for calendar year 1975 and (2) port-of-entry and land patrol interdiction cases for the last quarter of calendar year 1975 involving heroin, cocaine, dangerous drugs, or one kilogram (1000 grams or 2.2 pounds) or more of marihuana, as follows:

	<u>San Ysidro/ San Diego, California</u>	<u>Nogales/ Tucson, Arizona</u>	<u>El Paso, Texas</u>	<u>Laredo, Texas</u>	<u>Total</u>
Port-of-entry	101	34	44	a/21	200
Land patrol					
Customs	11	41	8	21	81
INS	6	28	17	8	59
Customs					
Air pa- trol	27	29	b/3	c/9	68
Marine patrol	<u>10</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>10</u>
Total	<u>155</u>	<u>132</u>	<u>72</u>	<u>59</u>	<u>418</u>

a/Because of the small number of interdiction cases at the Laredo port-of-entry, we added four cases from the quarter ended September 31, 1975, and seven cases involving less than a kilogram each of marihuana. Deleting these 11 cases leaves 10 cases applicable to the 15 Laredo seizures shown in the table on page 34.

b/Period covered July 2, 1975, through May 31, 1976.

c/Customs Air Support Branch located in San Antonio, Texas.

## CHAPTER 2

### CONTROL PROBLEMS AND RESOURCES ASSOCIATED

#### WITH ENFORCEMENT AT THE SOUTHWEST BORDER

##### CONTROL PROBLEMS

Controlling the border is essentially a task of controlling the movement of people, vehicles, aircraft, and goods. This is difficult at any border, but characteristics of the Southwest border complicate the job. The United States has resisted "sealing off" the 2,000-mile land border with Mexico and has maintained, with modifications, an essentially open border for several reasons:

- Large expenditures would be required to effectively control the border. The MITRE Corporation in 1973 estimated it would cost \$300 million to implement a system 85-percent effective in intercepting illegal entrants crossing between ports-of-entry.
- United States/Mexico relations have been good and are based upon friendliness and cooperation.
- The United States desires to facilitate the flow of legitimate traffic.

Enforcement agencies have deployed their officers and equipment at and between various ports-of-entry in an attempt to more effectively secure the border. Difficulties and limiting factors are discussed below.

##### Port-of-entry

The magnitude of commerce and travel, and the necessity to facilitate their flow, places constraints on the countermeasures available and practical for interdiction at ports-of-entry. The increasing tremendous volume of legitimate traffic serves to limit enforcement efforts necessary to detect contraband. During the 6-year period from fiscal year 1971 through fiscal year 1976, about 804 million people, 247 million vehicles, and 441 thousand aircraft were inspected in the Southwest border area. At major land ports such as San Ysidro, California, during peak traffic, an inspector has an average of 30 seconds to determine if a vehicle, its passengers, and baggage should be allowed to enter, or be given a more thorough examination which could take an hour or more.

During Operation Intercept in 1969, all persons and vehicles crossing the border were stopped and subjected to thorough inspection. This action demonstrated that more than a cursory search by inspectors at the ports-of-entry brings forth a great deal of public outcry and displeasure. More drugs were seized, but the increased time required to pass through the ports-of-entry resulted in long waiting lines of pedestrians and vehicles on the Mexican side of the border. Faced with long lines, many tourists complained bitterly and many others did not cross into Mexico. Merchants on both sides of the border complained.

#### Non-port-of-entry

The border area between the ports-of-entry is relatively unpatrolled and the heavy traffic along the border helps conceal illegal entry.

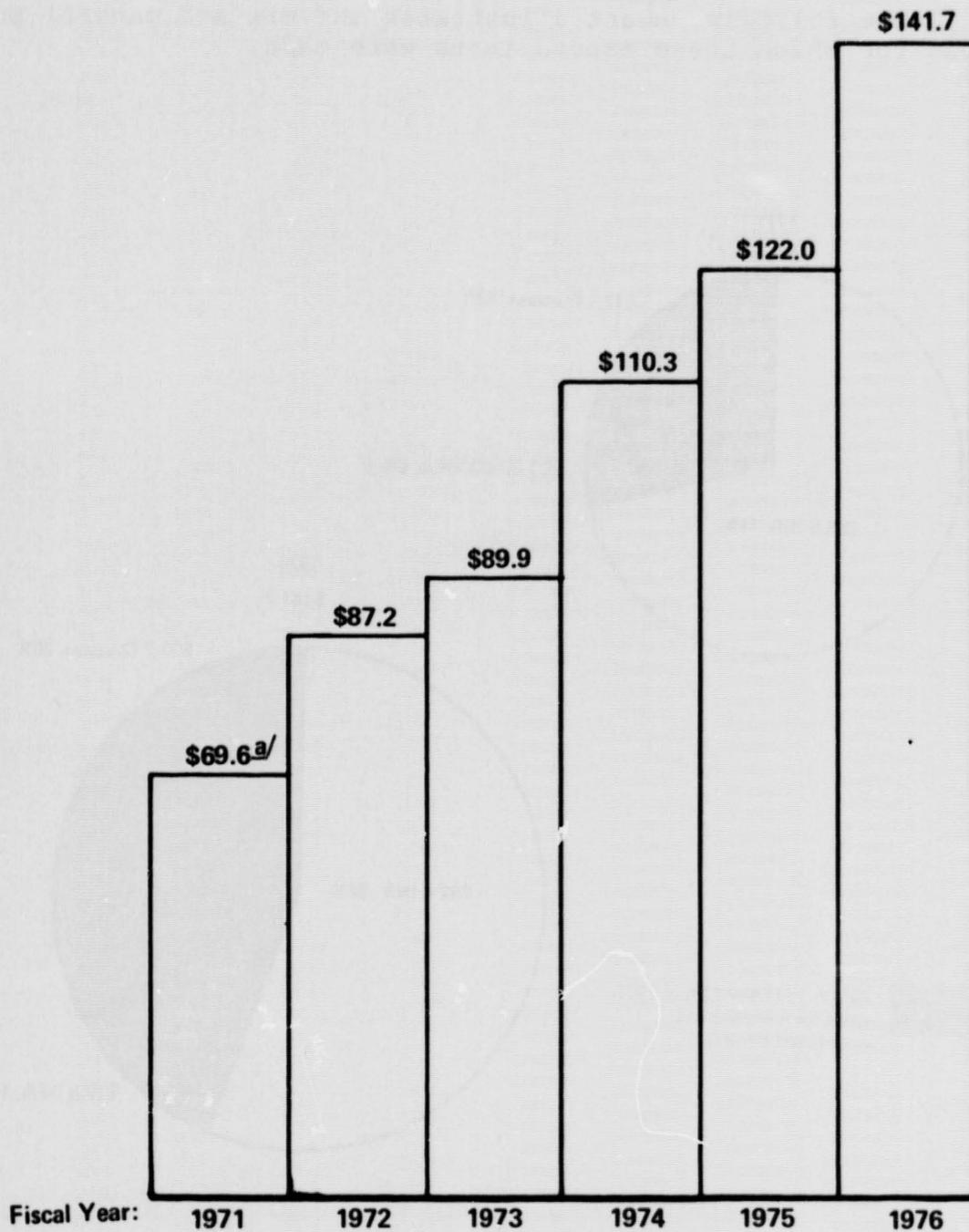
- Ground mode. Only 2 percent of the entire Southwest border (40 miles) offers sufficient topographical barriers to make illegal land crossings unlikely. The patrol forces are able to cover about 10 percent, or one patrolman for every 10 miles of the border at any given time.
- Air mode. Aircraft can easily cross into the United States. DEA has estimated that there are up to 150 illegal flights per day across the Southern border (San Diego, California to Miami, Florida). The Southwest includes thousands of square miles of land containing abandoned or little-used airstrips, dry lake beds, and isolated roads where light aircraft can land. Southern California has about 53,000 active pilots and the three busiest general aviation airports. FAA and military radar coverage exists over portions of the United States/Mexico border, but sufficient limitations exist that aircraft, especially low-flying aircraft, run little risk of detection.
- Boat mode. The majority of the 500,000 small craft registered in the State of California, which includes about 3,500 yachts with long-range capability, are located in Southern California. There are three major harbors in Southern California and more than 15 small boat harbors which dot the coastline between San Diego and San Luis Obispo. In San Diego, where 300 to 400 pleasure vessels depart or arrive on a Saturday, Sunday, or holiday, there are over 120 miles of waterfront, and it is only 10 miles for the entrance of San Diego Bay to Mexican waters. Limited law

enforcement resources result in virtually no monitoring of small boat activity on a day-to-day basis and regulations governing small boat reporting are very lenient. Only vessels landing in Mexico or making contact with another boat in Mexican waters (an extremely difficult thing to prove) are required to report their arrival to Customs within 24 hours.

#### RESOURCES 1/

Difficult control problems exist at the Southwest border, as evidenced by the fact that most illicit drugs and illegal aliens enter the United States over this border. The estimated Federal investment for law enforcement in that area has nearly doubled since fiscal year 1971.

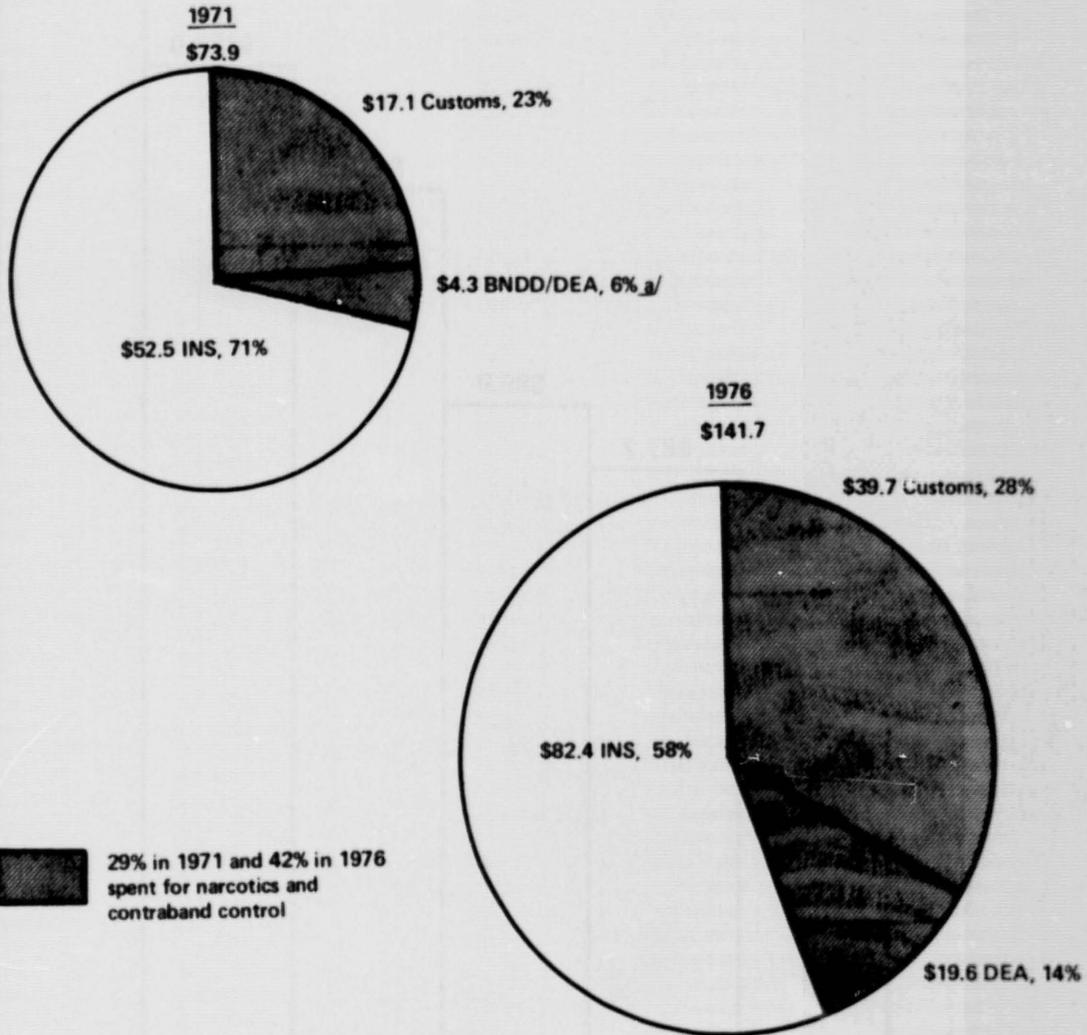
1/Because of the varying geographic boundaries of the various agencies, differing accounting systems, and incomplete documentation, the dollar figures and statistics presented in this chapter and the drug seizures in the following chapter do not represent a precise accounting for resources allocated to the Southwest border. The estimates were prepared by the agencies and, therefore, should represent a reasonable approximation of such resources.



Customs, INS, and Bureau of Narcotics  
and Dangerous Drugs (BNDD)/DEA Expenditures  
(millions)

<sup>a/</sup>No cost for BNDD/DEA was included since such data was un-  
available. BNDD/DEA estimated cost for 1972 was \$4.3 million

The following chart illustrates the mix and general purpose for which these expenditures were made.



Customs, INS, and BNND/DEA Expenditures  
Fiscal Years 1971 and 1976  
(dollars in millions)

<sup>a/</sup>Since BNDD/DEA cost estimated for FY 71 unavailable, FY 72 cost for BNDD/DEA was used.

Not only did the expenditures change dramatically during this period, but also the purpose for which they were being expended. During 1971, INS spent 71 percent of the total funds in this area to control the entry of illegal aliens, while only 29 percent of the funds was being spent to control illegal drugs and other contraband. By 1976, INS' expenditures had dropped to 58 percent of the enforcement funds being spent by these agencies.

A breakdown of estimated INS, Customs, and DEA resources for various categories follows.

Southwest Border Resources

Fiscal Year 1976

	<u>Staff power</u>	<u>Planes</u>	<u>Boats</u>	<u>Vehi- cles</u>	<u>Detector Dog Teams (note a)</u>	<u>Sensors</u>
INS	b/2,988	24	0	1,469	0	988
Customs	2,055	47	11	736	48	355
DEA	664	11	3	493	-	-
Total	<u>5,707</u>	<u>82</u>	<u>14</u>	<u>2,698</u>	<u>48</u>	<u>1,343</u>

a/A detector dog team consists of a dog handler and a detector dog.

b/This represents the number of INS personnel stationed at the Southwest border during the first half of FY 1976.

From fiscal year 1971 through 1976, the Customs, INS, and DEA estimated number of personnel deployed along the Southwest border increased by 1,355 (31 percent) from 4,352 in 1971 to 5,707 in 1976. The increased personnel were distributed as follows: 668 or 52 percent perform a patrol operation, 267 or 21 percent perform the inspection operations, 188 or 15 percent perform an investigation function, while 232 or 17 percent perform a support function. The number and functional mode of operation of the personnel, from 1971 to 1976, are shown on the following page.

<u>Operation</u>	<u>Staffpower</u>	
	<u>1971</u>	<u>1976</u>
Inspection	1,028	1,295
Patrol	1,351	2,019
Investigation	683	871
Support	<u>1,290</u>	<u>1,522</u>
Total	<u>a/4,352</u>	<u>5,707</u>

a/Since 1971 estimates were not available for BNDD/DEA, 1972 estimates were used.

### CHAPTER 3

#### LIMITED SUCCESS IN ACHIEVING FEDERAL OBJECTIVES

The Federal strategy for drugs gives priority to high-level trafficking networks and those drugs which inherently pose a greater risk to the individual and society. For aliens, the highest priority is prevention of illegal entries. The substantial Federal investment for enforcement at the Southwest border has had only limited success in achieving these objectives.

- Border forces interdict only a small quantity of the estimated heroin and cocaine entering the United States from Mexico. Most seizures are marihuana.
- Border drug apprehensions seldom involve high-level traffickers.
- Although apprehensions of illegal aliens have increased, more are successful in getting into the United States than are prevented from entering.

These areas are discussed in greater detail below.

#### LIMITED SEIZURES OF "HIGH RISK" DRUGS

In fiscal year 1976, Customs and INS seized about 2 percent of the heroin, less than 1 percent of the cocaine, and 10 percent of the marihuana estimated to come from or through Mexico. When DEA seizures (including seizures made in Mexico) are added total Southwest border area drug seizures by the three agencies for fiscal year 1976 represented about 6 percent of the heroin, 3 percent of the cocaine, and 13 percent of the marihuana estimated to come from Mexico. The following table shows fiscal year 1976 Southwest border area seizures by agency.

Drug Seizures (note a) at the  
Southwest Border--FY 1976 (note b)

	<u>Heroin</u>	<u>Cocaine</u>	<u>Marihuana</u>
	(pounds)		
Customs	199	10	337,759
INS (note b)	<u>10</u>	<u>53</u>	<u>205,178</u>
Interdiction seizures	209	63	542,937
DEA	<u>512</u>	<u>176</u>	<u>145,060</u>
Total	<u>721</u>	<u>239</u>	<u>687,997</u>
Mexican Narcotics production and transiting			
Estimates 1976 (note c)	11,400	8,000	5,400,000

a/Drug seizures are presumed to be 100-percent pure, although the purity of border seizures are significantly less.

b/INS was able to supply seizure statistics for the first 6 months of fiscal year 1976. The quantities shown in the chart and the percentages shown on page 13 assume that seizures during the last 6 months were identical to those of the first 6 months.

c/Estimates of drugs flowing to United States from and through Mexico are shown as 100-percent purity.

As can be seen from the above table, the most significant accomplishment of seizures at the United States-Mexico border has been in reducing the quantity of marihuana entering the United States. This reduction, however, only accounted for about 13 percent of the estimated amount of marihuana coming from Mexico.

WHERE ARE DRUGS BEING INTERDICTED?

Our work along the United States-Mexico border, and that of the Domestic Council Drug Abuse Task Force on the Southern border, shows that most heroin, cocaine, and dangerous drugs are interdicted at ports-of-entry, while most marihuana by volume is intercepted away from the ports-of-entry.

Heroin--The overwhelming majority of heroin interdictions, in terms of frequency as well as volume, are at

ports-of-entry. To illustrate, in fiscal year 1976, 216 of the 233 heroin seizures along the Southwest border were at ports-of-entry. The Domestic Council's analysis of a recent 18-month period for the entire Southern border showed that 98 percent of heroin seizures (by volume) were at ports, with 94 percent brought into the country by autos, trucks, or vans/campers.

Cocaine--Like heroin, most cocaine is intercepted at ports-of-entry. Unlike heroin, cocaine is rarely seized at land ports, which explains the low percentage detected along the Southwest border. The Domestic Council Task Force analysis showed that 97 percent of the cocaine seized was at other than land ports-of-entry, with more than half seized from scheduled airlines and another 32 percent coming in aboard boats along the Southern border.

Marihuana--By far, in terms of both frequency as well as volume, marihuana is the controlled substance being interdicted at the border. It is most frequently detected at the land ports-of-entry in small quantities, which seldom exceed several hundred kilograms. The Domestic Council analysis showed that 74 percent of the marihuana interdicted has been between ports-of-entry. Overall, autos and trucks accounted for 87 percent, airplanes 7 percent, and vessels 6 percent of the seized marihuana along the Southern border.

Apprehensions seldom involve major traffickers

The overwhelming majority of persons crossing the border in possession of drugs who are apprehended by Customs and INS, are:

- Drug users bringing in a small quantity of a controlled substance for personal consumption.
- Small-time operators, amateurs, couriers, or low-level members of drug trafficking organizations who are considered expendable.

Overall, DEA data shows that less than 2 percent of the interdictions referred from INS and Customs involved major violators, and approximately three-fourths were marihuana violators. Our analysis of cases in California and Arizona showed a similar percentage of major violators were apprehended by ground/sea patrol forces or port-of-entry inspectors. However, major violators constituted 21 percent of marihuana smugglers apprehended by Customs Air Support Branches (ASB).

National priorities and DEA efforts have shifted toward those drugs with the potential for causing the highest social cost, and away from low-level violators.

DEA has complained that a significant portion of its agents' time (30 percent) was being spent on border interdiction cases referred by Customs and INS that involved small-time marihuana smugglers. DEA officials and Assistant U.S. Attorneys advised us that border interdiction cases seldom lead to the identification of important drug traffickers or the immobilization of traffickers organizations. About 8 percent of the arrestees in the cases analyzed by us in Arizona and California led to the identification of major violators.

More illegal aliens enter successfully than are apprehended

Apprehension of illegal aliens has increased tremendously. The following table, based on INS's data, demonstrates this increase.

INS Apprehensions of Aliens Entering Without Inspection--Mexican Border

	<u>CALIFORNIA- ARIZONA</u>	<u>NEW MEXICO- DEL RIO</u>	<u>LAREDO- GULF</u>	<u>TOTAL</u>
1964	4,791	8,415	9,927	23,133
1965	11,026	11,023	8,714	30,763
1966	26,877	19,156	12,204	58,237
1967	38,539	24,916	14,577	78,032
1968	63,554	35,782	18,221	117,557
1969	78,399	53,816	30,884	163,099
1970	112,123	81,093	47,640	240,856
1971	132,786	108,270	72,736	313,792
1972	170,277	132,910	90,028	393,215
1973	285,389	149,194	111,078	545,661
1974	382,126	181,986	123,454	687,566
1975	398,688	160,938	102,371	661,997

Although these apprehension figures seem impressive, officials estimate that for each person apprehended while illegally entering the country, at least two others manage to get through. Border officials have said that the number of persons who illegally cross the border without apprehension may be substantially higher.

The following case helps to illustrate the magnitude of the problem. In April 1977, at one border crossing point,

2,897 illegal aliens were apprehended in a 36-hour period. An INS assistant regional commissioner estimated that an equal number of illegal aliens successfully entered the United States at this crossing point during the same period.

Many aliens apprehended are repeaters; some have been apprehended as many as 10 times. Our previous reports, the Domestic Council's Committee on Illegal Aliens preliminary report dated December 1976, and other studies have attested to the "revolving door" nature of the border. To illustrate, the Domestic Council report states:

"Presently the border is a revolving door\* \* \* We repatriate undocumented workers on a massive scale\* \* \*. The illegals cooperate by agreeing to voluntary departure and significant numbers promptly re-enter. It is not unusual for an illegal to undergo multiple apprehensions and re-entries for there are no serious deterrents."

When one considers the many points along the United States-Mexico border that can be used by aliens to enter the United States, it becomes apparent that the attempt to prevent illegal entries at the border, by itself, will not solve the illegal alien problem.

## CHAPTER 4

### BORDER NEEDS AN INTEGRATED STRATEGY

#### AND OVERALL CONTROL PLAN

Federal border law enforcement agencies face a complex and most difficult task that requires a comprehensive, coordinated effort by all segments of the border law enforcement community. Each agency should be expected to use its limited resources to achieve optimum results. Efforts to date, however, have not reached this goal because:

- The Executive Branch of the Federal Government has not developed an integrated strategy or a comprehensive border control plan to consider all aspects of the problem and establish clear, measurable objectives indicating what it intends to accomplish with the various law enforcement resources. A plan of this type is critical because of the many agencies with overlapping responsibilities.
- Costly overlapping and poorly coordinated enforcement activities and support systems exist.
- Little is known about how most drugs enter the country. High priority is being given to improve the situation. Available intelligence and seizure statistics indicate that most of the heroin, cocaine, and dangerous drugs are smuggled through the ports-of-entry. However, inspector staffpower at major United States-Mexico ports has remained about the same, or decreased, while patrol forces away from the ports have increased.

This chapter discusses the opportunity and need to strengthen law enforcement at the border under the major areas of intelligence support and law enforcement operations.

#### INTELLIGENCE

##### Intelligence for border law enforcement-- too little known

Resource deployment and border law enforcement effectiveness (significant arrests and seizures) depend upon the quality and quantity of information (intelligence) available to enforcement decisionmakers. The hordes of legitimate traffic in the vicinity of the border and passing through

ports-of-entry make it extremely difficult to identify smugglers. Quality intelligence concerning the activities of smugglers, in combination with mobile air, water, or ground interception systems, is considered to be the best tool to improve interdiction results, short of total surveillance and interception coverage.

Information on how drugs enter the country is not adequate for making decisions on how to respond. The Domestic Council's Drug Abuse Task Force, in its draft report on the Southern border, supported this position. The report pointed out that "the single greatest area of deficiency, or in a more constructive sense, the area which has the greatest opportunity for improvement, is the drug intelligence function."

#### DEA's efforts to improve intelligence

Under Reorganization Plan No. 2, DEA was tasked with providing nationwide drug intelligence. DEA is currently working on this task and some improvements have been made; but problems still exist. To illustrate, DEA has developed a preliminary Mexican Heroin Trafficking Model which describes the methods and routes used in transporting Mexican heroin from the poppy-growing areas to U.S. cities. Many of these suspected heroin trafficking routes are probably used for smuggling cocaine and marijuana manufactured in and transited through Mexico. Although DEA suspects the routes and methods, little factual data exists to reliably establish the amount of illicit narcotics smuggled across the Southwest border. DEA supplies interdicting agencies with very little actionable intelligence necessary for successful operations along the borders. When it has provided such information, the successes have been significant.

In our report entitled "Federal Drug Enforcement: Strong Guidance Needed," dated December 18, 1975, we recommended that DEA place increased emphasis on the gathering of intelligence information to assist border law enforcement in catching smugglers at U.S. ports and borders. The Chairman of the working group of the Domestic Council's Drug Abuse Task Force for the Southern border said that DEA needs to reorient its agents to the intelligence function, especially outside of the country.

#### Border Intelligence Center-- a step forward, but problems still remain

In September 1974 the El Paso Intelligence Center (EPIC) was established by DEA at El Paso, Texas, to provide an overall

intelligence picture of drug trafficking and/or smuggling by land, sea, or air between Mexico and the United States. This mission was to be accomplished by accumulating raw intelligence, analyzing this data, and providing tactical intelligence to agencies with border enforcement responsibilities. Plans were for a joint effort between DEA, INS, and Customs.

In the early stages of EPIC's development, progress was slow due to lack of support and agency resistance. Initially, only INS and DEA placed personnel at EPIC, but more recently other Federal agencies have begun to support EPIC. Current participants are Customs, ATF, Coast Guard, and FAA, with increased DEA and INS commitment. Recent progress supports the desirability of a single border intelligence center, but there are problems.

#### Agencies' commitments and views

In the early stages, the 20 DEA employees at EPIC devoted their efforts to building an intelligence data base and answering queries received from law enforcement personnel seeking current intelligence data on narcotics suspects and vehicles under surveillance for illegal drug trafficking. The initial personnel included three analysts whose time was devoted to preparing a weekly brief. This brief contained current trends, patterns, and statistical data relating to narcotics smuggling. Little time was left for other analysis of drug trafficking.

DEA now has 35 positions and most of the new positions were placed in the Analysis Section. With the increase in personnel, the Analysis Section is currently developing information and issuing reports in such areas as the exchange of arms and/or vehicles for narcotics; organized crime influences and narcotics trafficking organizations; alien-smuggling organizations; use of fraudulent documents by traffickers; and organized smuggling via land and commercial aircraft, ocean-going vessels, and small vessels. The Analysis Section reviews the EPIC lookouts 1/ to determine the degree of success being achieved.

Initially, INS staffing at EPIC consisted of a deputy director, secretary, and a special agent. Currently, INS

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1/A lookout is an alert communicated to EPIC by an agent and usually consists of a name, an automobile registration or license plate number, or an aircraft number to help EPIC intercept violators and the vehicles they use.

has 14 people at EPIC. The air intelligence and inspection program, the fraudulent document center, and the anti-smuggling program of INS have been transferred from Yuma, Arizona, to EPIC. INS is now in a better position to assess the impact of EPIC on its performance. The Justice Department said that "INS is the largest user of EPIC and EPIC has proved to be a very effective law enforcement tool for INS purposes."

FAA officials have found EPIC to be an effective tool for providing appropriate information concerning aviation. FAA has an arrangement with DEA to have all aviation intelligence handled through EPIC. FAA has one representative at EPIC.

ATF is very supportive of EPIC according to ATF officials. Participation in EPIC provides ATF with a larger data base of useful intelligence with a minimum investment. Since its involvement in EPIC, ATF has made more arrests and developed more cases. ATF currently has one representative at EPIC.

The Coast Guard informed us it relies heavily on intelligence provided by EPIC and Customs. The information is in the form of vessel lookout lists. The Coast Guard generates some intelligence on its own which it transmits to EPIC. The Coast Guard feels EPIC is very beneficial because its vessels can and do make real time requests concerning suspicious vessels. Usually, EPIC will respond to the Coast Guard vessel by the time boarding takes place. The Coast Guard has one representative at EPIC and plans to add four more.

Unlike the other participants in EPIC, Customs is critical of EPIC because it feels that to a great extent EPIC duplicates the Treasury Enforcement Communication Systems (TECS), and TECS fulfills Customs' needs. Customs presently has two representatives at EPIC. TECS and other agencies' intelligence support systems are discussed in detail on pages 25 through 28 of this chapter.

#### EPIC's operations and results

The heart of EPIC is the Watch Operation Section and the Analysis Section. The Watch Operation Section operates on a 24-hour, 7-day week schedule in order to support ongoing field investigations being conducted by Federal, State, and local law enforcement agencies.

Since EPIC became operational, users seeking information have steadily increased. In January 1975 EPIC received 429 inquiries. During May 1976 about 6,750 inquiries were received seeking information on suspects, aircraft, vehicles, fraudulent documents, smuggling, and related items. This increased volume suggests growing reliance on the system by user agencies.

Each of the participating agencies has given EPIC access to its pertinent data base. The TECS and DEA's Narcotics and Dangerous Drugs Information System (NADDIS) are accessible through computer terminals installed at EPIC. Lookout information received at EPIC, pertaining to individuals, vehicles, aircraft, and vessels that are suspected of participating in smuggling ventures, is placed in each participating agency's information system if relevant. This sharing of information among the agencies has facilitated arrests and seizures.

Our analysis of EPIC lookouts for a 4-month period between December 1, 1975, and March 31, 1976, that were placed in the TECS, INS, Coast Guard, and FAA systems disclosed the following:

	<u>Results of lookouts</u>
Lookouts placed	1,155
Response to lookouts	153
Arrests	42
Seizures:	
Marihuana	4,529 kilograms
Hashish	794 grams
Heroin	18,871 grams
Cocaine	7,320 grams
Jewelry	\$600
Aircraft	10
Vessels	1
Vehicles	9

EPIC lookouts placed in October 1976 have provided agencies with information which resulted in five seizures yielding 51.5 pounds of brown heroin, 2 pounds of cocaine, 298,650 mini-amphetamines, and 35 tons of marihuana.

The Chief, Watch Operation Section, stated that recently there has been a noticeable increase in requests for information from EPIC by the Mexico City region. In October 1976 the region submitted 158 inquiries to EPIC

seeking information and through EPIC placed 30 lookouts with TECS and 1 with INS.

A problem--too little intelligence  
from Mexico

Our work in Mexico showed that little information was being developed within Mexico to improve interdiction efforts at ports-of-entry and other locations along the Southwest border. Intelligence-gathering efforts within Mexico were geared to the eradication campaign and known trafficking operations within Mexico. Tactical and operational intelligence to support border law enforcement was a low priority item within the U.S. Mission, with limited cooperation from the Government of Mexico.

In June 1976 the U.S. Mission was developing little information to assist in intercepting drugs at the border. The Narcotics Control Action Plan (NCAP) for Mexico--the basic planning document for implementing and evaluating the bilateral program--while encouraging the development of drug intelligence capability with the Government of Mexico for incountry enforcement activity, was silent regarding the gathering and exchanging of interdiction-related narcotics information to assist border enforcement personnel.

Copies of all investigative reports that DEA agents develop dealing with opium poppy cultivation and trafficking organizations are forwarded to EPIC. Specific initiatives to monitor vehicle, boat, and aircraft traffic have occurred to a limited degree.

With the exception of several informants paid to monitor the movement of vehicles, aircraft, and boats suspected of transporting narcotics from the Mexican mainland through the Baja peninsula to Southern California, the DEA's Mexico City Regional Intelligence Unit's information forwarded to assist in intercepting drugs at the border consisted of responding to inquiries from EPIC, and occasionally obtaining data from Mexican officials on U.S. registered boats and aircraft traveling in Mexico. These actions have not provided the type of tactical intelligence necessary to identify specific shipments, or traffickers' plans, which could be acted upon by border enforcement agents.

The Chief, Analysis Section, at EPIC stated that he believes the Analysis Section receives all intelligence developed by the Mexico City region. This official said

that the Analysis Section receives monthly reports, teletypes, and DEA records of investigation pertaining to arrests and seizures made by Mexican officials. He commented that EPIC needs information developed from debriefings of informant contacts, but the Mexico City region furnishes only about eight of these debriefings a month. He attributes the lack of debriefing intelligence to the fact that DEA agents in the Mexico City region are not involved in enforcement and case work, but primarily devote their efforts to liaison, training, and intelligence activities. It is very difficult for an agent to develop a contact when he is not involved in enforcement work.

The same official stated that the Analysis Section receives additional intelligence pertaining to Mexico from suspects that are arrested for possession of narcotics when entering the United States. This type of intelligence is a poor source of information because the violators are usually couriers transporting the narcotics and have little, if any, information about the smuggling operation.

Mexico's intelligence efforts  
need to be encouraged

An intelligence unit within the MFJP has been established. The unit is considered by DEA to be poorly staffed, inadequately trained, and reluctant to work with the DEA intelligence unit. None of the three MFJP agents trained in the United States for intelligence work were working in the unit. Although the need exists for more accurate and actionable intelligence, we noted no planned program to assist this unit in developing its capabilities through NCAP funding.

The sharing of intelligence information developed by the Mexican agents, which could benefit border interdiction efforts, has seldom occurred. During our visit to the U.S. Mission in Mexico during June 1976, we were informed that the MFJP and DEA had established a procedure for the exchange of information. We noted, however, that for the period November 25, 1975, through May 24, 1976, DEA's regional intelligence unit had forwarded 64 memorandums regarding drug intelligence to their Mexican counterparts, but had received responses to only 3.

DEA officials were able to identify only one instance where intelligence obtained within Mexico from the MFJP resulted in a significant border interdiction seizure. This example clearly shows the potential benefits when the MFJP provides tactical intelligence:

On January 17, 1976, a confidential informant told the MFJP that a blue and white Ford pickup truck bearing Arizona license XXXXX was enroute to Chicago, Illinois, with about 14 kilograms of heroin. The heroin was believed to be hidden in the door panels, and possibly in the drive shaft. The MFJP was unable to locate the vehicle within Mexico and an all-border lookout was placed in EPIC. When the vehicle was stopped and searched at the Hidalgo, Texas, port-of-entry, 14 kilograms of heroin were found. Two defendants were arrested.

The need to encourage cooperative programs with the Government of Mexico to improve effectiveness in stopping the shipment of illicit drugs is discussed in chapter 5.

A long-time problem--opportunities  
to consolidate and share intelligence  
support systems

Federal agencies operating in the border area have, over the years, developed their own systems and data bases to provide tactical, operational, and strategic intelligence 1/ to support their basic enforcement missions. At the present, there are four separate data systems (three automatic and one manual) supporting enforcement efforts. These systems have unique aspects, designed to be responsive to the individual missions of the agencies. At the same time, to varying degrees, the systems contain elements and capabilities that are markedly similar, the primary differences being in the agency's orientation or intended use. The present or planned intelligence support systems of Customs, INS, and DEA are examples outlined below.

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- 1/Strategic intelligence--provides the situation overview and the magnitude of the problem. It is essential for the formulation of broad policy and strategy.
- Operational intelligence--provides an overview of the modes of operation, traffic patterns, and principal personalities involved in the illegal operations at the border.
- Tactical intelligence--provides the identification of specific traffickers and their methods of operation.

TECS, operated by the Customs Service, is the principal means of disseminating intelligence information to inspection and enforcement personnel at border crossing points, airports, seaports throughout the country. The predominant element of the system is a computerized operational suspect-file, housed in San Diego, California, which is linked to some 900 terminals located at major ports-of-entry, including 100 terminals located at land crossings along the Southwest border. The types of information contained in the system on individuals are

- name, race, sex, height, weight;
- date and place of birth;
- address information; and
- such identifying numbers as social security, driver's license, passport, National Crime Information Center, license plate(s), and aircraft.

TECS presently contains approximately 485,000 records of which 220,000 or 45 percent are narcotics case records. TECS has access to the National Law Enforcement Telecommunications System (NLETS) and the FBI's National Crime Information Center (NCIC).

The data system currently being used by INS is the Look-out Book System. This contains phonetically arranged names of persons for whom INS has established a "lookout." Persons listed in this system include immigration offenders; fugitives sought by the FBI, other Federal agencies, and State and local enforcement agencies; and suspected subversives and/or espionage agents whose names have been furnished by the State Department, Department of Defense, and the intelligence agencies. Although this is a manual data retrieval system, it is highly accessible and it requires an average of only about 5 to 12 seconds for an experienced officer to locate a name.

In fiscal year 1976 INS began development of an Alien Documentation, Identification and Telecommunication (ADIT) system. ADIT involves the replacement of all existing INS-issued alien registration receipt and border crossing identification cards with a computer readable card which cannot be easily counterfeited or altered. In addition to the identification cards, the system will consist of an automated central data base and operational remote access terminals. Eventually the system will include automated card

readers for validations at approximately 200 ports-of-entry. Initially, the central data base is to be an ADIT/master index file, later interfacing with other INS data files for computer-aided enforcement and service functions. Plans provide for installation of the access terminals at primary and secondary inspection areas, district offices, regional offices, and border patrol stations.

Narcotics and Dangerous Drugs Information System (NADDIS) was designed by DEA to further investigations of drug violators. NADDIS is an operational automated retrieval system that provides biographical information on known violators and references to case files. The data includes

- the trafficker's residence, phone number, and such identifying characteristics as height, weight, and age;
- the drug involved and the level of the case;
- the trafficker's passport data, vehicle, boat, and aircraft numbers; and
- the trafficker's associates.

Like TECS, NADDIS has access to the FBI's NCIC criminal data files.

As previously mentioned, DEA is developing another computerized intelligence system, called PATHFINDER I. The principal objective of PATHFINDER I is to provide DEA with a totally integrated and centralized system for the automated storage, retrieval, and analysis of all sources of information relevant to illicit drug activities, as well as other types of criminal activity of interest to enforcement agencies. The PATHFINDER I data base consists of subjects, organizations, vehicles, aircraft, and vessels relevant to illicit drug activities.

PATHFINDER is the first of five phases in DEA's National Narcotics Intelligence System which is supposed to be completed and fully operational in 1981. Phase 2 is to combine the scattered data bases within DEA--Drug Abuse Warning Network (DAWN), System to Retrieve Information from Drug Evidence (STRIDE), Ballistics, and NADDIS. These data bases are to be combined under one system so that the analyst can derive indicators or patterns of activities from a consolidated base. Phase 3 will include the data bases external to DEA, such as TECS and NCIC. Phase 4 will see the complete fusion of all data bases under a master system,

and Phase 5 will see the completion and full utilization of the National Narcotics Intelligence System.

According to a DEA official, the system may not completely replace other data bases (NADDIS, DAWN, etc.); however, a committee has been formed to look into the possibility.

Intragovernment suggestions for improved utilization of intelligence support systems

In commenting upon the intelligence function as an integral part of the overall narcotics supply reduction program, the Domestic Council Drug Abuse Task Force, in its September 1975 White Paper on Drug Abuse, observed that the problem of inadequate information storage and retrieval capability is complicated by the existence of four separate automatic data processing systems. The task force recommended an analysis of these systems be conducted, perhaps by OMB, with a view toward integration or at least improved interface.

In a 1973 report, the MITRE Corporation, after an analysis of the data elements and uses being made of the TECS and NADDIS intelligence support systems, concluded that the potential for duplication appears to have developed in Federal drug law enforcement intelligence data processing operations. Duplication could be avoided with the use of a common data base, common equipment, and compatible data accessing techniques. MITRE felt that, with the formation of DEA, certain functions accomplished by these systems could be combined to avoid unnecessary duplication.

The Domestic Council Committee on Illegal Aliens, in its December 1976 report, suggests that INS, Customs, and DEA jointly develop and share automatic data processing (ADP) and telecommunications. The report states that it appears feasible that ADIT could use the existing Customs ADP and communication network.

The INS Manager for ADIT advised us that interface with TECS and EPIC is envisioned. INS and Customs personnel have had several meetings to exchange thoughts on the development of the ADIT and TECS systems. As of January 1977 there had been no contact with DEA. No specific steps have been taken, since ADIT is not far enough into the design phase. He was only vaguely aware of the report by the Domestic Council Committee. He felt that INS' needs are unique, and TECS

does not presently have inherent capabilities to fully satisfy ADIT requirements. Furthermore, he felt it could cost as much or more to upgrade TECS than to develop a separate system. However, no analysis or study has been done to confirm or deny this. On November 3, 1977, Justice told us that ADIT automated system design had just now been completed to the point where meaningful consideration of alternatives for implementation can be realistically evaluated. Plans for a joint ADIT/TECS experiment are currently being discussed.

The Commissioner of Customs advised us in December 1976 that if current plans are carried through, all arriving travelers at airports and seaports, including returning citizens, will be queried in ADIT, "a computerized lookout system similar to the already in-place and operating TECS." He felt that only a single system was needed and TECS could easily incorporate an index to the alien information data base without degrading response time, as is currently accomplished with the TECS/NCIC interface. His staff studied the possibility of incorporating these requirements, and found no real obstacles to implementation of a unified system. He suggested that

"Under a single agency inspection system, each screening location would have a terminal to access simultaneously the complete file of all relevant enforcement information. A similar arrangement would be used under any system of single stop inspection; in essence, any agency inspector in primary could use the system. Obviously, compared to current plans, a jointly used system offers significant reductions in resource outlays for computers, related telecommunication systems, and possibly inspector processing time. The net effect would be greater facilitation, more effective enforcement and a leveling of governmental costs."

Customs believes that EPIC is unresponsive to its intelligence needs and duplicates many systems previously available. Customs believes that EPIC should be located at Washington Headquarters rather than El Paso, since it is serving as a national, rather than a Southwest border, information center.

Consistent with the concept of centralized collection of intelligence resources at Washington, Customs supported the creation of the Interdepartmental Intelligence Group-Mexico (IDIG-M), located at DEA Headquarters. In March

1977, however, Customs reassigned one of their three IDIG-M analysts back to Customs Headquarters after DEA and INS downgraded their commitment to the IDIG-M function. In a March 1977 letter to DEA, Customs stated the following:

"EPIC and IDIG-M remain two separate efforts to deal with the Mexican narcotic problem, but even though they are under the leadership of DEA, neither communicate to combine their efforts. This division of effort into two ineffective units is doing nothing to aid Customs. If the IDIG concept cannot be realized, Customs will have no alternative but to continue withdrawing our representatives next from EPIC followed by more from IDIG-M."

A Domestic Council Task Force member also expressed concern about EPIC. OMB believed that EPIC's charter, or mandate, has been ambiguous and expansive in its mission, and that EPIC should be reexamined to determine its objectives. The Council member feels that EPIC is best at performing a "watch function" for DEA and as a clearinghouse for law enforcement information. According to a former OMB official, currently with the Office of Drug Abuse Policy, major constraints on EPIC functioning as a focal point for coordinating border enforcement activities are:

- EPIC can only have a limited scope because all of the analysis of intelligence data must take place in Washington, where comprehensive case files and the computer capability actually are located.
- EPIC will never be a focal point for coordinating border enforcement activities because of Customs nonacceptance of the role of DEA and DEA leadership at EPIC. OMB does not see any prospects for improvement in either area in the near future and, consequently, does not recommend any expansion of EPIC.

In commenting on our report, OMB agreed with the thrust of this official's analysis, but did not entirely share his convictions about the future of EPIC.

Justice did not agree with these opinions. In its opinion, EPIC precludes the need for comprehensive Washington files for anything other than background data since it concentrates on the analysis and dissemination of fresh intelligence--less than 30 days old. Furthermore, Justice believes EPIC is presently an effective clearinghouse for border

intelligence and its effectiveness could be amplified if utilized by all border agencies. It stated that in an effort to enhance DEA/Customs Operations, the Administrator of DEA and the Commissioner of Customs have scheduled a series of meetings to develop improved cooperation between the agencies and thereby increase Federal drug enforcement effectiveness. As a result of these meetings, Justice believes that OMB's view that Customs is unwilling to accept DEA's role in EPIC appear to be premature.

Treasury said EPIC's limitations are not the result of inadequate participation or duplication with TECS but are caused by the limited intelligence available in the system. Treasury stated that the lack of intelligence is a result of DEA's belief that border interdiction plays a relatively insignificant role in its overall narcotics supply reduction strategy.

#### OPERATIONS

Smugglers enter the United States by four modes: through ports-of-entry; by boat into coastal areas between ports-of-entry; on foot or by vehicle between ports-of-entry; or over the border by air. Law enforcement efforts and selected support systems directed at countering illegal crossings are discussed below.

#### Ports-of-entry interdiction-- difficult but possible

Border enforcement officials told us the majority of hard narcotics smuggled across the Southwest border comes through the ports-of-entry. Nearly all heroin seizures are made at these locations. The port-of-entry is probably the best border location for interdicting hard narcotics--the smuggler must at least present himself for inspection. Nevertheless, the drug interdiction task, even at the ports-of-entry, is extremely difficult--like looking for a needle in a haystack.

Little impact has been made on the amount of hard drugs estimated to come from Mexico. During fiscal year 1975 and 1976, Customs seized 262 pounds of heroin in 439 seizures at the Southwest border, including 405 at ports-of-entry. Of these, 11 seizures were in excess of one kilogram.

#### Ports-of-entry resources

Before crossing the border into the United States, vehicles and pedestrians are stopped at the primary inspection

lanes where only the most cursory inspections of vehicles, persons, or baggage are conducted. The primary inspectors are responsible for determining whether a vehicle and its occupants or a pedestrian should be referred to the secondary inspection area for a thorough examination. Customs and INS share the responsibility for staffing the primary lanes. For example, INS inspectors staff 5 of the 10-- out of a total of 24--vehicle inspection lanes at San Ysidro, California, which are usually open. Across the Southwest border, INS maintains a 37-percent presence, with a 50-percent presence at some ports such as El Paso.

As discussed in chapter 2, traffic coming through the ports and overall border expenditures have both increased in recent years. But there is still a shortage of inspectors at the four ports that we visited along the Southwest border. Inspector staffpower has a significant impact on the thoroughness of inspections performed at a port-of-entry. According to Customs officials, additional inspection personnel were necessary to adequately staff the primary and secondary inspection areas. For example, the facilities at San Ysidro were not fully utilized because of a shortage of inspectors. Although the port had 24 primary lanes and 70 secondary inspection spaces, they were not always used. We were told that one of the two secondary inspection areas, with 35 spaces, was never used on Monday through Friday.

In El Paso, Texas, there was a shortage of 12 primary lane inspectors. The District has had to sacrifice enforcement to move traffic. Special enforcement programs dictated by Headquarters have not been performed, since El Paso lacked the resources to carry them out. Secondary inspection personnel were used in the primary inspection area to process vehicular traffic in a timely manner. Primary inspectors were reluctant to refer many vehicles to the secondary, despite suspicions, because of the lack of inspection personnel. At the Laredo, Texas, port-of-entry there were 11 inspector vacancies. While the Customs force continued to decrease in size, the workload increased.

#### Detection aids--few with limited success

Judgment of the inspector is a critical ingredient in drug interdiction. The only detection aids available to assist the inspectors at the ports-of-entry are TECS data and trained detection dogs.

The value of TECS for port-of-entry drug interdiction is limited because it is keyed to vehicle license numbers.

Justice informed us that unless a "hit" is made or the vehicle referred to secondary inspection, the remaining information in TECS will not be queried. Inspectors are instructed not to rely on TECS data because there are many ways it can be circumvented.

The majority of Customs research and development efforts to improve border interdiction is aimed at between-ports airborne detection devices and ground sensor systems. About one-third of Customs research expenditures through fiscal year 1976 was to develop and test devices that detect drugs being smuggled into the United States through ports-of-entry. The Domestic Council's Drug Abuse Task Force recommended high priority be given to the development of improved technical equipment to detect easily concealed drugs. Efforts to control smuggling through the use of contraband detection devices and "sniffer dog" teams will be expanded during fiscal year 1978.

Detector dogs are an effective time-saving drug interdiction aid--dog teams are responsible for 27 percent of the narcotic seizures made by Customs. Nationwide, in fiscal year 1976, the dogs screened over 21 million units of cargo, mail, and arriving carriers. Their efforts resulted in the seizure of

- 71.8 pounds of heroin,
- 93.4 pounds of cocaine,
- 4,260.6 pounds of hashish,
- 52,954 pounds of marihuana, and
- 2,914,574 units of dangerous drugs.

One seizure at the San Ysidro port-of-entry accounted for 30.75 pounds, or 43 percent, of the total heroin seized in fiscal year 1976. In this instance, an INS inspector referred a vehicle and its driver to the Customs' secondary inspection area. A detector dog alerted his handler to the back seat. The seat was removed and the heroin was found. A dog team can search a vehicle for drugs in about 5 minutes, while it might take an inspector 30 minutes to assure himself that no contraband is secreted in the vehicle. Effective use of the dogs, however, is dependent on the skill of primary inspectors, since the dogs are only used in secondary inspections. In addition, Customs officials told us that although the dogs are trained to search for all types of drugs, the dogs usually detect marihuana.

Customs and other officials believe much of the hard narcotics which comes through the ports is packaged and inserted into the human body, and therefore is extremely difficult to detect. Detector dogs are not used to search people, and inspectors are reluctant to perform intensive personal searches because of the difficulties involved. For example, Customs officials at San Ysidro are seldom successful in locating a medical facility or doctor willing to participate in these personal searches. Consequently, such searches are rare.

Intelligence data available to inspectors is very limited. Most port-of-entry drug seizures are "cold busts," that is, not based on prior information. Customs and INS officials continue to assert that one of their greatest needs is better intelligence data on the operational modes of smugglers. A study done for DEA concluded in 1974 that the volume of entries into the United States from Mexico is so great that narcotics seizures will not occur in any significant numbers unless there is hard tactical intelligence available to inspectors concerning the movements of illegal drugs.

Results--few drugs are seized

During fiscal years 1975 and 1976, the San Ysidro, Nogales, Laredo, and El Paso ports-of-entry accounted for about 75 percent of the total number of heroin seizures made at the Southwest border. The hard narcotic interdiction cases, and those involving one kilogram of marihuana or more, at these four major ports for the last 3 months of calendar year 1975 are summarized below.

Ports-of-entry	Drug Seizures								
	Heroin		Dangerous Drugs		Cocaine		Marihuana		Other
	No. of seizures	Quantity (grams)	No. of seizures	Quantity 5 gram units	No. of seizures	Quantity (grams)	No. of seizures	Quantity (kilo-grams)	No. of seizures
San Ysidro	26	3,493	9	1,063,530	16	1,732	59	2,684	4
Nogales	5	384	-	-	-	-	28	1,971	1
El Paso	1	10,206	25	714	1	57	33	916	4
Laredo	-	-	8	353	3	2	-	-	4
Total	<u>32</u>	<u>14,083</u>	<u>42</u>	<u>1,064,597</u>	<u>20</u>	<u>1,791</u>	<u>120</u>	<u>5,571</u>	<u>13</u>

It is evident that enforcement at the ports-of-entry is having little effect on the tons of heroin and other drugs entering the United States from Mexico.

Land patrols between ports-of-entry--  
two separate yet similar activities

The vast areas between the ports-of-entry along the Southwest border and the limited resources available to prevent illegal entry demand that available resources be deployed in a manner to gain optimum results. The INS Border Patrol and the Customs Patrol have overlapping roles for control of illegal movements across the land borders between the ports. Poor coordination and cooperation between the Customs and INS border patrols, as well as costly overlapping facilities, cause conflict, tension, and marginal results.

The Customs Patrol and the Border Patrol face many common problems, use many common tools, and follow the same methods while pursuing their individual enforcement targets and goals. The agencies maintain separate border stations, sensor equipment, communication networks, and other support systems.

The enforcement strategies of the Border Patrol and Customs Patrol recognize that neither has the resources to cover the vast land area between ports-of-entry. To maximize interdiction, both agencies use ground patrols, air patrols, sensor equipment, and surveillance at known crossing points. The patterns of illegal entry result in concentrations of each agency's patrol officers in the same high-volume crossing areas.

Results achieved

Working in close proximity to the border, the Customs Patrol, whose primary interest is drugs and other contraband, often apprehends illegal aliens and the INS Border Patrol apprehends drug smugglers. The success of both in drug interdiction has overwhelmingly been with marihuana; the amount, as well as frequency of heroin, dangerous drugs, or cocaine seizures have been negligible. Customs and INS patrol officers express the opinion that heroin, dangerous drugs, and cocaine pass through, not between, the ports-of-entry. Our case analyses and other data support this observation. Almost without exception, Customs Patrol's interdictions of controlled drugs, other than marihuana, involved smugglers who originally entered through a port-of-entry.

At the four locations along the border, we analyzed 140 controlled drug interdiction cases of the two patrols during the last 3 months of calendar year 1975. Our analysis showed that 133 cases, or 95 percent, involved marihuana, of which 45, or 34 percent, were abandoned marihuana seizures without arrests. The following table shows the results of the interdictions made by the two patrols.

<u>Locations</u>	<u>Drug seizures</u>			<u>Total</u>
	<u>Marihuana</u>	<u>Heroin</u>	<u>Other</u>	
Nogales				
Border Patrol	28	-	1	29
Customs Patrol	38	4	1	43
San Ysidro				
Border Patrol	6	-	-	6
Customs Patrol	11	-	-	11
El Paso				
Border Patrol	17	-	7	24
Customs Patrol	7	1	-	8
Laredo				
Border Patrol	6	1	3	10
Customs Patrol	<u>20</u>	<u>-</u>	<u>4</u>	<u>24</u>
Total	<u>a/133</u>	<u>b/6</u>	<u>16</u>	<u>155</u>
Percent	86	4	10	100

a/Represent seizures totaling 20,357 kilograms of marihuana, of which 6,763 kilograms, or 33 percent, were abandoned, with no arrests made.

b/Represent seizures totaling 330 grams of heroin, with one of the seizures accounting for 211 grams, or 64 percent.

Coordination and cooperation of activities between ports-of-entry

In April 1975 the Commissioners of Customs and INS signed a Memorandum of Understanding mandating "full cooperation between the two Services." As stated in the memorandum, this cooperation includes

- common communication channels,
- immediate exchange of information,
- immediate alerting of the other as to projected operations,

- coming to the other's assistance whenever called,
- exchange of intelligence, and
- performing the other's duties capably and professionally whenever so designated.

At the locations visited, we noted some communication at the management level, but limited coordination and cooperation at the working level. The patrol officers rarely work together, and we could not identify any joint operation between the patrols. Competition and animosity between the patrols continue to occur, causing tension and near confrontations. The following observations are illustrative.

- Customs and INS patrolmen are unable to communicate directly with each other in the field because of incompatible radio systems which operate on different frequency ranges.
- Remote sensors are deployed in close proximity to each other, and neither of the patrol forces know exactly where the other's sensors are located. The sensors are monitored at separate sites, with each agency unaware of the activity being detected by the other.
- We accompanied the Border and Customs Patrol officers on patrols and observed the officers using essentially the same interdiction tools and techniques. Their knowledge of the other agency's patrol activities was limited to what they had observed while on patrol. To illustrate, at one location, we traveled the same roads along the border and were shown the same smuggling routes where both patrols had implanted sensors, but neither knew the exact locations of the others' sensors. They patrolled routinely until sensor alerts indicated smuggling activity. When it occurred, the patrolman drove to a predetermined spot, waited until the intruding vehicle appeared, stopped the vehicle, detected marihuana, and arrested the smuggler.
- Patrol officers could not recall a single example of a joint operation or of assistance to one agency by the other on an as-needed basis, even though both agencies complained of insufficient staffpower. To illustrate, while waiting and watching with a Customs Patrol officer at a border canyon where a sensor hit

occurred, the supervisory patrol officer told us that lack of personnel would perhaps cause them to miss the intruder. Right after he made this statement, an INS Border Patrol car cruised slowly by our position, but no attempt was made to contact it and ask for assistance.

--The Chief Border Patrol agent in El Paso, Texas, stated that Customs will sometimes place a sensor right behind a Border Patrol sensor. The Customs Patrol Director said relations with the Border Patrol were terrible. He cited this example: In April 1976, near Columbus, New Mexico, after a Customs aircraft responded to a sensor hit which disclosed nothing, Customs relayed the negative result to the Border Patrol. According to the Customs Patrol official, the Border Patrol disregarded this information, dispatched an automobile to the scene, and was overheard on the radio to say: run the Customs people off the road, if necessary, to arrive there first. In a memorandum dated April 14, 1976, regarding this instance, a Border Patrol pilot stated that Customs Patrol had responded with two aircraft and, until a false alarm was reported, a Customs Patrol vehicle was following the Border Patrol vehicle to the site of the sensor. This memorandum stated it was apparent that Customs responded to the sensor alarm by monitoring the Border Patrol frequency. The Treasury told us this problem was resolved shortly after it was identified.

Air interdiction:  
effectiveness questionable

Air interdiction forces have had some success in apprehending smugglers using aircraft to cross the border. The results to date, however, are considered marginal.

DEA and Customs have speculated for years that heroin and other hard narcotics are smuggled into the United States by privately owned aircraft. Even though great potential exists to smuggle heroin by aircraft, air interdictions as well as analyses of aircraft crashes within Mexico and along the United States-Mexico border substantiate that marihuana is the commodity commonly being smuggled by aircraft. There is no evidence available which indicates that large shipments of heroin or other hard narcotics are being smuggled by private aircraft across the border.

We were unable to identify a single smuggling case where an aircraft known to have crossed the United States-Mexico border had other than traces of hard narcotics aboard. To illustrate, during calendar year 1975 the single Customs air program case along the border involving a substantial amount of heroin was not an air smuggling case. The heroin was seized at the El Paso International Airport after being smuggled through a port-of-entry, then delivered to the airport for further shipment into the interior of the United States.

Implementing an effective program aimed at preventing drug smuggling by aircraft is difficult because, as described in chapter 2, a smuggler using an aircraft has many advantages that interdiction forces may be unable to counter. While DEA and INS have air resources deployed along the Southwest border, Customs has assumed the operational role of detecting and interdicting smugglers using aircraft.

The aircraft deployed by INS are not capable of air-interception type operations. These aircraft operate at low altitudes and at slow speeds in support of Border Patrol ground activities. Similar aircraft are operated by Customs in support of Customs Patrol ground operations.

Customs air interdiction--  
cost, use, and results

Since 1971 Customs has spent \$25 million on aircraft and radar for the air interdiction program. In fiscal year 1976 salary costs, excluding overtime, for the four Southwest border Air Support Branches were about \$1.3 million.

Customs has requested large increases in its air program including a jet aircraft and two twin-engine turboprop planes. In a response to the Southern Border Drug Abuse Task Force, Customs estimated that at the very minimum an additional \$29.3 million in resources was required to adequately mount an effective war on the smugglers who utilize aircraft.

The Domestic Council Southern Border report cited the Customs air program as being only marginally effective, and OMB reduced the portions of Customs' fiscal year 1977 budget request for additional aircraft and support equipment. Customs could not show OMB how the additional aircraft would give

significant results. Based on airplane crash data, OMB believed that primarily marihuana, the lowest drug priority, was being smuggled by air.

Routine patrol and surveillance, as well as support of special operations, characterize Customs use of aircraft. During our review we noted that the majority of the aircraft flight hours and missions were for:

- Patrol/search: routine border or port patrol not involved in a specific case.
- Surveillance: an aircraft is called in on a case or potential case for intelligence gathering purposes.
- Other: any type of mission or utilization not otherwise categorized, such as liaison missions (most of which are contacts with fixed based operators).

During fiscal year 1975 only 1.4 percent of the flight hours at the Tucson ASB, and 5.5 percent at the San Diego ASB, were for interception/apprehension where an aircraft was called in to assist in arrest or seizure.

Our followup of drug interdiction cases at the ASBs along the Southwest border for calendar year 1975 showed that very few major drug interdictions were made, and virtually all involved marihuana. The table below summarizes these activities.

Customs ASB Drug Cases  
Calendar Year 1975

<u>ASB branch</u>	<u>Total cases</u>	<u>Marihuana only</u>		<u>Other cases</u>		<u>Arrests</u>
		<u>Cases</u>	<u>Kilograms seized</u>	<u>Number</u>	<u>Type &amp; quantity</u>	
San Diego	<u>a/27</u>	<u>b/21</u>	4,760	2	1 trace, cocaine, 1 trace amphet- amine, 97 kg. mari- huana	53
Tucson	29	<u>c/29</u>	13,422	-	-	88
San Antonio	9	9	519	-	-	10
El Paso (note d)	3	2	366	<u>e/1</u>	2.4 kg. heroin	8
	—	—	—	—	—	—
Total	<u>68</u>	<u>61</u>	<u>19,067</u>	<u>3</u>		<u>159</u>

a/Includes 4 cases where no drugs were seized.

b/Includes 6 cases where 1 kilogram or less was seized.

c/Includes 3 cases where less than 1 kilogram was seized.

d/Statistics for El Paso are for period July 1, 1975, through May 31, 1976.

e/The heroin seized did not come from Mexico aboard an aircraft; it was delivered to the suspect's aircraft at the El Paso International Airport.

DEA aircraft operation

DEA's annual operating cost for the air program is about \$2 million. The program's basic mission is to support enforcement operations. Air-to-surface surveillance flights account for the majority of the missions, about 60 percent. Increasing numbers of pilots and aircraft are being devoted to special operations, particularly Operation Trizo, the opium eradication campaign in Mexico.

A recent DEA evaluation of air operations disclosed that, overall, the air program is meeting its basic objectives, both domestically and in foreign operations, but, as

presently structured and supported, is accomplishing its mission through "makeshift" techniques in the absence of planned programs encompassing aircraft procurement, utilization, maintenance, safety, pilot training, and career development. In discussing problems pertaining to the air program's operations, the evaluation report questioned the program's involvement in gathering intelligence data, as that function duplicates, to a large measure, the Customs air interdiction role and has, to date, borne limited accomplishments. While DEA pilots are special agents, they are nonproductive from an investigative standpoint since they neither develop nor conclude investigations. The DEA evaluation team found that (1) pilots' involvement in undercover capacity is minimal--less than 10 percent of total air missions, (2) pilots do not testify in court, do not write surveillance reports, and rarely are involved in arrest situations, and (3) in all instances of air-to-surface surveillance, pilots are accompanied by a special agent who serves as radio operator, observer, and the recorder of facts.

Eleven of DEA's 39 aircraft are stationed along the United States-Mexico border with many in close proximity to, and having similar capabilities of, Customs aircraft. DEA, Customs, and INS have separate aircraft maintenance and support facilities.

Marine drug interdiction--some success, but increased cooperation and program integration are needed

Customs, DEA, and the U.S. Coast Guard all have roles in preventing drug smuggling by vessel. These agencies have had some success in stopping marihuana smuggling by vessel. Several large interagency marihuana seizures have been made in cooperation with State and local enforcement personnel. Generally, however, marine enforcement efforts have rarely resulted in hard narcotics seizures in other than user amounts, and have not been effectively planned and integrated.

Interdicting drug smugglers on water is difficult, as discussed in chapter 2. Intelligence data, the key ingredient to any interdiction effort, seldom has been available. Occasional joint operations and routine interdiction and enforcement activities characterize the marine operations of enforcement agencies in the Southern California area. Customs and DEA vessels seldom have been operated.

## Customs

The Customs Marine Support Branch in San Diego, California, with 13 patrol officers and three vessels, made 10 marine drug interdictions during 1975. Seventeen middle- and lower-level violators were arrested. In two of the cases, no arrests were made--abandoned loads of marihuana were found. The Marine group seized 2,315 kilograms of marihuana and 14 grams of heroin.

A marine drug interdiction made during 1975 is summarized below to illustrate the operation mode of the Marine Support Branch:

While investigating marine smuggling activities at a local marina in January 1975, Customs Patrol officers (CPOs) observed a boat being launched. Immediately after launching the boat, the tow vehicle and trailer departed the area, arousing the suspicions of the CPOs. After further inquiry disclosed that the boat had been the subject of a Harbor Police report nearly 4 months earlier, the CPOs decided to maintain surveillance, and an additional CPO was called in to help. When the boat departed the marina, a Customs airplane was called in to assist in surveillance. The boat was observed from the air to enter Mexican waters and return to San Diego Bay, where a search of the vessel yielded one-half ounce of heroin, 300 kilograms of marihuana, a small amount of hashish, and a "hash" pipe.

The Marine group did not use a vessel during the interdiction.

Vessel utilization and value data are shown in the following table.

San Diego Customs Marine-Support-Branch  
Vessel Value and Utilization Data  
January 1975 thru June 1976

	<u>Number of days</u>					<u>Not used</u>	<u>Approximate value</u>
	<u>Patrolling results</u>		<u>Training</u>	<u>Maintenance</u>	<u>Other (note a)</u>		
	<u>Positive</u>	<u>Negative</u>					
38' Bertram	-	125	7	14	25	376	\$110,000
26' Live-say	5	98	2	52	17	373	23,500
16' Nauset (note b)	-	-	-	1	13	35 <sup>1</sup>	4,200
Total	<u>5</u>	<u>223</u>	<u>9</u>	<u>67</u>	<u>55</u>	<u>1,100</u>	<u>\$137,700</u>

a/Testing and demonstration to visitors.

b/Does not include data for January 1976 through June 1976.

The San Diego Customs Marine Support Branch participated in four special operations between October 1974 and November 1976. The last two operations involved DEA and the Coast Guard, as well as other Customs units. The marine involvement in these operations was limited primarily to picket line duty and intelligence gathering activities, which resulted in a small number of marine drug interdictions. These interdictions all involved marihuana. Operation Star Trek, the longest operation, was held from September 20 through November 11, 1975. Customs, DEA, and the Coast Guard were involved in the marine segment of the operation, utilizing 11 vessels and 1 aircraft. Their combined efforts resulted in one drug interdiction which was the result of a Coast Guard search and rescue mission. They arrested one suspect and seized 296 kilograms of marihuana. Three of these special operations are discussed in greater detailed on pages 46 to 49.

DEA uncertain of its role

The DEA San Diego district office has one agent assigned part-time to marine drug enforcement. The district office has two vessels, a 36-foot Uniflite and a 24-foot Wellcraft. The Uniflite, valued at about \$70,000, was used only about 54 hours during 1975, and 29 of those hours occurred in January. The Wellcraft, valued at about \$8,000, has never been used by DEA because needed repairs have not

been made. This vessel was seized by DEA in Miami, Florida, and transferred to San Diego in July 1975 at a cost of \$3,000, which included a boat trailer. As of April 1977 funds had not been authorized by Headquarters to make the repairs.

DEA's marine program could be improved by increased Headquarters direction and development of clearly defined objectives and operational modes. The following example illustrates the need for such improvement:

--The DEA Assistant Administrator for Enforcement stated in a memorandum dated April 23, 1975, to the Los Angeles, Miami, and New Orleans Regional Directors, that an "in-depth" evaluation of DEA's boat program had been conducted. DEA concluded that five vessels transferred from Customs at the time of the reorganization did not adequately meet DEA's investigative mission. He further stated that DEA would offer these vessels to other government agencies and either put seized vessels into service or rent vessels when needed. The Assistant Administrator, however, issued another memorandum dated May 12, 1975, to all domestic Regional Directors regarding DEA policy on water craft. As a result of his evaluation, he wrote, "we have determined there is a definite utility for water craft in the accomplishment of DEA's mission." The vessels were retained by DEA.

--In February 1976 in an interview with GAO, the Acting Chief, Special Enforcement Programs, said that the DEA boat program is considered an on-going active enforcement tool. The original "in-depth" evaluation consisted only of a few telephone calls. Following the issuance of the Assistant Administrator's first memo, the Acting Chief and others visited the sites of the boats and concluded that the vessels were needed in the DEA enforcement effort. The Acting Chief told us that "the boats in DEA are more or less like fire engines. That is, they may sit for long periods of time unused, but occasionally you really need one."

In a March 1975 memo, a San Diego DEA official wrote concerning the marine program that "guidelines for sufficient enforcement are undefined and ineffective." As late as May 1977, it was recognized by the DEA official in

charge of the marine program in San Diego that "DEA continues to ignore its responsibilities of initiating marine intelligence and follow-up investigation \* \* \*." Thus, according to this official, DEA is failing to support combined Customs/DEA/Coast Guard efforts.

#### Coast Guard

The Coast Guard in recent years has emphasized marine law enforcement as a primary mission, including the interdiction of illicit narcotics.

The 11th Coast Guard District's area of responsibility along the California coast extends from the Santa Maria River to the Mexican border. The Chief of Operations said that the increased emphasis was in response to what the Coast Guard perceived as an increase in smuggling by vessel. He said the District can dedicate men and equipment for a period of time; beginning May 18, 1976, they maintained a vessel on law enforcement patrol 24 hours per day at least 85 percent of the time. As of November 1976 this patrol had not resulted in a single drug interdiction. Coast Guard officials attributed this to their not receiving the kind or amount of intelligence data needed. The District's participation in a recent joint operation was much less than in a similar operation a year earlier. The Coast Guard is essentially operating its own program because of its own law enforcement responsibilities.

Unclear understanding of whether the Coast Guard or Customs has primary jurisdiction on marine narcotics interdiction has led to some problems. To illustrate, Customs officials told us the Coast Guard has requested that local police in an oceanside community with whom Customs had been maintaining liaison furnish the Coast Guard rather than Customs any information regarding suspect vessels.

#### Joint operations-- limited coordination

The White Paper on Drug Abuse recommended that a program be developed for more effective border control and that Customs, DEA, and the U.S. Border Patrol vastly improve their coordination of activities along the border, including joint task force operations.

Since September 1975 when the White Paper was issued, there have been three intensified interdiction operations

along the United States-Mexico border. These were to be cooperative and coordinated efforts among various Federal agencies and were aimed at more effective border control. During these Customs-initiated operations, FAA and the Department of Defense were to provide air radar support. There was nominal or no coordination among the enforcement agencies. Interdiction results were varied; some large seizures of marihuana were made but heroin seizures were disappointing. Marihuana represented the overwhelming majority of drugs seized. These operations are discussed below.

#### Texas-Mexico border

Operation Diamondback, a joint operation along the Texas-Mexico border, was to augment Customs resources with those of other Federal enforcement agencies in an effort to achieve maximum effectiveness in interdiction capabilities. The DEA, Border Patrol, Coast Guard, and FAA were to be equal partners, and by integrating their efforts the interdiction function was expected to be more efficient. The operation was conducted for a 37-day period beginning on April 20 and ending May 26, 1976.

In evaluating the program, the participants reported lack of planning, coordination, cooperation, and information/intelligence. Some of the observed problems were:

- Fundamental planning and coordination of the operation never got out of the idea stage. The decisionmaking process was very poor due to confusion as to who had the authority and responsibility for directing actions. In essence, the land, sea, and air units were going their separate ways.
- An incorrect assumption was made that the area to be covered during the operation had FAA and North American Air Defense Command (NORAD) radar coverage.
- Personnel to maintain/operate the mobile radar units and staff the Tactical Command Post were insufficient and improperly qualified.
- Intelligence data to field units from a headquarters or command level was nonexistent.

The INS Border Patrol had no involvement in the operation except for being notified at the implemental stage. DEA's participation was limited to agents accompanying Customs agents into the interior of Mexico to record the names/

identification numbers of suspect vessels and aircraft. A Customs Patrol official pointed out that one possible source of intelligence would have been to have the Customs liaison office at EPIC provide analyses in advance of the operation, with updates during the operation.

In a memorandum to Customs the Coast Guard stated that, "this operation was rushed into execution with little or no planning at the field level and consequently was fraught with many flaws." Customs ASB and Customs Patrol officials considered the air and sea operations a failure; no arrests or seizures were made. Total drug seizures from other operational modes were

--13,013 pounds marihuana and

--402,134 5-grain units of dangerous drugs.

California and Arizona-Mexico border

Customs initiated two interagency operations along the California and Arizona-Mexico border, Star Trek I and II. Star Trek I was held in late 1975 and Star Trek II about a year later.

Star Trek I was to involve DEA, Coast Guard, FAA, and the Air Force. DEA was to provide intelligence data. INS was not mentioned in Custom's operation plans and did not participate. The intensified day and night, land, sea, and air operation lasted 52 days. It was aimed primarily at interdictions between ports-of-entry. The temporary duty personnel and equipment assigned to the operation were deployed accordingly.

Some large marihuana seizures were made by the Customs Air Support Branches. The marine enforcement groups made only one marihuana seizure; that resulted from a Coast Guard search and rescue mission rather than the special operation. Most of the cocaine was seized away from the United States-Mexico border by the Los Angeles District Customs inspectors, while the overwhelming majority of the heroin and dangerous drug seizures were made at land ports-of-entry.

Customs noted that a weakness of the operation was the scant information provided by DEA, especially regarding the Arizona-Mexico border area. The El Paso Intelligence Center was not asked to support Star Trek I, according to the EPIC Director. There were only two telephone calls received by EPIC from Star Trek personnel during the 52-day operation.

Drug seizures were

- 46,141 pounds marihuana,
- 81 pounds hashish,
- 90.7 pounds cocaine,
- 2.5 pounds heroin, and
- 1,540,861 5-grain units of dangerous drugs.

Star Trek II was a 40-day operation, to be supported by DEA, FAA, Air Force, and the Coast Guard. Cooperation among the enforcement agencies was poor and the lack of intelligence data regarding drug smuggling was still a major weakness. Customs reported receiving only three pieces of intelligence from DEA which resulted in seizures.

In May 1976 the Coast Guard initiated its own law enforcement patrol program. The Coast Guard participation in the Star Trek II operation was much less than in Star Trek I. There were no joint patrols using Customs and Coast Guard boats, planes, and other equipment. Customs Patrol officers were aboard Coast Guard vessels occasionally during the operation. The Officer-in-charge of Operations, 11th Coast Guard District, said the Coast Guard followed its own patrol program and operated independent of Customs. Customs was advised to call if support was needed, but no such requests were received during Star Trek II.

As in Star Trek I, primarily marihuana was seized. Inspectors at ports-of-entry intensified their operations to coincide with Star Trek II. The quantities of different narcotics seized mostly exceeded those of Star Trek I. The first significant seizure of Star Trek II was made by a mobile task force of Customs inspectors assigned to a small port in Arizona.

Drugs seized during Star Trek II were

- 33,294.8 pounds marihuana,
- .15 pounds hashish,
- 11.38 pounds cocaine,
- 4.53 pounds heroin, and
- 4,946 5-grain units of dangerous drugs.

## CONCLUSIONS

Control of the United States-Mexico border is a complex and difficult task that requires a comprehensive, coordinated effort by all segments of the Federal law enforcement community.

Over the past few years the Congress, executive branch, and we have issued reports dealing with efforts to control illegal entry of people and things into the United States. Studies by the Congress and the executive branch have delineated the policy and direction that such a program should take and the areas of operation that should be improved. The predominant recurring theme of these reports and studies is the need for greater coordination and cooperation among the various agencies having enforcement responsibilities in this area.

While some recommendations have been implemented, the essential characteristics of the problems remain. Separate agencies with different orientations continue to identify the best activities to meet their missions with limited consideration for the activity of others. This has led to the development of separate but similar lines of effort that continue to dilute border coverage and impact. Little consideration is given to overall border security.

We believe that sound management principles and the inherent difficulties of multiagency cooperation call for an integrated Federal law enforcement strategy and a comprehensive border control plan. A specific plan is needed to assure that all responsible agencies are pursuing established goals and that operational responsibilities for specific missions are established. The objective of the plan should be to obtain maximum border security with available resources by minimizing unnecessary duplication and overlapping. Such a plan, in our opinion, should include single-agency management and responsibility. For example, law enforcement interdiction at every port-of-entry in the country should be handled by one agency, whether it be Customs or INS. The same would apply to interdiction by (1) land, (2) sea, or (3) air at points away from the ports-of-entry. Single-agency management was recommended in our report, "A Single Agency Needed To Manage Port-Of-Entry Inspections - Particularly At U.S. Airports," dated May 30, 1973. We envision that single-agency management would include the authority and responsibility for the development and maintenance of all support activities, including a single automated lookout system. Besides managing the day-to-day

operations of the ports-of-entry, the agency would be responsible for the research and development of all new techniques and devices to improve detection of people, drugs, and other contraband entering illegally.

Two critical elements to devising and operating such a plan would be:

- A comprehensive analysis of the various border law enforcement agencies' total resources to facilitate integration of the various missions into the overall Federal strategy. Such an analysis would permit identification of areas of overlapping operations and duplicative equipment.
- A study of the various alternatives for managing border operations ranging from the present management structure to single-agency management.

Federal investment in law enforcement activity along the Southwest border has been increasing steadily over the years, but has had only a minor impact on the alien and drug problems. Law enforcement agencies continue to seek additional funds, without clear support as to meaningful results or impact. For example, we concur with OMB's position that Customs' air interdiction has only been marginally effective and has not justified additional aircraft and support equipment requested.

#### RECOMMENDATIONS TO AGENCIES

As an initial step to strengthen law enforcement at the border, we recommend that the Director, Office of Management and Budget, prepare an annual analysis on law enforcement along the United States-Mexico border. Such an analysis would bring together the separate budget requests of the various border enforcement agencies to facilitate integration of agencies' plans, programs, resources, allocations, and accomplishments. An essential element of the analysis should be a statement of strategies and milestones to show the most important results intended to be accomplished over a period of time (e.g., 1, 2, or more fiscal years) with the resources requested from the Congress. This analysis should be provided to the Congress with the agencies appropriation requests. In concert with this analyses, we recommend that OMB and ODAP, together with the Attorney General, Secretary of the Treasury, and other Department Heads having responsibility for border law enforcement, develop an integrated strategy and comprehensive operational

plan for border control. This plan should consider the various alternatives for managing border operations ranging from the present management structure to single-agency management. Also, OMB should coordinate closely with responsible congressional committees as to legislation needed to accomplish the proposed plan.

#### RECOMMENDATIONS TO THE CONGRESS

The plans and programs of the Department of Justice, Department of the Treasury, and other departments responsible for securing our border are subject to authorization by a variety of appropriations and legislative committees within the Congress. Because of the problems discussed in this report--Federal agencies, having separate statutory responsibilities, competing for limited resources where complex long-term national problems of drug abuse and aliens, come together at the border with Mexico--we recommend that the appropriate congressional committees or subcommittees hold oversight hearings to evaluate past performance and to provide guidance for future activities. OMB, ODAP, and agency action in carrying out our recommendations should provide the data needed for evaluating the problem and determining what legislation is needed.

## CHAPTER 5

### OPPORTUNITIES FOR IMPROVING THE DETERRENT

#### EFFECT OF BORDER LAW ENFORCEMENT

Improved interdiction capability can do little by itself to deter smuggling unless the penalties imposed outweigh the benefits derived. Opportunities exist to diminish the incentive to smuggle drugs into the United States by expanding the jurisdiction of Federal magistrates, selectively enforcing existing administrative sanctions, and encouraging enforcement improvements in Mexico.

#### OVERVIEW OF THE EFFECT OF CRIMINAL AND ADMINISTRATIVE SANCTIONS

The Federal Government has criminal and administrative sanctions to punish drug smugglers. These include forfeiture of conveyances used to smuggle narcotics, administrative fines levied by the Customs Service, suspension or revocation of air smugglers' pilot licenses by the FAA, and prosecution of the smuggler by the U.S. Attorney. Our review of drug smuggling cases made by Federal law enforcement agencies along the Mexican border showed:

- Most drug smugglers caught bringing in greater-than-user quantities of controlled substances are prosecuted, but few are major violators.
- Forfeiture of conveyances used to smuggle narcotics can be easily avoided or minimized by the experienced smuggler.
- Penalties and fines are seldom levied against drug smugglers and, when levied, almost always go unpaid.
- Revocation or suspension of a smuggler's pilot license seldom occurs.

To evaluate the action taken following a drug interdiction at the locations visited, we reviewed (1) all sea and air interdiction cases for calendar year 1975 and (2) port-of-entry and land patrol interdiction cases for the last quarter of calendar year 1975 involving heroin, cocaine, dangerous drugs, and one kilogram or more of marijuana.

Who is being prosecuted and convicted?

Many more violators are apprehended than prosecuted for bringing illegal drugs across the border.

Individuals apprehended while smuggling small quantities of drugs into the United States, often for personal use, comprise by far the largest category of those apprehended. The overwhelming majority of these are not prosecuted. They are rarely detected away from ports-of-entry, account for over half the drug interdictions, and usually do not meet the U.S. Attorney's criteria for prosecution. To illustrate, interdictions in the category which were not prosecuted represented about 60 percent of the port-of-entry interdictions at San Ysidro and Nogales during the last quarter of calendar year 1975. During the period January through August 1976 about 780 or three-fourths of Customs and INS interdictions in the San Diego area were in this category and were not prosecuted by the U.S. Attorney. In the majority of these cases the persons apprehended paid fines in lieu of forfeiting automobiles. Pedestrians, if not prosecuted, are released without penalty.

Most smugglers caught bringing in greater-than-user quantities of illegal drugs are prosecuted. Seven out of every ten cases in our sample involved marihuana only, with those involving other illegal drugs almost exclusively associated with ports-of-entry. Almost without exception, the air, sea, and land cases involved marihuana. As shown on the following chart, in the cases we reviewed, 69 percent of those arrested were indicted; of those indicted whose cases were completed at the time of our review, 84 percent had been convicted.

	Arrest cases reviewed	Smugglers			
		Arrested	In-dicted	Pend-ing	Con-victed
Port-of-entry	117	169	96	10	76
Non-port-of-entry					
Land patrol	53	82	59	2	50
Air patrol	48	141	114	21	70
Sea patrol	<u>8</u>	<u>17</u>	<u>15</u>	<u>2</u>	<u>13</u>
Totals	<u>226</u>	<u>409</u>	<u>284</u>	<u>35</u>	<u>209</u>

The 209 convicted smugglers received the following criminal penalties:

<u>Criminal penalties</u>	<u>Number of smugglers</u>
Length of prison term (months):	
Up to 6	60
7 to 12	23
13 to 24	33
25 to 48	19
49 to 60	10
61 and over	<u>4</u>
Total	149
Probation	46
Federal Youth Correction Act--indeterminate sentence	8
Fines (note a)	1
Other (note b)	<u>5</u>
Total	<u>209</u>

a/Thirteen convicted smugglers received fines in addition to prison sentences.

b/Convicted but sentencing unknown.

#### Expanding the use of magistrates can help

Although there has been a shift in priorities to the higher-level trafficking networks and to drugs which pose a greater risk to society, the Federal law enforcement community is left with the problem of enforcing laws against small-time smugglers. The problem is particularly acute for marihuana interdictions made along the Southwest border. One way to increase the risk of prosecution for these lower-level violators would be to expand the trial jurisdiction of U.S. magistrates. At present there are no Federal narcotics statutes with penalties low enough to allow the case to be heard before a magistrate.

Under existing law the U.S. District Courts may designate U.S. magistrates to try and to sentence persons accused of certain minor offenses for which the penalty "does not exceed imprisonment for a period of 1 year, or a fine of not more than \$1,000, or both." It is the view of the Judicial Conference of the United States that there are a number of misdemeanors in the United States Code not presently

included in the term "minor offense" which could properly be tried by U.S. magistrates. These include the illegal possession of drugs (21 U.S.C. 841(b)). The Conference believes that an increase from \$1,000 to \$5,000 in the magistrates' jurisdiction for minor offenses, while retaining certain exceptions presently enumerated in the statute, would provide a beneficial expansion and would thereby relieve U.S. district judges of some of the burden in handling minor crimes which are misdemeanors. In our prior report, "The U.S. Magistrates: How Their Services Have Assisted Administration of Several District Courts; More Improvements Needed "(B-133322), September 19, 1974, the benefits of expanding the authority of and increasing the use of magistrates was discussed. The report recommended that the Congress consider modifying the Federal Magistrates Act to expand the magistrates' trial jurisdiction to include most misdemeanors. Legislation introduced into the 94th Congress to accomplish this was not enacted. Legislation to expand magistrates authority has been introduced in the current session, however (H.R. 7493, S. 1612, and S. 1613).

Sixty-six percent or 137 of the 209 convicted smugglers received criminal sentences of 1 year or less, which is within the existing misdemeanor authority of magistrates. However, these cases were precluded from being prosecuted before magistrates because the maximum penalties (fines) that could have been imposed under the indictments exceeded their trial jurisdiction. Yet, a fine was imposed in only 14 cases, with three of these above \$1,000.

The expanded use of magistrates could significantly reduce the amount of time U.S. Attorneys, public defenders, investigators and apprehending officers spend on each case. It could relieve (1) the dilemma U.S. Attorneys face along the Southwest border when a violator does not warrant felony prosecution and (2) the U.S. District Court's time spent on first-time apprehension of couriers or narcotics users attempting to support their habit. U.S. Attorneys believe the latter merits punitive action beyond mere confiscation of vehicles used to smuggle drugs. Even greater savings could result at locations along the border such as Calexico, California, where the nearest Federal court is 125 miles away in San Diego while a U.S. magistrate is located in El Centro, California, only 18 miles from Calexico.

#### PROSECUTION OF BORDER INTERDICTION CASES IN MEXICO CAN BE EFFECTIVE

Turning back selected border interdiction cases to Mexican enforcement officials has been a successful alternative

to Federal prosecution in the United States. In some cases, investigation by Mexican enforcement officials led to the identification and arrest of major drug suppliers when the cases were considered to hold little followup potential on the United States side of the border. The use of this technique, however, has been confined to a small number of interdiction cases. Continued or increased use of the turnback procedure can help solve prosecution problems. To turn a case over to Mexican authorities, the smuggler must be a Mexican citizen residing in Mexico. If a vehicle is involved, it must be registered in Mexico.

In Arizona, the U.S. Attorney has given DEA blanket authority to turn drug cases over to Mexico. DEA officials believe the turnback procedure is a good enforcement tool, although there are at least two problems. First, few MFJP agents have been assigned along the border, and frequent turnover of personnel has hampered the continuity needed for effectiveness. Second, Customs said it has no authority to turn a seized vehicle over to the Mexican officials who need it to prosecute a case.

In the San Diego District five drug interdiction cases were turned back to Mexican enforcement officials during January and February 1976. The potential of the turnback procedure is illustrated by one of these cases:

A Mexican citizen was arrested at a port-of-entry attempting to smuggle small amounts of heroin and cocaine into the United States. After questioning the subject regarding his source without success, DEA turned him over to the MFJP who persuaded him to cooperate and lead them to his source of supply. The supplier was also induced to cooperate, and further investigation led to a higher-level supplier. In total, four suspects were arrested: one Class I, one Class II, and two Class III. Another Class I suspect escaped. This investigation enabled the MFJP and DEA to disrupt a trafficking organization they had previously been unsuccessful in penetrating. Prior to these arrests, DEA had planned a task force solely to combat the same organization; the turnback case made the task force unnecessary.

The U.S. Attorney's Chief, Criminal Division, Southern District of California, told us that this alternative to prosecution in U.S. Federal Court has resulted in a decrease in the number of people willing to become "mules" (couriers) who smuggle drugs across the California/Mexico border.

SEIZURE OF VEHICLES AND AIRCRAFT  
HAS LITTLE DETERRENT VALUE

Conveyances used to smuggle drugs may be seized and forfeited in accordance with the provisions of 19 U.S.C. 1595a. The Customs Service can seize smuggling conveyances and forfeit them administratively if the value is less than \$2,500. Conveyances having a value of \$2,500 or more must be forfeited judicially. 1/

For smuggling cases involving very small amounts of drugs (excluding heroin and cocaine), Customs Headquarters has developed guidelines for mitigating vehicle forfeitures down to a \$100 to \$300 fine, where the District Director of Customs is satisfied the drugs were not intended for resale. With few exceptions, these guidelines were being adhered to at the ports-of-entry where we followed up the disposition of small smuggling cases.

For cases involving larger amounts of drugs, Customs generally was successful in forfeiture actions where the apprehended smuggler was the owner of the vehicle. The following table summarizes drug-related vehicle seizures at the four border sites we visited:

<u>Vehicles</u>	<u>Number</u>	<u>Percentage</u>
Forfeited	192	59
Returned with mitigated penalty	46	14
Returned without penalty	63	19
Pending or disposition unknown	<u>26</u>	<u>8</u>
Total vehicles seized	<u>327</u>	<u>100</u>

Of the 63 vehicles returned without penalty, at least half were returned to a rental agency, lienholder, or other legal owner not implicated in the case. The other vehicles were returned for various reasons, i.e., the car belonged to a passenger or driver who appeared uninvolved, the smuggler cooperated with authorities, or criminal prosecution was dropped.

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1/In our report "Drugs, Firearms, Currency, and Other Property Seized by Law Enforcement Agencies: Too Much Held Too Long" (GGD-76-105, May 31, 1977), we recommended that the Congress raise the limit of administrative forfeitures.

The Customs Service was much less successful in forfeiture actions against seized aircraft used in smuggling drugs. Our analysis of 56 aircraft seized in drug-related cases by the four Customs Air Support Branches showed that only 6, or 11 percent, were forfeited and 28, or 50 percent, were returned without penalty:

<u>Aircraft</u>	<u>Number</u>	<u>Percentage</u>
Forfeited	6	11
Returned with mitigated penalty	9	16
Returned without penalty	28	50
Pending or disposition unknown	<u>13</u>	<u>23</u>
Total aircraft seized	<u>56</u>	<u>100</u>

Of the 28 aircraft returned without penalty, about 80 percent were returned to a legal owner not implicated in the case. The remaining aircraft were returned for various reasons, including insufficient evidence or owner cooperation with authorities.

It is unlikely that the seizure of a conveyance will deter drug smuggling for three main reasons:

- The smuggler often uses a conveyance in which he has little or no financial interest such as a rented, borrowed, or heavily financed vehicle or aircraft. If it is seized, the smuggler has lost little.
- Automobiles used by smugglers often are old and of little value. For instance, the average age of the 90 vehicles seized at San Ysidro during a 3-month period was 8 years.
- The value of smuggled drugs is so high that possible loss of a conveyance is viewed as a cost of doing business.

ADMINISTRATIVE PENALTIES--SELDOM LEVIED  
AND ALMOST ALWAYS UNPAID

Title 19 of the United States Code contains several statutes which provide Customs the authority to administratively fine persons transporting illegal narcotics into the country. Most of these statutes were not being used to penalize apprehended drug smugglers at the locations we visited. In a small number of instances, penalties were levied against marihuana smugglers using aircraft, but were rarely collected.

A listing of the statutes and circumstances under which penalties can be applied against drug smugglers is presented in appendix II. In short, any person who fails to report arrival from a country, or fails to declare acquired possessions, can be fined by Customs.

Customs Headquarters was unable to tell us whether the various statutes were being used to penalize drug smugglers. A Customs official stated that the statutes were being used, but could not tell us if they were being used against drug smugglers. At the district office level, where the penalties are issued, we found that most of the administrative sanctions are routinely excluded from consideration for the following reasons:

- Few of the smugglers apprehended have the potential to pay or offer a reasonable prospect of collection due to incarceration or having assets well concealed.
- Substantial time and effort are involved in Customs attempting to collect when such penalties have been levied.
- As a last resort, if an individual refuses to pay Customs, the penalty case is referred to the U.S. Attorney, who places low priority on penalty collections because of the limited collection possibilities.

We did find assessment of administrative penalties in marijuana smuggling cases involving aircraft, but our analysis of 27 fines issued against smugglers disclosed only 2 instances where the fines were collected. All of the fines related to one or both of the following types of violations.

#### Navigation penalty

Private pilots must report to Customs or the Federal Aviation Administration at least 15 minutes prior to entering U.S. air space along the Southwest border and must land (unless exempted) at a designated airport for Customs inspection. Any pilot violating Customs aircraft reporting requirements is subject to a penalty of \$500 for each of the three sections of the regulation violated or a maximum penalty of \$1,500 (United States Code, Title 49, Section 1474 and Sections 6.2 and 6.3 of the Customs Regulations).

Our case analysis showed that this penalty is often issued by the Customs District Director but is seldom paid. Of 23 penalties issued at a dollar value of \$29,000 a total of \$800 had been collected in two cases.

### Failure to manifest merchandise

United States Code, title 19, section 1584, Falsity or Lack of Manifest, provides for a \$500 penalty for failure to produce a manifest of merchandise on any vessel or vehicle bound to the United States. Failure to manifest can result in a penalty equal to the value of the merchandise not manifested. If the merchandise includes narcotics, the master of the vessel or person in charge of the vehicle is liable for a penalty of \$50 for each ounce of heroin, morphine, cocaine, isonipecaine, or opiate; \$25 for each ounce of smoking opium or marihuana; \$10 for each ounce of crude opium.

We found that only one of the five Customs district offices visited was using this penalty. That district was restricting its use to pilots of aircraft smuggling marihuana across the border. The other districts felt that the statute could not be applied to smuggling by aircraft. A Customs headquarters official informed us that while there is some statutory doubt as to whether these penalties can be levied, Customs has on occasions used this authority. This official further stated that due to the severity of the penalties under section 1584, such penalties are considered relatively meaningless because of the difficulty in making collections.

We noted four such cases where a district levied penalties against pilots smuggling marihuana. The penalties issued averaged \$258,000. The size of these penalties, however, made the U.S. Attorneys reluctant to accept these cases for collection for the practical reason that they were considered impossible to collect.

The U.S. Attorney in Arizona is against the arbitrary assessment of penalties in aircraft violations involving narcotics smugglers, especially when there is not reasonable prospect of collection due to incarceration, lack of assets, etc.

### FAA REGULATIONS--LITTLE EFFECT ON AIR DRUG SMUGGLERS

FAA has two regulations to penalize pilots involved in drug-related offenses. FAA can suspend or revoke the pilot's certificate of anyone who knowingly carries drugs in an aircraft, a violation of Federal Aviation Regulation (FAR) 91.12. The FAA can also suspend or revoke the pilot's certificate of anyone convicted of violating any Federal or State narcotics statute under FAR 61.15. Without a valid certificate, an air smuggler is prohibited from piloting any

aircraft, rented or otherwise. FAA can also move against suspected air smugglers for safety violations, such as flying without lights, carrying fuel in the cabin area, or flying too low. FAA's primary reason for taking any of these actions is to improve air safety. The FAA Western Regional Counsel told us there are no criminal penalties for FAR violations, only civil penalties with a maximum fine of \$1,000 per violation.

FAA has considerable latitude in administering FAR. FAA officials stated that while revocation of a certificate is "permanent," it can be appealed after a waiting period of 1 year. FAA has the authority to waive the 1-year waiting period. Appeals and reinstatement are common. FAA officials informed us that normally a pilot whose certificate has been revoked will reapply for certification (appeal) at the end of the waiting period, and proceed to obtain certification. If his certification was merely suspended, he does not have to reapply.

FAA relies on DEA to furnish names of convicted pilots before it initiates revocation proceedings. FAA Headquarters officials told us that they do not have the investigative resources to examine each allegation of drug activity prior to conviction. Accordingly, FAA revocation procedures normally require a conviction before a certificate is suspended or revoked.

During the 21-month period ended September 1976, FAA Western and Southwest Regions took action in 82 cases for drug offense under FARs 91.12 and 61.15. Action completed during this period resulted in FAA revoking 31 and suspending 11 pilot certifications. Additional cases were pending but action had not been taken.

Our analysis of 43 drug interdiction cases made by the San Diego and Tucson ASBs during 1975 showed that FAA's Western Region often does not suspend or revoke the pilot's certificate of convicted narcotics violators. There were no instances of suspension or revocation for pilots knowingly carrying drugs in their aircraft. In FAA's Southwest Region we did find one case where FAR 91.12 was used to suspend an airman's certificate.

In 10, or 23 percent, of the Tucson and San Diego ASB cases, DEA did not inform FAA of the violation. Of the remaining 33 cases, only 15 reached the Regional Counsel's office, where revocation actions are initiated. No action was taken on four of these cases. Of the remainder, FAA revoked six and suspended one. Action remained pending on four cases as of December 1976.

We identified several other factors which explain why the FAA Western Region seldom took action against the drug smugglers:

- FAA was not carrying out existing procedures to insure that reported violations are investigated and forwarded to the Regional Counsel in a timely manner.
- FAA is reluctant to use FAR 91.12, which does not require a conviction, because it could be difficult to prove that the pilot knew drugs were in the aircraft.
- Interpretations made by Administrative Law Judges of the National Transportation Safety Board discourage the Regional Counsel from taking some actions. In cases where the pilot appeals revocation or suspension, the Regional Counsel believes that the judges give the appellant the extreme benefit of doubt.

Because FAA seldom takes action against drug smugglers, applicable regulations have little deterrent effect. The following case illustrates the problems within the existing system:

An FAA-certified pilot was arrested on May 31, 1974, for smuggling 400 pounds of marihuana. On January 23, 1975, the pilot pled guilty to possession of a controlled substance for sale and the smuggling charge was dismissed. On March 12, 1975, the pilot received a sentence of 10 days in jail, 3 years probation, and a \$1,000 fine. On November 4, 1975, the pilot's certificate was revoked because of the May 1974 arrest. On November 14, 1975, he again was arrested for smuggling marihuana by aircraft. On December 3, 1975, FAA, unaware of the November 1975 arrest, held a revocation appeal hearing based upon the May 1974 arrest. The revocation was reduced to a 6-month suspension retroactive to November 10, 1975. Therefore, the pilot did not possess a valid certificate at the time of the second arrest.

On March 1, 1976, the Regional Office was informed about the November 1975 arrest. On March 11, 1976, the Regional Office requested a district office to investigate the second violation. We inquired on November 3, 1976, about the status of the pilot's certificate. We were informed that the district office was not aware of the Region's request and thus the incident had not been investigated. The Chief of the Investigation Branch informed us that

probably nothing could be done regarding the November 1975 arrest because a year had passed and it was the policy of the Regional Counsel not to proceed on old cases.

Officials cited their lack of criminal sanctions as another reason for the ineffectiveness of FAA regulations against drug smugglers or any other violators.

IMPROVED BORDER NARCOTICS CONTROL NOT LIKELY  
WITHOUT INCREASED UNITED STATES-MEXICO COOPERATION

The capability of the United States to deal with the flow of drugs crossing the Southwest border depends not only on an organized coordinated effort among U.S. law enforcement agencies and the judicial system, but also upon the cooperation of the Mexican Government in disrupting the production and shipment of illicit drugs. The United States international narcotics control program relies heavily upon the Government of Mexico.

During our visit to the U.S. Mission in Mexico City in June 1976, we discussed the status of narcotics enforcement activities with DEA regional office personnel and U.S. Mission officials. U.S. officials in Mexico see the opium poppy eradication program as the top priority activity there because it eliminates heroin at the source. Other enforcement action and intelligence-gathering are considered secondary to the eradication program.

Our report, "Opium Eradication Efforts in Mexico: Cautious Optimism Advised," points out that progress has been made by the Mexican Government in attacking the source of heroin--the opium poppy. This program has resulted, in part, from substantial U.S. funding; however, we cautioned that future success would require continuing improvements and commitment by the Mexican Government to upgrade its narcotics control capabilities.

Besides the increased attention given to the eradication program within Mexico, enforcement and information gathering capabilities must also be improved if narcotics control efforts are to have an overall impact within Mexico and at the Southwest border. The need for tactical and operational intelligence on narcotics traffickers, as well as the narcotics distribution system, is particularly acute in view of the reality that without it our border resources are largely wasted. DEA agents stationed in Mexico are becoming more dependent on their Mexican counterparts to carry out investigative and intelligence-gathering operations. This has resulted

from two factors--the Government of Mexico's reluctance to increase the presence of U.S. agents operating within Mexico, particularly those associated with drug intelligence-gathering, and the restrictions placed on DEA agents by the International Security Assistance and Arms Export Act of 1976 (P.L. 94-329) which prevents DEA from directly participating in any drug arrest action. Any effective activity within Mexico must therefore rely on increased Mexican commitment and cooperation. The problem of too little intelligence data from Mexico to assist border enforcement agencies was discussed in chapter 4, beginning on page 18.

Mexico has a 500-person Federal police force which is charged with enforcing all Federal statutes. Since 1974 when we issued a report <sup>1/</sup> on this subject, Mexico has expanded the size and improved the MFJP enforcement capabilities. According to the Drug Enforcement Administration, MFJP is being improved by new recruits who are now required to have 2 years of college training and have attended and graduated from a formal training academy established by the Attorney General. The MFJP's first formal drug enforcement training class was completed at the institute in the fall of 1975. Four additional classes had been completed by the time of our visit in June 1976.

The total staffpower devoted to enforcement activities is not currently sufficient or experienced enough to deal with the magnitude of the narcotics problem in Mexico. Over half of the MFJP officers are committed to the year-round eradication campaign, leaving less than 250 officers to enforce all other Federal laws throughout Mexico. Effective law enforcement is still inhibited by the corrupting influence wealthy traffickers have held. Attempts to overcome poor working conditions (e.g., lack of equipment, below subsistence income, and poor job security) have had some success.

#### CONCLUSIONS

Criminal prosecution and enforcement of existing administrative sanctions are limited as an effective deterrent because of the large profits involved, the nature of the violators being apprehended, and the ease with which penalties can be avoided by the experienced smuggler.

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<sup>1/</sup>"Effort to Stop Narcotics and Dangerous Drugs Coming From and Through Mexico and Central American," GGD-75-44, Dec. 31, 1974.

Expansion of the jurisdiction of Federal magistrates could enable them to handle minor narcotics cases now required to go before a U.S. District Judge. This would ease the overburdened District Court system with about the same deterrent effect.

Administrative penalties could be used more effectively by the FAA against pilots smuggling illicit drugs by aircraft. While FAA actions are not the primary penalties to discourage drug smugglers, the revocation of a pilot's certificate is a viable tool for crippling or inconveniencing the operation of an illicit trafficker. FAA's enforcement of regulations could be strengthened if criminal sanctions were established for pilots who fly without a valid certificate.

The U.S. Mission and the Mexican Government have intensified the eradication effort in Mexico to reduce the amount of Mexican heroin available for smuggling into the United States, but with little attention given to the intelligence needs of border enforcement agencies. The U.S. Mission needs to design a program for developing information to assist in intercepting smugglers at the border (ch. 4). While certain steps can be taken, such as helping Mexico develop its capability to provide actionable intelligence, the Mexican Government is the key to any real success. Improved effectiveness in stopping smugglers at the border is dependent upon the priority and commitment of the Mexican Government to supporting law enforcement activities on both sides of the border.

#### RECOMMENDATIONS TO AGENCIES

The Administrator of DEA should assure that FAA is advised of all arrested persons who are pilots.

The Secretary of Transportation should direct the FAA Administrator to:

- Establish an effective system to insure that reported violations are investigated and adjudicated in a timely manner.
- Clarify use of existing regulations to insure that all available sanctions are considered for use in deterring drug smugglers.
- Rigorously apply administrative sanctions against air smugglers.

The Commissioner of Customs should evaluate the use being made of administrative fines and penalties and develop guidelines to restrict their use to cases where there is a reasonable possibility of collecting the penalty.

The Secretary of State should require the U.S. Mission in Mexico to expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts. Emphasis should be placed on encouraging the Mexican Attorney General to (1) develop information which could be of use in Mexican as well as U.S. interdiction efforts and (2) strengthen enforcement by Mexican forces along the border with full-time drug enforcement officers.

#### RECOMMENDATIONS TO THE CONGRESS

The Congress can help by legislating the following:

- Expand the magistrates' jurisdiction under the Federal Magistrates Act to encompass most misdemeanors, e.g., minor drug offenses, especially marihuana.
- Appropriate funds for additional United States magistrates to be appointed in the Southwest border area.
- Establish criminal penalties for pilots who fly without a valid certificate.

## CHAPTER 6

### AGENCY COMMENTS AND OUR EVALUATION

The OMB the Departments of Justice, Treasury, and State generally agreed with our findings and recommendations. The various departments and OMB were supportive of the conclusion that the absence of a Federal Government integrated strategy and an overall border control plan has resulted in overlapping, duplication, and poorly coordinated enforcement activities. Their comments are discussed below. The Department of Transportation's comments are included as appendix VII.

#### OFFICE OF MANAGEMENT AND BUDGET

OMB informed us (see app. III) that a study of border management and interdiction conducted under the direction of ODAP was near completion. OMB suggested we consider adjusting our recommendation that an integrated strategy and comprehensive operating plan for border control which considers various alternatives for managing border operations be developed to reflect this action.

The ODAP report issued on September 7, 1977, identified as the major obstacles to border control the lack of coordinated border management and overlap and duplication of effort. ODAP's report proposes a wide range of alternatives consistent with the above recommendation and recommends transitional actions that should be taken to improve border management. This report points out the need to establish an overview mechanism to develop a long range border management plan and policies to insure border operations are supportive of all Federal programs. Although we believe this effort is a significant first step in carrying out our recommendations, the Congress and the administration must now resolve the most difficult questions of revising the management structure, reorganizing border organizations, and developing an overall border control plan to resolve the problems discussed in our report. Until these actions are completed, we do not believe the intent of this recommendation will be met.

OMB agrees with our observation that border interdiction alone will not solve the illegal alien problem, and pointed out that the President submitted a proposal to the Congress on August 4, 1977, dealing with undocumented workers. This proposal would:

- Make unlawful the hiring of undocumented aliens with enforcement by the Justice Department against those employers who engage in a "pattern or practice" of such hiring.

- Increase significantly the enforcement of the Fair Labor Standards Act and the Federal Farm Labor Contractor Registration Act, targeted to areas where heavy undocumented alien hirings occur.
- Substantially increase the resources available to control the Southern border and other entry points.
- Promote continued cooperation with the governments which are major sources of undocumented aliens.

The proposal is viewed by the President as an interim step. He has directed the Secretary of State, the Attorney General, and the Secretary of Labor to begin a comprehensive interagency study of existing immigration laws and policies. These actions are consistent with our recommendation that the Congress and the administration work together to totally reassess U.S. immigration policy presented in our October 1976 report titled, "Immigration--Need To Reassess U.S. Policy" (GGD-76-101).

#### DEPARTMENT OF JUSTICE

Justice said our findings and recommendations were compatible with its current philosophy. (See app. IV.) Justice supported our recommendation to the Congress to expand the jurisdiction of Federal magistrates and appropriate funds for appointing additional magistrates to the Southwest area. Justice also believes our recommendation to establish criminal penalties for pilots who fly without a valid certificate has merit, although it believes that sufficient legal means already exist to prosecute them.

Justice stated that the report concentrates heavily on drug interdiction efforts, with only passing references to all other Federal border responsibilities. Justice cited the following examples:

- The discussion on ports-of-entry resources ends with the statement that "While the Customs force continues to decrease in size, the workload increases." No mention is made of INS inspection manpower requirements and workload. Obviously, this omission contributes to an incomplete view of border operation problems.
- The section of the report which discusses detection aids concentrates on drug interdiction and states that "Judgement of the inspector is a critical ingredient in drug interdiction." This is an accurate statement and applies equally to the detection of

mala fide applicants for admission. However, no section of the report deals with the skills required to meet border threats other than drugs.

--The discussion regarding the overlapping roles of the Border Patrol and Customs Patrol between ports-of-entry measures their achievements only in terms of drug interdiction. No mention is made of the superior numerical presence and equipment support of the Border Patrol.

Consequently, in Justice's opinion, the report does not provide the comprehensiveness of border activities necessary to develop a truly "integrated strategy or an overall border control plan" which the report says is needed. Our report was not intended to accomplish this goal. Our intent was to complement and expand the areas not covered in the numerous previous studies dealing with border enforcement cited in appendix I. In our opinion, these reports along with this report, when considered in total, support the need for an integrated strategy and an overall border control plan. We have recommended that OMB, in conjunction with ODAP and the affected agencies, perform the comprehensive study of border activities to develop an integrated strategy and comprehensive plan for border control. Most Departments involved recognized the need for this.

Our report commented on the fact that DEA supplies little actionable intelligence necessary for successful operations along the borders. Justice informed us that DEA recognizes the need to integrate its investigative and control strategy with the strategies of INS and Customs. Justice stated that, in addition to border interdiction intelligence being supplied by EPIC, a new intelligence-collection school for special agents has been initiated and Customs patrol officers are now being assigned to posts of duty at DEA regional offices for coordination purposes. Justice stated that our report was critical of intelligence-gathering and exchange in Mexico by Mexican and U.S. agencies. Justice informed us that, since our visit to DEA's Regional Intelligence Office in Mexico City, the staff has been expanded from one agent/supervisor and one collection agent to nine professional personnel and that the Regional Office has taken steps to strengthen and broaden DEA's and Mexico's collection of border interdiction intelligence.

Regarding our comments on the inability of the Border Patrol and Customs Patrol to communicate with each other, Justice said a more accurate presentation would state that

" \* \* \* in most areas, the radio base stations of both patrols are equipped with commercial scanners which allow each patrol base station to monitor the frequencies of the other and immediately retransmit messages to mobile units."

Our work and that of the ODAP task force indicates that the use of scanners is not nearly as extensive as these comments indicate.

#### DEPARTMENT OF THE TREASURY

The Department of the Treasury stated (see app. V) that our report correctly singles out the absence of an integrated strategy or an overall border control plan which has resulted in overlapping, duplication, and poorly coordinated enforcement activities. It pointed out that an overall review of border management, being performed by the various agencies involved in border management under the direction of the Office of Drug Abuse Policy, should provide a basis for improving the effectiveness of border enforcement activities. The Department further pointed out that it recently concluded a U.S.-Mexican Customs-to-Customs agreement designed to increase cooperation between the Customs Service and the exchange of information in suppression of Customs' offenses, including the smuggling of narcotics, guns, and other contraband.

Treasury stated that our comment that one-third of the Customs research and development funds are used for drug detection systems may give a distorted picture of the relative importance placed on drug detection aids at ports. It said that detection devices used between ports are extremely expensive and funding levels do not indicate proportionate priorities. Treasury listed current and planned research related to port interdiction. Although we agree that expenditures are not the sole indicator of proportionate priorities, in our opinion, it is a significant indicator. This is especially true if one is to determine where the most significant results will be achieved for dollars expended.

In commenting on our observation concerning the placement of sensors, Treasury maintains that INS sensor fields are generally located near ports-of-entry, whereas Customs sensor fields are deployed much further away from ports. This was not the case at the locations visited. Both INS and Customs officials stated that despite agreements to this effect, traffic patterns result in sensor as well as patrol activity of both agencies being located in close proximity to each other, and neither of the patrol forces know exactly

where the other's sensors are located. We did not attempt to make a detailed analysis of sensor locations along the entire border.

The Treasury commented that INS and Customs did not have similar interdiction strategies as the report implies. Our report is not an attempt to present the strategies of the agencies but their operating mode. We found that in attempting to achieve the most significant results, in the absence of tactical intelligence, each agency's patrol generally concentrated on the same high-volume crossing areas.

The Treasury questioned whether heroin seizures by the air program is a significant measure of its usefulness and effectiveness. The Treasury believes that such a view overlooks the importance of the air program in the Customs overall border interdiction effort as well as the inadequacy of intelligence from all sources, on how the bulk of heroin actually enters the country.

The intent of our report was to give an indication of the measurable benefit being achieved at the border. While it is not possible to measure the deterrent effect, the continual readily available supply of drugs in the United States indicates it has little if any significant effect on reducing the supply of heroin and other drugs.

We agree with the Treasury that there is a need for a balanced border interdiction approach. The primary point of our report is that without an integrated strategy or overall border control plan, overlapping agency jurisdictions make an efficient and effective interdiction approach difficult, if not impossible. Our report is intended to show that the use of aircraft along the border was ineffective. It presents the information that should be used in determining the need and cost effectiveness of air operations.

#### DEPARTMENT OF STATE

The Department of State informed us (see app. VI) that it agrees with the recommendations contained in this report and supports the thesis that an integrated strategy for border control is needed. The Department agreed with the specific recommendation to the Secretary of State that the U.S. Mission in Mexico be required to expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts.

The State Department commented that the increased commitment of the new Mexican Administration has resulted in greater cooperation and exchange of intelligence data. It

outlined joint planning efforts with the Mexican Government and improvements in intelligence operations that have taken place since completion of our audit work in Mexico. These joint planning efforts are expected to increase Mexican effectiveness in controlling narcotics along the United States-Mexican border.

OBSERVATIONS AND SUGGESTIONS FOR IMPROVING  
BORDER LAW ENFORCEMENT

<u>Date of Report</u>	<u>Originator</u>	<u>Title</u>	<u>Principal Findings, Conclusions, Recommendations</u>
December 1972	General Accounting Office	Heroin Being Smuggled Into New York City Successfully B-164031(2)	Conflicts between Customs and BNDD arose about the question of jurisdiction over the control of narcotics smuggling. The operating level cooperation and coordination called for in guidelines approved by the President to settle the jurisdictional dispute have not been fully realized. GAO pointed out emphasis should be placed on devising methods of improving coordination in the day-to-day, case-by-case operations of local offices of both agencies.
May 1973	General Accounting Office	A Single Agency Needed to Manage Port-of-Entry Inspections -- Particularly at U.S. Airports B-114898	<p>Fragmented approach to inspections did not allow a more efficient and effective inspection system to develop. Four Federal agencies were engaged in inspecting entrants to the United States: (1) Public Health Service, Department of Health, Education, and Welfare; (2) Immigration and Naturalization Service, Department of Justice; (3) Bureau of Customs, Department of the Treasury; and (4) Animal and Plant Health Inspection Service, Department of Agriculture. Benefits of single-agency management included: development of a single inspection system; uniform administrative policies and procedures; improved scheduling, planning, and coordination; elimination of duplication; and reductions in space and staff requirements and inspection time.</p> <p>GAO recommended that the Director, Office of Management and Budget, in cooperation with the Attorney General and the Secretaries of Health, Education, and Welfare; Agriculture; and the Treasury should implement single-agency management of port-of-entry inspections.</p>
October 1972 through December 1973	MITRE Corporation	System Concept for Drug Interception: United States/Mexican Border Narcotics Interdiction Technology Research and Development Program	In a series of reports the MITRE Corporation defined and evaluated technical and procedural concepts which would significantly improve the capability of the U.S. to stop the flow of illegal drugs entering the U.S. from Mexico. These reports addressed the problems of low-flying aircraft crossing anywhere over

Date of Report

Originator

Title

Principal Findings,  
Conclusions, Recommendations

APPENDIX I

the border, and ground vehicles and people crossing the border between and through ports-of-entry. Means of detecting and intercepting this traffic were identified, and technical feasibility, cost and effectiveness of the preferred concepts were estimated. MITRE concluded that the technology was available to support an effective detection and intercept system, and that procedural changes will considerably simplify the system complexity with minimum impact on the legal international traveler. The proposed approach including the design and implementation of an intercept system for the Mexican border was estimated to cost about \$300 million and take 10 years to implement.

June 1974

Office of Management  
and Budget

Identical letters, dated June 5,  
1974, to the Attorney General  
and the Secretary of the Treasury

The Director, OMB informed the Attorney General and the Secretary of the Treasury of OMB's conclusions in its analysis of Federal law enforcement along the Southwest border. This analysis pointed out continuing competition, conflicts and overlaps in functions, and duplication of expenses in multiagency operations.

OMB outlined a strategy for principal border agencies together with necessary implementing steps. The "management strategy" OMB proposed was that a single agency should be responsible for each element of routine border enforcement: ports, between ports, air and sea. OMB believed the single-agency approach represented the only feasible approach to ensure an adequate line of enforcement targeted on priorities of drugs, illegal aliens, and general contraband. OMB felt that hard narcotics (heroin) was being smuggled through ports-of-entry and marihuana between ports-of-entry.

December 1974

Committee on Govern-  
ment Operations

Law Enforcement On The Southwest  
Border (Problems Of Coordination  
Between Immigration and Naturali-  
zation Service And Customs Ser-  
vice) House Report No. 93-1630

The problems of enforcement duplication and competition along the Mexican border, as outlined in the OMB study and suggested plans of action, were studied by the House's Legislation and Military Operations Subcommittee, Committee on Government Operations. The OMB plan was not approved by this Committee. The Committee felt the plan was not supported by

APPENDIX I

<u>Date of Report</u>	<u>Originator</u>	<u>Title</u>	<u>Principal Findings, Conclusions, Recommendations</u>
September 1975	Domestic Council Drug Abuse Task Force	White Paper on Drug Abuse	<p>a convincing analysis and that more work was needed before a solution could be found to the border situation.</p> <p>The Task Force pointed out that "Under Reorganization Plan 2 (of 1973), a distinction is drawn between investigative functions and interdiction functions with respect to narcotics enforcement efforts... Unfortunately, the distinction between interdiction and investigation was not precise in the legislation. This ambiguity has led to jurisdictional disputes among enforcement agencies, and the resulting interagency rivalry and lack of coordination have hampered supply reduction efforts..." The Task Force recommended that the President direct the Attorney General and the Secretary of the Treasury "... to settle jurisdictional disputes between DEA and Customs by December 31, 1975, or to report their recommendations for resolution of the matter to the President on that date."</p> <p>This Paper also contained many other recommendations for improving Federal drug abuse programs including, in particular a recommendation that a program be developed for more effective border control, and that Customs, DEA and the U.S. Border Patrol vastly improve their coordination of activities along the border, including joint task force operations. The task force also recommended that CCINC be instructed to discuss cooperative programs with the Government of Mexico.</p>
December 1975	General Accounting Office	Federal Drug Enforcement: Strong Guidance Needed (GGD-76-32)	<p>Federal drug law enforcement efforts have for years suffered from problems of fragmented organization and resulting interagency conflicts. Efforts to resolve the problem have not been successful.</p> <p>GAO endorsed the recommendation in the Domestic Council's September 1975 report calling for a settlement of the jurisdictional disputes between DEA and Customs. GAO felt, however, especially in light of the failure of</p>

<u>Date of Report</u>	<u>Originator</u>	<u>Title</u>	<u>Principal Findings, Conclusions, Recommendations</u>
September 1976	Domestic Council Drug Abuse Task Force	Report on the Southern Border (SECRET)	<p>a prior agreement brought about by a Presidential directive, that establishing such agreements will not solve the problem. GAO pointed out that it was questionable whether such agreements will ever work without a clear delegation of authority to someone acting on behalf of the President to monitor adherence to guidelines and tell agencies what is expected of them.</p> <p>A report for the President, containing numerous recommendations for improving interdiction, domestic enforcement and the program within Mexico to control trafficking along the Southern border (U.S. - Mexico border and the Gulf Coast).</p>
October 1976	General Accounting Office	Immigration--Need To Reassess U.S. Policy (GGD-76-101)	<p>U.S. Immigration problems as discussed in this summary of six prior GAO reports are severe. This summary deals with matters ranging from an inability to control large-scale illegal entry to an inequity in the existing immigration law which unfairly allows illegal entrants to later obtain immigration benefits while bona fide immigrants are denied early admission.</p> <p>GAO mentioned pending legislation which contained a provision to deter employers from hiring illegal aliens by making it unlawful to knowingly employ them. Since this legislation, if enacted and enforced, would remove a major economic incentive which attracts illegal aliens, GAO recommended that the Congress favorably consider these provisions.</p> <p>The seriousness of our immigration problems dictates a need for early correction. GAO also recommended that the Congress work with the Administration to totally reassess U.S. immigration policy.</p>

<u>Date of Report</u>	<u>Originator</u>	<u>Title</u>	<u>Principal Findings, Conclusions, Recommendations</u>
December 1976	Domestic Council Committee On Illegal Aliens	Preliminary Report - Domestic Council Committee on Illegal Aliens	A comprehensive discussion of the policy issues raised by the illegal alien problem contained both immediate and long-term recommendations including, in particular, that U.S. enforcement policy continue to emphasize prevention of illegal entry rather than apprehension of illegal aliens after settlement. The Committee also recommended that INS continue to place emphasis on evaluation techniques, process studies, and simulation models that offer the prospect of improving the current deployment of resources. In striving to achieve this goal, the Committee recommended that INS should take full advantage of the wide range of technical services that are available within the Federal Government. To illustrate, the Committee pointed out that "some joint automatic data processing and telecommunication development and sharing between INS, Customs Service and DEA has a wide range of potential benefits. Some INS and Customs personnel at field offices around the country are frequently co-located; the use of remote ADP terminals and the development of a common communication network could result in significant cost savings; it appears feasible that INS' alien documentation, identification and telecommunication system could use the existing Customs Service's ADP and communication network."

## UNITED STATES CODE

## TITLE 19

ADMINISTRATIVE PENALTIES AVAILABLE  
TO CUSTOMS

- 19 U.S.C. 1534      Establishes penalties for failure to manifest (invoice) merchandise upon entering U.S. Applies to masters of vessels and those in charge of vehicles. No penalty if Customs officer is satisfied that failure to invoice was inadvertent (e.g., clerical error).
- If any of merchandise not invoiced was heroin, etc., then specific monetary penalties established per ounce. Such penalties may constitute a lien against the vehicle or vessel. However, no penalty is imposed if the vessel is a common carrier and the master, owner, and any other officer knew nothing about the contraband being on board, nor should they have known.
- 19 U.S.C. 1439      Imposes a duty upon the master of a vessel to deliver a copy of the manifest to a designated Customs officer immediately upon arrival and before entering the vessel. "Entry" is a process by which the master must perform a variety of tasks as outlined in 19 U.S.C. 1434 (American Vessels) and 19 U.S.C. 1435 (Foreign Vessels).
- 19 U.S.C. 1453      Prohibits the landing of merchandise or baggage from a vessel or vehicle without a permit. Violation will result in penalty equal to the value of the merchandise and subject it to forfeiture. If the value exceeds \$500, the vessel or vehicle is likewise subject to forfeiture.
- 19 U.S.C. 1454      Prohibits landing of passengers without a permit--\$500 penalty/passenger.
- 19 U.S.C. 1460      A failure to report arrival of vessel or vehicle, or proceeding further inland without a permit, is punishable by a penalty of \$100/offense. Any merchandise in such vessel or vehicle which is not declared is

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subject to forfeiture, as well as the vessel or vehicle. The master or person in charge is subject to an additional penalty of the value of the merchandise. Where passengers are involved, a possible additional penalty of \$500/passenger.

19 U.S.C. 1585

Where a vessel or vehicle arrives in, and then departs, from the U.S. without making a report of arrival or complying with entry procedures, or if any merchandise is landed before such report of-entry, the master of a vessel is subject to a \$5,000 penalty and the person in charge of a vehicle is subject to a \$500 penalty. The vessel or vehicle is also subject to forfeiture.

49 U.S.C. 1509

- a) Navigation laws generally do not apply to seaplanes or other aircraft.
- b) Grants authority to Secretary of the Treasury to designate ports of entry for aircraft, to assign Customs officers to these ports, and by regulation to apply Customs laws to aircraft.
- c) Grants authority to Secretary of the Treasury to improve laws and regulations relating to entry and clearance of vessels to aircraft.
- d) Grants authority to Secretary of Agriculture to apply to aircraft the laws governing animal and plant quarantine, etc.
- e) Allows Government agencies the authority to acquire space in airports through GSA.

Customs Regulation  
6.10 (19 CFR)

Applies to aircraft arriving from Canada and Mexico (contiguous countries) the Customs laws relating to vehicles.

Applies to aircraft arriving from any other place the Customs law relating to vessels.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D. C. 20503

AUG 16 1977

Mr. Victor L. Lowe  
Director, General Government  
Division  
General Accounting Office  
Washington, D. C. 20548

Dear Mr. Lowe:

We have reviewed the draft of the proposed report entitled "Illegal Entry at United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming The Flow of Drugs and People," received under cover of your letter of July 19, 1977.

Early in this administration the Office of Drug Abuse Policy (ODAP), in coordination with the Office of Management and Budget (OMB), initiated three interagency studies of the problems and issues discussed in your draft report. The final report of the first of these--the Border Management and Interdiction study-- will be issued by August 31, 1977. Since the product of the Border Management and Interdiction study will be a "plan [which considers] the various alternatives for managing border operations ranging from the present management structure to single-agency management," you might wish to reconsider the wording of your second major recommendation. Otherwise, it may appear to the reader that the General Accounting Office is recommending actions that are already completed.

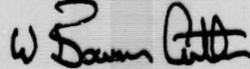
The second ODAP study is a comprehensive review of drug law enforcement and the third is an analysis of narcotics intelligence. The two studies will be completed shortly after your report is issued, and we will wait until then to comment on the substance of your secondary recommendations.

The administration agrees with your observation that "the attempt to prevent illegal entries at the border will not solve the illegal alien problem" (p. 20). I believe your final report will be more complete if it contains an outline of the comprehensive proposals on undocumented aliens which President Carter submitted to Congress on August 4, 1977.

[See GAO note 2, below.]

Thank you for giving us the opportunity to comment on the draft of your forthcoming report.

Sincerely,



W. Bowman Cutter  
Executive Associate  
Director for Budget

- GAO notes:
1. Page numbers cited in this appendix may not correspond to page numbers in the final report.
  2. Deleted comments relate to suggested changes that have been made in this report.



Address Reply to the  
Division Indicated  
and Refer to Initials and Number

## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

NOV 3 1977

Mr. Victor L. Lowe  
Director  
General Government Division  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report entitled "Illegal Entry at United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People."

We have reviewed the draft report and generally agree with the findings and recommendations. Overall we find them to be compatible with current Department philosophy. It is also worthy of note that the Office of Drug Abuse Policy is currently addressing the border problem and will undoubtedly deal with many of the same areas of concern expressed in the GAO report.

The Department supports the recommendations to expand the jurisdiction of Federal magistrates and appropriate funds for appointing additional magistrates to the Southwest area. We have found that the trial of cases before Federal magistrates greatly reduces the time spent on each case by U.S. Attorneys, public defenders, and apprehending officers, and also reduces the volume of cases processed in U.S. District Courts. In fiscal year 1976, the Border Patrol and Investigations Divisions disposed of over 7,000 cases before the Federal magistrates. Any proposal to increase the number of magistrates should be coordinated with the United States Marshals Service and the Bureau of Prisons to determine the need for additional detention facilities.

The recommendation to establish criminal penalties for pilots who fly without a valid certificate has merit. However, we believe that sufficient legislative authority exists for the prosecution of unlicensed smugglers who operate by means of small aircraft.



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After reading the report, we were somewhat disillusioned in terms of the scope of the study. According to the title, the report is presumed to address the issue of "Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People." Although the report makes reference to the many agencies with border responsibilities and the three principal agencies with border presence, the report concentrates heavily on drug interdiction efforts, with only passing references to all the other Federal border responsibilities. The apparent decision to study drug interdiction efforts has focused the report on the successes, failures, operations and interfaces of the Customs Service, the Federal agency charged with drug interdiction at the borders, and has dealt with the other principal border enforcement agencies, the Immigration and Naturalization Service (INS) and the Drug Enforcement Administration (DEA), only as they impact on the Customs drug interdiction mission. This narrow approach to a study of border law enforcement presents an incomplete view of border operations and results in several areas of the report presenting incomplete or misleading information. It does not provide the comprehensiveness of border activities necessary to develop a truly "integrated strategy, or an overall border control plan" which the report says is needed. The following paragraphs focus on the misconceptions that have resulted from a strictly drug-oriented approach and provide updated information and developments which have occurred since the time of the review.

[See GAO note 2, p. 90.]

The strategy of apprehending illegal entrants at or near the border is far more cost effective than attempting to locate and remove aliens from interior locations. The ultimate solution to the problem of illegal entry is dependent on the establishment of deterrents. However, in spite of deterrents, illegal entry across the border will continue as long as the push-pull factors, created by the economic differences between the United States and Mexico, exist.

Page 23 of the report comments on the shortage of actionable intelligence which DEA provides to interdiction agencies. DEA recognizes the need to integrate its investi-

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gative and control strategy with the strategies of INS and Customs in order to increase the successfulness of operations along the borders and at ports-of-entry. Efforts are being made to fulfill this need and accomplishments toward this objective have taken place in some areas. In this regard, a new intelligence-collection school for special agents has been initiated. At the present time, five schools have been held and 60 agents have been trained. We would also like to point out that in the past DEA provided, and will continue to provide, border interdiction intelligence in the form of profiles in the El Paso Intelligence Center (EPIC) Bulletin and in other publications. These profiles of drug smuggling patterns offer a significant interdiction potential to alert border inspectors. Customs patrol officers are also now being assigned to posts of duty at DEA regional offices for coordination purposes.

[See GAO note 2, p. 90.]

The discussion on page 26 states that since the inception of EPIC the number of users seeking information has increased and that this increased volume suggests growing reliance on the system by user agencies. The recent addition of more analysts to the EPIC staff, the continued increasing participation by law enforcement agencies, the specialized training of DEA agents and the expanded intelligence effort in the Mexican interior have resulted in greater seizures of heroin. A seizure of 32.7 pounds of brown heroin was made at the border crossing in Eagle Pass, Texas, in August of this year. At approximately the same time, an initial seizure of 23 pounds of heroin made at Del Rio, Texas, led to an additional 17 pound seizure and the arrest of three members of an important family in Chicago involved in drug trafficking.

The discussion of intelligence-gathering efforts within Mexico, which begins on page 27, was critical of intelligence-gathering and exchange in Mexico by Mexican and U.S. agencies. Since GAO visited DEA's Regional Intelligence Office (RIO) in Mexico City during June 1976, the staff has been expanded from one agent/supervisor and one collection agent to include nine professional personnel. The RIO has taken steps to strengthen and broaden DEA's (as well as Mexico's) collection of border interdiction intelligence. Land, sea, and air surveillance programs have been expanded to provide much broader coverage using Mexican officials as principal

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collection agents with back-up systems employing informant networks. A phased approach is being implemented whereby principal seaports, airfields and vehicle routes are initially targetted for monitoring. As the program progresses, it will be expanded to cover all major transportation facilities in Mexico. The RIO has also been involved in efforts to upgrade Mexico's intelligence function. Assistance has consisted of developing recommended organizational charts, training clerical and analytical staff, and providing a preliminary data base.

In the discussion of Intelligence Support Systems on page 31, the report refers to the Treasury Enforcement Communication System (TECS) and states that "TECS, operated by the Customs Service, is the principal means of disseminating intelligence information to inspection and enforcement personnel at border crossing points, airports, and seaports throughout the country." It should be pointed out that the only TECS query made at the land crossing primary terminal by the inspector is the license plate of the vehicle entering the U.S. from Mexico. Unless a "hit" is achieved or the vehicle is referred to secondary inspection for some other reason, the remaining information in TECS will not be queried. Operational intelligence will be of little value if a license number is not included.

The report of the Domestic Council Committee on Illegal Aliens is mentioned on page 34 in reference to the Alien Documentation Identification and Telecommunication System (ADIT). The comment in the Domestic Council Committee report "that it appears feasible that ADIT could use the existing Customs ADP and communications network" is premature. ADIT system requirements could be provided in a stand-alone mode or in combination with existing systems. However, the ADIT automated system design is just now completed to the point where such implementation alternatives can be realistically evaluated.

Another portion of the discussion on Intelligence Support Systems on page 35 quotes the Commissioner of Customs as referring to the ADIT system as "'a computerized lookout system similar to the already in-place and operating TECS.'" Until early 1977 many Customs personnel thought ADIT to be no more than "a computerized lookout system." Through multiple presentations to Customs, the system has been explained to be much broader in scope--encompassing volume ID card issuances, nationwide computerized document validation, and access to multiple INS data files. One aspect of the system is its ability to search a portion or subset of the

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complete set of "lookout book" type data. Immediate plans do not call for query of all arriving travelers at U.S. ports via ADIT, but in the future consideration should be given to reading all travel documents presented at ports-of-entry. We agree that the future should include joint INS/Customs planning for interface of data and communications as justifiable. ADIT has just now reached the point of automated system design where meaningful consideration of alternatives for implementation can be addressed. Plans for a joint ADIT/TECS experiment are currently being discussed.

[See GAO note 2, p. 90.]

In an effort to enhance DEA/Customs operations, the Administrator of DEA and the Commissioner of Customs have scheduled a series of meetings to develop improved cooperation between the agencies and thereby increase Federal drug enforcement effectiveness. As a result of the initial meeting held on September 7, 1977, the Commissioner of Customs recognized that DEA's mission of developing major conspiracy cases that have far-reaching impact on trafficking

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organizations precludes any diversion of personnel specifically to support the interdiction of individual cases of smuggling at the border. The Commissioner also recognized that improved cooperation and liaison should be encouraged rather than arbitrary non-acceptance of respective agency missions. The Administrator of DEA and the Commissioner of Customs have demonstrated current commitments to ensure that both agencies are given maximum opportunity to fulfill their respective roles. Thus the views of the Office of Management and Budget that Customs is unwilling to accept DEA's lead role in EPIC appear to be premature.

Within this context, we would like to point out that while border interdiction is a deterrent to drug smuggling, it is a defensive rather than an offensive strategy. DEA's priorities will continue to stress programs to reduce drug cultivation and production, immobilize major traffickers through conspiracy investigations, and reduce the profitability of drug trafficking.

[See GAO note 2, p. 90.]

The discussion on ports-of-entry resources ends on page 40 with the statement that "While the Customs force continues to decrease in size, the workload increases." No mention is made of INS inspection manpower requirements and workload. Obviously, this omission contributes to an incomplete view of border operation problems.

The section of the report on pages 40-42 which discusses detection aids concentrates on drug interdiction and states that "Judgment of the inspector is a critical ingredient in drug interdiction." This is an accurate statement and applies equally to the detection of mala fide appli-

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cants for admission. However, no section of the report deals with the skills required to meet border threats other than drugs.

The discussion on pages 42-43 regarding the overlapping roles of the Border Patrol and Customs Patrol between ports-of-entry measures their achievements only in terms of drug interdiction. No mention is made of the superior numerical presence and equipment support of the Border Patrol. It should also be noted that much of the direct competition between the patrols which the report outlines has been mitigated by agreements at the local level.

[See GAO note 2, p. 90.]

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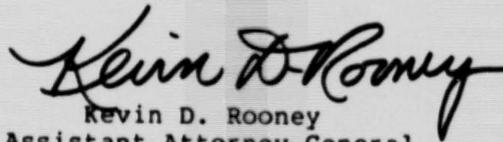
Page 45 - The section referring to the inability of the Immigration Border Patrol and the Customs Patrol to communicate with each other should be amended to add the following sentence:

"However, in most areas, the radio base stations of both patrols are equipped with commercial scanners which allow each patrol base station to monitor the frequencies of the other and immediately retransmit messages to mobile units."

[See GAO note 2, below.]

We appreciate the opportunity to comment on this draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Kevin D. Rooney  
Assistant Attorney General  
for Administration

- GAO notes:
1. Page numbers cited in this appendix may not correspond to page numbers in the final report.
  2. Deleted comments relate to suggested changes that have been made in this report.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

DEPUTY ASSISTANT SECRETARY

\*\*\*  
AUG 26 1977

Dear Mr. Lowe:

The draft report entitled, "Illegal Entry at United States-Mexico Border -- Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People," forwarded to the Secretary on July 19, 1977, has been carefully reviewed and we concur generally with the assessment of the problem.

The report correctly singles out the absence of an integrated strategy or an overall border control plan which has resulted in overlapping, duplication and poorly coordinated enforcement activities.

Currently, the Department of the Treasury, together with the US Customs Service; the Department of Justice, together with the Immigration and Naturalization Service and the Drug Enforcement Agency; and the Department of Transportation are involved in an overall review of border management being conducted under the direction of the Office of Drug Abuse Policy. The results of this review should provide a basis for improving the effectiveness and efficiency of border enforcement activities referred to in the subject report.

In the course of this review, Treasury and Customs have advanced recommendations which go beyond the scope of the report as presently drafted. We would be pleased to discuss them with you or your staff.

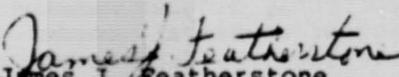
In other interdepartmental meetings, and most recently in preparation for the US-Mexican Consultative Mechanism, Treasury repeatedly advocated a greater commitment of Mexican resources, with the objective eventually of "DeAmericanizing" the narcotics program in Mexico. Specifically, we have recommended that Mexico should a) develop an improved intelligence capability to exchange information on the illicit movement of narcotics and guns; b) move against the major

-2-

trafficking organizations; and c) step up interdiction and anti-smuggling efforts on the Mexican side of the border, including the involvement of Mexican customs' enforcement resources. The recently concluded US-Mexican customs-to-customs agreement is designed to increase cooperation between the customs services and the exchange of information in the suppression of customs offenses, including the smuggling of narcotics, guns and other contraband.

U.S. Customs Service comments relating to specific sections of the draft report are attached with the view of clarifying the contents.

Sincerely,

  
James J. Featherstone  
Deputy Assistant Secretary  
(Enforcement)

Mr. Victor L. Lowe  
Director  
United States General Accounting  
Office  
Washington, D.C. 20548

Attachment

U.S. CUSTOMS SERVICE COMMENTS RELATING TO THE DRAFT REPORT

The report states that there is a need for more and better intelligence for border law enforcement and the concomitant requirement for more timely and cost effective dissemination of this intelligence (pp 22 ff). The effectiveness of Customs border enforcement efforts is dependent on advanced information and we have repeatedly supported any decision that will result in the generation and dissemination of more useful and effective intelligence. The development and implementation of an integrated strategy and comprehensive operational plan for border control, will go far in solving the problem of supplying needed intelligence to appropriate border enforcement officers.

The GAO conclusion that current intelligence support data systems could be consolidated to provide a single more comprehensive and cost-effective information dissemination system receives our full support. As indicated, U.S. Customs conducted a study and concluded that the INS Alien Documentation, Identification and Telecommunication (ADIT) System could be incorporated within the existing Treasury Enforcement Communications System (TECS). Plans to proceed are dependent upon INS concurrence. (Note: p. 31 - should be amended to show 900 TECS terminals.)

[See GAO note 2, p. 100.]

-2-

In the report (Chapter 4, pp. 28 ff) several areas that required improvement, were identified, viz. (1) resources for border inspection and patrol; (2) development and application of drug detection aids; (3) cooperation between Customs Patrol and INS Border Patrol; (4) air and marine interdiction programs, and (5) joint operations. The comments which follow are intended to amplify some of these issues.

#### Resources for Inspection and Patrol

Lack of border enforcement resources, in a period of increasing workload and drug smuggling from Mexico, is a major problem. In the five year period 1971-76, for example, Customs Mexican border inspector positions increased by 25 percent. During the same period, however, key workload indicators increased even more rapidly. The numbers only provide part of the story. Increased smuggling attempts involving sophisticated tactics magnify the problem; and Mexico has become the principal source for heroin entering this country. Therefore, we agree with the GAO conclusion that more resources are required at the Mexican border ports.

#### Drug Detection Aids

The Treasury Department and the U.S. Customs Service place a high priority on the development of technological support systems to increase the effectiveness of border enforcement. The comment on page 40 of the draft report, which states that only one third of the Customs research and development funds are used for drug detection systems, as opposed to between ports technological systems (e.g. airborne and ground sensor systems), is misleading. Airborne and ground sensor systems are extremely expensive compared to drug detection systems, and the relative funding levels do not indicate proportionate priorities. The following are examples of technological support systems being considered or in use by the Customs Service for the interdiction of illicit narcotics.

- Customs developed an electro-mechanical sniffer which is currently being tested at selected ports of entry;
- X-ray systems have been used in mail branches for years and cargo and tire x-ray systems are now undergoing development and field test;

-3-

- Neutron backscatter devices are being evaluated for detection of secreted drugs;
- Hand-held infrared thermal viewers for detection of "hot spots" created by secreted drugs have been tested;
- Closed circuit television systems at ports of entry have aided in identifying drug smugglers; and,
- In addition to increasing the number of detector dog teams in the field, tests and studies are being conducted on breeding, rearing and training detector dogs.

#### Cooperation Between Patrol Units

A significant issue raised in the chapter on Operations relates to the overlap of mission, resources, and tactics between the Customs Patrol and the INS Border Patrol (pp 42 ff) and the resulting apparent jurisdictional conflicts and lack of cooperation between these two groups (pp 44 ff). These points of general reference should be noted:

- INS sensor fields are generally located near ports of entry where most illegal alien crossings occur; Customs sensor fields are deployed much further away from the ports where smuggling activity occurs.

[See GAO note 2, p. 100.]

- INS and Customs do not have similar interdiction strategies as the report implies. In attempting to intercept illegal aliens, the INS Border Patrol protects specific areas of the border which are well-known crossing points. Routine patrol and a "laying in" at the point of crossing are common tactics. In contrast, the Customs Patrol has employed a tactical interdiction approach. The crossing points and the time

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of crossing the border are not predictable. Therefore, Customs units are geared to responding to intelligence, both tactical and general, and sensor alerts. To protect an area as extensive as the Southwest border against smuggling by routine patrols would be largely ineffective. The use of the tactical interdiction approach has permitted Customs to employ its scarce resources most efficiently.

- In those instances where the Customs Patrol arrests illegal aliens or INS uncovers smuggling, the other agency is usually immediately notified.

#### Air Interdiction

The report emphasizes the lack of heroin seized by the air program as the significant measure of its usefulness and effectiveness. We believe, however, that such a view overlooks the importance of the air program in the Customs overall border interdiction effort, as well as the inadequacy of intelligence from all sources, on how the bulk of heroin actually enters the country.

In our view the intelligence that heroin smuggling at the Southwest border occurs almost exclusively at the ports of entry is not entirely supportable. Customs has made every effort to determine the routes and methodologies in an effective manner. During August/September 1975, a special operation along the border was conducted using intensified inspection of vehicles by detector dog teams. Some 35 teams were detailed to the border for a period of two months. Operating in conjunction with inspectors, who were also focusing on heroin smuggling, thousands of vehicles were thoroughly searched. The results were disappointing. Very little heroin was uncovered, indicating either that heroin is not being smuggled through ports of entry and established traffic routes, or, as Customs believes, smugglers adjust their operations to encounter the least possibility for detection over all possible points of entry, routes and times.

Customs continues to direct its resources against heroin smuggling at and between ports of entry on the Southwest border. Because heroin seizures represent only a fraction of the estimated six to eight metric

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tons coming from Mexico annually, we are convinced that the Customs assessment of the situation is correct; no one knows how, when or where heroin is being smuggled into the U.S.; and that smugglers vary their methods, points and times of entry. Customs also feels that the mobile tactical interdiction strategy is the most effective means for combatting smuggling, and that strategy supported by adequate tactical intelligence, will disrupt smuggling operations and bring illegal traffickers to justice.

The Customs enforcement posture is strongest within the ports. A full-scale inspection system, supported by TECS, detector dogs, and secondary search areas, is operating at each of these ports on the Southwest border. Our inspector force is experienced, highly motivated, and trained in detecting potential smugglers. Unquestionably, the risk potential for a smuggler is greater at these ports than in the vast areas between the ports, or in the use of aircraft to penetrate the border.

To effectively combat this smuggling of narcotics and other contraband, a balanced border interdiction approach is required which combines improved enforcement at the ports as well as between ports, and against air and boat smuggling. The greatest effectiveness against the smuggling of contraband is achieved through the deterrent effort. To attribute a low rate of seizures to the ineffectiveness of an interdiction tactic, e.g. air interdiction, without considering other factors such as lack of intelligence and the deterrent factor is at best questionable.

The draft report's views on the effectiveness of Customs Air Interdiction, although accurate statistically for the time period analyzed, do not reflect the increasing potential in Customs aircraft detection capability. During FY 1976 substantial progress was made in improving or acquiring the elements of the interdiction program necessary to achieve maximum productivity. The North American Air Defense Command, and also the Federal Aviation Agency, have extended the agreements enabling Customs to utilize the long-range ground radars of those agencies. Discussions with the Air Force concerning the Airborne Warning and Control System (AWACS), which could ultimately provide the most complete radar detection and tracking capability possible along our borders, have also recently been undertaken.

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An additional problem facing the Customs Air Program, but not alluded to in the Draft Report, is the condition and quality of the aircraft available for interdiction. Customs has been almost completely dependent upon the Department of Defense for its source of interdiction aircraft. The light aircraft supplied to Customs since 1971 were military surplus, generally outmoded and already requiring extensive maintenance to keep them operational. Since these aircraft have been phased out of the active inventory, maintenance becomes even more difficult and costly. To increase effectiveness against the full-range of smuggler aircraft, it is essential to replace these old and obsolete military aircraft.

#### Joint Operations

The Operations Section also raises the issue of lack of coordination in joint operations. The planning for a major joint operation is complex. Much has been learned from past mistakes. In the future extensive planning will precede the operation, covering all facets of coordination, resource allocation, intelligence, etc. Currently under review is a planning document outlining the procedures for controlling all such operations.

#### Other Issues

Customs endorses the GAO recommendation to expand the use of U.S. Magistrates in the prosecution of lower-level drug violators. Customs has already instituted administrative penalties for seizures of small amounts of marihuana. However, most cases must await prosecution in Federal, state or local courts. If magistrates could be used in lower-level violator cases, the risk of prosecution would increase and more serious cases would receive quicker action.

[See GAO note 2, p. 100.]

[See GAO note 2, p. 100.]

The final issue concerns the imposition of administrative penalties in lieu of criminal prosecution. Customs Circular ENF-4-0:I:PP, dated May 27, 1976, provided guidelines for imposing administrative penalties on pedestrians crossing the border found to be carrying marihuana or hashish. This may have resulted in the situation noted by GAO at San Diego. Under the Circular, pedestrians are subject to a mitigated civil penalty, in addition to forfeiture of the drugs. The guidelines contained in the Circular as follows:

<u>Penalty</u>	<u>Amount of Marihuana</u>	<u>Hashish</u>
\$25	1 oz. or less	7 grams or less
\$50	up to .5 lb.	up to .5 oz.
\$75	up to 1 lb.	up to 1 oz.
\$100	up to 2 lb.	up to 2 oz.

If the amount of drugs carried exceeds those specified, the penalty is cumulative. The penalty also applies to passengers on common carriers and in vehicles.

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At the time of the GAO study the Circular had only been recently issued and many of Customs Districts were not prepared to fully implement this action. There has been an increasing number of administrative penalties throughout the country. Collections, although varying widely by locations, are generally also improving.

- GAO notes:
1. Page numbers cited in this appendix may not correspond to page numbers in the final report.
  2. Deleted comments relate to suggested changes that have been made in this report.



DEPARTMENT OF STATE

Washington, D.C. 20520

August 22, 1977

Mr. J. K. Fasick  
Director  
International Division  
U.S. General Accounting Office  
Washington, D. C. 20548

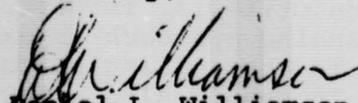
Dear Mr. Fasick:

I am replying to your letter of July 19, 1977, which forwarded copies of the draft report: "Illegal Entry at United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming The Flow of Drugs and People".

The enclosed comments were prepared by the Deputy Senior Advisor for International Narcotics Matters.

We appreciate having had the opportunity to review and comment on the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,

  
Daniel L. Williamson, Jr.  
Deputy Assistant Secretary  
for Budget and Finance

Enclosure: As stated

GAO DRAFT REPORT: "ILLEGAL ENTRY AT UNITED STATES-MEXICO BORDER--MULTIAGENCY ENFORCEMENT EFFORTS HAVE NOT BEEN EFFECTIVE IN STEMMING THE FLOW OF DRUGS AND PEOPLE"

The Department of State agrees with the recommendations made in the GAO Report and supports the thesis that an integrated strategy for border control is needed. The Department further agrees with the specific recommendation of the report that the U.S. Mission in Mexico should expand the narcotics control action plan to include program goals and specific objectives for supporting border interdiction efforts, and design a program for developing information to assist in intercepting smugglers at the border (see iii and Chapter 4). Since the report was written and the authors of the report made their visit to the Mission in Mexico City in 1976, the Embassy has been developing joint planning with the Mexican Government directed at the achievement of these objectives.

A Mission narcotics strategy paper more comprehensive than the narcotics control action plan was prepared in December 1976, which proposed common U.S.-Mexico drug control goals for the long-run period and described general steps to reach the agreed upon goals, including greater emphasis on interdiction. This paper is being revised to reflect the increased commitment and efforts of the new Mexican Administration. Additionally, the Embassy is carrying on negotiations with the Mexican Attorney General's office to develop a cooperative, rational and realistic Mexican program of goals of the new Mexican Administration for the full six-year period of the new Administration. Consideration of appropriate resource levels of the United States Government and the Mexican Government in order to carry out the long-range program, to meet required time frames and develop mutual evaluation criteria, is part of this planning exercise. The joint planning approach is expected to increase Mexican effectiveness in controlling narcotics along the U.S.-Mexican border. It should also promote the development of needed intelligence and its exchange between the two governments.

Following are specific comments relating to selected areas of the report that need clarification, qualification, or classification:

-- Pg. 27: The last sentence on Page 27 states that the Government of Mexico provides limited cooperation in the development and exchange of narcotics intelligence with the U.S. Mission. In view of the increased commitment of the

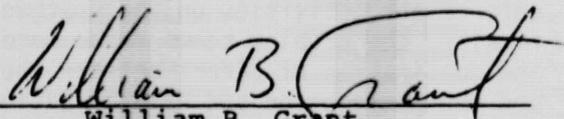
-2-

new Mexican Administration, this statement should be revised to reflect more positively on the Mexican efforts in intelligence cooperation.

-- Pg. 28: The comments in the first paragraph on Page 28 concerning the lack of development and exchange of narcotics intelligence is out of date, in view of actions that have taken place later in 1976 and 1977 within the Mission to strengthen this part of the program.

-- Pg. 29: The last paragraph criticizes Mexican efforts in the narcotics intelligence field. This statement is no longer considered valid, in view of the Mexican Attorney General's actions in reorganizing his narcotics intelligence effort. The same applies for the last statement on Page 29, in which consultations between the Mission and the Attorney General's office have focused on needed assistance for developing Mexican capability in narcotics intelligence.

-- Pg. 30: We suggest that the report use more recent data concerning cooperation on specific exchanges of intelligence between DEA in Mexico and the Attorney General's office.



William B. Grant  
Deputy Senior Advisor for  
International Narcotics Matters



ASSISTANT SECRETARY  
FOR ADMINISTRATION

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

November 3, 1977

Mr. Henry Eschwege  
Director, Community and Economic  
Development Division  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Eschwege:

I am forwarding for your consideration the Department of Transportation (DOT) response to the draft report Illegal Entry at United States-Mexico Border.

As a matter of general comment on the entire study, some significant policy, management and organizational problems affecting Federal law enforcement activities on the southwest border were identified. Specifically, the problem seems to be numerous cases of jurisdiction overlap and duplication of effort between the United States Customs Service and the Immigration and Naturalization Service (INS). However, the report does have several shortcomings both in its approach and substance.

One of the report's recommendations would have the Director, Office of Management and Budget (OMB) and the Director, Office of Drug Abuse Policy (ODAP) together with the Attorney General, Secretary of the Treasury, and other department heads having responsibility for border law enforcement, develop a "plan" and "strategy" for border control. This recommendation has already been implemented as the President's Reorganization Project has circulated for comment a set of options to be forwarded to the President for better managing the entire border. These options were developed from an ODAP study on border management.

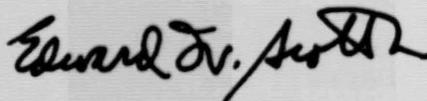
As the report indicates, any border interdiction effort relies heavily on intelligence support; the need for more and better intelligence is basic to good border management. However, the report does not aggressively pursue the major shortcoming of the El Paso Intelligence Center (EPIC).

The report also states that mere revocation or suspension of a pilot's license has little deterrent effect on air drug smuggling. While this may be a valid observation, it is not a profound analysis of the enforcement problem of interdicting air drug smugglers. The lack of effectiveness of current efforts should more appropriately center around the tactical methods (or lack of) employed by the Customs and DEA air-interdiction operations. At the present time, proposals to amend Title VI of the Federal Aviation Act to include criminal sanctions against pilots who knowingly and willingly engage in illegal activities as crew members of a U.S. civil aircraft without appropriate and valid pilot certificates are under review within DOT.

The GAO report concludes the marine drug interdiction program has had some success but there is a need for increased cooperation and program integration. However, the report fails to mention that the Customs Patrol has primary responsibility for the interdiction of smuggling attempts along the water borders of the United States. The U.S. Coast Guard, as one of several primary missions, supports the marine drug interdiction effort. It should be noted that the ODAP/OMB study judged Coast Guard support of these efforts to be satisfactory and responsive.

In conclusion, the Department of Transportation role in border law enforcement is one of support. While these activities are a relatively small percentage of the FAA and Coast Guard operations, we place a high priority on their performance. We expect to continue this support with a view toward assisting the drug interdiction efforts to our maximum capability.

Sincerely,



Edward W. Scott, Jr.

Enclosure

PRINCIPAL OFFICIALS RESPONSIBLEFOR ADMINISTERING ACTIVITIESDISCUSSED IN THIS REPORT

<u>Tenure of office</u>	
<u>From</u>	<u>To</u>

DEPARTMENT OF JUSTICE

## ATTORNEY GENERAL OF THE UNITED STATES:

Griffin B. Bell	Jan. 1977	Present
Richard L. Thornburgh (acting)	Jan. 1977	Jan. 1977
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork, Jr. (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	Apr. 1973
Richard G. Kleindienst (acting)	Feb. 1969	Feb. 1972
John N. Mitchell	Jan. 1969	Feb. 1972

## ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION:

Peter B. Bensinger	Feb. 1975	Present
Peter B. Bensinger (acting)	Jan. 1975	Feb. 1975
Henry S. Dogin (acting)	June 1974	Jan. 1975
John R. Bartels, Jr.	Oct. 1973	May 1974
John R. Bartels, Jr. (acting)	July 1973	Oct. 1973

## COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE:

Leonel Castillo	Nov. 1976	Present
Leonard F. Chapman, Jr.	Nov. 1973	Nov. 1976
James F. Green (acting)	Apr. 1973	Nov. 1973
Raymond F. Farrell	Jan. 1962	Apr. 1973

DEPARTMENT OF THE TREASURY

## SECRETARY OF THE TREASURY:

W. Michael Blumenthal	Jan. 1977	Present
William E. Simon	May 1974	Jan. 1977
George P. Shultz	June 1972	May 1974
John B. Connally, Jr.	Feb. 1971	June 1972
David M. Kennedy	Jan. 1969	Feb. 1971

## COMMISSIONER, U.S. CUSTOMS SERVICE:

Robert E. Chasen	July 1977	Present
G. R. Dickerson (acting)	May 1977	July 1977
Vernon D. Acree	May 1972	Apr. 1977
Edwin F. Rains (acting)	Feb. 1972	May 1972
Myles J. Ambrose	Aug. 1969	Feb. 1972

## APPENDIX VIII

## APPENDIX VIII

Tenure of office  
From                      To

DEPARTMENT OF STATE

## SECRETARY OF STATE:

Cyrus Vance	Jan. 1977	Present
Henry A. Kissinger	Sept. 1973	Jan. 1977
William P. Rogers	Jan. 1969	Sept. 1973
Dean Rusk	Jan. 1961	Jan. 1969

EXECUTIVE OFFICE OF THE PRESIDENTDIRECTOR, OFFICE OF MANAGEMENT  
AND BUDGET:

James T. McIntyre, Jr. (acting)	Sept. 1977	Present
Bert Lance	Jan. 1977	Sept. 1977
James T. Lynn	Feb. 1975	Jan. 1977
Roy L. Ash	Feb. 1973	Feb. 1975
Caspar W. Weinberger	June 1972	Feb. 1973

DIRECTOR, OFFICE OF DRUG ABUSE  
POLICY:

Peter Bourne	Jan. 1977	Present
Mazie Pope (acting)	Mar. 1976	Jan. 1977

DEPARTMENT OF TRANSPORTATION

## SECRETARY OF TRANSPORTATION:

Brock Adams	Jan. 1977	Present
William T. Coleman, Jr.	Mar. 1977	Jan. 1977
John W. Barnum (acting)	Feb. 1975	Mar. 1977
Claude S. Brinegar	Feb. 1973	Feb. 1975
John A. Volpe	Jan. 1969	Feb. 1973

FEDERAL AVIATION ADMINISTRATION

## ADMINISTRATOR:

Langhorne M. Bond	May 1977	Present
Quinton S. Taylor (acting)	Mar. 1977	May 1977
John L. McLucas	Nov. 1975	Mar. 1977
James E. Dow (acting)	Apr. 1975	Nov. 1975
Alexander Butterfield	Mar. 1973	Mar. 1975
John H. Shaffer	Mar. 1969	Mar. 1973

U.S. COAST GUARD

## COMMANDANT:

Admiral Owen W. Siler	May 1974	Present
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