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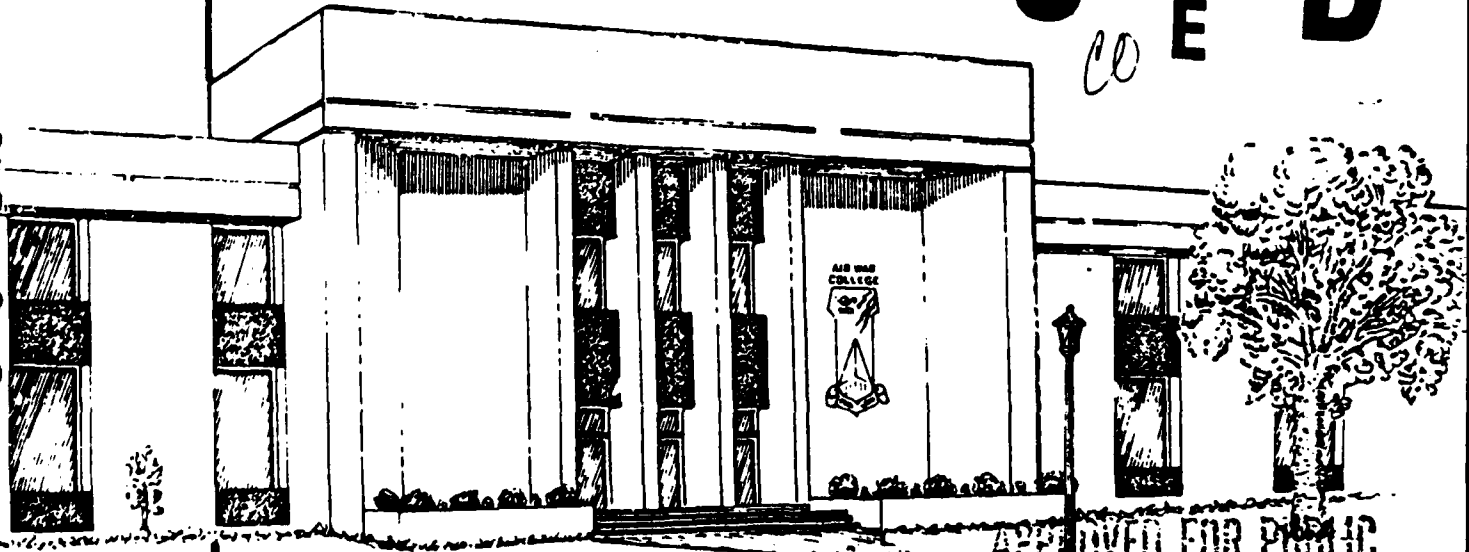
THE MILITARY'S ROLE IN DRUG INTERDICTION
CAN BE SUCCESSFUL

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UNITED STATES AIR FORCE
MAXWELL AIR FORCE BASE, ALABAMA

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THE MILITARY'S ROLE IN DRUG INTERDICTION
CAN BE SUCCESSFUL

by
William W. Dobbs
Colonel, USAF

A DEFENSE ANALYTICAL STUDY SUBMITTED TO THE FACULTY
IN
FULFILLMENT OF THE CURRICULUM
REQUIREMENT

Advisor: Dr James Winkates

MAXWELL AIR FORCE BASE, ALABAMA

MAY 1989

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EXECUTIVE SUMMARY

TITLE: The Military's Role in Drug Interdiction Can Be Successful

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The military has been assigned the leading role in drug interdiction in the "War on Drugs." National attention continues to focus on the supply side of the drug abuse problem rather than on the demand side. If the size of the military drug interdiction budget is any indication of drug interdiction's level of priority in mission accomplishment, drug interdiction has no priority. One-tenth of one percent of the Department of Defense Budget is allocated to drug interdiction and less than one-half of one percent of the fiscal year 1989 U.S. Government Budget is specifically for the "War on Drugs."

Executive and legislative interest in arresting drug abuse through drug interdiction has more vocal support than financial support. "The Military's Role in Drug Interdiction Can Be Successful" if success is defined as more effective use of its present resources. Drug trafficking intercept rates can improve but not enough to greatly reduce the abuse of drug in the United States. Congress and the President are using the military to attack the supply side of a demand driven drug abuse problem. (D)

BIOGRAPHICAL SKETCH

Colonel William W. Dobbs graduated from Washburn University, Topeka, Kansas in January 1969 with a Bachelor of Science Degree in mathematics. He received his commission from the Reserve Officers' Training Corps program at the University of Kansas also in January 1969. Following Undergraduate Pilot Training at Sheppard AFB, Texas and F-105 training at McConnell AFB, Kansas, he was assigned to the 563rd TFS at McConnell. He flew a combat tour as an F-105 Wild Weasel pilot at Korat RTAB from June 1972-May 1973. He returned to the 561st TFS at George AFB, California and was assigned to the Air Staff in 1975 as an ASTRA officer. He flew the F-15 operationally at Langley AFB, Virginia, Bitburg AB, Germany, and Soesterberg AB, the Netherlands. He returned to Edwards AFB, California in 1980 to attend USAF Test Pilot School. He served as a test pilot and squadron operations officer in the 3247th Test Squadron from 1981-1983. He commanded the 6586th Test Squadron at Holloman AFB, New Mexico from 1983-1986. Colonel Dobbs was Director for Test and Assistant Program Director for the F-15 System Program Office at Wright-Patterson AFB, Ohio from 1986-1988. His professional education includes Squadron Officer School, Air Command and Staff College, National Defense University, and Air War College.

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I. SUMMARY

The Military's Role in Drug Interdiction Can Be Successful

Problem. The United States has had an ever-increasing illegal importation of cocaine, heroin, and marijuana. A "War on Drugs" has been declared with a 5-segment strategy formulated to combat drug abuse. One of the segments, drug interdiction, consumes approximately one-third of the budget for the "War on Drugs" and receives at least two-thirds of the press. Congress and the American public are determined to stop the drug problem from the supply side rather than the demand side. Civilian law enforcement agencies have been unable to stem the flow of illegal drugs. Congress looks increasingly to the military to provide the resources to stop drug trafficking and thus provide the needed impetus for victory in the "War on Drugs."

Objective. The objective of this study is to determine whether and how the military's role in drug interdiction can be successful. In addition, the strategy of interdiction of drugs as a major part of the solution to the "Drug Abuse" problem in the United States is examined.

Analytic Study. The analysis began by investigating whether there was a valid national security

concern and if there was a connection between drug trafficking and terrorism. The worldwide sources of the three primary drugs--cocaine, marijuana, and heroin--were investigated to determine the extent of the interdiction challenge. The drug law enforcement agencies were briefly examined to determine which one was responsible for what aspect of drug interdictions. The role of the military was reviewed in concert with the limitations imposed by the "Posse Comitatus Act" and the interdiction expectations of the Congress with regard to the military's role. The effectiveness of prior military involvement was examined with respect to the marginal utility of more military resources being dedicated to the drug interdiction effort.

Findings. First and foremost, interdiction is not "the" solution to America's drug abuse problem. The military's role in drug interdiction is not the cornerstone for stopping drug trafficking. Drug trafficking of the 1980s and soon the 1990s is quite similar to alcohol smuggling during prohibition. As long as there is a strong/large demand for cocaine, heroin, and marijuana, combined with stupendously high profits at relatively low risk for the traffickers, there will be drug trafficking into the United States.

Conclusion. The military's role in drug interdiction can be successful as long as we remember interdiction is just one part of a 5-part strategy. The military can do

more with effective use of its present level of resources. It can provide a measure of success via interdiction with the total cooperation of all drug law enforcement agencies. If the United States is serious about winning the "War on Drugs," it has to be prepared for a long-term demand side solution. The military cannot significantly reduce the flow of illegal drugs into the United States as long as the domestic demand for and profits related to illegal drug trafficking remain inordinately high.

Recommendations. My recommendations basically follow a common sense approach to drug interdiction. Double, triple, or quadruple the number of successful drug interceptions can take place if the "work smarter" approach is taken.

1. Do not increase the drug interdiction budget for the military or for civilian law enforcement agencies until cooperation improves among the agencies.

2. Make the U.S. Coast Guard the lead agency for tactical air and marine interdiction operations.

3. Give the new civilian drug czar the authority to transfer assets to include ship, aircraft, and personnel authorizations among the civilian drug law enforcement agencies (in peacetime this includes the Coast Guard).

4. Integrate all intelligence functions into a common command, control, communications, and intelligence

network. Integrate this system with the military's North American Air Defense structure.

5. Ensure that the drug law enforcement agencies are the users of surveillance information not the operators of surveillance equipment.

6. Have all drug seizures reported through the drug czar to keep agency press maneuvering down as well as eliminating duplication of reporting.

7. Perform drug patrol and make drug interdiction efforts based upon intelligence. Do not patrol only on a random basis. Surveillance is useless without intercept capability, just as intercept without surveillance is nearly useless.

8. Integrate the Air Force, Navy, and Coast Guard border sovereignty responsibility into the interdiction effort.

9. Initiate a comprehensive drug education program at all Department of Defense schools and at Reserve Officers' Training Corps Courses in universities and high schools. Make this drug education program a contractual requirement at universities conducting research for the Department of Defense. Require contractors to teach a government-approved drug education course as a requirement for receiving a Department of Defense contract.

II. NATIONAL SECURITY CONCERN

National Security

America has a drug problem that in itself is nothing new. America has had a drug problem in varying degrees for the past 150 years. The problem was often tied to an ethnic minority; the Chinese used opium; the Mexicans and Jamaicans smoked marijuana; around the period of the U.S. Civil War America was described as a "Dope Fiends Paradise." Until the Harrison Act of 1914, drugs were not controlled by the government. The Harrison Act only taxed transfers of cocaine and opiates and it restricted transfers to medical channels on government forms. (1:250) In 1937, the Marijuana Tax Act was passed to restrict the use of marijuana using the Harrison Act as a model. (1:250) In 1973, President Nixon declared "war on drugs," calling drug abuse "a national menace afflicting both the body and soul of America." In December 1981, through Public Law Number 97-86 § 90S, the Posse Comitatus Act of 1878 was modified to allow all branches of the Armed Forces to provide equipment, training, and assistance to the U.S. Coast Guard, U.S. Customs, and to other Drug Enforcement agencies.

The question one can ask is "why is use of drugs a different issue today than it was 20, 50, or 100 years ago?" The difference is the scale of drug trafficking operation

and its direct and indirect affect on U.S. quality of life, domestic security, and international and strategic well being.

Drug use and abuse is not an ethnic problem today; it is a total societal problem. Drug use is found in upper, middle, and lower class neighborhoods. It fuels an organized crime effort that creates up to \$110 billion a year in illegal profits. (2:9) This large amount of easy money is used to corrupt public officials and private individuals to further ensure that drugs flow. Large amounts of cash are used to influence foreign governments to allow drug trafficking. Terrorists and drug traffickers have found alliances of convenience to be of mutual benefit.

The dollars spent on drugs support an organized crime infrastructure that undermines local and national government. The President's Commission on Organized Crime states that "drug trafficking is the most serious crime problem in the world today." (3:5) Drug trafficking is responsible for about 38 percent of all organized crime activity throughout the United States. (3:7)

The number of persons convicted of drug related crimes is fast overloading our ability to keep them locked up. In 1970, about 14 percent (3:125) of the inmates in federal prisons were there on drug trafficking offenses. In 1986, 37 percent (3:125) of the people held in the federal prison system were there on drug trafficking offenses. The

cost to construct new facilities to house this expanding prison population will cost billions of dollars.

The erosion in the belief of government control and the breakdown in the ability of the government to protect the population is a direct result of drug traffickers being able to do almost whatever they want through the use of violence or monetary influence. An America that cannot control the influx of drugs across its borders, that cannot guarantee the security of its population from intimidation by drug traffickers, and that cannot convince itself or its drug users of the enormous negative impact on the future of the country is a United States of America that has a national security problem.

NARCO Terrorism

The illegality of cocaine, heroin, and marijuana combined with the vast demand in the U.S. has elevated the profits from drug trafficking to gigantic proportions. This large and relatively low risk supply of money has attracted not only the interest of organized crime but that of terrorist and insurgent organizations.

Running drugs is one sure way to make big money in a hurry. Moreover the directions of the flow are ideologically attractive. Drugs go to the bourgeois countries, where they corrupt and where they kill, while the arms go to pro-communist terrorist groups in the third world. (3:162)

As can be expected, the link between drug traffickers and terrorists or insurgents is greatest in drug source countries. In Colombia, the armed wing of the

Colombian Communist Party (PCC), the Revolutionary Armed Forces of Colombia (FARC), have had documented dealings with cocaine dealers to obtain arms and ammunition. (3:163) Over half of the independent FARC company-level forces exist in coca and marijuana growing regions. They derive profit by collection of protection money from growers and processors. FARC encampments were found at cocaine processing centers at Tranquilandia and at the "LaLoma" processing center in southeast Colombia. Government forces raiding Tranquilandia were opposed by armed resistors assumed to be FARC members. (3:163)

In October 1985, M-19, the leftist 19th of April Movement, took over the Colombian Palace of Justice and murdered 11 Supreme Court Justices. The attack was to destroy records that could lead to the extradition of Colombian cocaine dealers and thus shut off an M-19 supply of money and subsequent arms. (3:164)

In Peru, where approximately 40 percent (3:165) of the world coca crop is grown, drug traffickers and insurgents have a similar relationship as do those of Colombia. The Maoist Shining Path (Sendero Luminoso) provide protection for growers in the upper Huallaga Valley in return for arms and money from the drug smugglers. Cocaine traffickers reportedly are protected from the government forces and the Sendero Luminoso are able to continue their revolution against imperialist influences.

(3:165) In Peru, dozens of people have been killed either as members of drug eradication teams or ordinary farmers, policemen, and mayors. The upper Huallaga Valley has been the primary area of violence. (3:171)

Drug traffickers may not be terrorists; however, they rely heavily on terrorist tactics to obtain objectives. Threats, violence, assassination, and kidnapping are used to prevent strong enforcement of drug laws. In Colombia, 24 judges have been killed in a 2-year period. (3:168) A \$350,000 bounty has been offered for the murder of any top Drug Enforcement Agency (DEA) official, and they have threatened to kill five Americans for every Colombian drug trafficker extradited to the U.S. (3:170)

In Mexico, U.S. DEA Agent Enrique Camarena and his pilot were tortured and murdered. In November 1985, 17 police officers and other members of an anti-drug team working in southern Mexico were lured into ambush and killed by a group of drug traffickers. (3:171)

Government Involvement

The governments of Cuba and Nicaragua aid drug traffickers smuggling drugs from Colombia to the United States. (3:171) The Bulgarian government assists traffickers transporting Southwest Asian heroin and cocaine into Western Europe. (3:172) Four Cuban officials have been indicted on charges of conspiracy to smuggle drugs into the United States. These include the former Cuban Ambassador to

Colombia, two officials in the Cuban Communist Party, and the Vice Admiral of the Cuban Navy. According to the Department of State, "The evidence clearly indicates more than a case of corruption by local or mid-level security officials in Cuba Narcotics trafficking has apparently been sanctioned by Cuba as a means to finance subversion in Latin America." (3:173)

There exists a level of corruption among Mexican Federal Judicial Police and the Directorate of Security that facilitates drug trafficking in and through Mexico. (3:178) Open accusations have been withheld as Mexico is a neighbor, and friend. The U.S. Department of State asserted in its 1985 mid-year report to Congress that, "There are strong indications that the Mexican (drug) program has been less effective over the past two years, and that corruption is playing a major role in this decline." (3:179)

Members of the United States Fraternal Order of Border Patrol Agents charged that,

Mexican Federal Agents, using the latest in radio and scanner-equipped cars and armed with automatic weapons, have been providing transit security for huge loads of domestically produced marijuana and heroin, and in-transit cocaine. (3:181)

Corruption in the Bahamas is described by former trafficker Luis Garcia, who transshipped marijuana and cocaine through the Bahamas on a regular basis in the late 1970s and early 1980s, in testimony before the President's Commission on Organized Crime that he had

. . . never seen corruption such as there is in the Bahamas. The policemen used to plead with me to use airstrips in their territory so they could receive the pay off Sometimes off duty police unloaded the stuff from the plane and into the boats for me We always operated out of the Bahamas because of the total corruption there.
(3:184)

Corruption linked to drug trafficking is a widespread problem in political, military, civil, and commercial enterprises in almost every country which is part of the drug trade. The temptation provided by almost unimaginable quantities of easy money is often a temptation too great to resist for many people in positions of authority. (3:185)

III. DRUG SUPPLY

The major illegal drugs (cocaine, heroin, and marijuana) and the associated drug trafficking efforts are a worldwide operation. As conditions in one area become unfavorable for production, whether by weather, drug enforcement effort, or local politics, the production shifts to another region.

Cocaine

The majority of the cocaine smuggled into the United States is grown in Peru, Bolivia, Colombia, and Equador. (3:73) The laboratories to convert the coca to cocaine have been found in Colombia, Brazil, and Venezuela. As a general statement, Colombian cocaine traffickers are the largest, wealthiest, and most sophisticated. They appear to be well organized and are often referred to as a "cartel." The Colombians control the process from growing coca in Peru and Bolivia to final export to the U.S. markets. (3:75)

As government attempts to interdict the production of cocaine, as they did in Colombia following the murder of the Colombian Chief of Justice, the cocaine traffickers shifted their operations to other countries. The Colombian "cartel" tries to maintain control of the cocaine trafficking by not allowing smaller operations to spread. (3:77)

Colombian entry into the U.S. drug trafficking arena came as a result of Cuban Mafia emigration from Cuba to Florida in the early 1960s following Castro's takeover in Cuba. Initially, the Cuban Mafia supplied only the cocaine needs of the Cuban community in Florida, cocaine having been accepted as a social luxury in Cuba. The Cubans expanded the network to gain additional profits. By 1978, the Colombians had eliminated the Cuban Mafia middlemen and were managing all aspects of the cocaine trafficking. Colombia was providing nearly 100 percent of the initial U.S. market as developed by the Cuban Mafia (3:77) and it was natural for the Colombians to become the dominant force in expanding U.S. cocaine trafficking. The Colombians have maintained this dominant position by: evolving from small autonomous operations into compartmentalized organizations; by developing a sophisticated and highly systematic approach to cocaine trafficking in the U.S.; and by the presence of a Colombian population base in the U.S.

The major Colombian cocaine trafficking organizations are organized around component divisions that have specialized areas of responsibility. Members of any one organizational division are not familiar with others involved in the total enterprise. The trafficking bosses are insulated from the process and the divisions are isolated from each other.

Peruvian and Bolivian peasants plant, grow, and harvest the coca leaves in remote mountain areas. The coca leaves are then processed to base in nearby villages. The base is flown by light aircraft to Colombian controlled processing facilities, processed to cocaine hydrochloride, divided into kilogram packages, and shipped to the United States. The Guajira Peninsula on Colombia's northern coast and the cities of Santa Marta, Barranquilla, Cartagena, and Medellin are the principal smuggling points of departure.

The money generated by cocaine sales is processed by organization financial experts responsible for laundering, banking, and investing drug profits. The cocaine cartel's financial experts operate with the support of bankers, lawyers, and other professionals in the United States whose contribution to the overall money process is crucial.

Organization production, sales, and service generate cooperation through violence and intimidation to protect their products and profits. Violence and intimidation can be used to collect debts, eliminate competition, terminate informants, and control law enforcement.

Heroin

The heroin traffic in the U.S. became big business in the 1920s under the control of the organized crime members of the Jewish community in New York. (3:105) La Cosa Nostra joined the importation process in the 1930s, obtaining the drugs from France and Asia. World War II saw

a shift to Mexico as the major supplier. After World War II, La Cosa Nostra again asserted itself and held a virtual monopoly until 1972 when Turkey banned opium production and the French Connection collapsed. Chicago, Miami, Los Angeles, and New York City were the major distribution centers in the U.S., with Amsterdam as the center of the European source.

In the late 1970s, Mexico again became the major source for U.S. heroin. At the common, lightly guarded 2,000-mile border with the United States, the climate to grow opium and available refining facilities made Mexico a logical base of operations. Major Mexican trafficking organizations are typically extended family operations. Much the same tactics are used as with the cocaine cartel to attempt to limit competition and to control all parts of heroin trade.

Heroin from the "Golden Triangle" of Burma, Laos, and Thailand was exported in volume and accounted for a third of the heroin imported to the United States by 1976. (3:11) Two-thirds of the opium crop is controlled by the Burmese Communist Party (BCP) and the Shan United Army (SUA). These former political insurgency organizations are now almost totally devoted to profits derived from the production, smuggling, and sale of heroin base. Profits come in the form of "taxes" levied on opium growers, heroin producers, and traffickers.

Finished products are shipped into northern Thailand and then to Bangkok for distribution into international markets. Heroin laboratories are also along the Thailand Malaysia border. Thailand's enforcement actions are causing the redirection of the refined heroin traffic from Burma to India and then to the West.

Heroin is most frequently brought into the U.S. via Thai, U.S. national, or Hong Kong Chinese couriers traveling on commercial airliners. The major "Golden Triangle" heroin ports of entry are Hawaii and California.

Drought and political instability in Southeast Asia reduced exports of heroin from the "Golden Triangle." This reduction was replaced by opium produced in the "Golden Crescent" area of Southwest Asia, the common border regions of Iran, Afghanistan, and Pakistan. (3:116) Heroin is shipped to the U.S. from Southwest Asia concealed in commercial cargo, carried by individual couriers, or mailed through the international postal system in sealed newspaper or magazine bundles.

Marijuana

Marijuana growth, production, and smuggling is different from cocaine and heroin in several ways. The capital investment to initiate a marijuana business is less because no processing or chemicals are required. The drug is grown in some quantity in each of the 50 states so that national borders need not be crossed. The large volume of

demand makes control by any one group difficult and allows a constantly changing pattern of small and medium-size operations. Marijuana is not cut or diluted between the wholesale and retail level which results in a comparatively low profit margin. The physical bulk of marijuana makes large quantity import relatively more visible to interdiction. With all the drawbacks relative to cocaine and heroin, large profits are still generated by the large-scale criminal organizations.

The major source of marijuana imported to the United States has shifted from Mexico, to Jamaica, to Colombia, and back again to Mexico in reaction to crop eradication and effective interdiction. As the pressure increases in Mexico, marijuana flows from Colombia. When the interdiction and eradication programs are successful in Colombia, Mexican imports rise. Push down, pop up! Trafficking organizations exist in all source countries to meet U.S. demand when the opportunity is present.

Marijuana imported by sea typically leaves the Colombian coast in motherships transporting 50 to 100 tons of the drug. The loaded ships depart from the Guajira coast of Colombia to the Southeast U.S. or some Caribbean transshipment point. Marijuana uses the same maritime routes as does cocaine from Latin America; the Windward Passage between Cuba and Haiti, the Yucatan Channel between Mexico and Cuba, and the Mona Passage between the Dominican

Republic and Puerto Rico. (3:140) The motherships are offloaded into smaller craft 50-100 miles from the U.S. coastline. Transshipment and storage points are numerous throughout the Caribbean. Vast quantities of easy money lead to corruption of local officials.

Private aircraft are used for about 10 percent of the marijuana smuggled into the U.S. Air dropping marijuana to a ship offshore or over a land point is a technique to reduce exposure of the aircrew and aircraft.

Mexican marijuana cultivation varies from small plots to hundred-acre-plus farms. The large growers are usually financed by the larger trafficking organizations. Mexican imports are primarily overland. Marijuana has been concealed in false trunks, in automobiles, false beds in pickup trucks, camper tops, and in tank trucks. The numerous airstrips on both sides of the border are useful for delivering marijuana and other drugs or as a stopover for other points in the southeast or southwest United States.

The larger Mexican criminal organizations are active in marijuana, cocaine, and heroin smuggling. The family-based organizations rely on the support of bankers and attorneys in the U.S. and Mexico to keep the operation functioning. (3:146)

In the United States, the largest marijuana crops are grown in Oklahoma, California, and Hawaii. (3:149)

National parks, federal land, private plots, greenhouses, or marijuana mixed in with legitimate crops are ways to grow marijuana. The numerous small operations supply the larger criminal networks in major U.S. cities.

IV. INTERDICTION ASSETS

No one single U.S. government agency is charged with total responsibility for drug interdiction. There are numerous boards to formulate policy and numerous agencies to conduct interdiction.

The National Drug Enforcement Policy Board is charged with: (1) maintaining a national and international effort against illegal drugs; (2) coordinating fully the activities of the federal agencies involved; (3) coordinating U.S. policy with respect to national and international drug law enforcement. (3:194)

White House Drug Policy Office is the center for coordination and oversight of both national and international drug abuse functions of all executive branch agencies. (3:301)

Bureau of International Narcotics Matters coordinates U.S. drug control efforts overseas. It is responsible for worldwide crop control and eradication efforts. (3:302)

Agency for International Development gives priority consideration to agriculture programs which would help reduce illegal narcotics cultivation by stimulating broader development opportunities. (3:303)

Drug Enforcement Agency (DEA) is the lead federal drug agency charged with enforcing the controlled substance laws and regulations of the United States. (3:320)

Federal Bureau of Investigation (FBI) has concurrent justification with the DEA for law enforcement and investigation. The FBI has valuable expertise in investigating organized crime and in investigating financial institutions involved in money laundering. (3:323)

Internal Revenue Service (IRS) tracks the financiers of criminal activities and money laundering specialists through reports of financial transactions filed by banks and other financial institutions. (3:324)

Central Intelligence Agency (CIA) collects, analyzes, and distributes information on foreign narcotics production. (3:327)

National Narcotics Intelligence Consumers Committee members are U.S. Coast Guard, U.S. Customs Service, Department of Defense, Departments of State and Treasury, DEA, Immigration and Naturalization Service, National Institute on Drug Abuse, White House Drug Abuse Policy Office, FBI, and IRS. This national-level committee disseminates strategic intelligence that concerns drug trafficking. (3:326)

U.S. Customs Service has primary responsibility for interdiction efforts directed at drugs smuggled into the country in cargo or by passengers through established ports

of entry or across the land borders between the ports of entry. Customs and the U.S. Coast Guard share the responsibility for detecting airborne smugglers. In U.S. coastal waters within the 12-mile limit, U.S. Customs and U.S. Coast Guard share marine interdiction responsibility. (4:8)

U.S. Coast Guard shares airborne interdiction responsibilities with Customs as well as marine interdiction within the 12-mile U.S. limit. Outside the 12-mile limit the Coast Guard has marine responsibility. (4:8) In peacetime, the Coast Guard is an agency within the Department of Transportation. During a war or by Presidential Decree, the Coast Guard reports to the U.S. Navy.

Department of Defense. Active duty, regular military are presently prohibited from direct enforcement of civil law by the Posse Comitatus Act of 1878 and its 1981 liberalizing amendment. The military can, however, provide equipment, information, surveillance, intelligence, and training for use by Drug Enforcement personnel. Military assistance to drug law enforcement does not include direct participation by military personnel in arrest or seizure. (3:380) The Posse Comitatus Act is found in Title 18 U.S.C. § 1385; however, exceptions to the Posse Comitatus Act are in Title 10 U.S.C. § 371.

The large number of separate agencies and departments involved in the drug interdiction and drug enforcement arena requires extreme care in command, control, and coordination to effectively conduct the mission.

V. THE MILITARY

Posse Comitatus

Any time the use of the military is proposed for enforcement of civil law, the Posse Comitatus statute, as amended, in 1981 is raised. The United States Code of Federal Regulations, Title 28, Section 1385, addresses "posse comitatus":

Who ever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years or both.

The term "posse comitatus" as defined by Funk and Wagnalls Standard Desk Dictionary means "The body of men that a sheriff or other peace officer calls or may call to his assistance in the discharge of his official duty."

The key points in "Posse Comitatus" are that it is in the U.S. Code of Federal Regulations and it can be modified at the will of Congress. "Pose Comitatus" does not restrict the U.S. Navy, the state-controlled National Guards, or the activities of any military service outside the United States. The primary limiting factor to the use of the military has been Department of Defense reluctance to be involved, or rather responsible, for the failure of the "War on Drugs." (3:382)

Omnibus Drug Control Act of 1986

The Omnibus Drug Control Act of 1986 increased military commitment primarily through additional equipment acquisition by the military for use by drug interdiction agencies. The major items authorized were:

1. Four E-2 Hawkeye Airborne Early Warning aircraft. The aircraft were to be refurbished and two each provided to the Customs Service and the Coast Guard.
2. Seven Radar Aerostats to be used by Customs.
3. Eight UH-60 Blackhawk helicopters.
4. Installation of a 360-degree radar antenna on Coast Guard P-3 long-range surveillance aircraft.

The military remained committed to integrating drug enforcement efforts with military training missions. (7:48)

Defense Authorization Act Fiscal Year 1989

This Act states "The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States." (8:62) The Act also provided a loophole for Department of Defense by stating "Not later than 15 days after enactment of this act, the President may designate an agency other than the Department of Defense as the single lead agency." (8:62)

The Secretary of Defense shall integrate into an effective communications network command, control, communications, and technical intelligence assets of the United States that are dedicated to the interdiction of illegal drugs. (8:62) Military support for drug interdiction includes providing operations and intelligence

information, the continued use of military equipment and facilities, specialized training of civilian law enforcement personnel, and the continued presence of Coast Guard teams on Navy ships to perform civil arrests at sea. (8:62) A catch-all is included to restrict any support that will affect adversely the military readiness of the United States.

The Defense Authorization Act for FY 89 provided \$300 million for drug interdiction and law enforcement agency support, as well as reconfirmed that military personnel are still restricted from direct participation in civil law enforcement:

. . .the assignment or detail of any personnel to any civilian law enforcement official . . . does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such members is otherwise authorized by law. (8:62)

This \$300 million represents one-tenth of one percent of the approximately \$300 billion Department of Defense budget for 1989. This level of appropriation indicates the relatively low priority of the drug interdiction mission when compared to the other DOD missions. The President and Congress are not providing the financial resources to raise drug interdiction and drug law enforcement agency support to a higher priority of U.S. defense missions.

Military Involvement

The contribution to the drug interdiction effort by the military has been rather modest when compared to the \$600 to \$700 million expended per year by the nonmilitary agencies. (7:48) As shown in the table below, direct operating costs have almost leveled out in the 1986-87-88 timeframe, as have allocated costs.

Estimates of DOD Expenditures for Drug Interdiction (In \$ millions)

FY	Direct Operating Cost	Allocated Costs	DOD Equipment Cost Appropriated by Congress
1982	4.8	N/A	
1983	9.7	N/A	
1984	14.5	N/A	
1985	54.8	N/A	
1986	69.7	126.3	138.6
1987	72.7	131.4	314.0
1988	75.2	136.2	--
(7:49)			

Military Missions

Military missions that are used to assist drug interdiction efforts must have, by statute, training as their primary purpose. Military training missions may be scheduled to provide maximum benefit both to required training and drug enforcement requests. On any training mission, drug enforcement needs always remain secondary to military training requirements.

The Coast Guard trained 100 5-man tactical law enforcement teams in 1986 for use aboard U.S. Navy vessels to enable Coast Guard officers aboard Navy vessels to arrest

the smugglers. Usefulness of the Navy is limited by the rise and fall of Navy operations activity and in the amount of time spent within the drug interdiction area.

USAF Airborne Warning and Control System AWAC missions have proven marginally productive for drug interdiction. Through the end of 1985, AWACS had flown 1,308 hours in support of drug interdiction, resulting in five drug seizures. (7:53) In the first three months of 1988, the Air Force flew 154 hours in AWACS radar planes at a cost of \$678,000. This resulted in only three arrests. (9:18)

In specific operations, the military can be and is quite helpful. In 1984, the Department of Defense received 9,831 requests for assistance and honored 9,819. (7:54)

Apprehending a smuggler is a 4-part process:

1. A suspected smuggler is "seen" by a surveillance device.
2. The smuggler is identified as suspicious.
3. The smuggler is pursued.
4. The smuggler is caught by Drug Law Enforcement Forces. (8:55)

Radar is the best way to see an airborne smuggler. For every 1,000 targets, one of them may be a smuggler. When law enforcement agencies identify a target as an air smuggler, the plane may be in U.S. airspace for as little as 30 minutes prior to landing and unloading. Once it has taken off on the return trip, it cannot be stopped. (7:viii) Even with increased intelligence, it will be difficult to counter the drug smugglers given the short window of

vulnerability. Predicted and actual results show probability for success is about 2 percent. (16:6)

Aerostat radars have increased the probability of intercepting targets in the area covered by the aerostats. Areas outside Aerostat coverage are still open to penetration. Terrain and weather have also limited radar coverage and hence interdiction success. As interdiction success grows in one area, smugglers adapt and move to a less risky area.

The items that can be tracked produce some impressive numbers. In 1987, the military expended \$91 million in direct drug interdiction efforts. It lent another \$303 million worth of military equipment to drug law enforcement agencies. The Navy flew 8,606 hours of drug interdiction patrols, the Air Force flew 5,096, the Army 1,486, and the Marines flew 1,100. Coast Guard law enforcement teams spent 2,512 ship days on U.S. Navy ships. (10:2)

Interdiction will remain a major challenge as long as 265 million people cross U.S. borders by land per year. An additional 30 million arrived by air via 421,000 commercial and 250,000 private aircraft flights. Four million people traveled in 84,000 merchant ships and 125,000 private vessels. There were 4.4 million cargo containers that entered the United States overland, with another 3.2 million by sea. (10:2)

The Rand Corporation study gives strong support to the "push down, pop up" pattern of drug smuggling. When enforcement pushed drug smuggling down in one area, it popped up in another. By its nature, interdiction is a reactive process on the part of the drug law enforcement agencies. The drug traffickers pick the time, technique, and location to pop up.

VI. INTERDICTION

Interdiction in Perspective

The U.S. national strategy for combating drug abuse consists of five "major elements": international enforcement, interdiction, domestic high level enforcement, domestic low level enforcement, and education. Each of these major elements is composed of several programs and independent strategies. Interdiction is just one of five elements and yet consumes one-third of the federal drug abuse budget. In spite of a 100 percent increase in interdiction funds over the last five years, cocaine, heroin, and marijuana are still readily available in the United States. (3:361) The former Assistant Administrator for Operations of the DEA, Frank Monastero, stated:

Interdiction is important, but it is the least effective thing you can do It's like a patrolman on the beat It is preventing (some drugs) from getting into trafficking, and that's something. But we can continue that ad infinitum. If we don't do something at the source or don't do something before that or don't do something at the end of the trail in the prevention area, we will never change the situation. (3:362)

In the view of the President's Commission on Organized Crime, "Interdiction is not going to end drug use or (drug) availability in this country." (3:362) Smugglers may have a different view of the effect of interdiction. Adler B. Seal, former experienced drug smuggling pilot,

speaks on recruiting pilots:

Well, it used to be easy. However, now it has become a little less attractive for some of the younger pilots. Some of the older pilots, as myself, have been indicted. We've been cognizant of the law enforcement techniques and the improvements in it; and the younger pilots are seeing the newspaper reports of the older pilots and the amount of time that they are being convicted on and serving, and it's not as attractive a proposition as it used to be. (3:363)

Interdiction is a vital component of the drug strategy and acts in a complementary fashion to the other approaches to reducing the supply of drugs. Interdiction is quite costly; therefore, any additional expenditures must be carefully evaluated, especially if they reduce the funds for the other major elements for combating drug abuse.

The Military's Role in Interdiction

In Joint Chiefs of Staff Publication 1, it is stated that the military shall serve national security by providing "a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert." (12:244) It is clearly in the best interest of the United States for its military to support U.S. allies through military action in reducing the threat of insurgency and terrorism supported by international drug traffickers. Stability of governments friendly to the United States is being challenged by mutually supporting terrorist, insurgent, and drug trafficking operations.

Vice President George Bush has stated, "success against drug smuggling is intimately tied to the

continuation of freedom and democracy in the hemisphere."
(3:383) International drug traffickers pose a threat to the national security of the United States because they are conducting a direct attack on the physical and social health of the American way of life.

Can the military's role in drug interdiction be successful? The answer is yes! The military's role in drug interdiction can be successful if successful is defined as obtaining the maximum reduction in the flow of illegal drugs into the United States using the presently available resources.

Congress has called for greater participation by the Department of Defense in the "War on Drugs." The military owes the Congress and the American public an honest level of operational, tactical, and strategic planning before asking for more resources. In the case of maritime drug interdiction, the use of timely intelligence can raise the basic drug trafficker intercept rate from 2.6 percent to 12.8 percent. (7:43) The standardization of communications equipment and daily use of encrypted communication should raise efficiency if only by not broadcasting the next interdiction step.

Can the military's role in drug interdiction be successful! The answer is an emphatic NO! if successful is defined as reducing enough of the flow of drugs across the nation's land, air, and sea borders to affect the U.S. drug

habit. The United States has an open 2,000-mile border with Mexico, a longer land border with Canada, and 2,500-mile coasts on the Atlantic and Pacific Oceans. In total, there are over 50,000 miles of shoreline, including bays and sounds. The problem would be huge if only the 290 official ports of entry were considered.

It is estimated that 23 million U.S. citizens are regular drug users. Eighteen (18) tons of marijuana and 600 to 950 pounds of cocaine are consumed every day in the United States. (13:6) Drugs in America are not a result of a supply push, but are here due to demand pull. Demand is high, profits are lucrative, and risks for organized criminal suppliers are relatively low. "The United States will not stop drug trafficking from abroad until U.S. society figures out how to stop the soaring demand for drugs at home." (14:8)

What does the United States gain by having the military involved in the war on drugs? The United States has discovered it does not control or have a means to control who or what crosses its national borders. The "Drug War" offers the opportunity to strengthen the border defense, air defense, and maritime defense systems of the country, while providing a degree of positive results in the war on drugs. Drug interdiction will remain a small part of the total strategy, but nevertheless a necessary one.

The nation cannot afford to commit more military resources to drug interdiction because of the marginal rate of return on additional assets. The Department of Defense cannot afford to do less. U.S. credibility in both the international and domestic arenas would be destroyed should the military suggest failure and do less.

VII. THE SOLUTION

Organize

The military's role in interdiction and drug law enforcement support is limited by the priority assigned to it when compared with other military missions. A mission commanding one-tenth of one percent of the budget typically receives one-tenth of one percent of the attention. Within the present resource and budget allocation, the military can work to better organize the military and civilian drug law enforcement operations.

Surveillance forces from the Air Force, Navy, Army, Coast Guard, and U.S. Customs can be controlled and tasked from the North American Air Defense (NORAD) Sector Operations Control Centers (SOCC). All air-to-ground and ground-to-ground communication would be by way of secure communications equipment. Third party interception of planned drug law enforcement activities can be reduced to an absolute minimum by this simple step. Selected sectors of 24-hour surveillance could be conducted using combined drug law enforcement agency resources. All intelligence data could be routed through the El Paso Intelligence Center (EPIC). This data should be used to establish patterns of operation, both in timing and operating locations, to allow drug law enforcement seizure teams to be in the proper

location. UHF and VHF radio transmissions can be monitored well in advance of drug apprehension missions to identify ground-based drug trafficking contacts and warning locations. Army and Air National Guard units can be given responsibility for coordination of seizure operation in their particular state.

Reconnaissance flights in the TR-1 and U-2 can be flown over the central and northern South American and Caribbean Basin areas to highlight suspicious activities. Navy routine sailing routes can be modified to place the maximum number of vessels through the drug smuggling routes on a continuous basis. Military attache personnel in Latin America can build up a human intelligence base to gather information on drug production and shipment.

Rules of Engagement

The present rules of engagement for drug law enforcement favor the drug trafficker. He now has 24-hour access to U.S. borders with few hindrances to his daily operation. Any attempt to restrict drug trafficking operations by restricting aircraft movements near or across the U.S. borders disrupts 1000 law-abiding citizens for each drug trafficker it hinders. Restriction of sea traffic is even more prohibitive due to the multiplicity of operating locations of the pleasure fleet.

A great amount of time, money, and political capital would have to be expended to change the aircraft and ship

operating rules along the U.S. land and sea borders. Buffer zones, maritime intercept zones, air defense intercept zones, approach and departure corridors, restricted hours of entry, restricted points for customs inspection would all enhance interdiction of drugs. They would also restrict the basic freedom of movement U.S. citizens have always enjoyed. The changes required to make interdiction of drugs more effective on a large scale are directly opposite to those resembling a free and open society.

Intermediate Steps

The military's role in the interdiction arena of the "War on Drugs" is straightforward. Provide for more effective DOD involvement within the current framework of military and civilian roles and missions. The following upper-level major steps state the best approach for making interdiction more effective.

I. Clarify the ultimate responsibility for the sovereignty of the nation's borders. (15:13)

- Presently Congress mandates division of military and civilian authority at the border among the Air Force, the Customs Service, and the Coast Guard.

Action 1: Air Force responsibility for air sovereignty of the nation's borders should be restated and reinforced.

- Customs and Coast Guard programs, facilities, and operations should be integrated with the Air Force NORAD

command and control structure.

- The integrated operations would be responsible to the "drug czar" for drug law enforcement activities.

Action 2: Coast Guard and Navy responsibility for the security of the oceanic approaches to the national borders from the coastline seaward must be reaffirmed.

- To include those missions and tasks of the Coast Guard in the designated Maritime Defense Zones (MDZ). Customs watercraft operating within the MDZ should be under the operational control of the Coast Guard.

II. Formulate and implement a long-range strategy for the surveillance of United States borders to include the requirements and interests of all national defense and drug war participants. (15:13)

- Intelligence requirements must be consolidated in a manner facilitating centralized acquisition and centralized command and control.

Action: The nation's new drug czar, through the lead drug interdiction agency, should develop and implement a new, long-range, national border surveillance plan incorporating and combining national defense, drug war, and air traffic control. The law enforcement agencies should be the users of surveillance information, not the owner, operator, or manager of national border surveillance systems.

- Continental U.S. Aerostat radars should be owned and operated by the Air Force.

- Seaborne Aerostat radars should be owned and operated by the Navy or Coast Board.

- Land-based Aerostats outside the U.S. should be owned and operated by the Air Force or Coast Guard.

- All radar data required for continental air defense should be routed to the Air Force NORAD Sector Operations Control Centers (SOCC), in addition to those routings to drug law enforcement Command, Control, Communication, Intelligence Centers (C³I).

- Immediately evaluate Over the Horizon Radar (OTHR) as a drug smuggler detection tool.

- Customs and Coast Guard airborne surveillance aircraft should be compatible with and capable of being integrated into the continental air defense role.

- Integrate law enforcement C³I facilities into the continental air defense command and control structure and operate them in such a manner to assure border sovereignty responsibility.

III. Centralize command responsibility for the direction and control of drug war tactical interdiction operations. (15:14)

Action: The Coast Guard flag officers commanding the Maritime Defense Zones should be assigned tactical

control of air and marine operational forces engaged in drug interdiction operations at the border.

IV. Use existing U.S. military presence in Latin America to support intelligence gathering in source and transshipment nations to combat the drug trade.

The use and involvement of the military in the "War on Drugs" through interdiction should be consistent with total U.S. military national security responsibility and consistent with the realistic expectation of results from resources expended. Commitment should be within the present training and readiness objectives and should emphasize routine military operations for drug law enforcement support.

Education

Educate the U.S. population on the real personal and the collective national dangers associated with drug use and drug abuse. In this education program, tell the truth! Explain in detail the history of marijuana, cocaine, and heroin use in the United States. Carefully explain the good points as well as the bad points of each drug. Do not sugar coat it; do not lie! Present the facts in living video. Explain the law in plain English with emphasis on the long-term costs of a criminal record as a result of a drug conviction.

Make drug education mandatory at all DOD schools, at every Reserve Officers' Training Corps (ROTC) course on college campuses, and at every Junior ROTC program in U.S. high schools. Require drug education to be taught at all universities receiving grants or funds from the Department of Defense. Require drug education training at all businesses under contract to the DOD. Pay all direct drug education charges from DOD funds.

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