

GAO

Report to Congressional Requesters

April 1988

DRUG CONTROL

Issues Surrounding Increased Use of the Military in Drug Interdiction



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**National Security and
International Affairs Division**

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Congressional Requesters

The National Defense Authorization Act for Fiscal Years 1988 and 1989 requires us to review the capabilities of the federal government to control drug smuggling into the United States.

This is the first of three reports in response to that requirement. It focuses on the Department of Defense's current and potential role in the government's drug interdiction program.

We are sending copies of this report to the Director, Office of Management and Budget; Chairman, National Drug Policy Board; Director, National Narcotics Border Interdiction System, Office of the Vice President; the Attorney General; the Secretaries of Defense, the Treasury, and Transportation; and other federal agencies involved in the drug interdiction program. We will make copies available to others upon request.

A handwritten signature in cursive script that reads "Frank C. Conahan".

Frank C. Conahan
Assistant Comptroller General

B-230748

List of Requesters

The Honorable John C. Stennis, Chairman
Committee on Appropriations
United States Senate

The Honorable Sam Nunn, Chairman
Committee on Armed Services
United States Senate

The Honorable Joseph R. Biden, Jr., Chairman
Committee on the Judiciary
United States Senate

The Honorable Claiborne Pell, Chairman
Committee on Foreign Relations
United States Senate

The Honorable Joseph R. Biden, Jr., Chairman
The Honorable Alfonse M. D'Amato, Co-chairman
The Honorable Dennis DeConcini
The Honorable Alan J. Dixon
The Honorable Bob Graham
The Honorable Frank H. Murkowski
The Honorable Pete Wilson
Caucus on International Narcotics Control
United States Senate

The Honorable Jamie L. Whitten, Chairman
Committee on Appropriations
House of Representatives

The Honorable Les Aspin, Chairman
Committee on Armed Services
House of Representatives

The Honorable Dante B. Fascell, Chairman
Committee on Foreign Affairs
House of Representatives

The Honorable Peter W. Rodino, Jr., Chairman
Committee on the Judiciary
House of Representatives

B-230748

The Honorable Charles B. Rangel, Chairman
Select Committee on Narcotics Abuse
and Control
House of Representatives

Executive Summary

Purpose

The National Institute on Drug Abuse estimates that 12 percent of all people in the United States over the age of 12 use illegal drugs regularly. Since 1981, the federal government has spent nearly \$17.7 billion to control the supply and use of illegal drugs. The President has declared narcotics trafficking a national security threat.

Section 1241 of Public Law 100-180 requires GAO to review the capabilities of the federal government to control drug smuggling into the United States. GAO's report discusses the federal government's drug control strategy; opinions of Department of Defense (DOD) and law enforcement officials regarding the use of the military in the federal drug interdiction program; and the feasibility of expanding DOD's current assistance role to empower it to seize drugs and arrest traffickers.

Background

Drug smuggling interdiction, a major part of the federal anti-drug efforts, consumed about 35 percent of the \$4 billion fiscal year 1987 drug control budget. Drug interdiction is the responsibility of law enforcement agencies. However, in recent years DOD has been increasingly called upon by the Congress and the White House to provide more assistance. Many believe DOD should be more involved in the war on drugs.

Results in Brief

For legal, foreign policy, and other reasons, neither DOD nor law enforcement officials support a significant change in DOD's role. This is particularly true with regard to DOD's direct involvement in seizures and arrests.

GAO's Analysis

The National Security Threat

Drug abuse and trafficking threaten national security by degrading the nation's moral fiber and health, adversely affecting its economy, and undermining its foreign security interests.

The national strategy to combat drugs, which is still evolving, amalgamates individual federal agency strategies but does not describe the relative budget priorities among the individual strategies. Although the

strategy contains numerous goals and objectives, GAO reiterates its concern raised in a previous report that measures of program effectiveness are needed.

Changing DOD's Role

The military is authorized to assist law enforcement agencies but not to search for or seize drugs or arrest drug traffickers. Although some members of Congress want to expand DOD's role, neither DOD nor law enforcement officials support expanding the military role significantly. These officials believe the traditional separation of civilian and military elements of the government must be maintained.

Law enforcement officials told GAO that military personnel would require training in order to effectively conduct law enforcement activities. In addition, they noted foreign relations and public perception concerns that would be difficult to overcome.

Disagreement on the Effectiveness of Increasing Interdiction

Law enforcement officials agree that DOD assistance—such as surveillance flights, ships used in interdiction operations, and equipment loans—have helped the interdiction efforts and that more of the same types of assistance would be welcome. However, there is no agreement among experts that increased federal interdiction efforts, with or without increasing levels of DOD assistance, will significantly reduce the amount of drugs entering the United States.

Determining the impact more DOD assistance would have is difficult because information needed to measure the success of interdiction efforts is not readily available.

The Military May Not Be Able to Meet Agencies' Needs

Law enforcement officials said that personnel resources and intelligence information are their most pressing needs. However, legal and practical constraints exist to providing military personnel that agencies would need to increase cargo inspections and border patrols. DOD officials stated that intelligence information is provided to the extent possible within resource limitations. Law enforcement, DOD, and intelligence community officials said they are working on better ways to use available intelligence.

According to DOD officials, some additional assistance of the types now provided may be possible without adversely affecting military readiness but defense budget constraints may make it more difficult to continue to

provide the same levels of support. In fiscal year 1987, DOD provided about \$75 million in unreimbursed support to the law enforcement agencies. This represents a very small fraction of 1 percent of the \$274 billion DOD expended in that year.

Military Assistance Can Be Better Utilized

Some of the military assistance may not be optimal to law enforcement agency needs. Agency officials said they would not request some DOD assistance if they were required to pay for it. Both law enforcement and DOD officials would prefer that the agencies be directly funded for their activities.

Recommendations

GAO's report provides an overview of information and opinions concerning the issue of increased use of the military in drug interdiction. GAO makes no recommendations.

Agency Comments

Because of the limited time available to meet the legislatively mandated reporting date and the fact that GAO's objectives were to develop and compile information to assist the Congress, GAO did not request the agencies involved to review and comment on its report.

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Abbreviations

AWACS	Airborne warning and control system
DOD	Department of Defense
DEA	Drug Enforcement Administration
GAO	General Accounting Office
LEDET	Law enforcement detachment

Introduction

Background

The flow of illegal drugs into the United States affects nearly every segment of its society. Congress and the administration increased the funding for drug abuse control from \$1.2 billion in 1981 to nearly \$4 billion in 1987. For fiscal year 1988 funding is about \$3 billion.

The federal government is attacking the drug problem through substantial efforts to simultaneously reduce demand for and supply of illegal drugs. Nevertheless, more drugs are available than ever before. The war on drugs is expensive and over the last several years, Congress has looked increasingly to the military to supplement drug control efforts.

Interdiction, seizing drugs in transit or upon arrival at U.S. borders, is one of several law enforcement strategies being used to reduce the drug supply and is one of the most costly elements of the federal anti-drug strategy. In fiscal year 1987, interdiction accounted for nearly \$1.4 billion, or 35 percent, of the total federal funding for drug abuse control.

The National Drug Policy Board is responsible for the federal interdiction policy, strategy, and resources. The Vice President's National Narcotics Border Interdiction System coordinates federal interdiction efforts. The U.S. Customs Service and the U.S. Coast Guard are the principal agencies responsible for interdiction; and the Immigration and Naturalization Service has interdiction responsibilities along the land borders between ports of entry. The Drug Enforcement Administration (DEA) and the Department of Defense (DOD) provide support to the interdiction efforts.

The 1982 Defense Authorization Act added several sections to title 10 of the United States Code (sections 371-379), which clarified and expanded the extent to which DOD could assist law enforcement agencies. DOD currently may provide information, training, equipment, and other support to law enforcement agencies, but still is generally prohibited from direct participation in interdictions of a vessel or an aircraft, searches, seizures, and arrests.

Objectives, Scope, and Methodology

Section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180), which was introduced by Senator Alfonse M. D'Amato, requires us to report on the capabilities of the United States to control drug smuggling into the country. This report fulfills part of that requirement. As called for in the legislation and as we subsequently agreed with representatives of the Senate and House Committees on Armed Services and the Permanent Subcommittee on

Investigations, Senate Committee on Governmental Affairs, this report discusses the national security implications of drug abuse and the federal strategy to deal with it, the issues surrounding the use of the military in the drug interdiction program, and the feasibility of authorizing the direct involvement of military personnel in drug interdictions.

The act required us to report on these issues by April 30, 1988, so we agreed with Committee representatives that we would rely extensively on information, views, and opinions provided by law enforcement and DOD officials currently involved in drug interdiction. In addition, due to the reporting time frames, the scope of our work did not permit verification of all data collected.

We will issue a separate report assessing the results of the specific U.S. Customs Service/National Guard operation identified in the legislation, and we have initiated work on a third report addressing the issues identified in the legislation regarding air interdiction efforts. We plan to complete the third report by March 31, 1989, as required by the legislation.

We interviewed officials responsible for drug enforcement or interdiction activities in the offices and agencies shown in table 1.1. We also examined appropriate documents provided by these officials. However, because of the short time available for completion of this report, we did not verify the accuracy of the information that they provided to us.

Chapter 1
Introduction

Table 1.1: Offices Visited, December 1987 to March 1988

Bureau of Alcohol, Tobacco, and Firearms

Headquarters, Washington, D.C.

Department of Defense

Office of the Assistant Secretary of Defense (FM&P/DE), Washington, D.C.

Office of the Joint Chiefs of Staff, Washington, D.C.

Commander in Chief, Atlantic, Norfolk, Va.

Commander in Chief, Pacific, Fort Smith, Hawaii

Commander in Chief, Atlantic Fleet, Norfolk, Va.

Commander in Chief, Pacific Fleet, Pearl Harbor, Hawaii

Air Forces, Atlantic, Langley Air Force Base, Va.

Air Forces, Pacific, Hickam Field, Hawaii

Tactical Air Command, Langley Air Force Base, Va.

Army Western Command, Fort Shafter, Hawaii

Army Forces Command, Atlanta, Ga.

Defense Intelligence Agency, Washington, D.C.

Drug Enforcement Administration

Headquarters, Washington, D.C.

Miami Field Office, Miami, Fl.

El Paso Intelligence Center, El Paso, Tx.

Federal Aviation Administration

Headquarters, Washington, D.C.

Federal Bureau of Investigation

Headquarters, Washington, D.C.

National Drug Policy Board

National Drug Policy Board staff, Washington, D.C.

The Interdiction Committee staff, Washington, D.C.

National Drug Intelligence Committee staff, Washington, D.C.

National Narcotics Border Interdiction System

Headquarters, Washington, D.C.

Pacific Region, San Diego, Ca.

Southeast Region, Miami, Fl.

Southwest Region, Houston, Tx.

Western Pacific Region, Honolulu, Hawaii

Operation Alliance

Headquarters, El Paso, Tx.

U.S. Coast Guard

Headquarters, Washington, D.C.

Atlantic Area Headquarters, New York, N.Y.

7th Coast Guard District, Miami, Fl.

11th Coast Guard District, Long Beach, Ca.

Coast Guard Air Station, Opa Locka, Fl.

Pacific Area Headquarters, Alameda, Ca.

Tactical Law Enforcement Team, San Diego, Ca.

(continued)

Chapter 1
Introduction

U.S. Customs Service

Headquarters, Washington, D.C.
Air Branch, Miami, Fl.
Air Branch, San Diego, Ca.
Air Branch, Tucson, Az.
Contraband Enforcement Team Operations Branch, Miami, Fl.
Miami District Office, Miami, Fl.
Surveillance Operations Center, Corpus Christi, Tx.
Southeast Regional Office, Miami, Fl.
Southwest Regional Office, Houston, Tx.

U.S. Immigration and Naturalization Service

Headquarters, Washington, D.C.
U.S. Border Patrol Headquarters, Washington, D.C.
U.S. Border Patrol, El Paso Sector, El Paso, Tx.

Our work was conducted from December 1987 to March 1988 in accordance with generally accepted government auditing standards. However, because of the limited time available to meet the legislatively mandated reporting date and the fact that our objectives were to develop and compile information to assist the Congress, we did not request the agencies involved to review and comment on our report. We did discuss the information developed during the course of our work with responsible agency officials.

National Security and Federal Drug Control Strategy

The threat that the availability of drugs represents to national security was emphasized in the President's National Security Decision Directive of April 1986, which pointed out international drug trafficking's potential for destabilizing democratic governments. Drug abuse and trafficking also degrade the health and morality of American society and adversely affect the economy.

On the basis of a 1985 household survey, the National Institute on Drug Abuse reported that 37 percent of the population over 12 years old had used illegal drugs and 12 percent were current users. Families are disrupted, people are dying, others no longer lead productive lives, and the health maintenance burden associated with drugs is increasing.

Trafficking in illegal drugs is a major source of crime and corruption. Recently, according to news accounts, a number of Miami police officers were convicted of drug trafficking and related murder conspiracies. In recent years, banks have been increasingly fined for failing to report large cash transactions and are suspected of being involved in laundering drug money.

Billions of dollars are spent by the federal government each year on drug control, prevention, and treatment. Tax revenues are lost each year from the enormous amounts of cash passing illicitly through the drug trade and billions of dollars pass out of the economy each year to foreign countries. The economy's productivity is diminished through lost work time and inefficiencies by millions of individual users. A Research Triangle Institute study, Economic Costs to Society of Alcohol and Drug Abuse and Mental Illness, which was prepared for the Alcohol, Drug Abuse and Mental Health Administration estimated that the economic cost of drug abuse to the United States during 1983 was \$59.7 billion.

Drug trafficking undermines the stability of governments friendly or important to U.S. interests through corruption, intimidation, and economic destabilization. In some cases, the linkages between drug traffickers and insurgents threaten to further destabilize these governments.

Debate Over Federal Drug Control Strategy

The federal strategy to control illegal drugs is to reduce demand through drug abuse prevention and treatment while also reducing supply through interdiction and border control, international drug control, investigations and prosecutions, intelligence activities, and control over diversion of legitimately produced drugs into the illicit market. Since 1981, the government has spent nearly \$17.7 billion for drug control.

Despite substantial increases in federal anti-drug efforts, the supply of illegal drugs persists and continues to adversely affect American society.

Decisions on the appropriate mix of anti-drug programs, their relative priority, and the level of resources that should be given to each are difficult to make. We reported in the past¹ that the ability of Congress and the administration to effectively address the issue is hampered by the absence of factual information about which anti-drug programs work best. Existing data systems portray general trends and help to gauge the overall impact of the federal drug strategy but do not adequately measure the effectiveness of specific drug control efforts. We also reported that fragmented and uncoordinated anti-drug policies and programs limit the effectiveness of federal drug control efforts. We recommended strong central oversight of the anti-drug programs and pointed out the need for an integrated strategy that specifies precise and quantifiable objectives for action programs, establishes budget priorities among the anti-drug programs, and expresses what is expected to be accomplished with the funds allocated. The government has made a number of organizational changes to reduce the fragmentation and conflicts among the different programs, but fragmentation and a lack of coordination still exists in federal drug abuse control policy and programs.

The National Drug Policy Board was established to provide leadership and coordination of the federal drug policies and is working to develop and implement an integrated national strategy. As discussed in our February 1988 report on the Policy Board's activities², the Board's January 1987 strategy document, National and International Drug Law Enforcement Strategy, was an amalgamation of existing strategies employed by drug law enforcement agencies. We pointed out that although the Board has the responsibility for and the authority to develop budgetary priorities among the various federal drug law enforcement programs, it had not established such priorities because it did not have the information needed to determine which law enforcement initiatives merit priority. We noted, however, that the Board was taking the first logical step for developing budget priorities by prompting the development of a consolidated drug control budget. We said that the Board had initiated the second step by directing the development of implementation plans which

¹Controlling Drug Abuse: A Status Report (GAO/GGD-88-39) Mar. 1988.

²National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible (GAO/GGD-88-24) Feb. 12, 1988.

were to include measurable objectives for each component of the anti-drug program.

The Board released a revised strategy document in March 1988 which contains the implementation plans. This document also is a compilation of separate strategy approaches developed by the agencies for their own areas of responsibility. Like the Board's January 1987 strategy document, the new strategy does not describe relative budget priorities. However, each component of the anti-drug program included in the strategy does contain a number of goals and objectives. For example, the international strategy contains goals such as "reducing the amount of cocaine shipped from ..." or "...reducing the amount of marijuana entering the United States from worldwide sources through an integrated program of narcotics control." Interdiction goals are stated in terms of increasing "air interdiction module capability by 200%" or "increase apprehension capability 30%."

Although establishing goals and objectives is an important step, we continue to be concerned that more needs to be done to develop ways to measure the government's success in achieving them and the effectiveness of the anti-drug programs. In our March 1988 status report on the federal drug control efforts we recognized that measuring program effectiveness is difficult for a number of reasons. First, drug abuse control efforts are mutually supportive; it is difficult to isolate the full impact and effectiveness of a single program. Second, the clandestine nature of drug production, trafficking, and use limits the quality and quantity of data that can be collected to measure program success. Third, the data that are collected—for example, the data used to prepare estimates of drug availability and consumption—are generally not designed to measure program effectiveness. We said that the development of reliable effectiveness measures for drug abuse control programs should be assigned a high priority by Congress in its oversight and legislative functions, and by the President and his cabinet members in administering anti-drug programs.

Debate Over the Effectiveness and Mix of Anti-Drug Programs

Experts disagree about which aspect of the government's strategy works best, the proper mix of anti-drug programs, and the level of resources that should be devoted to each. Some experts believe that devoting more resources to interdiction will reduce the supply of drugs. Others say that efforts should be increased to eradicate drug production in foreign countries and shut off drugs at their source. An increasing

number of experts believe that more resources should be spent on reducing the demand for drugs through education and treatment programs. Still others believe that substantial reductions in drug abuse will not occur unless there are fundamental changes in cultural attitudes and values which decrease society's demand for illegal drugs.

Demand Reduction

Reducing the demand for drugs has been increasingly recognized by Congress and the executive branch as a crucial element in the federal government's effort to reduce drug abuse. Law enforcement and health officials agree that efforts to reduce the supply of illegal drugs cannot succeed as long as the demand for drugs in our society is so great. Some experts believe that substantial reductions in drug abuse will not occur unless there are fundamental changes in cultural attitudes and values which decrease society's demand for illegal drugs. However, no one knows the relative value of this alternative because, as we pointed out in 1987³, evaluations of the effectiveness of drug abuse prevention and education activities have been limited.

Interdiction

DOD involvement in the war on drugs is largely confined to providing support to the interdiction efforts of the law enforcement agencies. In fiscal year 1987, about 35 percent of the government's drug control expenditures were for interdiction.

Interdiction efforts and drug seizures have increased during the 1980s, but large amounts of smuggled drugs still enter the country. Experts generally agree that interdiction alone will not solve the problem and will achieve only a short-term, relatively small reduction in drug availability. The practical aspects of interdiction have been questioned on the basis that traffickers can quickly and effectively adapt to interdiction efforts by shifting their smuggling methods and routes; the nation's borders are too broad to cover without a massive amount of enforcement resources; and drug producers have large quantities of raw materials and can overcome losses from interdiction.

We found no direct correlation between resources spent to interdict and the long-term availability of imported drugs in the domestic market. The Customs Service estimates that a large percentage of the drugs may be

³Drug Abuse Prevention: Further Efforts Needed to Identify Programs That Work (GAO/HRD-88-26) Dec. 4, 1987.

entering the country through ports of entry in container cargoes. However, most interdiction efforts are directed at stopping drugs shipped clandestinely in planes, boats, and vehicles that do not go through the ports of entry. This, coupled with the estimate that large amounts of narcotics entering the country are not detected indicates that interdiction alone will not solve the drug problem.

International Drug Control

The U.S. international drug control program supports foreign government efforts to control the cultivation, production, and refinement of drugs at their source. Proponents of this strategy believe that stopping drugs at their source is the most cost-effective way to control the drug problem. The State Department, which is responsible for this element of the strategy, believes this approach has a very high potential for results. However, others question its potential.

Critics state that source country governments do not have control over drug production areas, the countries' economies often depend on income from the drugs, and the disparity between the profitability of legitimate crops and drug crops offers little economic incentive for growers to stop growing drug crops. Attempts to increase the cost of drugs to consumers through attacking drugs at the source does not work, according to some. They say that raising prices of alternative crops will not work, because traffickers will quickly match price incentives. A recent military effort in Bolivia, called Operation Blast Furnace, was designed to reduce cocaine production in a source country by locating and destroying coca processing facilities. While the operation disrupted processing and affected coca prices, the effects were only short term. Moreover, the Department of State's Narcotics Control Strategy Report indicates that the enormous profits involved give drug traders more economic and political leverage in a number of the key source countries, such as Colombia, than the countries' central governments can exert.

Our report⁴ on international narcotics control activities pointed out that despite increased U.S. assistance to cooperating countries' crop control and law enforcement efforts and increased eradication, narcotics production remains at high levels and supplies available to the United States remain plentiful. We said that bilateral efforts to curtail drug cultivation and production were constrained by economic, political, or cultural conditions well beyond the control of program managers. We

⁴Drug Control: International Narcotics Control Activities of the United States (GAO/NSIAD-88-114) Mar. 1988.

noted, however, that by establishing program plans that contain clear and quantifiable goals and objectives as well as systematic methods to evaluate and judge performance, the effectiveness of some U.S.-assisted crop control and eradication programs could be improved.

Investigations and
Prosecutions

Another aspect of the strategy calls for immobilizing drug trafficking organizations by jailing their members, seizing their drugs, obtaining drug-related asset forfeitures, and seeking extradition of key alien traffickers. According to the Policy Board's January 1987 strategy statement, the judicial and penal resources of the United States are overtaxed and there are legal and political problems inherent in obtaining extradition of key traffickers. It also notes that crowded conditions in the nation's prisons often encourage early release or relatively light sentences for many violators. According to some, the financial rewards to traffickers are potentially so large that the threat of going to prison may not be a significant deterrent to keep others from replacing those who are convicted.

Considerations Associated With Increasing DOD's Role in Drug Smuggling Interdiction

The question of whether DOD should be more involved in drug interdiction activities of federal law enforcement agencies is a difficult one for several reasons. DOD's role in interdiction is limited by statute and DOD policy. DOD and law enforcement officials do not believe that DOD's present role should be significantly altered. Although additional personnel resources, intelligence, and equipment are needed by law enforcement agencies, DOD officials said that DOD's ability to provide for these needs may be limited by legal and resource constraints. Military and law enforcement officials also question whether increased DOD involvement in interdiction will significantly reduce the amount of drugs entering the United States and, while law enforcement officials said that military assistance has been helpful, it is not possible to quantify its value.

No Consensus on Increasing DOD's Role

DOD's role in interdiction is limited by the Posse Comitatus Act (18 U.S.C. 1385). The act prohibits the use of the Army or Air Force to execute U.S. laws except as otherwise permitted by the Constitution or act of Congress. While the statute does not apply to the Navy or Marine Corps, DOD has applied similar restrictions to them as a matter of policy. Under DOD's regulations, the military services are precluded from (1) interdicting a vehicle, vessel, or aircraft, (2) search and seizure, (3) arresting, stopping and frisking, or other similar activity, and (4) providing personnel for surveillance or pursuit of individuals or as informants, undercover agents, investigators, or interrogators. The 1982 Defense Authorization Act clarified and expanded DOD's authority to assist law enforcement officials by authorizing certain kinds of assistance to federal, state, and local law enforcement agencies.

DOD provides helicopter and fixed-winged aircraft and ships for tactical surveillance, detection, and interdiction purposes. It also loans communications equipment, radars, weapons, motion sensors, night vision goggles, and other equipment; shares intelligence; trains law enforcement personnel; and provides personnel to operate radar equipment.

For fiscal year 1987, DOD estimates that it spent about \$389 million for drug law enforcement assistance. About \$75 million of this amount was for assistance provided to the law enforcement agencies on a non-reimbursable basis because the military units involved were considered to be concurrently participating in training. The remaining \$314 million were funds appropriated to DOD but specifically designated for law enforcement purposes by the Congress. Overall, DOD assistance accounted for about 28 percent of the federal expenditures in fiscal year 1987 for drug interdiction purposes. However, DOD officials said that these amounts

are estimates because DOD does not separate the costs attributable to military and law enforcement activities when they are conducted concurrently.

Some members of Congress believe that DOD can and should assume a greater share of the interdiction responsibility. While DOD officials believe that additional assistance may be possible within the limits of its current authority to assist in law enforcement, they said that substantially increasing the amount of assistance provided could adversely affect mission readiness. However, DOD cannot precisely determine how readiness would be affected. Nearly all the officials we interviewed felt it was not appropriate to authorize DOD to seize narcotics and arrest traffickers.

Congressional Views

Some members of Congress believe that federal interdiction efforts are ineffective because civilian law enforcement agencies do not have adequate resources. DOD is being looked to as a source for these resources, but opinions vary on what its role should be and whether increased military assistance to law enforcement agencies would be effective.

Some want an all out mobilization of U. S. resources to fight the war on drugs. To some, this includes empowering DOD to become directly involved in searches, seizures, and arrests. Others want more DOD involvement but not arrest and seizure powers, thus maintaining the traditional civilian and military roles.

The issue in Congress is how to satisfy law enforcement resource needs. The debate centers on whether using military resources is cost effective, whether the resources are adaptable for law enforcement purposes, and what tradeoffs are involved in expanding DOD's role.

Military Views

DOD is committed to cooperate with the law enforcement agencies to the fullest extent consistent with national security needs, military preparedness, applicable law, and resource availability. DOD officials said that directly enforcing civilian laws is not part of DOD's current mission and they do not support expanding its mission to include this. DOD prefers to support those who do make searches, seizures, and arrests and considers its current supporting role appropriate.

We were told that, although DOD intends to continue to support agency needs, increasing demands will require decisions on whether to alter

DOD's mission. Military officials also told us that if DOD is asked to expand its current role, specific guidance from the Congress would be needed.

Law Enforcement Agency Views

Although some federal law enforcement officials would like more military support, officials at headquarters and in the field generally agree that DOD's current role is proper and should remain limited to providing support and not involve direct arrest authority. They see DOD's role as defending the country and do not believe that it should be tasked or allocated resources to do the work of law enforcement agencies. They cited law enforcement training requirements, public opinion, foreign policy considerations, and the adverse effect on defense readiness as additional reasons for not increasing DOD's role in law enforcement.

DOD May Not Be Able to Meet Law Enforcement Agencies' Greatest Needs

Central to the question of increasing DOD support is whether DOD can meet the resource needs of law enforcement agencies. While the agencies need resources and DOD is committed to support these needs to the extent possible, DOD officials said that the military may not be able to meet the higher priority needs of the law enforcement agencies for additional personnel and intelligence information because of legal, resource, and other constraints. In addition, they said that, because of budgetary constraints, the military may not be able to increase the levels of the types of assistance now provided and that, if the budgetary constraints increase, the military may need to reduce the support provided to avoid degrading readiness. According to the DOD officials, the DOD budget is established to meet military needs and does not take into account support that is provided to the law enforcement agencies. However, the level of unreimbursed support that DOD provides is extremely small in relation to its total budget.

Personnel Needs

The most severe resource limitation cited by law enforcement officials was personnel. For example, a major Customs need was for additional container cargo inspectors. Customs officials believe a major percentage of illicit drugs enter the country by containers but Customs is currently able to inspect no more than 3 percent of these containers. Customs officials indicated that coverage could be increased at a rate of 1 percent for every 500 added inspectors. Also, Border Patrol officials told us the Patrol needs more personnel to cover border areas; the Immigration and Naturalization Reform Act authorized the Patrol 1,600 additional positions but it lacks the funds to fill them.

DOD officials stated that the number of personnel needed to make a significant difference would draw too many service members from their primary missions and that DOD is prohibited by law from providing personnel to conduct searches. They also questioned the effectiveness of using DOD personnel in this capacity because they are not trained to do this type of work.

Law enforcement officials were concerned over the length of time that DOD personnel could be used in such capacities without degrading their military skills. They observed that if military personnel are to be used on a long term basis in such capacities, they might as well be given directly to the agencies.

Intelligence Needs

More drug intelligence information is another need frequently cited by law enforcement agencies, especially more real-time intelligence concerning specific smuggling movements, such as aircraft and boat departures and commercial shipments known to contain contraband. Some experts believe that interdiction can best be improved by developing more reliable and timely intelligence collection, analysis, and dissemination so that agencies can more effectively target their interdiction efforts.

Some law enforcement officials said they believed that DOD intelligence agencies, which are part of the national foreign intelligence program under the direction of the Director of Central Intelligence, may have potentially useful foreign drug intelligence information that cannot be used, or is not being disseminated because of (1) concerns about exposing classified information and foreign information sources, especially during prosecution proceedings, or (2) resource limitations that prevent collected information from being analyzed sufficiently to identify the intelligence that would be useful for drug interdiction.

We discussed these issues with DOD intelligence officials responsible for coordinating drug-related intelligence activities with and providing the intelligence to the law enforcement agencies. According to the officials, the DOD intelligence agencies are about at the limit of their ability to disseminate drug-related intelligence because of resource limitations and priorities to perform other foreign intelligence missions. They said that drug intelligence requirements articulated by the law enforcement agencies are being disseminated to the agencies, including classified information, and that any other drug-related information that is noticed by

foreign intelligence analysts and disseminators that appears to be of potential use also is provided.

These DOD intelligence officials agreed that they may process some useful drug-related information that is not isolated and disseminated because law enforcement agencies have not completely identified and communicated their intelligence requirements to them. They also acknowledged that classified information disseminated to the law enforcement agencies has restrictions on its use as evidence so that prosecution of smugglers is sometimes precluded. However, they believed that law enforcement agencies could still use the information to interrupt shipments and noted that they work with the agencies to release the information for prosecution purposes if possible and have done so on several occasions.

A DOD intelligence official said that (1) drug-related intelligence production would be improved if law enforcement agencies would better coordinate, share, and use their own vast information holdings, much of which is currently untapped, (2) such information should be their primary source of intelligence, and (3) foreign intelligence agency information should be viewed as a supplemental source. Also, according to the official, much misunderstanding has existed between the two communities about the intelligence agencies' abilities to assist drug interdiction because of differences in intelligence concepts, language, and definitions and in misperceptions by law enforcement agencies about how the intelligence agencies are required to operate. However, he noted that the two communities have been working together and that better understanding and cooperation between them on improving production of useful drug intelligence, including use of classified information, is beginning to take hold.

DEA intelligence officials said that DEA receives up to 8,000 case reports a week from its agents that cannot be fully analyzed for drug intelligence and disseminated to other law enforcement agencies because of a lack of resources. They also agreed that the defense intelligence agencies were disseminating whatever drug-related intelligence can be identified.

Officials of the Policy Board's National Drug Intelligence Committee and other law enforcement officials also agreed that currently available intelligence could be more effectively used through better coordination between intelligence users and producers. They said that needed actions include expanding their own collection, analysis, and dissemination

capabilities; establishing better information sharing; reducing duplication of efforts; and establishing better awareness among agencies of what intelligence is already available. Consequently, they agreed that some of their intelligence problems may be solved without receiving more intelligence from DOD agencies.

The National Drug Intelligence Committee, with the cooperation of the intelligence agencies, is in the process of addressing the above problems by identifying, organizing, and defining intelligence requirements throughout the drug enforcement community, identifying current and potential sources, and identifying how needs and resources could best be matched, including use of foreign intelligence resources.

Other Assistance

Law enforcement officials also said they needed more equipment and other support which they believe the military could provide. These needs include more of the same types of assistance already being provided—e.g., surveillance flights, Navy ships, aircraft, radars, communication equipment, and satellite communications.

DOD officials stated that since the military assistance to the agencies is provided largely on a non-reimbursable basis, the anticipated constraints in the defense budget for fiscal year 1989 could affect DOD's ability to sustain current levels of assistance. Budget problems have affected the Navy's ability to meet the needs of civilian law enforcement agencies; for example, DOD assistance to the Coast Guard was reduced in the first two quarters of fiscal year 1988. In addition, demand for military assistance could change in response to changes in the law enforcement agencies' budgets.

Regarding DOD's ability to provide more assistance of the type now provided, DOD officials' major concerns centered on the readiness and budget impacts. DOD officials told us that the military is now providing as much assistance as possible without having an adverse impact on readiness. They also said that, while it may be possible to provide additional support in some areas, little opportunity exists to significantly increase assistance beyond current levels unless the DOD budget is increased and/or DOD's mission is changed. According to DOD officials, military assistance could be expanded as long as additional funding levels were provided.

It is difficult to quantify the impact of providing additional assistance on readiness. We reported in the past¹ that the services cannot determine precisely how readiness is affected by changes in the level of training activity. Furthermore, from a larger perspective, the \$75 million in unreimbursed assistance provided by DOD for drug law enforcement purposes in fiscal year 1987 represents a very small fraction of 1 percent of the \$274 billion DOD expended in that year.

Results of Increased Military Interdiction Assistance Are Uncertain

There are questions about the effectiveness of the overall federal interdiction efforts. We were told that increased military involvement in drug interdiction activities would increase the effectiveness of the overall federal interdiction effort. However, it is not clear whether more DOD support will achieve significant results or if the law enforcement agencies could effectively absorb more support. While law enforcement officials believe that greater interdiction efforts will achieve more seizures, they recognize that such increases may not reduce illicit drug supplies significantly, because traffickers have myriad smuggling methods available and have the ability to adapt their methods to counter interdiction strategies. The law enforcement community recognizes that the substantial increases in federal spending for interdiction efforts have not significantly reduced drug availability.

Measuring the Success of Interdiction Is Difficult

Law enforcement agencies do not have widely accepted accurate estimates of the amount of drugs smuggled into the country so they cannot accurately measure the effectiveness of their interdiction efforts relative to drugs entering the United States. Agencies report interdiction successes in terms of the numbers of seizures or arrests; however, each measurement is criticized as being an imprecise and unreliable indicator of how well interdiction is reducing drug supplies.

Information on the number of seizures and arrests can not be an adequate measure unless the amount of drugs being smuggled is known. For example, a higher seizure or arrest rate could result because more drugs are coming into the country and there are more opportunities to make seizures and arrests.

¹Measures of Military Capability: A Discussion of the Merits, Limitations, and Interrelationships (GAO/NSLAD-85-75) June 1985; Unit Training: How It Is Evaluated and Reported To The Congress (GAO/NSLAD-86-94) June 1986.

Retail prices of drugs are considered by some to be the best indicator of interdiction success, but prices also may not be an accurate indicator. For example, falling drug prices may not mean that enforcement is weak but that dealers are more competitive or more efficient in supplying the demand of users. In addition, according to a Rand corporation study,² interdiction may not have a significant effect on the price of cocaine because its shipped cost is only about 10 percent of the ultimate street price. The study states that extremely large quantities of cocaine would have to be interdicted to result in increases in street prices and that street prices would have to increase dramatically before there is a corresponding reduction in consumption.

Determining the Value of DOD Assistance Is Difficult

While the effectiveness of the military assistance cannot be precisely measured, law enforcement officials agreed that military assistance has been helpful and they welcome more assistance of a similar nature. However, they also noted that significant increases in DOD support would need to be accompanied by increased law enforcement resources so that they would be able to effectively use any increased support.

Customs officials told us their air interdiction program relies heavily on radar equipment and aircraft loaned or provided by DOD and that without DOD assistance the interdiction program's capability would be reduced significantly.

Coast Guard officials said they would have considerably less coverage without the use of Navy ships and crews to operate them. Moreover, officials cited DOD assistance as having a deterrent value even if it does not result in arrests and seizures. However, they said that quantifying the deterrent value was not possible.

One consideration in decisions to increase DOD assistance is whether it produces results, particularly in light of the reported dollar and readiness impact involved. Agencies do not assess the effectiveness of the assistance received. Two major elements of the military assistance are the involvement in the Coast Guard's law enforcement detachment (LEDET) program and the airborne warning and control system (AWACS) surveillance flights. Both programs are considered valuable by law enforcement agencies; however, trying to quantify their results is difficult.

²Sealing the Borders, The Effects of Increased Military Participation in Drug Interdiction, Peter Reuter, Gordon Crawford, and Jonathan Cave, The RAND Corporation, Santa Monica, CA, 1988.

LEDET Program

The LEDET program involves placing Coast Guard personnel aboard Navy ships to interdict suspected drug traffickers and conduct searches, seizures, and arrests. In fiscal year 1987, according to DOD and Coast Guard data, the Navy provided over 2,500 ship days to the LEDET program. This resulted in 20 vessel seizures, 110 arrests, and over 225,000 pounds of marijuana and almost 550 pounds of cocaine seized. The Coast Guard reported the LEDET program cost \$13 million in fiscal year 1987 and the Navy estimates its costs to be \$27 million—totaling about \$40 million for the Navy and the Coast Guard combined.

The Coast Guard initially was authorized 500 personnel positions in its LEDET force, but funding was provided only for 300 positions. Coast Guard officials stated the Navy cannot designate enough ships for drug interdiction to use all the LEDET positions. Consequently, the Coast Guard puts a portion of its LEDET teams on “ships of opportunity,” Navy ships in route from point A to point B with little opportunity to stop and board suspected drug traffickers because of schedule commitments. However, if the Coast Guard has evidence that a suspected drug vessel is in the transit area, the Navy will direct its ship to deviate from its course if the suspected vessel can be interdicted. We were told that on the West Coast, approximately 75 percent of all LEDET embarkations are on ships of opportunity. Coast Guard officials had mixed opinions about the effectiveness of the ships of opportunity because only one ship of opportunity has been involved in a drug seizure. Some felt that the lack of seizures indicates that the program is ineffective, while others said that the program is valuable because it may deter some drug smuggling.

Coast Guard officials told us that this year's Coast Guard budget includes 100 additional LEDET positions, even though the budget was cut \$100 million. The Coast Guard and the Navy are negotiating the potential for building in more scheduled slack time on ships of opportunity to allow course alterations to interdict suspected drug smugglers.

The success of the LEDET program depends on the availability of intelligence information, the extent of coverage available, and the potential for smugglers in the area. The Coast Guard said that using LEDET personnel on ships of opportunity provides valuable intelligence information, serves as a deterrent, and expands the Coast Guard's presence in the area. They said that this is especially important in light of budget cuts.

AWACS Program

DOD data shows that in fiscal year 1987, the Air Force designated 591 AWACS flying hours to drug interdiction, which resulted in 6 seizures and

10 arrests. The incremental cost to DOD associated with this assistance was \$2.6 million. In the first quarter of fiscal year 1988, 154 designated AWACS flying hours, which represents an incremental cost of \$678,000, resulted in 2 seizures and 3 arrests.

Officials told us that the number of arrests and seizures are influenced by the number of flights available relative to the geographic area covered. With increased coverage, arrests and seizures generally would be expected to increase.

DOD Assistance Affects Readiness

According to some DOD officials, providing assistance to the law enforcement agencies affects readiness to some degree. The military is prohibited by statute and by DOD Directive 5525.5 from assisting drug enforcement agencies if such assistance adversely affects readiness. However, some maintain that all assistance affects readiness to some extent—it is merely a question of degree. The fact that very few requests are turned down on the basis of readiness considerations can generally be attributed to DOD's willingness to overlook the contention that any non-military activity adversely affects DOD's peacetime readiness mission. DOD officials said that the decision to provide assistance considers both budgetary and political factors as well as readiness. In other words, if the assistance can be absorbed within the training budget, they will provide it.

However, DOD officials said they have turned down requests for assistance. For example, in 1987 the Coast Guard had assistance scheduled to be used in drug operations pulled back because of operational, budget, and readiness considerations. In 1988, it lost ship days because of higher priority military commitments and reductions in funds for the Navy's ship steaming day program. Law enforcement agency officials told us they generally believe that DOD acts in good faith and does what it can to meet their resource needs.

DOD officials told us that there are some benefits to military preparedness from the assistance provided. They said that it may benefit morale. However, we were told that, while lower graded personnel may obtain a morale lift from these activities, the higher in the chain of responsibility you go, the greater the awareness of the potential readiness degradation.

According to DOD officials, refusals normally take the form of reducing the level of the support provided rather than refusing to provide any

support at all. They said that the military employs innovative scheduling to minimize the impact on readiness.

Agencies Do Not Reimburse DOD for Most Assistance

The law enforcement agencies do not reimburse the military for most assistance—an estimated 99 percent of the assistance they request is provided without reimbursement.³

DOD does not consider reimbursement to be required under the Economy Act (31 U.S.C. 1535) if it receives substantially equivalent military training from the activity involved. DOD generally asks to be reimbursed for costs that it would not normally incur as part of its training activities, such as travel and per diem.

DOD has waived most costs incurred, claiming that substantial equivalent training was received. Records are not available on the amount of assistance refused because the agencies would not or could not reimburse the military, but DOD and law enforcement officials agreed very little is refused.

Funding Those Responsible for Interdiction Could Produce Better Results

DOD officials questioned the benefits of some assistance and, since it is provided at no cost, whether agencies consider the cost/benefit relationship of DOD assistance.

Law enforcement agency officials told us that without additional funding, they could not afford to pay for such assistance. When asked whether, if funded adequately, they would “buy” the amount and types of assistance now received from DOD, the law enforcement agencies provided mixed responses.

We were told agencies would continue to buy some DOD assistance, but not all of it. Officials told us there were more cost-effective approaches to interdiction. For example, Customs officials told us they would rather buy their own aircraft rather than depend on the availability of military aircraft. Customs officials stated they would rather purchase P3s retrofitted with sophisticated wide-area search radar that they believe better fit their needs than be provided the Navy's E2s which they believe are less suitable for their needs. They stated that the military aircraft are over-equipped for the job and they could buy aircraft more suited to their needs directly from manufacturers. Others stated that

³In some instances, however, agencies do not request assistance because they have to reimburse DOD

sometimes commercial sources are available at lower rates and that at times military assistance cannot be scheduled when it is needed.

About 70 percent of all assistance provided by DOD is scheduled on a quarterly basis. While agency officials are generally satisfied with DOD efforts to provide for their resource needs, the need to schedule in advance sometimes causes problems. For example, one Customs official said AWACS flights may be scheduled too far in advance to be of much use in day-to-day interdiction.

In general, law enforcement officials told us they would prefer to be funded directly so they can decide how to spend the funds and thus obtain assets that better meet their needs rather than be limited to what the military has to offer at any particular time. However, even if law enforcement agencies were so funded, there still may be instances where it is more cost effective to use DOD equipment because of the high cost of building the agencies' capabilities.

DOD officials do not want to receive dedicated funding themselves. If Congress wants to increase interdiction funding, DOD and law enforcement agencies prefer that it be provided to law enforcement agencies. They expressed concern that funding DOD specifically for law enforcement could formally create a new military mandate with its attendant force structure and command considerations. The officials believe this would elevate the law enforcement mission beyond what it should be within DOD. It may require that forces be increased and commands created. In addition, military officials said that if funds were appropriated to the military for drug law enforcement, they would like to be protected from cuts or other reductions or else the command would again have to absorb costs for a now-defined mission.

Finally, funding law enforcement agencies directly could have the added advantage of making them more accountable for their resources. Agencies would have to decide on the most effective and efficient means to meet their needs rather than take assistance that may be less than optimally used. The agencies would no longer accept assistance on the basis that it is free.

Feasibility of Authorizing Military Personnel to Become Directly Involved in Drug Searches, Seizures, and Arrests

Members of Congress have introduced legislation to expand the role of DOD in drug law enforcement. These have included proposals to conduct a maritime blockade of a foreign country; to seal off the Mexican border; and to conduct drug searches, seizures, and arrests.

Section 1241 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 required us to assess one of these proposals. The proposal, amendment number 49 (H.R. 47, 100th Cong., 1st Sess.) to the authorization bill, would allow the Secretary of Defense to assign members of the armed forces to assist drug enforcement officials in searches, seizures, and arrests outside the land area of the United States when requested by the head of a Federal law enforcement agency.

Although many of the law enforcement and DOD officials we interviewed agreed that it would be feasible to implement the amendment, they pointed out that law enforcement training, equipment modifications, foreign relations considerations, and public perceptions could constrain its effective implementation.

Traditionally DOD Has Not Been Responsible for Law Enforcement

The proposed amendment would change the traditional roles of civilian and military powers and allow greater DOD involvement in enforcing drug-control laws outside the land area of the United States. As described in chapter 3, the Posse Comitatus Act and DOD regulations prohibit the military from enforcing U.S. civil laws. However, the military's role in drug interdiction has expanded in recent years.

Sections 371, 372, and 373 of title 10 United States Code provide for military cooperation with federal, state, and local law enforcement agencies in sharing information, using military equipment and facilities, and training law enforcement personnel. Prior to the enactment of these sections, court interpretations of the Posse Comitatus Act permitted such activities; they were enacted into legislation to avoid any ambiguity.¹

Section 374 constitutes an exception to the Posse Comitatus Act. Section 374(a) authorizes the use of military personnel to operate and maintain equipment (or assist in operating or maintaining equipment) on loan to law enforcement agencies. Such use of personnel is authorized only for specific operations and only with respect to criminal violations of certain federal laws, chiefly drug and immigration laws. (DOD equipment, as

¹H.R. Report No. 71, 97th Cong., 1st Sess. (1981).

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well as personnel to operate and maintain such equipment, also may be used to assist foreign governments involved in the enforcement of similar laws.) However, DOD personnel may only operate equipment under section 374(a) to monitor and communicate the movement of air and sea traffic.

In addition, under section 374(c), DOD equipment operated by or with the assistance of DOD personnel may be used in emergency circumstances outside the land area of the United States as a base of operations and to intercept vessels and aircraft in order to direct them to a designated place. Such authority cannot be used without a joint determination by the Secretary of Defense, the Attorney General, and the Secretary of State that an emergency situation exists.

Section 375 instructs the Secretary of Defense to ensure that any assistance provided to any law enforcement agency does not permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in the interdiction of a vessel or aircraft, a search, seizure, arrest, or other similar activity unless otherwise authorized by law. DOD policies, as well as our discussions with DOD officials, also indicate that DOD is reluctant to assume law enforcement authorities.

During our review, we noted that DOD provides substantial support to law enforcement activities in the LEDET program. LEDET personnel are placed aboard Navy ships that are in transit through areas where drug smuggling takes place and on other ships that are assigned to participate in specific short-term Coast Guard drug interdiction operations. In the event that a suspected drug smuggler is encountered, the Coast Guard assumes tactical command of the Navy ship and stops the suspected smuggler. LEDET personnel search the suspect boat, seize any contraband that they find, and arrest the boat's crew. Navy personnel assist LEDET efforts by piloting the Navy ship; firing warning or disabling shots, if necessary, to stop the suspect and allow LEDET personnel to board; and taking the seized boat into a U.S. port under the direction of one of the members of the LEDET team.

The Amendment to Authorize DOD to Conduct Law Enforcement Activities

The proposed amendment would also be an exception to the Posse Comitatus Act and would supercede the prohibition in section 375 of title 10. It would allow the Secretary of Defense to assign members of the armed forces to assist drug enforcement officials in searches, seizures, and arrests outside the land area of the United States in order to enforce the Controlled Substances Act (21 U.S.C. 801 *et seq*) or the Controlled Substance Import and Export Act (21 U.S.C. 951 *et seq*). The term “outside the land area of the United States” is not defined and may be broad enough to include territorial waters of the United States, the high seas, and foreign territory. DOD personnel could not be assigned unless the Attorney General first certified that insufficient law enforcement resources were available to ensure the success of the operation and the Secretary of Defense approved the assignment with the Secretary of State’s concurrence. Civilian agencies would control and direct the operation.

According to the amendment’s sponsor, the proposal was intended to empower the Navy to arrest any suspected drug smugglers it might encounter. If the drug smugglers knew that any Navy ship they encountered could stop and arrest them, it would increase the risks involved in drug smuggling and deter some from becoming involved in smuggling operations. According to the sponsor, the military still would be under the direction of civilian law enforcement officials, but such officials would not have to be physically present when the law enforcement activities took place.

The sponsor has said that this proposal could be implemented with little effort or expense—only very basic law enforcement training would be needed—since Navy personnel probably would become involved in drug enforcement activities infrequently. According to the sponsor, most arrests in the United States are made by local law enforcement officials who have relatively little training; and, since the basic intent of the proposal is to help deter drug smuggling by making every Navy ship a potential threat to the smugglers, losing a few cases because of improper arrest procedures would be a small price to pay for the added deterrent value that would be gained. In addition, the sponsor has said that any drugs seized would be that much less that enters the country.

How the Amendment Could Be Implemented

We talked to a number of federal law enforcement and DOD officials about the feasibility, practicality, and desirability of implementing the amendment. We focused on ways that the Navy could be used to implement the amendment because this apparently is what the sponsor has in

mind. We did not attempt to estimate the costs of implementing the proposal because of the uncertainties involved.

Many of the officials we talked with agreed that it would be possible to have Navy personnel conduct law enforcement activities, but virtually none of them believed that it would be practicable or desirable. Various officials said that, to properly conduct arrests and seizures, Navy personnel would need law enforcement training and that certain Navy equipment would have to be modified to facilitate interdiction efforts. Also, foreign relations considerations and public perceptions would be more difficult, if not impossible, to overcome.

A scenario that could be envisioned to implement the amendment would be to assign the same type of law enforcement authorities to the Navy that the Coast Guard has. This could overcome or reduce the training and equipment problems but probably would not resolve the foreign relations or public perception problems. However, since Navy ships and personnel are subject to being deployed anywhere in the world, a large number of ships and people potentially would become involved in the drug interdiction program. As new people or ships were assigned to drug duty, they would need to be trained and equipped. This potentially could involve an extensive amount of training and retrofitting and substantial costs.

Coast Guard and DOD officials indicated that the Navy personnel involved would need an extensive amount of training, not only to protect the rights of the suspected drug smugglers and to make "good" arrests, but also to protect the safety of the personnel involved in the arrests. Coast Guard officials said that sailors would need on-the-job experience in search techniques needed to learn how to detect hidden compartments on suspected boats. Coast Guard and other agency officials told us it takes 6 months to a year of actual experience before their personnel would be prepared to perform investigation and arrest functions without close supervision.

Navy personnel could be trained in the requirements of international law, rules of evidence, and search, seizure, and arrest techniques. They could receive the same type of law enforcement training that Coast Guard personnel receive and be given similar on-the-job experience in conducting searches and making seizures. Coast Guard officials said that their LEDET teams receive 6 months of training plus extensive on-the-job training.

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To minimize the need to train large numbers of personnel, the Navy's policy of rotating personnel could be modified to enable personnel trained in law enforcement to be assigned to a special Navy unit or command devoted to drug enforcement.

A special unit could make it more practical to overcome the equipment considerations that would be involved in giving the Navy drug enforcement authority. Coast Guard officials told us that the Navy ships would need to be modified to make some of the equipment more suitable for drug enforcement activities. Most Navy ships are not equipped to launch the small boats that Coast Guard personnel use to board suspected smugglers' boats or to tow impounded boats back to U.S. ports. In the LEDET program 4-5 meter rigid hull, inflatable boats are used for boarding suspected smugglers' vessels because they are more stable in rough seas than the small boats that are typically on board Navy ships and their rubber sides prevent damage to the boats boarded, which often are fiberglass pleasure boats. We were told that, on occasion, the Navy has had to use a helicopter to launch the inflatable boats from large Navy ships; however, the Navy ships could be modified to install the equipment (davits) necessary to launch the inflatable boats. DOD officials told us that existing davits on the Navy ships could be jury-rigged to launch the inflatables. They said that it would be possible to use the small boats available on the ships to transport the boarding parties but agreed that the potential for damaging the interdicted boats exists.

We also were told that, because the smugglers' boats frequently are in poor condition and are not safe to operate on the ocean, the interdicting ships need to be capable of towing them back to a U.S. port so they will be available for use as evidence. The Coast Guard officials we interviewed said that, if the Navy was conducting an operation on its own, the Navy ship would have to be modified so that it could safely tow a small boat. They also said that since this is a slow process that takes a ship off-line for at least several days, they felt that it would be impractical to tie up a large Navy ship. DOD officials we talked with basically agreed that towing a small boat would be difficult with a Navy ship which is at least 400 feet in length.

Coast Guard officials also said that Navy personnel involved in making an arrest would have to be available to testify at the trial. Under the 6th amendment to the Constitution, the accused has the right to face his accuser. This is accomplished by having the arresting officer testify at the trial or by allowing the accused to be present when the arresting officer gives a sworn deposition. They said that it may be difficult for

the Navy to make the personnel involved in the arrest available for the trial if they have been deployed somewhere half-way around the world. They also said that it would not be likely that the accused would be transported to the location of the Navy personnel in order to have a deposition taken. They agreed that a dedicated Navy drug unit would be more available for testifying.

Foreign Relations
Considerations and Public
Perceptions

Many boats stopped by the Coast Guard on the high seas are registered in other countries. Before the Coast Guard boards these ships, it must contact the country of registry and obtain its permission to board the boat and to enforce U.S. law once on board. (In certain instances, the Coast Guard is given permission to enforce the laws of the country of registry.) Several Coast Guard officials we interviewed said that many countries may not give permission for the Navy to board their boats because they would view it as ceding their sovereignty to another military power, whereas they view the Coast Guard as a law enforcement agency and are not as sensitive about allowing it to board. The Coast Guard officials said that they have assisted many of the Caribbean countries in search and rescue operations and have established relations with the countries to board boats in that regard. DOD officials agreed that it was unlikely that many countries would grant the Navy permission to board boats under their registries.

Another difficulty that could hamper the Navy in conducting law enforcement is the perception involved when a boat owned by a U.S. citizen is stopped and drugs are not found. The Coast Guard frequently stops pleasure boats to conduct safety inspections. The boating public is acquainted with this aspect of the Coast Guard operations and accepts it without undue concern. Coast Guard officials said that the public would not be receptive to being stopped and boarded by a Navy ship and allowing military arrests would not be received well by the general public. They said that sooner or later military involvement in drug arrests would lead to arrests for other non-drug related violations which are often found when a drug search is conducted. They said that making such arrests as a result of a drug interdiction would establish a precedent for the military to make non-drug related arrests.