THE EVOLUTION OF FEDERAL DRUG ENFORCEMENT AND THE UNITED STATES COAST GUARD'S INTERDICTION MISSION: A CASE STUDY

by

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Submitted to the Alfred P. Sloan School of Management in Partial Fulfillment of the Requirements for the Degree of MASTER OF SCIENCE IN MANAGEMENT at the MASSACHUSETTS INSTITUTE OF TECHNOLOGY

May 1989

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ABSTRACT

The recent Congressional mandate to establish a "drug czar" has highlighted a growing concern about the effectiveness of current federal drug enforcement efforts. As the primary federal maritime drug interdiction agency, the Coast Guard has been involved in the current "drug war" since the late 1960's.

This thesis addresses two issues surrounding the current federal drug enforcement effort. First, the evolution of the current enforcement structure where specialized agencies attempt to carry out related and often conflicting activities. Second, the Coast Guard's entry into this structure and its impacts.

The research focused on the dual issues of (1) how the current enforcement structure evolved and (2) how the Coast Guard entered that structure and to what extent the service has changed. A literature review was conducted of the history of drug control policy in the United States, Coast Guard organizational history, general organizational theory, public administration theory, and social studies of police work. Primary research was conducted in Coast Guard archives, legislative histories, case law, and government publications. Interviews were conducted with senior Coast Guard officers as well as those assigned to various enforcement agencies as liaison officers.

The research indicates that: (1) the current federal drug enforcement structure has been preceded by a cyclical pattern of organizational consolidation, fragmentation, and reconsolidation; (2) the Coast Guard's entry into the current drug interdiction mission was a reflexive, unplanned action in response to external changes; and (3) the service has made extensive organizational changes to incorporate drug interdiction into its mission portfolio.

Thesis Supervisor: John Van Maanen
Title: Professor of Organizational Behavior and Management
ACKNOWLEDGEMENTS

This thesis was an odyssey back through the history of my organization and the job it currently does. In a sense this research just scratched the surface of a very tough problem. I didn’t finish the odyssey, time just ran out. Like Odysseus, my wanderings were given structure, direction, meaning, and value by those who helped along the way.

John Van Maanen patiently waited for my lengthy, overwritten drafts and responded when needed. His personal background in law enforcement organizations and police work was shared in insightful comments and constructive recommendations. Like windsurfers and sailors, he might agree that I approached this task from the Coast Guard’s cultural orientation, "small service, big job." I thank him for his time and effort.

My shipmates were put under some pretty good stress in this adventure and survived. My wife Pam has endured irritation, exhaustion, and distraction. She has had the helm more often than not this last year. She is strong, tenacious, supportive, and my friend. My children Mandy, Meghan, and Lucas, will hopefully never have to wait this long "for daddy to be through" again.

It is to my family then, including retired Chief Damage Controlman Clyde W. Allen and my mother Wilma, that this thesis should be dedicated.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td></td>
</tr>
<tr>
<td>Acknowledgements</td>
<td></td>
</tr>
<tr>
<td>Table of Contents</td>
<td></td>
</tr>
<tr>
<td>List of Figures</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 1 INTRODUCTION</td>
<td>9</td>
</tr>
<tr>
<td><strong>PART ONE</strong></td>
<td></td>
</tr>
<tr>
<td>THE FEDERAL DRUG ENFORCEMENT AND POLICYMAKING STRUCTURE</td>
<td>21</td>
</tr>
<tr>
<td>CHAPTER 2 ANALYTICAL FRAMEWORK</td>
<td>22</td>
</tr>
<tr>
<td>CHAPTER 3 ENFORCEMENT AND CONTROL ACTIVITY PRIOR TO LEGAL CONTROL</td>
<td>38</td>
</tr>
<tr>
<td>CHAPTER 4 THE RISE AND FALL OF THE FEDERAL BUREAU OF NARCOTICS</td>
<td>52</td>
</tr>
<tr>
<td>(1914-1962)</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 5 DISSOLUTION OF THE FBI: THE CREATION OF A NEW STRUCTURE</td>
<td>94</td>
</tr>
<tr>
<td>(1962-1973)</td>
<td></td>
</tr>
<tr>
<td>Chapter 6 THE CREATION OF MULTI-AGENCY COORDINATING STRUCTURES</td>
<td>108</td>
</tr>
<tr>
<td>(1973-1979)</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 7 THE CENTRALIZATION OF COORDINATING STRUCTURES (1980'S)</td>
<td>136</td>
</tr>
<tr>
<td><strong>PART TWO</strong></td>
<td></td>
</tr>
<tr>
<td>THE COAST GUARD AND THE DRUG INTERDICTION MISSION</td>
<td>177</td>
</tr>
<tr>
<td>CHAPTER 8 COAST GUARD ORGANIZATION AND HISTORY</td>
<td>185</td>
</tr>
<tr>
<td>CHAPTER 9 THE ENTRY OF THE COAST GUARD INTO DRUG INTERDICTIO</td>
<td>203</td>
</tr>
<tr>
<td>CHAPTER 10 ORGANIZATIONAL CHANGES IN THE COAST GUARD (1969-1979)</td>
<td>233</td>
</tr>
<tr>
<td>CHAPTER 11 ORGANIZATIONAL CHANGES IN THE COAST GUARD (1980-1989)</td>
<td>263</td>
</tr>
</tbody>
</table>
**TABLE OF CONTENTS**

(continued)

| CHAPTER 12 | WORKING LEVEL IMPACTS OF THE DRUG INTERDICTION MISSION | 303 |
| Part Three | CONCLUSION |
| CHAPTER 13 | THE DRUG ENFORCEMENT STRUCTURE, DRUG INTERDICTION AND THE COAST GUARD | 321 |

**REFERENCES**

| INTERVIEWS | 337 |
| COAST GUARD BIBLIOGRAPHY | 339 |
| General Accounting Office (GAO) Reports | 342 |
| Government Reports and Documents | 343 |
| General Bibliography | 345 |
## List of Figures

<table>
<thead>
<tr>
<th>FIGURE</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1</td>
<td>The Federal Program Decisionmaking System</td>
<td>23</td>
</tr>
<tr>
<td>2-2</td>
<td>A Closer View of the Federal Drug Program</td>
<td>27</td>
</tr>
<tr>
<td>2-3</td>
<td>Activities Operating Within The Drug Policy Model Matrix</td>
<td>29</td>
</tr>
<tr>
<td>3-1</td>
<td>Anti-Drug Abuse Activity Prior to Legal Controls</td>
<td>44</td>
</tr>
<tr>
<td>4-1</td>
<td>Organization of the Treasury Department (1930)</td>
<td>62</td>
</tr>
<tr>
<td>4-2</td>
<td>Anti-Drug Abuse Activity Circa 1930</td>
<td>64</td>
</tr>
<tr>
<td>4-3</td>
<td>Profile of Harry J. Anslinger</td>
<td>66</td>
</tr>
<tr>
<td>4-4</td>
<td>Anti-Drug Abuse Activity Circa 1968</td>
<td>83</td>
</tr>
<tr>
<td>5-1</td>
<td>Increases in Drug Abuse 1972-1979</td>
<td>86</td>
</tr>
<tr>
<td>5-2</td>
<td>Organization of the Treasury Department (1966)</td>
<td>97</td>
</tr>
<tr>
<td>5-4</td>
<td>Anti-Drug Abuse Activity Circa 1973</td>
<td>106</td>
</tr>
<tr>
<td>6-1</td>
<td>Anti-Drug Abuse Activity At the end of the 1970’s</td>
<td>135</td>
</tr>
<tr>
<td>7-1</td>
<td>Summary of 1983 GAO on South Florida Task Force</td>
<td>147</td>
</tr>
<tr>
<td>7-2</td>
<td>Comparative Listing of Multi-Agency Structures</td>
<td>156</td>
</tr>
<tr>
<td>7-3</td>
<td>Membership of the NDEPB and the NDFB</td>
<td>166</td>
</tr>
<tr>
<td>FIGURE</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>7-4</td>
<td>Summary of the National Strategy for a Drug Free America</td>
<td>168</td>
</tr>
<tr>
<td>7-5</td>
<td>Major Provisions of the Anti-Drug Abuse Act of 1988</td>
<td>171</td>
</tr>
<tr>
<td>7-6</td>
<td>Anti-Drug Abuse Activity by Macro-Structures circa 1988</td>
<td>175</td>
</tr>
<tr>
<td>7-7</td>
<td>Schematic of the Evolution of the Current Drug Enforcement Coordinating Structure</td>
<td>176</td>
</tr>
<tr>
<td>8-1</td>
<td>The Roots of the Coast Guard</td>
<td>186</td>
</tr>
<tr>
<td>8-2</td>
<td>Coast Guard Law Enforcement Authority</td>
<td>189</td>
</tr>
<tr>
<td>8-3</td>
<td>Organization of the Department of Transportation</td>
<td>192</td>
</tr>
<tr>
<td>8-4</td>
<td>Organization of the United States Coast Guard</td>
<td>194</td>
</tr>
<tr>
<td>8-5</td>
<td>Operating and Support Programs of the Coast Guard</td>
<td>196</td>
</tr>
<tr>
<td>8-6</td>
<td>Coast Guard Field Structure</td>
<td>198</td>
</tr>
<tr>
<td>8-7</td>
<td>First Coast Guard District Subdivision</td>
<td>201</td>
</tr>
<tr>
<td>9-1</td>
<td>Three-Dimensional Mission Universe Model</td>
<td>211</td>
</tr>
<tr>
<td>9-2</td>
<td>Potential Mission Universe Given Existing Assets, Domain, and Competence</td>
<td>212</td>
</tr>
<tr>
<td>10-1</td>
<td>Generic Organizational Structure At Coast Guard Headquarters</td>
<td>236</td>
</tr>
<tr>
<td>10-2</td>
<td>Coast Guard Organization Circa 1969-1971</td>
<td>238</td>
</tr>
<tr>
<td>10-3</td>
<td>Coast Guard Operations and Law Enforcement Management Organization Circa 1969-1971</td>
<td>240</td>
</tr>
<tr>
<td>Figure</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>FIGURE 10-4</td>
<td>Office of Operations Circa 1974</td>
<td>243</td>
</tr>
<tr>
<td>FIGURE 10-5</td>
<td>Ocean Operations Division Circa 1977</td>
<td>254</td>
</tr>
<tr>
<td>FIGURE 11-1</td>
<td>Office of Operations Circa 1980</td>
<td>265</td>
</tr>
<tr>
<td>FIGURE 11-2</td>
<td>Coast Guard Coordination Chain With Multi-Agency Structures Circa 1983</td>
<td>274</td>
</tr>
<tr>
<td>FIGURE 11-3</td>
<td>Anti-Drug Abuse Activity Within Trafficking Framework Circa 1983</td>
<td>276</td>
</tr>
<tr>
<td>FIGURE 11-4</td>
<td>List of Liaison Officer Functions Related to Drug Interdiction</td>
<td>278</td>
</tr>
<tr>
<td>FIGURE 11-5</td>
<td>Office of Operations Circa 1986</td>
<td>289</td>
</tr>
<tr>
<td>FIGURE 11-6</td>
<td>Coast Guard Operating Expenses (OE), 1983-1990</td>
<td>296</td>
</tr>
<tr>
<td>FIGURE 11-7</td>
<td>Coast Guard Capital Expenditures (ACI), 1983-1990</td>
<td>297</td>
</tr>
<tr>
<td>FIGURE 11-8</td>
<td>Operating Program Cost With Support Costs Allocated 1979-1986</td>
<td>299</td>
</tr>
<tr>
<td>FIGURE 11-9</td>
<td>Office of Law Enforcement and Defense Operations, Circa 1988</td>
<td>300</td>
</tr>
</tbody>
</table>
CHAPTER ONE

INTRODUCTION

This thesis is a study of the emergence of drug interdiction as a major mission in the United States Coast Guard. It is a change that has taken place within the broader federal drug enforcement structure which itself has undergone extensive change. My goal is to understand more clearly the impacts of the drug interdiction mission on the Coast Guard as an organization and, at the same time, to understand these impacts as they relate to the on-going changes in the larger drug enforcement structure of the federal government.

Drug interdiction has become a major activity of the Coast Guard in the last twenty years (1969-1989) and is worthy of study because it has not developed in a "traditional" manner. That is to say it was not the subject of specific organic legislation, executive order, or other formal mandate. The Coast Guard reacted to events in its operating environment based on an organizational structure with standard operating procedures, utilizing flexible multi-mission resources capable of immediate response, and pursuant to law and custom built up over centuries of operations in the
maritime environment. In this fashion the service exerted itself into the federal drug enforcement structure from the bottom up when maritime smuggling materialized. Top level policymakers did not recognize this at the outset and, in turn, demonstrated early ambivalence regarding the Coast Guard as an enforcement agency. Over the last two decades this situation has changed dramatically.

THEN AND NOW

In 1969 the Coast guard was assisting other government enforcement agencies, when requested, by providing cutters or aircraft and a military "back-up" to other agents enforcing drug, fish and wildlife, immigration, customs, and a variety of other laws. There were few specific Coast Guard law enforcement operations other than port security, pollution enforcement, and fisheries conservation activities. The service had recently moved from the Treasury Department where it had been since its inception in 1790 and was placed in the new Department of Transportation in 1967. Maritime safety programs, environmental protection, and the anticipated expansion of fisheries conservation dominated the internal policy agenda and were considered "growth" missions. Traditional services such as search and rescue (SAR) and maintenance of aids to navigation
(ATON) were delivered routinely. As with every war since 1790, nearly 1000 Coast guard personnel were fighting in Vietnam. In early October a patrol boat operating out of San Diego, California was diverted to investigate a suspicious vessel and made an unusual seizure of several hundred pounds of marijuana.

By 1989, twenty years later, the Coast Guard had seized nearly 27 million pounds of marijuana and over 43 thousand pounds of cocaine; and in cooperative efforts with other agencies another 2.6 million pounds of marijuana and 37 thousand pounds of cocaine were seized. As smugglers changed routes and modes of transportation to avoid sea patrols in the early and mid-1980's. The Coast Guard shifted its interdiction mission emphasis to the air; operating airborne early warning aircraft (AWACS), mobile picket lines formed with radar equipped balloons tethered to support vessels, jet interceptors with sophisticated imaging and detection equipment, and helicopters to deploy law enforcement strike teams into the Bahamas or clandestine airstrips in the United States.

The Office of Operations in Coast Guard Headquarters that directed search and rescue, aids to navigation, communications, polar ice breaking, intelligence, pollution enforcement, and marine sciences
programs in 1969 is now called the Office of Law Enforcement and Defense Operations. It contains only intelligence, defense operations, and law enforcement program management along with facility management of aircraft and cutters. The traditional core operating program portfolio has been largely divested to other Headquarters offices.

Further testimony to this change, the 1988 presidential elections were an unprecedented occasion in Coast Guard history. For the first time the service was a focal point in presidential campaign debate. When the "war on drugs" surfaced as a major campaign theme, the Coast Guard found itself being championed by both Jesse Jackson and George Bush. This level of visibility had not occurred in the past, even in the presence of equally high visibility operations carried out by the Coast Guard - most notably the Cuban exodus from Mariel, Cuba in 1980.

CHARTING A COURSE

The fact that the Coast Guard has drawn high level attention is, of course, noteworthy. However, the course sailed by the Coast Guard organization to arrive at the present location is even more noteworthy and
deserves a closer examination than has been conducted to date.

Precisely when and how the service became involved in drug interdiction is fuzzy. If one were to travel around the Coast Guard today and ask its members when the Coast Guard began its current drug interdiction effort the response would likely be "sometime in the early 70's." If the same question were asked regarding environmental protection, 200-mile fishery zone enforcement, Coast Guard action in Vietnam, or the Cuban exodus from Mariel, the reply would include some legislative mandate or executive order and a date or set of dates as chronological bookends. Such is the case with the current environmental catastrophe involving the grounding of the Exxon Valdez. The reason for the ambiguity in the organizational memory regarding drug interdiction lies in the absence of clear "navigational aids" such as legislation or executive order. Most mission are clear, chronological bookends exist and detailed histories can be found on the program or operation. None has been written to date concerning the current Coast Guard anti-smuggling campaign. While professional journals carry articles on drug enforcement and bureaucratic turf battles with Customs, no one, to the knowledge of this researcher, has written a detailed history of the current drug interdiction mission.
The linkage between the general law enforcement mission and the specific drug interdiction function is discernible from available data. The drug interdiction mission is one which has been built up over time and blended into the overall law enforcement program evolution in legal concept and operations. Like the development of case law, drug interdiction by the Coast Guard is the application of precedents and mandates accumulated over time in varied situations: boarding expertise gained in the enforcement of fishing treaties, interdiction experience gained off the Mekong Delta, designation of Coast Guard officers as "officers of the customs" since 1790, the operational and cultural heritage of the Prohibition Rum Wars, and an operating presence in the Caribbean since Eighteenth Century encounters with privateers and pirates. Along the way the Coast Guard gained jurisdiction to deal with the drug problem on the high seas, a power not held by Customs or the Drug Enforcement Administration.

The fact that law enforcement activity and anti-smuggling operations in particular are so ingrained into the organizational memory and operation has clouded how the agency has changed to accommodate their growth. In a similar manner constant change in the external drug enforcement structure has diverted attention, until
recently, from the expanded role the Coast Guard has been playing in the overall enforcement structure.

THE FEDERAL CONTEXT

Contrasted to the slow accumulation of expertise, jurisdiction, authority, and infrastructure within the Coast Guard, the federal drug enforcement structure has developed cyclically through the consolidation of fragmented activities into a single entity, the breakdown of the entity because of further fragmentation, and the creation of another entity. This pattern can be seen in the ascendency of the Federal Bureau of Narcotics (FBN) following the institution of the first domestic controls in the United States, its eventual dissolution, and the establishment of the Bureau of Narcotics and Dangerous Drugs (BNDD). The pattern was repeated in the dissolution of the BNDD and the creation of the Drug Enforcement Administration (DEA). While the DEA exists today, it is no longer a true lead agency, as external coordinating structures have been created to consolidate the efforts of the various enforcement agencies. In addition, this cyclical evolution has been accompanied by fluctuating debate over the the proper roles of control measures and abuse prevention, commonly referred to today as the supply and demand sides of drug abuse problem.
This changing federal enforcement structure is important to the Coast Guard in that it provides the macro structure in which drug interdiction is carried out. While legislation and policy decisions since the early and mid-1980's have incorporated the role of the Coast Guard into this broader framework, earlier actions did not. In major reorganizations of the drug enforcement structure in 1968 and 1973, the Coast Guard was not considered. As a result early Coast Guard interdiction operations were based on existing procedures and bottom-up policy generation. More recently the trend has been to centralize policymaking and focus on top-down programs.

It is a central proposition of this study, then, that the drug interdiction operations begun in low profile twenty years ago have resulted in internal organizational changes that are more significant than any formal reorganization or mission acquisition that has occurred since the formation of the modern Coast Guard in 1915 with the merger of the Revenue Cutter Service and the Life Saving Service. The fact that this change has been accomplished in the absence of the formal change mechanism normally found in government bureaucracies makes this case all the more important to those who lead and manage the Coast Guard as well as
those who interact with the service in the external environment. The extent of this change can also be assessed in reviewing and contrasting the evolution of the larger macro drug enforcement structure.

THESIS SCOPE AND STRUCTURE

RESEARCH STRUCTURE: Research for this study consisted of 21 interviews with key Coast Guard personnel including retired personnel who held policymaking or program management responsibility in the recent past, officers assigned as liaison officers to multi-agency coordinating structures such as the El Paso Intelligence Center, the National Drug Policy Board, the National Narcotics Border Interdiction System, and the National Security Council. A literature search of Coast Guard organizational history, public drug policy, and drug interdiction case law was conducted and a dual legislative history for both the Coast Guard and public drug policy was constructed. In addition, a literature search was carried out in the areas of legislative management, presidential leadership, general organizational theory, police work, the social history of drug abuse, and the history of commonly abused substances.
Primary data was obtained from records at Coast Guard Headquarters regarding internal reorganizations, resource allocation, operating program plans, and general directives and correspondence. A number of government reports were reviewed including those issued by the General Accounting Office (GAO) and the agencies of the Department of Transportation, Department of Justice, Treasury Department, Defense Department. A search for professional articles was made at the U.S. Coast Guard Academy, U.S. Naval War College, and the National War College. Finally, discussions were held with Coast Guard officers assigned to the senior service schools noted above, as well as the Coast Guard's National Security Fellow at the John F. Kennedy School of Government, Harvard University.

ORGANIZATION OF FINDINGS: Research revealed three major areas where change has occurred in the last twenty years. The first area is the macro-policy level of the federal government. The evolution of federal drug policy and enforcement structures has been dramatic. These external changes have, in turn, acted on the Coast Guard top-down.

The second area is the internal organization of the Coast Guard. Particularly relevant have been the changes in the structure of the Office of Operations,
the location of the law enforcement program management function, and the development of policies and operating procedures. The third area is the working level in the Coast Guard where organizational outputs occur. Initial anti-smuggling operations were carried out at this level in an ad hoc fashion based on the organization, training, and procedures which existed at the time. There were variations in expertise across operating units and commanding officers exercised a great amount of discretion. Ultimately the Coast Guard and, later, the larger enforcement structure began to develop policy and exert control.

**THESIS STRUCTURE:** This study is divided into three major parts following this introduction (Chapter 1). *Part One* examines the evolution of the federal enforcement structure and includes the following: a conceptual overview and analytical framework (Chapter 2); a review of enforcement and control activity prior to the establishment of domestic drug controls (Chapter 3); an examination of the rise and fall of the Federal Bureau of Narcotics as the lead enforcement agency (Chapter 4); the search for a successor agency (Chapter 5); and the ultimate establishment of multi-agency coordinating structures (Chapter 6 and 7). This study ends there, but the search for the structure that
can centralize control over the enforcement agencies and place accountability for success in a single point continues.

**Part Two** focuses on the Coast Guard and contrasts the organizational changes brought about by the drug interdiction mission with the external changes discussed in Part One. Part Two begins with a brief overview which ties Part One and Two together. The remaining chapters include the following: a brief organizational history of the Coast Guard (Chapter 8); a description of the Coast Guard's entry into the "drug war" along with an analytical framework from which to understand this action as a reflexive one (Chapter 9); an examination of the internal changes made to accommodate the drug interdiction mission (Chapters 10 and 11); and significant working level impacts (Chapter 12).

**Part Three** concludes with a discussion of the future of the drug enforcement and interdiction mission in light of the 1988 "drug czar" legislation, the strategic implications of drug interdiction for the Coast Guard, and a comment on the strategic orientation of the Coast Guard (Chapter 13).
PART ONE

THE FEDERAL ENFORCEMENT AND POLICYMAKING STRUCTURE
A STARTING POINT

In a recent lecture at the Brookings Institution, A. Lee Fritschler, President of Dickinson College stated that 80 percent of the activity or programs carried out in government are "visible and identifiable decisionmaking systems" which are predictable. At the core of these programs are a limited number of individuals which exercise power and carry out the programs. Figure 2-1 is a representation of Fritschler’s model for a system that directs a simple program consisting of a single legislative mandate. Given a legal mandate and the constituency shown in the model, most programs are executed with little conflict. In essence, Fritschler states "we are a nation of incrementalists" for those 80 percent of programs.

When queried on the remaining 20 percent Fritschler noted that these are programs or activities in transition, or involved in conflict. Citing the need of participants to maintain a stable decisionmaking system in government, Fritschler points to the quick and
FIGURE 2-1
THE FEDERAL PROGRAMMATIC DECISION MAKING SYSTEM

EACH ENTITY INTERACTS WITH EVERY OTHER ENTITY IN A DYNAMIC FASHION THAT DIRECTS THE PROGRAM IN AN INCREMENTAL FASHION

SOURCE:
LECTURE DELIVERED BY
A. LEE FRITSCHLER
PRESIDENT, DICKINSON COLLEGE
AT THE BROOKINGS INSTITUTES
27 MARCH 1989
decisive actions of the Johnson and Johnson Company during the Tylenol poisonings as an attempt by one group represented in the model to restore faith and stability in the program management system. The notion here is that an ordering system which creates stability and predictability is a necessary requirement of conducting business or government. Thus it is in self interest that each entity seeks stability in the system.

Missing from this model is the role of the legal system in resolving conflicts among the participants. One might consider this function to be a maintenance or bounding feature of the system. It is a feature that deserves more discussion and the argument could be made that the judiciary is an equal player with the others shown. For the purpose of this study, however, the simplistic view that the legal system provides for conflict resolution among participants will be assumed.

The federal drug enforcement program first evolved as a stable program that Fritschler might place within his 80 percent category. However, since the mid 1930's the structure as been continually changing. Yet, domestic narcotic controls started with a single, simple revenue statute, thus the Fritschler model offers a good starting point or benchmark for this discussion.
CYCLICAL CHANGE AND NEW ORGANIZATIONS

The federal drug enforcement organizational structure in the United States has evolved in a cyclical pattern since statutory controls were introduced in 1914 (the Harrison Anti-Narcotic Act). The Federal Bureau of Narcotics was formed to consolidate fragmented enforcement and policymaking activities that grew from the Harrison Act of 1914. Created by legislation in 1930 the FBN was the lead enforcement agency until the 1960’s. By that time, enforcement and policymaking activity had again become fragmented. However, successive attempts to reconsolidate these activities in a new agency, first in the Bureau of Narcotics and Dangerous Drugs (BNDD) and then in the Drug Enforcement Administration (DEA), have failed to restabilize the federal drug enforcement program.

What has emerged has been a new enforcement organizational form, the multi-agency coordinating structure. This new organizational form is a version of the task force concept. Its purpose is to coordinate specialized activities of the various enforcement agencies.

The multi-agency coordinating structure has its conceptual base in the early task forces and local
multi-agency drug operations that were created in the 1970’s and early 1980’s in response to changing smuggling threats. In those instances, as now, a single agency lacked the resources, skills, hardware, or political constituency to properly attack the threat. The latest example of this organizational form is the Office of National Drug Policy headed by a Director of National Drug Control Policy, more popularly called the Drug Czar. An added dimension of recent structures is the inclusion of both control and abuse (supply and demand) policymaking in a single body.

GREATER PROGRAM COMPLEXITY

These organizational changes have been brought about by a breakdown in the existing program model as described by Fritschler. In the case of the FBN it was a failure to incorporate legal drugs diverted for abuse (i.e. synthetic drugs such as barbituates and amphetamines) and new psychotropic drugs into the agency’s control structure. As a result new programs, enforcement agencies, and other system players were created. From the view of an overall federal program, the system was fragmented. Some organizations participated in only one program and others participated in multiple programs. This problem persists today.
FIGURE 2-2

A CLOSER VIEW OF THE FEDERAL DRUG ABUSE PROGRAM

THE FRITSCHLER MODEL

PROGRAM GOAL: "A DRUG FREE NATION"

ENHANCED DRUG ABUSE PROGRAM MODEL

GEOPOLITICAL DIMENSION

INTERNATIONAL

DOMESTIC

MARKET DIMENSION

DEMAND

SUPPLY

27
A closer view of the drug problem in terms of governmental responsibility (or policy area) reveals that the drug enforcement program is but one part of a complex matrix of activities related to the overall problem of drug abuse. Figure 2-2 provides an enhanced view of the programmatic center of Fritschler's model. The current federal strategy which seeks a "drug-free nation" recognizes the problem as both a "supply" and "demand" problem. The strategy also recognizes that much of the supply side activity takes place outside the United States. If the supply-demand relationship is stated as the market dimension of the problem and the domestic-international aspect is stated as the geopolitical dimension of the problem, the result is a four-quadrant matrix which represents distinct programmatic and policymaking areas.

As Figure 2-3 shows, a number of organizations and agencies can occupy the same quadrant. Anthony Downs [1967: 212] notes, "Bureaus enter into an extremely complicated set of relations with other bureaus and social agents. Analyzing these relations is doubly difficult because there are so many different dimensions involved, and there are many possibilities for overlapping and intertwining relations. The concept of policy space can therefore be useful" [emphasis in
Representative Activities Operating within the Federal Drug Abuse Program

International Ties
United Nations
World Health Organizations

State Department
- Bureau of International Narcotics Matters
- Defense Department
  - Military Assistance
  - Enforcement Agencies
    - DEA
    - Coast Guard
    - Intelligence Community

Justice Department
- DEA
- FBI
- INS/Border Patrol

Defense Department
- Customs

Treasury Department
- Coast Guard
- FAA

Department of Education

Department of Housing & Urban Development

Department of Health & Human Services
  - National Institute of Drug Abuse
  - Public Health Service

Market Dimension

Demand

Supply
original. This policy space is part of a larger "n-dimensional space" that makes up a given social program. Downs sees the distance along these dimensions as "degrees of interdependence." In the case of the model provided here, each quadrant fixes an area of interdependence for those who inhabit policy spaces in the immediate area. Downs is clear in pointing out that the frame of reference is the social function not the bureau. Policy space within a social function is not the same as organizational or bureau space which is the "whole set of these locations" for a specific bureau [Downs, 1967: 212].

Downs [1967:212] provides an illustrative point that is directly transferrable to the federal drug program and the enforcement function in particular: "a given space can be occupied by several bureaus simultaneously if they all have functions involving that space. For example, the policy space depicting U.S. nuclear bombing is occupied by SAC missile squadrons, SAC bomber squadrons, the Navy's Polaris submarines, and the Navy's carrier aircraft squadrons. Each of these bureaus has a different overall location, yet all have at least one specific location in common."
Movement in and out of policy spaces or the simultaneous occupation of a space by more than one agency may create instability in the overall drug program. Moreover, if the four congressional committees included in the Fritschler model are added for each agency represented, a bureaucratic "multiplier effect" is created. Added to this milieu are the inevitable temporary select committees in congress, presidential commissions, advisory boards, or other ad hoc entities that are used when the traditional system is questioned.

This quick exercise alone could lead to the conclusion that the drug program is out of control, as many have claimed. Attempts have been made to stabilize the various programs and a multi-agency coordinating structure has evolved.

The existence of early multi-agency structures such as the El Paso Intelligence Center (EPIC) and the coordinated operations of the 1970's (Operations Buccaneer, Channel Cat and Stopgap) indicate that the multi-agency coordinating structure was an result of constrained enforcement agency resources and increasing drug threats. The El Paso Intelligence Center is a multi-agency border intelligence clearinghouse that was established in 1974 to combine intelligence from border enforcement agencies in one location for ease of access.
and analysis. All of the agencies shown in the domestic supply quadrant (and others) provide staffing and intelligence input to EPIC. These multi-agency operations were regional efforts in the Southeast United States and Caribbean designed and executed at the working level among the enforcement agencies in the area. Early efforts were locally coordinated. Later efforts, Operation Stopgap (1979) and Operation Hat Trick (1985), included interagency intelligence in support of combined DEA, Customs, Coast Guard, and DOD operations deep in the Caribbean.

The regional operations and the establishment of EPIC were largely internal initiatives by field supervisors or agencies. In that sense, they were bottom-up policy innovations contrasted to congressionally mandated policies and operations which came about in the 1980's.

In spite of these bottom-up structural innovations in the enforcement program, the practice was not institutionalized until the 1980's. During the earlier period, congressional and presidential attention was focused on the performance of the lead agency (the Drug Enforcement Administration) and trying to influence the demand side of the drug problem. The cure for enforcement fragmentation was seen by two successive
presidents as a more consolidated lead agency. Several initiatives to reorganize agencies surfaced in both the executive and legislative branches. There was also considerable support in the late 1970's to create a consolidated border management agency.

**THE EFFECTS OF PRESIDENTIAL-Congressional Conflict**

The movement in and out of policy spaces is controlled to a great extent by bureaus themselves as advocates and participants in the governmental process. However, the President, as chief executive, and the Congress, as authorizer of programs and appropriator of funds, play major roles as gatekeepers or initiators of this activity.

Early on, Congress and the President focused on a lead agency. By the 1980's there was considerable public interest in the drug issue. Hendrick Smith [1989:657] observes:

"After the highly publicized deaths of two athletes in mid-1986, the public became panicked over crack, a new form of cocaine. Fighting drugs became a hot issue. All sides genuinely wanted to do something about drug abuse, but rather than jointly developing a sensible program, the rival parties maneuvered
for maximum public credit. House Republicans, eager to divert attention from a sagging economy, picked the war on drugs as their campaign issue. The the Democrats, led by Speaker O'Neill, one-upped the Republicans with a bigger program. Finally, President and Mrs. Reagan tried to top the Democrats with a joint appearance on nationwide TV. The politics of fighting drugs made daily headlines in the campaign homestretch."

THEORETICAL APPROACHES TO THE CONFLICT

The presidential-congressional interaction noted above is not unusual in government and has been a factor in the evolution of all social programs in government. Three different views of this relationship by James Sundquist, Richard Nathan, and Daniel Patrick Moynihan illustrate how both branches attempt to assert control over the other.

at the height of Nixon's presidential power. The decline of congress had begun with the ascendancy of the strong presidency in Franklin Roosevelt. Sundquist goes on to describe the "resurgence" of the congress in the Vietnam-Watergate period through a series of a case studies on the Congressional Budget and Impoundment Control Act of 1974, the War Powers Resolution of 1973, and new congressional ascendency in foreign policy. Despite the Reagan first term where the Senate contained a Republican majority, the resurgence of the congress has not been reversed.

No where is this more clear than in recent drug legislation where the congress literally imposed a drug czar structure on the presidency in an election year. As will be discussed later, the "drug czar" concept had been vetoed two years earlier by President Reagan who was attempting to create a multi-agency coordinating structure through administrative action (i.e. reorganization and executive order).

Richard Nathan [1983], in contrast, has described the president as having powerful tools to combat the congress and the bureaucracy in The Administrative Presidency. Nathan is an advocate for a strong chief executive who can pursue policy objectives through administrative processes such as the political
appointment process, internal executive office
organization, and the use of special councils to control
cabinet officials. This approach has been used by
Presidents Johnson, Nixon, Carter and Reagan in an
attempt to retain control in the White House of how drug
policy and multi-agency coordination are to be
formulated and executed. The considerable
reorganization powers of the President stem from
legislation passed in the New Deal era which gave
Roosevelt expansive powers to reorganize the executive
branch. [Sundquist, 1981: 51-55]

Senator Daniel Patrick Moynihan [1978] gave a
memorable address entitled "An Imperial Presidency Leads
To An Imperial Congress Leads to An Imperial Judiciary:
Law states that "Whenever any branch of the government
acquires a new technique which enhances its power in
relation to the other branches, that technique will soon
be adopted by those other branches as well." This idea
fits with James Q. Wilson's structural notion that
"organizations come to resemble the organizations they
are in conflict with" [Moynihan, 1978: 6].

Moynihan cites numerous examples which bolster his
claim: the creation of a Congressional Budget Office to
counter the power of the Bureau of the Budget (later
renamed the Office of Management and Budget); the creation of the Senate Select Committee on Intelligence to counter the power of the CIA; and the creation of the congressional Office of Technology Assessment to counter the establishment of the Office of Science and Technology in the White House. The evolution of the drug enforcement structure can also be seen within this paradigm. The House has established a Select Committee on Narcotics. More importantly, the creation of multi-agency coordinating structures has been a series of moves and counter moves by the President and Congress to gain greater control over the drug policy process.

SUMMARY

Efforts by the President and Congress to consolidate enforcement structures and create an accountability point in government have increased in pace in the 1980's. While the nature and control of the structure has been a contentious issue between the two, the overall thrust has been toward consolidation of the federal anti-drug abuse functions (activity in all four quadrants) within a single institutional form.
CHAPTER THREE

ENFORCEMENT AND CONTROL ACTIVITY PRIOR TO LEGAL CONTROLS

This chapter addresses enforcement or control efforts which preceded the passage of the Harrison Narcotic Act of 1914 which was the first domestic drug control legislation in the United States.

AN INTRODUCTORY NOTE ON "DRUGS"

The early use and trade patterns involving opium are significant factors in the early development of the federal drug enforcement structure. Opium trade involving China was the first target for international control. Subsequent internal controls in the United States were instituted largely as a result as a result of these agreements.

Cocaine was used in a variety of consumer products including Coca Cola and wine beverages after its development in Europe in the mid-Nineteenth Century. Prior to that, coca leaves had been chewed in South America as far back as circa 1500 B.C. [White, 1989:10]. As the turn of the century approached it became associated with dependence and criminal behavior in the minds of lawmakers and was included with opium in the
first domestic drug controls. This linkage has been challenged by researchers who assert that the association was based more on racism and the notion that cocaine use was a black problem [Rachin and Czajkoski, 1975: 4].

Marijuana which is regulated today, did not evolve as a target of public policy until later in the Twentieth Century. Synthetic drugs (i.e. demerol, amphetamines, barbituates, LSD, etc.) which are also controlled today are not derived from opium, coca leaf, or marijuana and were not the object of regulation or enforcement action until well into the twentieth century.

It is appropriate here to define the terms drug, narcotic, and controlled substances. These terms have been and are currently used interchangeably. Narcotics are opiates, drugs derived from opium such as morphine and heroin. In a pharmacological sense it is incorrect to use the term narcotic in reference to other substances. However, early control legislation redefined the term to mean a substance controlled under narcotics legislation. As a result, cocaine which is not an opiate was included under the controls of the Harrison Anti-Narcotic Act of 1914. The term, as will be discussed, was expanded to include marijuana and
synthetically produced opiates such as demerol. Legal
drugs of abuse were never brought under this control
regime nor were psychotropic drugs such as LSD.
Separate legislation provided for their control and
created another enforcement structure. This divergence,
as noted earlier, led to the ultimate reorganization of
the Federal Bureau of Narcotics in 1968.

In 1970, the Controlled Substances Act created the
new generic term "controlled substance" for drugs and
substances subject to federal controls. Under this
legislation substances are placed on a control schedule
subject to the regulatory process and are classified
according to their addictive qualities and
susceptibility to abuse. Thus the proper term for what
are generally called drugs, though rarely used in non-
legal settings, is "controlled substance." For ease of
description the term drug and controlled substance are
used interchangeably in this thesis unless otherwise
indicated. Narcotics unless used in connection with the
Harrison Act refer to opiates.

The manner in which particular controlled
substances were originally perceived, identified as
problem substances to society, presented as a public
policy issue, and brought under control regimes is
important in understanding how federal enforcement
policy developed and ultimately came to bear on Coast Guard operations. These issues are briefly addressed below.

EARLY POLICY AND ENFORCEMENT

Throughout the Nineteenth Century there were no domestic controls on opium or cocaine. However, by the end of the century there was enough evidence of the addictive properties of opium and morphine to raise questions as to its uncontrolled use. Opium became the subject of a tariff fee sometime in the early nineteenth century. It appears that until the turn of the century this was the only control on the importation of opium, other than the conscience of physicians, pharmacists, and the manufacturers and sales force of patent or over-the-counter type of medicines, elixirs, and tonics [Musto, 1973: 1]. The only external control exercised was through the standards of professional organizations or the watchful eye of the growing temperance movement which abhorred drugs equally with alcohol [Musto, 1973: 10-21].

Figure 3-1 provides a summary of the pertinent activity which took place prior to the institution of domestic controls on narcotics and cocaine. The conceptual framework introduced in Chapter 2 will be
used occasionally as an organizing device in this and the following chapters. Used in this particular context, the model does not represent a specific instance in time, but rather a grouping of significant activities with the respective dates provided.

The U.S. Bureau of Customs and Revenue Cutter Service were the first drug enforcement agencies. An early history of the Coast Guard written by Rear Admiral Stephen Evans [1949: 150] notes two early drug smuggling operations.

"A section of the press was just beginning a crusade against the evils of narcotics and the public conscience was beginning slowly to awaken to the need for suitable restrictions on the trade. Because there was a tax on drugs, drug-running constituted a violation of the customs laws, and thus, although fully adequate narcotic controls were lacking, the cutters were able to stand with the Customs Bureau between the country and a flood of relatively inexpensive, smuggled drugs. West Coast ports were centers of operations for the dope rings, and cutters in Pacific waters were a first line of defense against the ugly business."
Evans goes on to cite the seizure of the George E. Starr by the Revenue Cutter Wolcott for undeclared opium in 1890 as an early seizure of the era. Later in 1904, the Revenue Cutter Grant conducted operations in the Straits of Juan de Fuca between Washington and British Columbia, Canada using the first wireless radio in tactical naval operations to intercept opium bound for Chinese migrant workers [Evans, 1949: 182].

THE FIRST DOMESTIC CONTROL OF NARCOTICS

As more information was gained on the effects of narcotics and cocaine public sentiment, spurred by the growing temperance movement, grew for domestic controls. The eventual regulation of narcotics under the Harrison Act of 1914 was influenced by several factors. Those most prominently mentioned by social historians of drug use are (1) international events that were related to the opium trade; (2) early pharmaceutical and medical professional association activity, (3) and the impacts of peripheral legislation such as the Pure Food and Drug Act of 1906 as shown in Figure 3-1. Actions were uncoordinated and fragmented because there was no formal policy structure within the federal government that dealt solely with drug policy, nor was there a lead enforcement agency.
FIGURE 3-1

ANTI-DRUG ABUSE ACTIVITY PRIOR TO LEGAL CONTROLS

TREATY OF NANKING
TREATY OF SHANGHAI
HAGUE PROTOCOL

U.S. MISSIONARY ACTIVITY
STATE DEPARTMENT

TEMPERANCE MOVEMENT

INTERNATIONAL

NO RESTRICTION ON DOMESTIC DEMAND
- LEGAL MAINTENANCE OF ADDICTS
- OPIUM USE BY CHINESE IMMIGRANTS
- MEDICINES, TONICS, ELIXIRS

DOMESTIC

TREASURY DEPARTMENT
TARIFF STRUCTURE
- BUREAU OF CUSTOMS
- REVENUE CUTTER SERVICE
- AMERICAN PHARMACEUTICAL ASSOCIATION
- DEPARTMENT OF AGRICULTURE
- PURE FOOD & DRUG ACT (1906)

DEMAND

MARKET DIMENSION

44
The closest organization to a lead agency would most likely have been the State Department. In commenting on the international events surrounding legislated controls, David Musto [1973: 24] asserts that, "The State Department’s unexpected leadership in the domestic antinarcotic movement originated with one of the peaks of American imperialism, the drive for the China market, and the seizure from Spain of the Philippine Islands." Prior to the Spanish-American war the Spanish had operated a government opium monopoly and for a while the United States representatives there considered continuing the practice. However, health officials and missionaries who "were shocked at the extent of opium use in the Philippines when they began to reform the islands after 1898" succeeded in defeating this plan and gained passage of the first legislation to control opium use [Morgan, 1981: 49]. Passed in 1905, the legislation applied only to the Philippine Islands [Morgan, 1981: 49].

After pressing for an international conference on the control of opium trafficking, the United States found that no law prohibited importation into the United States. The apparent contradiction of rhetoric and action prompted a 1907 memorandum from a United States diplomat in China citing the need for a federal statute to put the "American house in order" [Musto, 1973:...
n. 259] Congress quickly passed the Opium Exclusion Act of 1909 [35 Stat' 614] to prohibit uncontrolled trade despite the fact that the Pure Food and Drug Act of 1906 contained a provision to ban any imported drug determined to be dangerous to the health of United States citizens. A provision of the act also required the listing of narcotics and cannabis on the labels of patent (over the counter) medicines shipped in interstate commerce. A second international conference was held in 1912 and was in turn followed by the passage of the Narcotic Drugs Import and Export Act [38 Stat 275] in early 1914 which placed a prohibitive tax on opium.

Until 1914, governmental action concerned itself with the international control of narcotics, first at the 1909 conference in Shanghai that produced a resolution limit importation and then at the Hague Opium Convention of 1912 where the same commission agreed to "enact efficacious laws or regulations" to control opium production and to "take measures for the gradual and efficacious suppression of the manufacture, the internal traffic in, and the use of prepared opium . . . ." [Chap 1, Article 1; Chap 2 Article 6 of the Final Protocol] These international agreements provided the final impetus for domestic controls.
Prior to these developments, professional associations of pharmacists and physicians formulated national policies regarding habit-forming drugs in the late nineteenth and early twentieth centuries. Musto [1973: 13] notes that these actions were probably more to strengthen the respective professions and peer regulating mechanisms than to address the drug problem. Nonetheless, "Their intense battles for professional advancement and unification had an effect on the progress and final form of antinarcotic legislation" [Musto, 1973: 13].

The APA's Committee on the Acquisition of the Drug Habit completed a five-year study in 1902 which revealed increasing trends in the use of opium and cocaine that were exceeding general population growth [Musto, 1973: 16]. The committee also polled physicians and pharmacists in major east coast cities and estimated the number of addicts in the United States to be about 200,000 [Musto, 1973: 17]. The committee recommended federal regulation of opium importation and smoking, uniform state laws, and refusal or revocation of membership rights to traffickers [Musto, 1973: 17].

In 1903 the committee drafted a model state law which was submitted with the committee's final report. The crux of the report was that the federal government
should "prevent the creation of drug habits, rather to reform those who are already enslaved. .." [Musto, 1973: 17]. The APA view of the time was that addicts should be maintained legally while the major effort should be directed at preventing use in the future. By 1905, the other major pharmaceutical professional organizations (National Association of Retail Druggists, National Wholesale Druggist Association, and the Proprietary Association of America) adopted the same or similar positions.

In May 1906 Congress passed the District of Columbia Pharmacy Act [PL 148] that was very similar to the model legislation created by the APA. The effect of the law was to protect under regulation legitimate pharmacists while controlling "hawksers and door-to-door peddlers" of patent medicines [Musto, 1973: 21]. However, physicians were not regulated and were free to prepare their own compounds for their own patients. When it became apparent that some form of legislative action would be taken after the Shanghai and Hague conferences, Musto notes the APA became a driving force behind the establishment of the National Drug Trade Conference (NDTC) which represented the industry in later negotiations over the Harrison Act.
THE HARRISON ACT OF 1914:

The Harrison Anti-Narcotic Act was signed into law by Woodrow Wilson on December 14, 1914, "to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations..." [38 Stat 785]. The law was not as restrictive as legislation which failed in 1910 which would have: (1) "eliminated the non-medical use of opiates, cocaine, chloral, and cannabis" (2) "required careful record keeping, bonding, and reporting" and (3) "prescribed harsh penalties for violators" [Morgan, 1981: 106].

Morgan [1981: 107] describes the bill as "a revenue measure, and everyone dealing in the specified drugs had to register and buy tax stamps. The drug trades won their battle against total regulation, and the over-the-counter preparations containing minimal amounts of opiates remained unaffected. Choral hydrate and cannabis were not included. Federal authorities retained records of transactions in regulated drugs. If the law withstood the test of constitutionality, it laid the groundwork for an expandable system of federal control of drug use and users, especially through
bureaucratic enforcement regulations from the Treasury Department."

The legislation had two broad, but connected basis in public policy of the era. First, support for the international treaties signed to control importation of opium. Second, the strong linkage between the anti-narcotics reformers and the growing temperance movement. The literature available concerning early public attitudes on drugs use reenforces the latter notion and, further, gives considerable evidence that public perceptions of the time concerning drug use among blacks and Chinese immigrants caused "general public fear of disorder and inefficiency" [Morgan, 1981:107].

SUMMARY

The passage of the Harrison Act marked the beginning of drug control in the United States. The bill was not as strong as the reformers would have liked, yet was stronger than the drug industry would have preferred. The State Department was, at the same time, concerned with how international narcotics control fit in with the larger foreign policy goals of the country. Competing groups viewed drug control from their own perspective and these interests shaped the final form the legislation. What the Harrison Act
ultimately allowed was the imposition of a narcotics prohibition on legal addiction. While not specifically stated to be a goal of the legislation, the end of addiction maintenance was nonetheless achieved several years later.
CHAPTER FOUR

THE RISE AND FALL OF THE FEDERAL BUREAU OF NARCOTICS

This chapter is necessary lengthy because the history of the FBN is significant in framing the current enforcement structure. For better or worse, the FBN exerted the most significant influence on policymaking and enforcement activities for over thirty years.

The Harrison Act was passed against the backdrop of a growing temperance movement and World War I. There was little public interest in the mechanics of the legislation other than a fragile anti-drug consensus among voters which was consistent with the temperance movement and pre-war fears that drugs might "corrupt" young military people. What did occur was a settling out period between medicine and law enforcement concerning the intent and implementation of controls. This period ended with the establishment of the Federal Bureau of Narcotics in 1930. Under the zealous leadership of Harry Anslinger (1930-1962) the FBN assumed lead agency status until its dissolution in 1968.
ESTABLISHING A GOVERNMENT PROGRAM

Early enforcement of the law and the development of policy resided exclusively in the Treasury Department. In the period from 1914 until 1930, administration of the law and the establishment of a program model similar to that described by Fritschler tended to drift in the bureaucracy as relationships were established and the law’s intent clarified by the courts. As with other regulatory initiatives of the period, there was a lingering question of whether there was a legitimate federal role in regulating what had previously been considered state issues. The law was also not clear as to its intent concerning the legal maintenance of addicts. Successful defenses to challenges on the constitutionality of the law and later administrative rules which attempted to criminalize maintenance resolved legal but not organizational ambiguity. Program administration tended to be fragmented. Early enforcement units were located relatively low in the Treasury Department while the State Department continued to be engaged a higher levels in international control efforts. The lack of clarity and fragmentation of players in the program ultimately prompted the creation of the FBN as a lead agency.
The law was generally regarded as a "registration through taxation" mechanism and "enforcement and rule-making powers pursuant to this were vested in the Office of Internal Revenue" [Rachin and Czajkoski, 1975: 39]. Until 1920, the enforcement unit was part of the Alcohol Tax Unit [Musto, 1973: 183]. The Treasury Department was delegated rulemaking authority in the legislation to handle implementing details. Musto [1973], Dickson [1975], Morgan [1981] and others have asserted that the Treasury Department exercised administrative authority contained in the Harrison Act to issue a series of "Treasury Decisions" in 1915 and 1916 which proscribed the legal maintenance of addicts.

Maintenance of addicts by physicians had been a legal activity prior to the passage of controls and it was unclear whether the law intended this practice continue. The Treasury Decisions were made in an era which lacked the legal constraints on administrative rulemaking which exist today. These decisions became the actual governmental policy and defined the role of physicians, prohibited consumers from registering under the act, limited the amount prescribed, and required that addict prescriptions be identified as such [Rachin and Czajkoski, 1975: 40]. David Musto [1973: 121] has described this activity as the "Federal assault on maintenance."
THE MAINTENANCE ISSUE

The first public policy issue that arose following the legislation was whether the law allowed physicians to maintain addicts. The Treasury Department, "accustomed to dealing with smugglers, tax evaders, moonshiner, and similar law breakers," issued regulations prohibiting maintenance [Morgan, 1981:110]. After lower courts ruled that the law was a revenue measure which did not prohibit possession, in much the same manner that a liquor tax does not prohibit possession, the Supreme Court agreed in a case where a physician was maintaining a morphine addict [U.S. v. Jin Fuey Moy, 241 US 394 (1916)]. The government had maintained that, in the absence of an illness to be cured, the physician was providing a narcotic to an unregistered dealer. The Court held that it was not Congressional intent to make possession of small amounts a crime. This ruling destabilized the program. The Treasury Department with the support of the temperance lobby had sought to use the law as a means to control the use of narcotics.

With the Treasury Department urging Congress to make possession of drugs without a tax stamp illegal, the combination of the approaching War and temperance
movement prompted a reversal by the Supreme Court in 1919. The Court held in U.S. v. Doremus and Webb et al v. U.S. that (1) the Harrison Act was constitutional, (2) that physicians could only prescribe drugs in the course of recognized practice, and (3) that prescribing drugs for maintenance only was illegal [249 U.S. 86 (1919) and 249 U.S. 96 (1919)]. As a result maintenance of addiction became illegal and separated addicts from physicians. Congress responded in 1919 by passing legislation which forbid possession without a tax stamp [Morgan, 1981: 118].

This legislation was intended to stabilize the enforcement program and was largely the result of the efforts of an ad hoc policy body, the Special Narcotic Committee of the Treasury Department, that was convened from 1918 to 1919 [Musto, 1973: 135]. This action is noted because it represents the use of an ad hoc body and presaged the use of a number of other special committees, or presidential commissions as a means to develop drug enforcement policy in the face of programmatic instability. In fact, there has been little stability in the federal drug program since its inception.

Social historian H. Wayne Morgan [1981: 117] summarized the social problem resulting from the end of
maintenance, despite the apparent solution to the bureaucratic problem:

"A sense of bewilderment returned to the discussion of drug policy. Even by 1916 there was an illicit market in most cities; stronger enforcement only raised its prices. Cure seemed impossible, actual prohibition unlikely. Perhaps the only approach was to combine everything: institutional care for the willing addict, ostracism for the willful; destruction of the sources of supply; propaganda and education to prevent future addiction; and the hope of an as yet undiscovered panacea through research."

THE PROHIBITION CONNECTION

In 1920 with the implementation of the Eighteenth Amendment and Prohibition, the enforcement unit was expanded and assigned as a division of the Prohibition Unit of the Office of Internal Revenue. From 1915 to 1925 the unit grew considerably from 50 to 300 agents [Rachin and Czajkoski, 1975: 43]. The unit was led by former pharmacist turned Treasury agent, Levi Nutt, during its entire life until the establishment of the Federal Bureau of Narcotics in 1930 [Musto, 1973: 183].
During the same period Congress tightened laws related to the importation of opium for legitimate use. The Narcotic Drug Import and Export Act of 1922 established procedures to monitor and inspect imports, seize drugs and vessels engaged in smuggling, and deport alien violators. [42 Stat 596-8] In addition, the act created a Federal Narcotics Board composed of the Secretaries of the Treasury, State, and Commerce to promulgate enforcement regulations. [42 Stat 598]. This board was the first multi-agency structure created in the federal drug program. It was short lived and replaced by the FBN in 1930.

In 1924 additional legislation was passed to prohibit the importation of opium to manufacture heroin. This legislation was passed at the urging of temperance and anti-narcotic organizations who sought to strengthen the international controls on narcotics prior to a 1924-25 Geneva Conference [Musto, 1973: 200-201; Morgan, 1981: 118]. Reformers also supported the Porter Narcotic Farm Bill Act of 1929 which authorized the establishment of federal prison-like institutions at Lexington, Kentucky and Fort Worth, Texas to "cure" addicts [Musto, 1973: 206].

In sum, the policy and enforcement strategies that evolved between 1915 and 1930 phased out a medical
approach to addiction, ended maintenance, and created a criminal enforcement (versus revenue collection) organization to administer the Harrison Act. There was little public opposition in light of Prohibition and a number of anti-narcotic organizations maintained pressure on Congress [Musto, 1973: 189-193]. However, while the public later became disenchanted with Prohibition, narcotic controls "did not reach the proportions of the national debate over prohibition" [Musto, 1973: 188].

In 1930, the Federal Bureau of Narcotics was created. "A separate agency with domestic and international responsibilities would mean better enforcement and better cooperation with other nations in the prevention of smuggling, and the nations could keep in constant communication instead of meeting at occasional conferences" [Musto, 1973: 207].

ESTABLISHING A LEAD AGENCY

In the late 1920's, support for Prohibition was waning while anti-narcotic sentiment remained high. However, a series of scandals involving the family of the Narcotics Division Chief, Levi Nutt, and his role in other irregularities at the New York field office
resulted in his removal from office [Musto, 1973:207-208]. Harry Anslinger was appointed to replace him. Anslinger was a career public servant with experience in the diplomatic corps and international programs to stop illegal liquor traffic. Prior to his selection to lead the Narcotics Division, he served as Chief of the Foreign Control Section of the Prohibition Unit [Morgan, 1981: 119].

The Federal Narcotics Control Board established in the 1922 legislation had proven to be cumbersome and reportedly never met as a group [Musto, 1973: 209]. There was also sentiment that the popular enforcement of narcotics laws should be separated from the unpopular enforcement of prohibition. As a result legislation was passed in 1930 which created the Federal Bureau of Narcotics within the Treasury Department. This bureau also assumed the duties of the Federal Narcotics Control Board. The same legislation moved the enforcement of Prohibition into the Justice Department. The legislation was intended to remove the destabilizing Prohibition enforcement mission and consolidate existing enforcement and policymaking activity in one lead agency.

The decision to vest the FBN with lead agency status created enforcement unity in the domestic
enforcement of the Harrison Act and its amendments. Figure 4-1 is the 1930 organization chart for the Treasury Department and shows the Department’s major enforcement agencies (Customs Service, Coast Guard, the FBN, and Bureau of Industrial Alcohol) reporting to a single Assistant Secretary. The Coast Guard played a significant role in anti-smuggling operations during Prohibition but does not appear to have been a factor in the early years of the Harrison Act enforcement. This portion of the enforcement history is included in Part Two in a discussion of interdiction history. Given the consolidation of activity within the Treasury Department, coordination of agency effort which would become a significant problem in the 1960’s was not a major issue in 1930.

While this action unified enforcement within the United States, the State Department still played a major role in the negotiation of international agreements. International affairs were complicated by the fact that international control efforts were centered in the League of Nations, an organization not officially recognized by the United States. What little abuse prevention activity which took place did so under the auspices of the Public Health Service which, while assigned to the Treasury Department, reported to the
FIGURE 4-1
ORGANIZATION OF THE DEPARTMENT OF THE TREASURY
1930

SOURCE: TREASURY DEPARTMENT, 1930.
Assistant Secretary in charge of Public Building, Public Health, and Miscellaneous (See Figure 4-1).

As long as the enforcement and policymaking activity remained oriented toward domestic narcotic control, as opposed to international controls and abuse prevention, this structure proved very stable. Figure 4-2 shows the policy spaces occupied in the four-quadrant framework in 1930.

Since Harry Anslinger had just been appointed as chief of the Narcotics Division, he became the first Commissioner of Narcotics, a post he would hold for 32 years. Anslinger was strongly patriotic and an vehement anti-communist who had the political support of the powerful publisher William Randolph Hearst [Musto, 1973: 209]. Anslinger was a figure analogous to the FBI’s J. Edgar Hoover in narcotics enforcement. His personal values and beliefs guided drug policy for the longest period in United States history and provide the basis for many issues under discussion today.

His longevity and the bureaucratic survival of his agency can be attributed to his personal experience with the failure of prohibition and its enforcement structure. In general he focused on high consensus narcotics issues and avoided what Musto calls "gray
FIGURE 4-2

ANTI-DRUG ABUSE ACTIVITY CIRCA 1930

LEAGUE OF NATIONS
INTERNATIONAL TREATIES

STATE DEPARTMENT

FEDERAL NARCOTICS
BOARD
(1922-1930)

TREASURY DEPARTMENT
• PUBLIC HEALTH SERVICE

DANGEROUS DRUGS
NOT CONTROLLED
EXCEPT UNDER PURE
FOOD AND DRUG ACT

TREASURY DEPARTMENT
• FEDERAL BUREAU OF
NARCOTICS (1930)
• COAST GUARD (1915)
• CUSTOMS SERVICE

MARKET DIMENSION

64
areas" surrounding diversion of legitimate drugs and marijuana, which evoked comparison to the criminalization of "common citizens" during prohibition [Musto, 1973: 213].

Anslinger attempted to achieve program stability by excluding controversial low consensus activity wherever possible. However, in the long run the emergence of new drugs and this inflexibility in policymaking and enforcement structure led to the reorganization of the agency in 1968. Anslinger was controversial and powerful. Figure 4-3 provides a characterization of Anslinger by Morgan [1981]. The following sections discuss key policy and organizational changes that occurred within the FBN from 1930 to 1968.

THE CREATION OF CONTROLS ON MARIJUANA

The first significant policy issue which arose after the creation of the FBN centered on marijuana. As noted above, Commissioner Anslinger was personally opposed to enforcement of laws relating to marijuana. However, by 1937 the Marijuana Tax Act was passed and enforcement was assigned to the FBN. Since criminalization of marijuana traffic and use is directly related to the current drug interdiction mission of the Coast Guard, its genesis is examined in detailed here.
"Born in 1892 in Altoona, Pennsylvania, Anslinger worked briefly for the local railroad police as a young man but came to narcotics control by chance. He was with the Ordnance Division of the War Department in 1917, then went to the Netherlands for the State Department. After the war he was in the consular service there and in Hamburg, Germany. He moved on to similar duties in Venezuela and in the Bahamas, where he secured the cooperation of local authorities against some aspects of the illegal liquor traffic with the United States. He then joined the foreign control division of the Prohibition Unit and became Commissioner of Narcotics in 1930, a post he held until 1962.

Anslinger was a figure of both national homage and controversy during his long tenure as federal narcotics czar. Supporters saw him as a stalwart opponent of the insidious drug traffic that threatened the nation's vitality. His belief in strong law enforcement won their approval as did his opposition to what they saw as soft-minded theorists and humanitarians. Critics saw Anslinger as a persecutor of hapless addicts, foe of enlightened medical and psychological reforms, and builder of a tyrannical bureaucratic empire."

H. Wayne Morgan
*Drugs in America: A Social History*  
1800-1980
THE MARIJUANA PROBLEM: The only domestic controls which existed prior to the 1937 legislation were the previously noted labeling requirements for cannabis contained in the 1906 Pure Food and Drug Act. Efforts by reformers to include cannabis in the Harrison Act were not successful and the first international controls did not occur until the 1925 Geneva Convention [Musto, 1973: 218].

A number of writers on the subject have expressed a view that the onset of public concern over the use of marijuana stemmed from the association of the substance with the Mexican ethnic group [Musto, 1973: 219; Morgan, 1981: 138; Schroeder, 1975: 5-6; and Rachin and Czajkoski, 1975: 4]. This situation was similar to earlier associations of cocaine and opium abuse to blacks and Chinese. Legal and illegal immigration into the United States in the 1920's created a sizable population of Mexicans who used marijuana [Musto, 1973: 219]. The onset of the Depression created an excess labor market and with it concerns from communities in the west and southwest over Mexican drug use. Many claims were made that associated marijuana use with violent crimes by Mexicans and other minority groups [Musto, 1973:220-221 and Morgan, 1981:138-140]. In 1931 legislation was passed that authorized the deportation
of aliens convicted of narcotics violations [Congress and the Nation, Volume I, 1965: 1186].

**ANSLINGER’S RESPONSE:** As the nation’s chief policy maker on drugs, Anslinger was being pressured by state and local governments to take action. In addition, successful appeals were being made to Congress and the Secretary of Treasury through other channels. Initially the tactic was to raise the issue of constitutionality, an issue raised in earlier federal efforts to regulate drugs and other "interstate" activities. Anslinger felt that since marijuana was a regional issue there was no legitimate federal interest with the exception of legislation that would be required to comply with an international agreement [Musto, 1973: 222].

There are different views as to the motivation of Anslinger concerning the FBN’s role in enforcing a marijuana prohibition. Musto [1973] asserts that while Anslinger was ambivalent on the issue, he ultimately perceived it to be in the best interest of the agency to cooperate and control the manner in which the legislation was created. To that end he first recommended that an international treaty be negotiated which would provide a basis for domestic legislation. A precedent had been established earlier in a Supreme Court test (Missouri v. Holland, 252 U.S. 416) of the
Migratory Bird Act between the United States and Canada and Mexico which provided for an intrusion into state police powers [Musto, 1973: 224]. However, a subsequent attempt in Geneva in 1936 to gain an international agreement for broader internal controls on marijuana failed. The next tactic was to utilize a transfer tax on the sale of marijuana similar to an earlier tax created by the National Firearms Act of 1934 which was upheld by the Supreme Court in *Sonzinsky v. U.S.* [57 S.Ct. 554 (1937)]. This tax was intended to control machine gun traffic [Musto, 1973: 222]. This tactic was successful and resulted in the passage of the Marijuana Tax Act [50 Stat 551].

This Weberian-type model of the accommodating public servant is contrasted with other views. Morgan [1981: 141] presses the case that Anslinger, when he felt that federal legislation would be passed, used it as a mechanism to advance his Uniform State Narcotic Law which had been passed in 1932. Dickson [1975: 42] pursues a bureaucratic behavior model also discussed by Downs and Morton Halperin which describes the Marijuana Tax Act as one of the "bureaucratic consequences of domain expansion" on the part of the federal drug enforcement system. In Downs' terminology, this would be described as an attempt to create a larger policy space for the FBN. Citing a falling conviction rate in
narcotics and a budget decrease caused by the Depression, Dickson argues that Anslinger was acting to insure agency survival and growth. Sociologist Howard Becker [1963: 145-148], in a work on social deviance, cites the FBN’s actions as a "moral enterprise" and the role of Anslinger as a "moral entrepreneur." This view is supported by the vast commentary on Anslinger’s personal style and values.

DANGEROUS DRUGS AND SYNTHETIC OPIATES

While marijuana was brought under the control regime of the FBN due to regional pressure and the other reasons put forth above, several large gaps remained in the control and management of other substances viewed as susceptible to abuse. The largest group of these included legitimate drugs such as barbituates and amphetamines. A second group, synthetic opiates, began to evolve during World War II. A third group consisted of psychotrophic drugs such as LSD developed in the late 1940’s. Each of these groups was brought under control in a different manner and this diversity of control mechanisms and organizational responsibility laid the groundwork for the enforcement reorganizations of the late 1960’s and early 1970’s.
REGULATION OF DANGEROUS DRUGS: Barbituates and amphetamines were first regulated under the Food, Drug, and Cosmetic Act of 1938. "Under this law, no new barbituate or amphetamine could be placed on the market until the manufacturer had demonstrated to the Food and Drug Administration that the product was safe for use under a physician’s supervision" [Congress and the Nation, Volume I, 1965: 1188]. The Humphrey-Durham Amendments of 1951 required the drugs be sold under prescription [CH 578, PL 678]. The Food, Drug and Cosmetic Act of 1962 instituted a control system for all drugs not defined under narcotics statutes and required FDA certification that a drug was effective for its intended purpose [76 Stat 794].

In 1965, Congress passed the Drug Abuse Control Amendments to the Food, Drug, and Cosmetic Act tightening regulatory controls over dangerous drugs and instituted an enforcement agency to address criminal violations, the Bureau of Drug Abuse Control in the Department of Health, Education and Welfare [79 Stat 226, PL 89-74]. This agency was ultimately incorporated into the Bureau of Narcotics and Dangerous Drugs, along with the FBN, in 1968.

SYNTHETIC OPIATES: If Anslinger was hesitant to get involved in dangerous drugs, the same hesitation was
not present when scientists developed a method to manufacture synthetic opiates. The first of these drugs was isonipecaine, known commercially as Demerol. As Anslinger states in his work on narcotics traffic, "The new drug bore no chemical relationship to morphine. When the result of official tests indicated that the new drug possessed addiction-liability similar to morphine, the Bureau of Narcotics proposed and obtained enactment of a special statute, approved July 1, 1944, making the Federal narcotic laws applicable to the new drug" [Anslinger and Tompkins, 1953: 26; CH 377, PL 414].

It became apparent that the scientific community would continue to produce synthetic drugs with effects similar to narcotics. Anslinger again backed legislation to bring these drugs under FBN control and enforcement. A more general statute was passed in 1946 which established procedures for any drug with narcotic-like effects [Anslinger and Tompkins, 1953: 27; PL 79-320].

**DUAL REGULATORY SYSTEMS:** It is not clear why some drugs were classified narcotic-like while others (with proven addictive qualities) were not included in the schedule of FBN controlled substances. It is possible that the increase in dangerous drug use following World
War II was linked to this dual treatment of substances within the federal bureaucracy. A discussion of narcotics, barbituates, and amphetamines in Volume I of Congress and the Nation [1965:1188] includes the following observation that is not attributed to a specific author.

"For a number of reasons, there was a sharp increase in illegal use of barbituates and amphetamines in the postwar period, so great an increase that many feared the two substances were creating a major new drug-abuse problem in the country as serious as the addictive use of narcotics. One reason was that the narcotics laws imposed close Government supervision over import, sale, shipment and manufacture of narcotics, with extremely severe penalties for violations (the death sentences for peddling heroin to a minor, for example), whereas the penalties for illicit sale of barbituates and amphetamines were relatively light, the offense constituting only a misdemeanor in most cases."
POST WORLD WAR II DEVELOPMENTS

World War II provided an opportunity to, in the view of enforcement officials, to completely control illegal narcotic use; a large population was involved in military service and opiates were needed for wartime use thus reducing supplies. A window of opportunity existed for enforcement action to significantly reduce illegal use. Morgan [1981: 144] notes that the "war years were bleak for addicts." Domestic cultivation of poppies started earlier to ensure supplies was stopped with the passage of the Opium Poppy Control Act of 1942 [PL 77-797]. However, Anslinger was concerned that a post-World War I trend which saw an increase in addiction would be repeated after World War II. "On the basis of World War I experience, the Bureau of Narcotics feared and predicted some rise in addiction after World War II, and these forebodings proved to be well justified" [Anslinger and Tompkins, 1953: 166].

Following the war narcotic enforcement policy, distinct from control of dangerous drugs, became allied with two highly visible and emotionally charged issues: communism and organized crime. Anslinger was personally involved in both issues and gave testimony at hearings regarding both subjects.
COMMUNISM AND NARCOTICS: A Senate Committee report of 1955 stated that "subversion through drug addiction is an established aim of Communist China" [Musto, 1973: n.331]. Musto [1973: 231] further stated that this type of congressional response was prompted by the FBI’s efforts to link "Red China’s attempt to get hard cash, as well as to destroy Western society, to the clandestine sale of large amounts of heroin to drug pushers in the United States."

ORGANIZED CRIME, PUBLIC FEAR, STIFFER CONTROLS:
Publicly televised organized crime hearings by Senator Estes Kefauver and narcotic hearings held by Representative Hale Boggs led to public discussion of a growing heroin problem: "narcotics problems received widespread publicity, partly through Congressional hearings on addiction and crime, partly through reports of gang warfare among juveniles and ‘blackboard jungle’ conditions in some large Northern cities. The image of the ‘pusher,’ often an addict himself, lurking near a school waiting to peddle narcotics to students on their way home was impressed on the public mind in a series of sensational newspaper stories, court cases, movies, television shows, legislative hearings, etc" [Congress and the Nation, Volume I, 1965: 1187].
A series of laws was passed after the war allowing tightened controls and increased penalties for addicts and traffickers. 1950 amendments to a 1939 act made it "easier for federal agents to seize vessels, vehicles and aircraft used to transport narcotics illegally" [*Congress and the Nation, Volume I, 1965: 1187; PL 81-678*]. The older law, passed in 1939, had provided for the seizure of vessels and other modes of transportation if narcotics were found that did not carry a tax stamp or were shown to be for transfer. The 1950 amendment allowed seizure without proof of intention to sell, in other words -simple possession without a tax stamp. This legislation, a key part of Coast Guard interdiction efforts, was eclipsed in 1970 legislation which inadvertently repealed this law, creating a loophole for possession of drugs on the high seas outside United States territorial and customs waters.

After a series of hearings by the House Ways and Means Subcommittee under the chairmanship of Boggs and at the urging of Anslinger, legislation was passed that provided for stronger penalties and mandatory minimum sentencing. Suspended sentencing or probation was allowed only for first offenders [PL 82-255]. 1952 legislation expanded conditions under which alien violators could be deported [PL 82-414]. Public and
congressional concern peaked in the passage of the Boggs-Daniel Act of 1956 which substantially increased earlier penalties and instituted an optional death penalty for sale of heroin to minors [PL 84-728].

MOVEMENT TOWARD INTERGOVERNMENTAL AND INTERNATIONAL COORDINATION: With the approach of Harry Anslinger's retirement in 1962, a number of initiatives were underway to develop a more cohesive domestic policy and a more coordinated international effort to control illicit drugs. These actions were indicative of the growing use of synthetic drugs and the difficulty of the dual control systems of the FBN and Drug Abuse Bureau in HEW as well as the expanding international markets in legal and illegal drugs.

DOMESTIC COORDINATION: In 1951 President Truman entered the policymaking arena with the establishment of the Interdepartmental Committee on Narcotics pursuant to Executive Order 10302 of 2 November. The committee was composed of representatives from the Departments of Treasury, State, Defense, Justice, and Agriculture, in addition to the Federal Security Agency. Under a chair designated by the President, the committee was responsible for (1) gathering and maintaining information the sale and use of narcotic drugs and marijuana, (2) maintaining current information on the
"character and effects" of narcotic drugs, (3) studying developments in the administration and enforcement of domestic and international laws, (4) examining prevention and control of addiction, and (5) advising the President on "problems and developments" and recommending "measures" to address problems [EO 10302, 1951].

This committee issued reports in 1956 and 1961 at the request of the President, but lacked the influence and impact of the public hearings and congressional action of the time. However, this executive, as opposed to congressionally mandated, structure presaged later developments as to how drug policy would be made in the federal government. It also marked the beginning of the current presidential-congressional struggle over control of drug policy. Real substantive executive involvement in the drug issue began in the Kennedy administration. "The election of John F. Kennedy to the presidency set in bolder relief the decline of Anslinger's influence after thirty years of political and popular support. As Anslinger's retirement grew near, demands for a reevaluation of the drug policies increased." [Musto, 1973: 238]

Kennedy's establishment of a Presidential Advisory Commission and the ultimate enactment of its
recommendations by the congress began a series of moves and countermoves by the two branches of government that has extended to the recent congressional mandate for a "drug czar."

**INTERNATIONAL DEVELOPMENTS:** Post-World War II international developments were focused on the emerging role of the United Nations and the mechanisms needed to regulate and control substances that were not previously included in agreements concerning narcotics. Consistent with earlier discussion of domestic legislation which was enacted to comply with international agreements, post-war legislation was enacted to bring United States law in line with internationally developed policies.

A Protocol signed in 1946 transferred the various existing international control functions to the United Nations. This treaty was ratified without debate in 1947 by the Senate [Congress and the Nation, Volume I, 1965: 1187]. Later, in 1948, a second Protocol was signed which created international controls on synthetic narcotics which were not included in the 1931 Narcotics Limitation Convention [Congress and the Nation, Volume I, 1965: 1187]. This protocol established the World Health Organization (WHO) as the central authority for the determination of what substances would be placed under international control. Signatory countries were
then required to limit or control manufacture consistent with the agreement. The protocol was "intended to provide an automatic mechanism by which newly invented synthetic narcotics could be brought under international regulation as soon as they were developed" [Congress and the Nation, Volume I: 1189]. While the United States had strict controls in force, legislators were hesitant to establish domestic quotas for producers who were already regulated. It was not until 1960 that the United States resolved the issue and passed legislation to establish quotas on production [Congress and the Nation, Volume I, 1965: 1193].

In 1953 an attempt was made to tighten international controls already in effect under previous agreements. The Protocol of 1953 extended controls beyond imports to the limitation of poppy cultivation within countries. While the United States ratified the protocol shortly after the agreement, the agreement did not go into effect until 1963 when the United Nations was able to get the required 25 nations to ratify it [Congress and the Nation, Volume I, 1965: 1190].

The Single Convention on Narcotic Drugs of 1961 placed one international agreement over substances that had been subject to prior agreement [Schroeder, 1975: 129]. Dangerous drugs and psychotropic substances were
brought under international control in the Convention of 1971. In 1972, an amendment to the 1961 Convention strengthened the powers of the previously established International Narcotics Control Board (INCB) to enforce international controls and, if necessary, declare "an embargo on drugs going to or from a country that permits a significant amount of illicit narcotics production within its borders" [Schroeder, 1975: 130].

International controls on drugs have become a major issue in today's drug policy. In the policy that evolved following the reorganization of drug enforcement organizations in the late 1960's and early 1970's issues of linking foreign aid to internal control efforts, the role of United States officials in internal drug control matters, and the linkage between drug traffic and terrorism or corrupt government officials have become contentious issues. These issues have also served to reestablish the State Department as a major policy player in the development of a national strategy. By 1978, a Bureau of International Narcotics Matters (INM) was established within the State Department.

CHAPTER SUMMARY

This discussion of the evolution of policy and enforcement structure is a prelude to the recent
events. What emerges in viewing early developments is a cyclical pattern of centralization, slow fragmentation, dissolution of existing structures, and, then, consolidation and centralization to begin the cycle again. The establishment of the FBN centralized control and consolidated functions that had evolved incrementally with the events leading to the Harrison Act and the early organizational forms that administered the various aspects of drug control. Under the strong leadership of Harry Anslinger, FBN strengthened its policymaking role in both the domestic and international arenas.

The development of new drugs resulted in policy choices then fragmented the central control established by the FBN. New organizations developed to manage the other programs with the federal government while international agreements forced internal controls over substances not controlled by the FBN. Figure 4-4 shows the anti-drug abuse activities prior to the reorganization of the FBN.
FIGURE 4-4

ANTI-DRUG ABUSE ACTIVITY CIRCA 1968

UNITED NATIONS
WORLD HEALTH ORGANIZATION

STATE DEPARTMENT

1951
INTERDEPARTMENTAL COMMITTEE ON
NARCOTICS

TREASURY DEPARTMENT
- CUSTOMS SERVICE
- FEDERAL BUREAU OF NARCOTICS

TRANSPORTATION DEPARTMENT
- COAST GUARD

DEPARTMENT OF HEW
- BUREAU OF DRUG ABUSE
  CONTROL (1965)

DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
- PUBLIC HEALTH SERVICE

GEO-POLITICAL
DIMENSION

INTERNATIONAL

DOMESTIC

DEMAND

MARKET DIMENSION

83
CHAPTER FIVE

DISSOLUTION OF THE FBN; THE CREATION OF A NEW STRUCTURE

It was stated in the previous chapter that the dissolution of the Federal Bureau of Narcotics was due to a fragmentation of policy and enforcement responsibility between the FBN, the Bureau of Drug Abuse Control in HEW. In terms of the four-quadrant framework discussed earlier, the FBN operated in the domestic supply quadrant with occasional forays into the international supply and demand areas via foreign policy input and the assignment of FBN agents abroad. Under the assumption that all quadrants of the framework require effective action, the FBN lacked presence and activity in the domestic demand reduction area and lacked control of dangerous drug policy and enforcement effort in all areas.

THE BACKDROP FOR CHANGE

After the initial punitive thrust of the 1950's narcotics legislation, several factors emerged in the 1960's hastening the development of coordinated policy and enforcement. First, as noted earlier, abuse of non-narcotic drugs increased dramatically [GAO, 1979b:1-3]. Second, drug abuse in general, which had been perceived
as a problem associated with inner cities and minority groups, surfaced in the middle class [Morgan, 1981 and Schroeder, 1975]. Third, social and cultural norms were tested in a series of national issues such as the civil rights movement, the Vietnam War, and Watergate.

Figure 5-1, a National Institute of Drug Abuse (NIDA) chart contained in a 1979 GAO report, provides an overview of the estimated expansion in drug use between 1972 and 1977. There are no earlier comparative figures because NIDA did not exist prior to 1972. However, the trend of increased abuse of dangerous drugs noted earlier is apparent into the 1970’s. Also noteworthy is the increase in the use of marijuana and cocaine. This is noteworthy because the traditional source countries for narcotics had been nations in the Middle East or Southeast Asia. The closest source of marijuana and cocaine, other than domestic cultivation and processing, was Latin America and the Caribbean Basin. Commenting on the period, a GAO report stated, "Cocaine and Marijuana use has moved from the fad stage and has becomes accepted by an increasing number of the Nation’s population" [GAO, 1979b: 2]. This trend had two significant impacts.

First, many citizens who had not previously encountered the drug problem, found their children
FIGURE 5-1

THE EXPANSION OF DRUG ABUSE IN THE UNITED STATES
FROM 1972 TO 1977
(EXCERPTS)

PERCENTAGE OF PEOPLE ADMITTING ANY USE
(percentage rounded)

<table>
<thead>
<tr>
<th>Drug</th>
<th>1972</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARIJUANA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOUTH</td>
<td>14</td>
<td>28</td>
</tr>
<tr>
<td>YOUNG ADULT</td>
<td>48</td>
<td>60</td>
</tr>
<tr>
<td>OLDER ADULT</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>COCAINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOUTH</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>YOUNG ADULT</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>OLDER ADULT</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>HEROIN</td>
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<td></td>
</tr>
<tr>
<td>YOUTH</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>YOUNG ADULT</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>OLDER ADULT</td>
<td>*</td>
<td>1</td>
</tr>
</tbody>
</table>

* LESS THAN .5 PERCENT

Source: GAO, GGD-80-4, October 25, 1979: 3.
involved. The punitive or delinquency approach appeared less attractive to the majority of citizens when an increasing number of citizens were involved. In short, the enforcement policy showed signs of becoming mired in the same problem that surfaced during Prohibition and which Commissioner Anslinger attempted to avoid, the apparent criminalization of the average citizen. While public perception of the problem was to reverse itself in the 1980’s, it was against this background that reorganization of the enforcement structure began.

Second, the changes in the drug consumption pattern noted earlier led to changes in the supply structure. Where earlier enforcement and interdiction activity had been focused on transoceanic and transhemispheric threats. The involvement of Latin American countries produced new threats and required different enforcement and interdiction policies, ones that necessarily included agencies operating in policy spaces and environments not envisioned earlier in the post-war period. However, the early shifts in trafficking were not perceived or reflected in policy decisions regarding a replacement agency for the FBN.
LEAD AGENCY OR MULTI-AGENCY COORDINATING STRUCTURE?

The evolution of the policy and coordinating structures can be seen in two overlapping approaches to the problem of coordinating federal action: (1) the lead agency and (2) external coordinating structure.

The lead agency concept began with the creation of the FBN, peaked with the creation of the Drug Enforcement Administration in 1973, and has slowly been eroded since then. Agencies have specialized in specific areas of drug enforcement (DEA in intelligence coordination and investigations), entered the structure based on unique capabilities (Coast Guard in maritime smuggling), or became involved as a result of congressional mandate (Department of Defense).

The external multi-agency structure had early form, first in the Federal Narcotics Board (1922-1930) and later in the Interdepartmental Committee on Narcotics created by President Truman in 1951. However, these structures had little apparent impact.

The current system draws from both concepts in that certain organizations have lead agency status within specific functional areas of drug enforcement (i.e. the Coast Guard is the current lead agency in maritime
interdiction) while overall policymaking and interagency coordination has been centralized. In terms of the four-quadrant framework, early attempts to create a single agency to operate across both dimensions conflicted with specialized agencies who were attempting to expand their policy space and/or move into adjoining quadrants when opportunities emerged. Early coordinating structures tended to focus on either supply or demand issues until the creation of a unified structure, the National Drug Policy Board, in 1987. But, even this structure did not centralize all drug control functions. The National Narcotics Border Interdiction System (NNBIS) remained a separate organization until the passage of the Anti-Drug Abuse Act of 1988 created the "drug czar." It remains to be seen just how centralized and coordinated this structure will prove to be in practice.

THE IMPACT OF DRUG ENFORCEMENT STRUCTURAL CHANGE ON THE COAST GUARD

The Coast Guard began to encounter marijuana smuggling during the period of reorganization (1968-1973); and while significant law enforcement activity was being carried out by the service, individually and in joint operations, that fact is not reflected in early policy decisions and legislation. As a result of this
institutional ambivalence toward the Coast Guard there were unintended legislative restrictions on the service’s ability to carry interdiction operations. The unintended impacts of this legislation (the 1970 consolidated drug control legislation and the 1976 Mansfield Amendments to the Foreign Assistance Act) created prosecutorial and jurisdictional problems.

Toward the end of the period (1980’s) the pendulum had swung the other way with much of the service’s operations under examination and discretion in resource allocation being constrained by centralized policymaking and management (i.e. congressionally mandated agency functions and resource allocation). Beyond specific drug-related legislation, the service was constrained by other external changes such as the austere fiscal environment created by the federal deficit and the necessity to compete for funding in the transportation program along with high cost programs such as the Federal Aviation Administration and Urban Mass Transit [Yost interview, 1989]. An examination of the impacts of Coast Guard participation in multi-agency organizations follows in later chapters and in Part Two.
After the retirement of Harry Anslinger in 1962, a search for a new drug control structure took place. It took six years to replace Anslinger’s structure built up over thirty years. Musto [1973: 238] comments that “Anslinger’s replacement, Harry Giordano, a pharmacist, was considered much more reasonable... group like the NIMH made more effective challenges to older control styles.”

The policy lead at this point was taken by President Kennedy using the administrative approach advocated by Richard Nathan [1983]. The dominance of presidential policymaking and the use of advisory commissions predominated the 1960’s and were present into the 1970’s until the crisis in the Nixon administration. These activities were similar to other presidential initiatives noted by Sundquist [1981] and others during the period in which the president was the dominant policymaker.

KENNEDY INITIATIVE: Less than two months after Anslinger’s retirement, President Kennedy convened the first White House Conference on Narcotic and Drug Abuse
(27-28 September 1962). Kennedy established two key objectives, "elimination of illicit traffic in drugs and secondary, the rehabilitation and restoration to society of the drug addict" [Congress and the Nation, Volume I, 1965: 1193]. Kennedy personally singled out dangerous drugs (barbituates and amphetamines) for new controls. The conference was followed by Executive Order 11076 of 15 January 1963 which created the President's Advisory Commission on Narcotic and Drug Abuse. The President appointed retired federal judge E. Barrett Prettyman as the chairman. The Prettyman Commission was charged with recommending new legislation to prevent misuse of all drugs and improve rehabilitation programs. The commission represented the first attempt to consolidate supply and demand side issues in a single policymaking advisory organ.

The Commission's report was submitted just prior to President Kennedy's assassination and was not released by President Johnson until January 25, 1964. Among its 25 recommendations, the most pertinent for this discussion were the following:

1. Disestablishment of the FBN with legal drug activity administration transferred to HEW and illegal activity enforcement transferred to the Department of Justice.
2. Controls on non-narcotic dangerous drugs.

3. Differentiation in sentencing between small time pushers and addicts and professional criminals.

4. Better international cooperation

5. Treatment oriented alternatives to sentencing

6. General increase in enforcement resources

These recommendations were a departure from the largely punitive measures legislated earlier and expressed the need to consolidate all enforcement effort in single agency. While the recommendations in international controls were meager and the increase in demand reduction activity considerable, the commission for the first time expanded policy consideration concurrently across all quadrants of the policy model. An effort was being made to centralize and coordinate policy development.

JOHNSON INITIATIVE: While the Prettyman recommendations were reviewed and circulated through the bureaucracy, President Johnson enlarged the commission concept and created the President’s Commission on Law Enforcement and Administration of Justice in March 1965. This commission, chaired by Nicholas Katzenbach, was the
first total review of the justice system since the Wickersham Commission of 1931 [Congress and the Nation, Volume II, 1969: 318]. A Task Force on Narcotics and Drug Abuse was created as a subset of the overall commission. The final report of the Commission, "The Challenge of Crime in a Free Society," included a section on narcotics and drug abuse. The Task Force Report: Narcotics and Drug Abuse (1967: 1) updated the work of the Prettyman Commission and stated, "There have been major innovations in legal procedures and medical techniques during the last few years . . . These laws and programs signify that the Nation's approach to narcotic addiction has changed fundamentally. They are a creative effort to treat the person who is dependent on drugs." Major additions of the task force, beyond the Prettyman recommendations, were:

1. An emphasis on research and record keeping
2. More enforcement staff increases
3. Increase court discretion with violators
4. Model legislation for states

[Legislative History, PL 91-513: 4587-4591].

**LEGISLATIVE AND EXECUTIVE OUTPUTS:** The combined effect of these commissions provided a cohesive executive and legislative agenda that was implemented over a five-year period between 1965 and 1970. In 1968, President Johnson utilized reorganizational powers
(granted by existing statute and subject to a congressional veto) to abolish the FBN and created the Bureau of Narcotic and Dangerous Drugs (BNDD) [82 Stat 1369]. The BNDD was created from the former FBN organization and the Bureau of Drug Abuse Control established in HEW in 1965. The same year Congress passed the Safe Streets and Crime Control Bill which was a direct result of the Kaztenbach Commission.

A FLAWED REORGANIZATION?

While the 1968 reorganization plan apparently consolidated federal enforcement agencies into one organization, the BNDD was burdened from the start with other agencies in the same policy space. The U.S. Customs Service which, along with the Coast Guard, had been involved in smuggling interdiction and investigations since 1789 and 1790, retained their authority. Drugs are just one form of contraband which is introduced into the United States by smuggling. There was no attempt to separate the drug smuggling mission from the Customs Service mission.

There are several possible reasons for this which will be developed in Part Two. However, as Mark Moore [1978: 229] noted in his analysis of the later DEA reorganization, it is possible that all aspects of drug
enforcement (i.e. investigations, interdiction, prosecution, etc.) are beyond the span of control that should be expected of any one agency. ENDD would have been in a difficult position trying to manage the extensive infrastructure and organization of either Customs or the Coast Guard. Further, maritime smuggling had not yet developed to the point where high level officials perceived a need to incorporate maritime agencies into the structure. Finally, both agencies were entrenched bureaucracies with highly developed cultures. Both would have resisted such a move. A later attempt to bring Customs and Immigration Inspectors under control of a lead agency would fail.

Further, the Coast Guard which had traditionally cooperated with both Customs and the FBN as a Treasury Department agency was moved into the newly created Department of Transportation (DOT) in 1967 [PL 89-670]. Figure 5-2 is an organizational chart showing the location of the enforcement agencies within the Treasury Department just prior to the 1967 relocation of the Coast Guard. The combination of the reorganization of the FBN and the move of the Coast Guard to the DOT resulted in the relocation of all of the former Treasury Department drug enforcement agencies, except Customs, into different cabinet departments. In the case of Customs and the Coast Guard, historical, if not new and
FIGURE 5-2
ORGANIZATION OF THE DEPARTMENT OF THE TREASURY
1966

ORGANIZATION OF THE DEPARTMENT OF THE TREASURY

December 1, 1966

specific drug enforcement mission mandates were retained in the organizational policy space and mission portfolio. While President Johnson could state in his message accompanying the plan that "The response of the Federal Government must be unified," a later General Accounting Office (GAO) report stated "The formation of this new agency did not solve the problem. Drug law enforcement continued to be characterized as 'fragmented' and having 'serious operational shortcomings" [5 USC APP 1; GAO, 1979b: 5].

THE NIXON ERA: LEGISLATIVE AND ADMINISTRATIVE CONSOLIDATION AND THE PARADOX OF THE DEA

The Nixon era in drug enforcement was marked by the most dramatic changes in the enforcement and policy structure since the Harrison Act was passed in 1914. Many of the changes were remaining agenda items from the Prettyman and Katzenbach commissions. "Nixon followed the pattern of his two immediate predecessors, John F. Kennedy and Lyndon Johnson, each of whom had established a variety of legislative task forces" [Nathan, 1983: 7-8]. In a broader sense, however, Nixon attempted to consolidate all government activities in each quadrant of the model under a single coordinating point for operational matters and created councils or committees to augment the activities of the lead agency in each
area. This could be considered a micro coordinating structure within each policy quadrant. In the first instance he pursued what Nathan [1983: 8] has called a legislative strategy. In the latter case he pursued what has been called an administrative strategy, accomplishing goals through staff assignments and executive perogatives [Nathan, 1983: 12-14]. However, the first significant consolidation was the replacement of the Harrison and Drug and Cosmetic Acts with a new regulatory regime recommended by both earlier commissions.

CONSOLIDATION OF CONTROLS: While the BNDD's existence was short lived (1968-1973), success was achieved in cleaning up the fragmented legislative legacy of the dual enforcement scheme. 1970 was a watershed year in drug control legislation and a major turning point in public policymaking. The Comprehensive Drug Abuse Prevention and Control Act of 1970 established the regulatory and enforcement basis for current drug law enforcement [84 Stat 1236, PL 91-513]. Title II of the legislation, The Controlled Substance Act, implemented the recommendations of both earlier commissions to bring narcotics and dangerous drugs under the same control regime. Musto [1973: 241] notes, "In it the myriad of regulations advanced during the Harrison Act's long evolution were brought into one
statute, tempered by a desire to have flexible penalties and to separate marihuana from addicting drugs . . . jurisdiction was based on the interstate commerce powers of the Constitution, now greatly extended and strengthened by sixty years of constitutional development . . . " Figure 5-3 is a summary of the main provisions of the act which are pertinent to this discussion.

CONSOLIDATION OF DEMAND SIDE ACTIVITY: In response to the growing concern over drug abuse, the Drug Abuse Office and Treatment Act of 1972 (PL 92-255) created a number of new functions which specialized certain aspects of the drug problem. It was passed after President Nixon made a national speech which declared the drug problem a "national emergency" [GAO, 1979b: 6]. In addition to the creation of a temporary action office in the White House (Special Office of Drug Abuse Policy -SODAP), the legislation created the National Institute of Drug Abuse (NIDA) within the National Institute of Mental Health, "... a separate organization within the Department of Health, Education, and Welfare -- to handle research, prevention efforts, treatment, training of professional and paraprofessional personnel, and rehabilitation programs" [GAO, 1979b: 6]. Also created was the Strategy Council on Drug Abuse which was composed of the SODAP, the Attorney General and other
FIGURE 5-3
SUMMARY OF THE MAJOR PROVISIONS OF THE
COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT
PUBLIC LAW 91-513

Title I: Rehabilitation
1. Increased rehabilitation, treatment, and prevention programs within HEW

Title II: Control and Enforcement
1. Added 300 agents to the BNDD
2. Empowered Attorney General to control dangerous drugs by adding, transferring, or removing substances from the control schedule created by the law, subject to advice and consent of Secretary of HEW.
3. Gave Attorney General rulemaking authority.
4. Revised penalty structure and eliminated mandatory minimum sentences, except for professional criminals.
5. Distribution of small amounts of marijuana for no renumeration made the same crime as mere possession.
6. Provided for "no-knock" entry into premises where drugs might be destroyed.
7. Created a Commission on Marijuana and Drug Abuse to report within one year on marijuana abuse and within two years on drug abuse.

Title III: Import and Export
1. Established a system of controls and classification for dangerous substances based on the nature of the substance from Schedule I to Schedule IV with Schedule I being the most harmful and addictive.

Title IV: Advisory Councils Report
1. Required the Secretary of HEW to report to Congress annually on the activities of all advisory councils set up to provide input on the various local programs provided for in Title I.
demand side related agencies (Veteran's Administration, HEW, etc.) and a 15-member National Advisory Council of Drug Abuse Prevention which consisted of the Strategy Council members as well as 12 other members appointed by the President [Congress and the Nation, Volume III, 1973: 579]. These different entities with an overall policy structure above constituted a micro structure as discussed earlier.

CONSOLIDATION OF INTERNATIONAL PROGRAMS: In 1971, President Nixon attempt to administratively consolidate the coordination of international programs in the establishment of the Cabinet Committee on International Narcotics Control (CCINC). The GAO [1979b: 7] notes, "Narcotics control considerations have played a fluctuating role in foreign policy since the early 1900s. As the Federal Government moved to a more comprehensive drug abuse and traffic prevention policy, curtailment of drug supplies originating outside outside the United States received an increasingly higher priority" [GAO, 1979b: 7]. Nixon assigned the Secretary of State as chairman of this committee and the State Department as the lead agency. However, the committee met only 5 times in three years and drew criticism for the lack of policy direction to working groups from the GAO and Congress [GAO, 1979b: 7-9].
THE PARADOX OF THE DEA: While President Nixon established the DEA in 1973 in an attempt to further consolidate enforcement activity within a single lead agency, several unusual actions took place prior to 1973 that appeared contrary to the consolidation trend. These actions have been regarded as controversial given the larger political context of the Watergate break-in and are detailed here to provide a sense of what was transpiring at the national level at a time when the Coast Guard was first beginning to make significant marijuana seizures in the Southeast.

In January of 1972 the Office of Drug Abuse Law Enforcement (ODALE) was created in the Justice Department under executive order of Nixon [EO 11641]. The purpose of this agency was to focus on street level drug deals and make as many buy-bust arrests as possible. Nixon had created an enforcement agency which had conflicting jurisdiction with BNDD and Customs. The Director of ODALE was referred to as the "drug czar" of the administration [Epstein, 1977: 221]. Epstein, an investigative reporter, asserts that the agency, a creation largely of Watergate co-conspirator G. Gordon Liddy, was intended to become the personal police force of the president [1977: 208].

In August of 1972, the Office of National Narcotics
Intelligence (ONNI) was created to address drug enforcement intelligence which was not an assigned mission of the national security intelligence agencies such as the Central Intelligence Agency (CIA) [EO 11676]. This agency was also placed in the Department of Justice but, like ODALE, was not placed under the BNDD, the lead agency at the time.

This (re)fragmentation of the enforcement effort drew Congressional and cabinet department criticism. The programmatic stability sought in the creation of the BNDD had already been at risk because of the problems noted earlier and now became even more unstable and disorganized. After the Watergate break-in became public a reorganization plan was submitted by the Nixon administration that consolidated all of the federal drug enforcement activities, including the drug investigative functions of Customs, into a single "super-agency" --the Drug Enforcement Administration. It was beyond the scope of this study to examine the actions of the Nixon administration. They remain controversial and much information is lacking.

**REORGANIZATION PLAN #2 AND THE CREATION OF THE DRUG ENFORCEMENT ADMINISTRATION:** President Nixon presented the drug enforcement plan to Congress which, again, held veto power over the reorganization. Under the plan
BNDD, ODALE, ONNI, and 500 investigators from the Customs Bureau were to be consolidated in the Drug Enforcement Administration within the Department of Justice [87 Stat 1091]. Additionally, the Nixon plan sought to consolidate border inspection functions carried by both Customs Inspectors and Immigration and Naturalization Service Inspectors. The latter proved to be too controversial when the American Federation of Government Employees (AFGE) and AFL-CIO opposed the relocation of immigration inspectors and resulted in that portion being withdrawn under the threat of congressional veto [Congress and the Nation, Volume IV, 1977: 567; 88 Stat 50]. The remainder of the plan was approved and became effective in July 1973. Figure 5-4 shows the policy space assignments resulting from the reorganization and the other actions taken between 1968 and 1973.

Drug enforcement continued to be fragmented with Customs, Coast Guard and the Border Patrol retaining interdiction or investigative authority. As noted above, the border inspection function remained fragmented. The plan allowed that the "Secretary [Treasury] shall retain, and continue to perform, those functions, to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marijuana or to the apprehension or detention of persons
FIGURE 5-4

ANTI-DRUG ABUSE ACTIVITY CIRCA 1973

UNITED NATIONS (WHO)

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

STATE DEPARTMENT

CABINET COUNCIL ON INTERNATIONAL NARCOTICS CONTROL

PRETTYMEN AND KATZENBACH COMMISSIONS

DOMESTIC CABINET COMMITTEE ON DRUG ABUSE

STRATEGY COUNCIL ON DRUG ABUSE

SPECIALIZATION OFFICE FOR DRUG ABUSE PREVENTION

DEPARTMENT OF HEW

- NIDA
- NIMH

JUSTICE DEPARTMENT

- DEA-BNDD/ODA/ONNI
- INS BORDER PATROL

TREASURY DEPARTMENT

- CUSTOMS SERVICE

TRANSPORTATION DEPARTMENT

- COAST GUARD

DEMAND

MARKET DIMENSION

106
in connection therewith, at regular inspection locations
at ports or entry or anywhere along the land or water
borders of the United States" [87 Stat 1091]. While
later recommendations would be made for further
consolidation of enforcement agencies into a border
control or management agency, DEA was the last attempt
to establish a lead agency. The following chapter
details the rise and institutionalization of the multi-
agency coordinating structure. This researcher
concludes, in agreement with Moore [1978: 229], the DEA
was given a task "simply too hard to be undertaken."
CHAPTER SIX

THE CREATION OF MULTI-AGENCY COORDINATING STRUCTURES
(1973-1979)

"There is a need, of course, to maintain a strong emphasis on interagency investigations with the Customs Service, the Coast Guard and the rest of the federal enforcement community. In these austere times, we have all recognized the need for further enhancement of cooperative endeavors. I believe we will be seeing an acceleration in the number of interagency, high-level investigations"

Peter B. Bensinger [1982: 79]

Administrator,

Drug Enforcement Administration

TOUGH EARLY GOING FOR THE DEA

The creation of the DEA consolidated agencies created by the Nixon administration and added 500 Customs agents. The basic problems noted in Chapter 5 remained after the agency was established. The lack of overall control of the enforcement program was cited in a 1975 GAO report and the criticism was repeated again in stronger terms in 1979.
Even after this reorganization problems continue to exist. In our report entitled 'Federal Drug Enforcement: Strong Guidance Needed,' . . . we pointed out that the problems of fragmented organizations and interagency conflicts had not been resolved, and we endorsed the recommendation in the Domestic Council's September 1975 report calling for settlement of jurisdictional disputes between DEA and Customs. Our report contained a note of caution that it was questionable whether agreements brought about by Presidential directive will ever work without a clear delegation of authority to someone acting on behalf of the President to monitor adherence to guidelines and tell agencies what is expected of them" [GAO, 1979: 5].

The lead agency concept, problematic in 1968, remained so in 1973. At the outset the architects of the agency were swept away in the demise of the Nixon administration. James Q. Wilson notes that DEA (like BNDD) was faced with conflicting requirements to conduct long term investigations aimed at immobilizing high level traffickers while, at the same time, show immediate results through day-to-day buy-bust type of
arrests [Wilson, 1978: 88]. Moreover,

"Dissension among DEA's 4,000 employees was deep as animosities between the agencies that merged to form DEA were aggrevated instead of alleviated... several hundred former Customs Service employees who were transferred to DEA asked to be returned to their original agency... Amid growing criticism of DEA mismanagement, the Attorney General forced the agency's first administrator, John Bartels Jr., to resign" [Congress and the Nation, Volume IV, 1977: 597].

James Q. Wilson summarized the situation as follows:

"...the DEA in the space of ten years was reorganized twice, shifted from one cabinet department to another, and led by a succession of five different administrators. Throughout this period, however, what federal narcotics agents were doing on the street scarcely changed at all..."[Wilson, 1978: 7]

Meanwhile, the "resurgent congress" described by Sundquist [1981] began to assert itself into the policymaking structure. By 1975, the Senate Government Operations Permanent Investigations Subcommittee began
hearings into the agency's operation [Congress and the Nation, Volume IV, 1977: 597]. The GAO began to scrutinize the agency and produced two reports in 1975 that focused on leadership and ethics [GAO CCG-76-32 and GAO FPCD-76-27, 1975]. More importantly, as the above excerpt indicated, Congress was openly questioning the President's role and effectiveness in managing the enforcement bureaucracy through administrative action alone. There was a growing sense in Congress that legislative solutions based in statute were required.

NEW DRUG THREATS AND ENFORCEMENT CHALLENGES

In assessing the drug threat of the period the GAO reported,

"Law enforcement and diplomatic accomplishments have shown some positive results in reducing the availability and adverse impact of some illegal drugs, yet the drug trade flourishes. Most evidence indicates that these gains have not permanently reduced overall drug availability, but have shifted trafficking and distribution patterns and users to switch to other drugs when their preferred drug becomes hard to get" [GAO, 1979: 15]
THE HEROIN SITUATION: Despite the organizational difficulties of DEA and the transition period of 1968–1973, the United States had succeeded in negotiating a restriction on Turkish poppy cultivation and had broken the "French Connection" heroin ring [GAO, 1979: 17]. However, these actions may have shifted the heroin traffic to Mexico. "Production was stepped up to meet the heroin shortage, and Mexico's share of the U.S. market is estimated to have increased from 38 per cent in 1972 to 90 per cent in 1976. Correspondingly, the use of heroin in the United States started increasing again in 1974 after declining in 1972" [GAO, 1979: 17],

"THE PARADOX OF SUCCESS": After a successful crop reduction campaign in Mexico in 1975, GAO reported, "successes in eradication campaigns and enforcement actions have reduced overall availability of heroin in the United States and contributed to a shift in marijuana sources from Mexico to Colombia" [GAO, 1979: 17, emphasis added]. This pattern has been characterized by Coast Guard Admiral Richard Cueroni [1989], Superintendent of the U.S. Coast Guard Academy and former commander of Coast Guard operations in the southeast and Caribbean, as the "paradox of success." He explains that the more successful law enforcement is against drug smuggling the harder it becomes to continue that success given the ability of the drug trafficking

112
trade to respond quickly to market conditions and new technology to overcome barriers to entry.

**THE DRUG "INDUSTRY":** The general problem facing the enforcement community from the early 1970's forward was the same problem, in a sense, as that faced by domestic automakers in competing with Japan. Both were competing with foreign organizations capable of incorporating new technology faster than U.S. organizations, entering markets more quickly, and acting in government sponsored or quasi-monopolies in cartel fashion. While it is an area ripe for study and too rich in concept to fully develop here, the drug trafficking "industry" learned early on the key elements of Michael Porter's *Competitive Strategy* [1980] and *Competitive Advantage* [1985] long before either popular business strategy book was published. The heroin situation noted above and subsequent other movements in the drug trade (i.e. shift from bulky marijuana shipments by vessel to low volume, high value cocaine by small plane) illustrate an understanding of Porter's "Elements of Industry Structure" and the "Value Chain" [Porter, 1985: 6, 47].

Two key points emerge from this notion of the drug "industry" that are of particular importance to the overall enforcement structure. First, as long as a
market exists with the potential for profit there will be new entrants attempting to enter or old firms attempting to retain their position and "competitive advantage." Second, given the ability of the drug trade to react more quickly than the enforcement structure to incorporate new technology coupled with the lack of legal restrictions on their actions, the enforcement community in general in a reactive mode. When successes are achieved the industry can react quickly to reestablish itself.

When these market realities are juxtaposed with the accelerating rate of change in technological the result is a faster moving drug threat which has become increasingly technical and complex. From the time a Bolivian farmer picks a coca leaf in the foothills of the Andes until it is ultimately consumed in the form of cocaine or crack, the raw material will have been transformed and shipped through a distribution system that would make Porter's value chain appear simplistic. The drug trade is "a huge, multinational commodity business with a fast-moving top management, a widespread distribution network, and price-insensitive customers" [Kraar, 1988: 27]

This overview of the increasing complexity in the drug trade is not intended to be exhaustive. The focus
here is on the evolution of structures. It is necessary, however, to identify the driving force behind the structural changes. The bureaucratic context previously discussed is one dimension of the situation, the structure of the drug trade is another. While the demand side of the drug problem is now generally understood to be the long term solution, this discussion also assumes an enforcement effort is a desired current response and national mandate [The National Drug Strategy, 1988: Chapter 3]. Organizational change in the enforcement structure is driven, in large part, by increasing complexity in the drug trade.

ENFORCEMENT SPECIALIZATION

A flaw noted in earlier reorganizations of the enforcement structure was the failure to account for all agencies that form the drug enforcement structure in the federal government. Like the generic use of the term narcotics for all drugs, the term enforcement encompasses a great deal of diverse activity aimed at reducing the supply of drugs. In practice there are many specialized area of drug enforcement.

In his review of the DEA organization Mark Moore [1978: 235] identifies the major programs in the "supply reduction strategy" to be (1) "an international program
that mobilizes foreign governments to assist U.S. drug
control efforts," (2) "a criminal enforcement program
that seeks to immobilize major trafficking organizations
and reduce the capacity of illicit production and
distribution systems," (3) "a regulatory system that
seeks to minimize diversion of legitimate drugs to
illicit markets," and (4) "an intelligence program that
supports the overall supply reduction strategy with
strategic intelligence about the relative importance of
the various drugs and their most important sources of
supply, and gives special support to the criminal
enforcement program by providing operational
intelligence."

This programmatic breakdown of enforcement elements
is consistent with the with the evolution of the
enforcement structure up to and including the creation
of the DEA. The United States has sought since 1909 to
engage foreign governments on supply reduction.
Criminal enforcement is consistent with what Musto
[1973: 242] has called the "quarantine approach" to drug
control created with the Harrison Act. The dual
regulatory system had been consolidated in 1970
legislation. Finally, an intelligence function was
created with Office of National Narcotics Intelligence
(ONNI) in 1972 and relocated in the DEA in 1973."
The system described is consistent with a lead agency structure where the threat is fairly narrow and defined as in the early enforcement of the Harrison Act. When the threat is dispersed and modes of trafficking vary, each program element in the strategy becomes varied. In regard to the dispersion of the heroin problem noted earlier, Moore [1978: 237] observed the effort to immobilize traffickers "requires a large and complex international enforcement program that includes at least the following components: (1) a sophisticated federal investigative capability supported by a comprehensive and timely operational intelligence system; (2) strong federal border control agencies; (3) effective cooperation from federal prosecutors and the judicial system; (4) close liaison with foreign police organizations; and (5) close cooperation with domestic state and local police." Presaging later developments Moore [1978: 237] also stated that the supply reduction strategy "depends crucially on the capabilities of the different organizations to take the required actions at the right time, on a sufficient scale, and with enough precision and agility."

In fact, as the drug trade shifted to Latin America in the late 1960's and early 1970's these activities were being carried out in different organizations regardless of the BNDD and DEA mandate. While BNDD/DEA

117
focused on investigative work and the development of informants, other agencies were also making arrests and seizures. "Customs and the Immigration and Naturalization Service produced defendants by patrolling borders, inspecting individuals at ports of entry, and inspecting cargo. In any given year, these organizations produce thousands of narcotics defendants" [Moore, 1978: 240] Moreover, "Patrol operations required heavy investments in technical equipment for surveillance and pursuit, and agents who were able to maintain vigilance when nothing was happening . . . agencies came to specialize in particular enforcement tactics" [Moore, 1978: 243]

Moore's comments support a notion that the agencies occupied policy spaces in the four-quadrant framework, began to encounter various new threats, and had some means of organizational response or capability not present in the lead agency. Likewise, DEA retained investigative resources needed to follow-up on arrests and seizures made by other agencies, as well as programmatic responsibility for the national drug enforcement intelligence system. Constrained by unique mandates, capabilities, and organizational design, agencies soon discovered that multi-agency operations were the most effective way to address the new smuggling trends.
Meanwhile, at the top of the bureaucratic pyramid the Congress attacked the failure of the DEA to reduce the supply of drugs and attacked the President. During the period from 1973 to 1980 (the Ford and Carter administrations) calls continued to create a super border agency and to identify an accountability point for drug enforcement in government. This period marked the transition to the multi-agency structure approach of the 1980’s.

EARLY MULTI-AGENCY STRUCTURES, THE FIELD TAKES THE LEAD

As seizures of drugs from Latin American and the Caribbean increased in the Southeast United States in the early 1970’s, local field supervisors from the DEA, Coast Guard and Customs combined efforts to conduct multi-agency operations.

OPERATION BUCCANEER: This operation was conducted from 1 August to 15 December 1974 under the lead of the DEA regional office in Miami. It targeted Jamaican drug production and traffic. "This was the first major international multi-agency anti-narcotics operation. The Coast Guard seized 7 vessels with over 21,000 lbs. of marijuana and $40,000 in undelcared currency. The entire operation netted 97 arrests and seizures and
resulted in the destruction or eradication of 718,171 lbs. marijuana, 8063 lbs. marijuana seeds, 20 lbs. cocaine, 65 lbs. hashish oil, and $143,320 in currency. Ten aircraft, 17 boats and 11 weapons were also seized" [Coast Guard (G-000-4), 1976].

OPERATION CHANNELCAT: This operation was conducted from 20 November to 20 December 1974 under the lead of the U.S. Customs regional office in Miami. It targeted "smugglers and their shoreside contacts along the Gulf and Florida coasts. This multi-agency operation resulted in 60 arrests and the seizure of 2,417 lbs. marijuana, 7.8 oz. hashish, 6 aircraft, 9 vessels, and various other contraband" [Coast Guard (G-000-4),1976].

COORDINATING STRUCTURE: During this same period, the Coast Guard District Commander in Miami, Admiral Austin (Red) Wagner became aware of organizational friction that resulted from the 1973 reorganization [First Coast Guard District, 1977]. To enhance local multi-agency operations and resolve jurisdictional and coordination issues, Admiral Wagner created a Law Enforcement Organization (LEO). This informal organization, to be replaced later with formal structures, became very successful and was copied throughout the Coast Guard as a means to integrate the service into the larger enforcement structure and to
minimize interagency conflicts [First Coast Guard District, 1977].

EARLY CENTRALIZATION OF THE INTELLIGENCE FUNCTION

The first major element of drug enforcement to be centralized and placed in a multi-agency structure was intelligence. In the conduct of early multi-agency operations it became apparent that each agency was a separate collection source for intelligence. Likewise each agency had strategic and tactical requirements for drug smuggling intelligence. DEA had assumed the drug intelligence function assigned to ONNI in 1973.

THE EL PASO INTELLIGENCE CENTER: In the earliest consolidation of resources found in this research, the Department of Justice established the El Paso Intelligence Center (EPIC) in 1974. EPIC was originally intended to be a clearing house for border related intelligence on drug and alien smuggling. Similar to the situation where the Coast Guard and Customs had begun to become major interdiction players in the maritime area, the Immigration and Naturalization Service (INS) and its Border Patrol encountered drug smuggling activities in enforcing of immigration laws. Since both the Border Patrol and DEA were within the Justice Department, the closely tied border intelligence
functions of both were collocated at an operational intelligence center in El Paso, Texas under the administration of DEA.

The purpose of EPIC was to combine the personal expertise of agents from different agencies with the respective intelligence data bases in one location. In this case DEA and Border Patrol agents were assigned to EPIC along with intelligence analysts from both organizations. The Narcotics and Dangerous Drug Information System (NADDIS), the automated DEA intelligence data base, and the INS manual data bases on alien smuggling and fraudulent documents were also colocated. Access to national criminal data bases and state/local systems was also established. The center staffed a 24-hour watch which was capable of responding to field requests for information via telephone or teletype. The center was also the central point for the issuance of advisories and lookouts for vessels, vehicles, and aircraft believed to be involved in smuggling. In addition the center contained an analysis section and established its own data base to consolidate information developed in-house.

By the late 1970's every federal drug enforcement and interdiction agency had become a member of EPIC. Participation included the Coast Guard, Customs, Federal
Aviation Administration (FAA), and the Bureau of Alcohol, Tobacco and Firearms (BATF). In addition, other agencies detailed personnel to the center for special operations or analysis projects.

THE NATIONAL NARCOTICS INTELLIGENCE CONSUMERS COMMITTEE (NNICC): While EPIC addressed real time, operational intelligence needs, larger issues of policy and inter-agency coordination beyond the sharing of tactical intelligence was necessary.

"In April 1978, the NNICC was established to coordinate the collection, analysis, dissemination, and evaluation of strategic drug-related intelligence, both foreign and domestic, that is essential to effective policy development, resource deployment, and operational planning. Membership consists of the Central Intelligence Agency, U.S. Coast Guard, U.S. Customs Service, Department of Defense, Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, Internal Revenue Service, National Institute on Drug Abuse, Department of State, Department of the Treasury, and the White House Drug Abuse Policy Office. The Deputy Assistant Administrator for Intelligence of the Drug
Enforcement Administration serves as Chairman." [NNICC, 1987: i]

The NNICC produces the annual NNICC Report: The Supply of Illicit Drugs to the United States. This report is then used by all federal agencies in planning and coordinating activities. It is also used in congressional testimony and other briefings. It provides a common set of data from which to organize and operate the federal enforcement structure. It is also somewhat controversial in that statistics on drug smuggling are difficult to obtain and subject to different interpretations. In a disclaimer included in its tenth estimate produced in 1987, the NNICC states,

"In recent years, the NNICC has reviewed and updated various estimation methodologies. This continuing effort resulted in a number of revised estimates for previous years. Since illicit production and distribution of controlled substances are, by definition, illegal, there are little reliable data upon which to base estimates of the quantities of drugs involved. This document, which is based on the best data currently available and on the combined available expertise of NNICC member agencies, is a comprehensive assessment prepared for the Federal Government on the
Research in this study did not focus on the intelligence structure or the validity and accuracy of the NNICC estimates. The issue is noted here to point out that the development of data within bureaucracies is inevitably controversial because many resource allocation decisions are made based on statistics. The issue has received great attention from RAND Corporation researcher Peter Reuter. He has challenged the NNICC estimates, going so far as to state, "In fact, they are without plausible foundation. The data on which they are based do not support them, and are themselves of dubious origin. Again, that is not to say that the estimates are wrong, but the government's claim to have even a rough estimate of the level of expenditures on illicit drugs is simply unreasonable" [Reuter, 1984]. Reuter [1984] further states, "The agency members of NNICC, who might at least seek to give the estimates a downward trend in order to show success, seem more satisfied to have a high number to justify their budgets."

EARLY ATTEMPTS TO PUT IT ALL TOGETHER

Despite congressional pressure to centralize
control of the enforcement structure, the early emphasis remained on interagency task force operations such as Buccaneer and Channel Cat. This approach was expanded from the regional level to the national level in the late 1970's with the inclusion of intelligence coordination and support from EPIC.

OPERATIONS BOLLRING, STOPGAP AND SNOWBIRD:
Operation Bullring was conceived in 1977 by the DEA as an intelligence operation to identify "motherships" involved in smuggling from South America. These vessels, usually small freighters, made transits off the coast of the United States dropping off quantities of drugs to contact boats. Operation Bullring successfully identified a number of vessels engaged in mothership operations. "The success of this intelligence phase (BOLLRING) prompted the following combined intelligence-interdictive operations" [CGLO-EPIC, 1978].

Two interdiction operations followed Operation Bullring, Operation Stopgap and Operation Snowbird. Carried out simultaneously, these operations created barriers in Caribbean "choke points" (passages between islands, the only routes north) and around the coast of Florida. The choke point operations were carried out by the Coast Guard while the coastal interdiction operation was coordinated by Customs. DEA provided intelligence
support and agents for investigative follow-up. These operations, conducted in the fall and winter of 1977-78, resulted in the seizure of 23 vessels, the sinking (by vessel crews) of 4 vessels, seizure of nearly 900,000 pounds of marijuana and 55 pounds of cocaine, 202 arrests, seizure of 18 vehicles, and the seizure of 6 aircraft [CGLO-EPIC, 1978].

In spite of these successful efforts, the flood of marijuana and cocaine from South America increased. By sheer numbers, enforcement officials were finding themselves overwhelmed. Sustained operations such as Stopgap were difficult due to budgetary limitations and smugglers soon learned to collect intelligence themselves, wait for patrols to end, or reroute shipments. As early as 1977, the DEA Regional Director in Miami was calling for significant manpower increases and a sustained task force-scale operation to coordinate interagency operations [CGLO-EPIC, 1978].

THE CALL FOR BORDER CONTROL

As enforcement agencies attempted to consolidate their specialized activities in local ad hoc arrangements and, later, in more formal regional or national task forces, the congress and the public were becoming concerned by not only the growing drug threat
from Latin America, but the flow of illegal aliens as well [Senate Committee on Governmental Affairs, 1988:539-566].

This notion had grown during the 1970's in the form of a number of studies throughout government. The central issue in these studies was whether or not to create a border management agency to consolidate enforcement activity (drugs, aliens, weapons, etc.). In 1974, the Senate looked into dual interdiction problems between the INS and Customs on the land border but took no action on an Office of Management Budget (OMB) proposal to consolidate patrol (between ports of entry) and inspection (at ports of entry) functions [Senate Committee on Governmental Affairs, 1988: 328-361]. In response, the Department of Justice recommended lead investigative and patrol agencies be established for the land and maritime borders [Senate Committee on Governmental Affairs, 1988: 362-408]. At the same time a 1975 White Paper prepared by the Domestic Council Drug Abuse Task-Force called for an end to jurisdictional disputes between Customs and DEA [Senate Committee on Governmental Affairs, 1988: 409]. In 1977, the Office of Drug Abuse Policy in the White House recommended the merger of Customs and INS. Inclusion of the Coast Guard was considered but was only listed as an option in the 128
The issue of drugs, aliens, and border control had other effects. As developed earlier (Chapter 2), government branches and agencies tend to emulate each other to offset power. This notion and the ongoing struggle between the president and congress was apparent in the late 1970's when the presidency was weakened in the aftermath of the Nixon administration.

**ADMINISTRATIVE AND LEGISLATIVE CONFLICTS:** The growing role of congress and the increasing complexity of the drug enforcement made it difficult for the president to carry out an administrative strategy as described by Richard Nathan [1983]. By this time there were 17 federal agencies with some kind of operating program in either supply or demand reduction [GAO, 1979: 10]. The Select Committee, counting entities within agencies (i.e. NIDA within HEW) came up with 100 entities [GAO, 1979: 10]
In 1976, Congress amended the Drug Abuse Office and Treatment Act passed in 1972 and created a permanent Office of Drug Abuse Prevention (ODAP) in the White House [GAO, 1979: 11]. This was a move to make permanent the function established temporarily in the 1972 legislation.

"The legislative intent made clear that the Congress was dissatisfied with inconsistent and sometimes conflicting Federal drug abuse policies with no clear overall direction. The Congress wanted a central accountability mechanism to ensure a coherent Presidential drug abuse policy throughout the executive branch. ODAP's statutory authority, responsibility, and objectives were to oversee all organizational and policy issues for drug abuse and drug traffic prevention" [GAO, 1979: 11]

President Carter did not activate the ODAP for one year. Then shortly he submitted a reorganization plan to abolish the office, preferring to keep policymaking within the existing White House structure. Congress reacted with concern "because of their belief in the continuing need for such a high level policy and coordinating office, but also saw the need for
reorganization in the Executive Office" and capitulated [GAO, 1979: 11]. The functions were assigned to the Office of Drug Policy in the Domestic Council.

CONGRESSIONAL EMULATION: The creation of coordinating structures in the Nixon era (Cabinet Council on International Narcotics Control and the Special Action Office for Drug Abuse) and the move to make a permanent office in the White House left the Congress without a corresponding focus structure. In 1976, the House Select Committee on Narcotics Abuse and Control was formed. This committee has no authorization or appropriation power but is charged with overseeing the federal drug enforcement efforts and providing information and advice to the House of Representatives [GAO, 1979: 10]. The committee first held hearings in September 1976 and continues its oversight and advisory role today.

OVERSIGHT OF FOREIGN ENFORCEMENT ACTIVITY: It had been common practice to station drug enforcement agents at embassies and consulates in source countries to collect intelligence and provide assistance to local police agencies. In the early 1970's these activities came under the scrutiny of Congress. In response to
complaints received by the State Department and reports by the GAO, Congress moved to restrict the activities of DEA agents assigned to foreign countries and attached to United States Embassies.

"... DEA operations may infringe on foreign sovereignty, and in some countries DEA appeared to be reaching a point where its overseas operational activity may be substantially replacing the narcotics control functions of local police... Embassy officials believed that sometimes DEA agents pose a real threat to country relations, and DEA agents were often not willing to balance enforcement efforts with the overall objectives of the mission" [GAO, 1979: 57].

In what is commonly called the "Mansfield Amendment," Public Law 94-329 stated,

"... no employee of the United States may engage in any direct police arrest action in any foreign country with respect to narcotics control efforts" [22 USC 2291 (c)(1)].

After a storm of protest in the late 1970's over the use of toxic herbicides in foreign countries, the Congress intervened again. In 1978 amendments to the
1961 International Securities Assistance Act, the use of foreign aid funds for toxic herbicides was prohibited [92 Stat 730, PL 95-384].

**AGENCY EMULATION:** Starting with the designation of the Secretary of State as chair of the Cabinet Council on International Narcotics Control in 1971, the State Department began to assume a larger role in policymaking, similar to the role played prior to and just after the passage of the Harrison Act. The Department pressed for passage of the Mansfield Amendment in 1976 and in 1978 assumed direct control of a crop eradication program administered through the Agency for International Development (AID). In the same year "Congress approved the creation of the Bureau of International Narcotics Matters in the State Department which provides the focus for integrating narcotic control considerations within the general foreign policy of the United States" [GAO, 1979: 8]

**REFRAGMENTATION OF SMALL COORDINATING STRUCTURES AND SPECIALIZED AGENCIES**

At the end of the decade of the 1970's it was clear that a single lead agency was not the answer to the drug enforcement challenge. Whether in local joint operations (Buccaneer, Stopgap), consolidation of
functions within bureaus (State Department's Bureau of International Narcotics Matters), or the function of structures targeted at specific programs (EPIC and NNICC), all of the participants were moving into cooperative structures to maximize resources and counter new threats. In effect, specialized agencies were grouped into functional or joint operations structures. To complicate matters many agencies belonged to more than one structure and the structures themselves could be ad hoc or permanent. For example, while the Coast Guard routinely conducted ad hoc joint operations with local enforcement agencies throughout the country, the service was also permanently involved in EPIC and the NNICC. Each structure had a lead agency or coordinating committee and a different command and control structure in relation to the federal government. The situation was fluid and dynamic. Congress was uncomfortable with it. In 1979, GAO in titling their report on the decade of effort (often quoted in this chapter) chose "Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes." Figure 6-1 summarizes the activities taking place at the close of the 1970's.
CHAPTER SEVEN

THE CENTRALIZATION OF COORDINATING STRUCTURES (1980's)

The trend toward regional and small structures in the 1970's evolved into a trend toward larger (macro) structures in the 1980's. Continual pressure by Congress for centralized control and accountability, the efforts of President Reagan to carry out an administrative approach, and a substantial increase in public awareness of drug problems characterized an environment ripe for change and new structures. As new forms of organization emerged, agencies participated in or became aligned with one or more structures. In addition, new players entered the drug enforcement program. This created new problems in reporting chains for organizations within the government and in competition or conflicting policy space assignments for the new structures.

The time appeared right to try new approaches. In The Reagan Presidency and the Governing of America, a 1984 study conducted by the Urban Institute, Lester Salamon and Michael Lund note [1984:13], "In the decade prior to Ronald Reagan's election as president in 1980, confidence in the effectiveness of American government reached a low ebb . . ." They note three crises
present at the time: (1) a crisis of ideas, discontent with the political agenda; (2) a crisis of political support, "an erosion in the broad public backing needed for government initiatives; and (3) a crisis in public management, "an enlarged scope of activity and the cumbersomeness of many of the mechanisms through which government was seeking to carry out its responsibilities" [Salamon and Lund, 1984: 1].

Given the failure of the enforcement system alone to stem the flow of drugs, the proliferation of ad hoc structures, and the emerging political consensus to do something about drugs, the crises identified above might well have been applied to drug enforcement and drug policy in general. The President and Congress immediately sought to make changes. The resulting moves and countermoves culminated, most recently, in congressional imposition of a drug czar organization over the federal enforcement structure.

The Reagan strategy for drug enforcement was initially one carried out through two entities within the White House: the Cabinet Council on Legal Policy and the Working Group on Drug Supply Reduction [Justice Department, 1984: 181]. These offices augmented the functions carried out in the White House Drug Abuse Policy Office which was first created in 1972.
legislation and then transformed in the Carter administration. Working with the various agencies and responding to inputs from political constituencies, the Reagan administration began to consolidate policymaking and enforcement activities in administratively created focus organizations. This process had begun when Congress moved to involve the military in drug enforcement.

CALLING IN THE ARMED FORCES, CHANGING THE 'POSSE COMITATUS' DOCTRINE

In 1981 there was general consensus that the military's capability could significantly enhance the drug enforcement. Despite some misgivings by senior Pentagon officials, the Congress enacted legislation in 1981 that allowed a greater role for the military.

This was not a simple legislative mandate. An extensive body of law and custom existed which proscribed use of the military in civil affairs in all but a few circumstances such as martial law. The Latin term posse comitatus means "to be able to be an attendant" [Barron's Law Dictionary, 1984: 351] It refers to the power of a local sheriff to summon citizens to assist in a specific enforcement action: the arrest of a felon [Lautaro, 1975: 22].
HISTORY: Such authority has been present in American law in custom or statute since the birth of the nation. In 1854 the U.S. Attorney General determined that the Judiciary Act of 1789 allowed U.S. Marshals to raise a posse that included military personnel [Laturno, 1975: 22]. However, abuses of military rule in the South after the Civil War prompted the Congress to enact the Posse Comitatus Act of 1878. The pertinent portion of the law states, "whoever, except in cases and circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined . . ." [18 USC 1385 as cited by Laturno, 1975: 22]. The Air Force was added to the statute in 1956 legislation. While the Navy and Marine Corps were never included in the legislation, Laturno argued in a 1975 FBI Law Enforcement Bulletin that "the Posse Comitatus Act appears to be regarded as national policy applicable to all military services of the United States, except the Coast Guard" [Laturno, 1975: 24]. The Navy stated in policy directives that intent of the act applied to the Navy as well.

However, as early as 1977, there was a move to more clearly define the statute and expand the use of the military. In a 1977 report entitled "If Defense and
Civil Agencies Work More Closely Together, More Efficient Search/Rescue and Coastal Law Enforcement Could Follow," the GAO [1977: 48] stated that the act only applied to the direct exercise of military power over citizens and that "indirect roles by military personnel, such as the loan and maintenance of equipment, aerial photographic flights, training, and other expert advice are too passive to be viewed as violations of the act and are therefore lawful and proper." The report cited concurrence by the Justice Department based on case law, United States v. Red Feather [392 F. Supp. 916].

Secretary Caspar Weinberger approved the following activity: (1) air and surface surveillance; (2) towing or escort of seized vessels, (3) logistics support to Coast Guard units, (4) transportation of prisoners, and (5) embarkation of Coast Guard personnel to conduct boardings of non-foreign vessels [Adams, 1984: 36]. In fact, Adams [1984] notes, the Navy had been providing surveillance information in the course of normal operations prior to the legislation. The impact of this policy change on Coast Guard operations is discussed in Part Two.

IMPACTS ON THE ENFORCEMENT STRUCTURE: This landmark legislation had two major impacts in regard to the enforcement structure. First, it established a precedent for further involvement at a later date. Second, it presented another dimension and level of complexity in the coordination of interagency operations and the structure needed to coordinate those efforts. After a transition period, the structure which emerged to fill the role was the National Narcotics Border Interdiction System (NNBIS), discussed later in this chapter.
FURTHER CONSOLIDATION AND COORDINATION OF INTELLIGENCE ACTIVITIES

A GAO report [1983] cited the successful operations conducted in the late 1970's (i.e. Stopgap) and the value of EPIC to the drug enforcement effort. The report strongly endorsed further centralization and coordination of intelligence at EPIC, including the transfer of in-house intelligence functions from the Coast Guard and Customs. While this consolidation never occurred for a variety of reasons discussed in Part Two, strong support for increased effectiveness of the intelligence portion of the drug enforcement structure had been present since the establishment of EPIC in 1974.

In 1981, however, a significant change occurred in the intelligence program. President Reagan signed Executive Order 12333 which allowed the national security Intelligence Community (IC) to prepare national intelligence estimates concerning drug trafficking. This action provided a linkage between the national security intelligence system (National Security Agency - NSA, CIA, and the Defense Intelligence Agency - DIA) and the system created with NNICC and EPIC.
THE SOUTH FLORIDA TASK FORCE, THE FIRST STEP TOWARD A 
DRUG CZAR

In the winter of 1981 and 1982 a group of concerned citizens and business people in Miami, including Frank Borman (CEO Eastern Airlines) and other community leaders requested and received an audience at the White House to discuss the situation in Miami caused by the drug problem, violence, and the influx of refugees from the Mariel boat exodus in 1981 [D. Thompson interview, 1989]. The group, know as the Miami Citizens Against Crime, were successful in gaining local enforcement attention. President Reagan assigned Vice President George Bush as the administration’s lead official to look into the problems.

On January 1982, Vice President Bush announced the formation of the "South Florida Task Force, a multi-agency effort that emphasized interdiction of drug shipments and the arrest and prosecution of smugglers" [Shannon, 1988: 84]. A career Coast Guard law enforcement specialist termed it the "marriage of interdiction, investigations, and intelligence" [Hart interview, 1989].

In contrast to earlier multi-agency operations which were generally conceived, planned, and executed at
the regional level with coordination at higher levels done only as necessary to obtain resources or authority, the South Florida Task Force (SFTF) represented an operation directed from the top-down. It was the first direct linkage between the White House and field enforcement efforts since the Nixon era.

The SFTF was intended to be a coordinating structure to focus enforcement efforts. No additional funding was provided to participating agencies, but the GAO has estimated the first year cost to the participating agencies to be, approximately, $66 million [Shannon, 1988: 84; GAO, 1983: 25]. The task force was staffed with temporary personnel detailed from the participating agencies. The first director was a career law enforcement officer who had been placed in charge of the Atlanta child murders investigation [D. Thompson interview, 1989]. A short while later Admiral D.C. "Deece" Thompson, the Commander of the Seventh Coast Guard District in Miami assumed the coordinator's duties. From that point on, the District Commander was the local coordinator of the SFTF.

This structure introduced new relationships into the regional drug enforcement structure. In Desperados: Latin Drug Lords, U.S. Lawmen, and the War America Can't Win, Elaine Shannon [1988: 84-85] describes her view of
the agency reactions:

"Customs and Coast Guard officials were generally pleased with the idea because the project emphasized their mission of interdicting drug traffickers. BATF officials were grateful for the opportunity to have a job that the White House considered top priority . . ."

"But DEA officials objected that the task force was no more than a campaign platform for the Republicans and that it solved a political problem in Florida at the expense of neglecting cases in Houston, Los Angeles, and the Northeast. They did not believe the task force concept would advance DEA's mission: to make conspiracy cases against kingpins and to take away their ill-gotten gains. The task force plan called for DEA agents to handle follow-up investigations after Customs or the Coast Guard made a seizure. DEA officials wanted their agents to penetrate the rings at ever higher levels, not react like firemen to the busts of other agencies."

The DEA wanted more resources in South Florida but objected to the external control and prioritization.

In fact, just one year earlier the DEA had coordinated
Operation Grouper which was a regional effort similar to Stopgap in 1978. The operation was carried out in cooperation with the Coast Guard and Customs and resulted in 155 indictments of which 81 were high level violators (DEA classification I or II); the seizure of 1.2 million pounds of marijuana, 831 pounds of cocaine, and three million methaqualone tablets; and the seizure of $20 million in cash and other assets [GAO, 1983: 24]. Nonetheless the SFTF was placed into operation.

Vice President Bush was able to put the SFTF in place due, in large part, to his chief-of-staff retired Navy Admiral Dan Murphy who had been Bush’s deputy director at the CIA. Shannon [1988: 85] notes the "plan had a distinctly military slant, which was not surprising." Rudolph Guiliani [1985: 714] has stated that "Under prodding from the Vice President and his chief of staff, retired Admiral Dan Murphy, the military was persuaded to participate. . ." The combination of the interdiction orientation and the top-down style of Murphy caused some friction between DEA Administrator Francis Mullen and Murphy according to Shannon.

In their 1983 report the GAO evaluated the first year of the SFTF operation. A summary of that report is provided in Figure 7-1. The effort was generally regarded as successful, except that DEA reported data
FIGURE 7-1

SUMMARY OF 1983 GAO REPORT ON SOUTH FLORIDA TASK FORCE

"Although designed to be a broad, multifaceted anticrime program for South Florida, the bulk of the Task Force, both in terms of activities and resources, focuses on drug interdiction."

"Reports of the results achieved from the Task Force efforts have been mixed. The Departments of Justice and Treasury have reported some very positive achievements. They note that:

-- The crime rate in South Florida has dropped significantly.
-- Drug arrests and seizures in Florida have increased.
-- Followup drug interdiction investigations have been carried out in almost every case with positive results.
-- Overall drug enforcement cohesiveness has been strengthened.

Treasury Department seizures statistics between the first year of operation and the year before (1982 and 1981):

-- Marijuana seizures increased from 1,094,000 to 1,245,000 pounds.
-- Cocaine seizures went up from 1,617 pounds to 2,081 pounds.
-- Arrest rose from 742 to 945.

"The Treasury Department also noted that the Task Force appears to have shifted drug smuggling activity to other parts of the country. For example, even though marijuana seizures in the Southeastern United States showed little change in 1981 and 1982, marijuana seizures increased more than 400 percent in the Northeast during this period."

"On the other hand, DEA data shows that most of the arrests associated with the Task Force are low level violators ... only 5 percent of the Task Force arrests are more drug violators ... Several DEA and other officials said that ... it is doubtful whether the Task Force can have any substantial long-term impact on the drug availability."

"... drug price and purity data in 1982 indicates increased availability of most drugs."

that indicated most of the arrests were of low level violators [GAO, 1983: 26].

The experience with the SFTF showed that a top-down managed, multi-agency effort could be successful locally. On a national level the drug trade shifted to less patrolled areas. However, as Guiliani [1985: 714] noted, "The South Florida Task Force provided a working model which proved that a concentration of resources in one geographic area, using a task force arrangement, could result in a substantial reduction in drug trafficking." It also demonstrated that agencies would work together when the directing authority was external and higher in the government than any participating agency. However, problems still existed in the larger enforcement structure.

UNFINISHED BUSINESS

BORDER MANAGEMENT: Proposals continued to surface regarding the consolidation of the Customs and Immigration patrol functions. In 1981, two conflicting reports were submitted on the consolidation. The Select Commission on Immigration and Refugee Policy, chaired by the Reverend Theodore Hesburgh, the President of Notre Dame University, recommended no change in the enforcement structure [Senate Committee on Governmental
Affairs, 1988: 539-566]. Meanwhile, the Attorney General’s Task Force on Violent Crime, co-chaired by former Attorney General Griffin Bell, recommended the consolidation of patrol functions within the Treasury Department [Senate Committee on Governmental Affairs, 1988: 567-574].

In 1983, three different reports called for resolution of the border management situation: (1) a Cabinet Council on Management and Administration Proposal; (2) the President’s Private Sector Survey on Cost Control (commonly known as the Grace Commission); and (3) the House Committee on Government Operations Report, "Interim Report on the War Against Drug Smuggling: The Soft Underbelly of the United States" [Senate Committee on Governmental Affairs, 1988: 575-718]. As before, in the 1970’s, no action was taken on any of the proposals.

OTHER OPEN ISSUES: Aside from border control, other issues remained. First, no structure had been developed to incorporate the military into the enforcement effort. While a special staff was created in the Pentagon to address the issue and coordinate the DOD role, each agency tended to work its own deal for military support as the Coast Guard had done with the Navy prior to the Posse Comitatus Amendments. Second,
efforts in South Florida diverted drug traffic to other areas and soon other regions and states began to request directed operations in their areas [Guiliani, 1985: 714]. As a result, a group of governors approached the President to request a nation-wide effort [Hart interview, 1989]. Third, the DEA, dissatisfied with the structure and operation of the SFTF still sought a better structure to immobilize major traffickers [Shannon, 1988: 84-87].

The rising public awareness of the drug problem and its growing support for more effective action on the part of the government (as described earlier in the chapter) created a climate for bureaucratic entrepreneurship. Despite tight budgets, the public and the congress were willing to buy better enforcement. The SFTF had been the first manifestation of this notion.

The SFTF was also the first of a series of actions by President Reagan to consolidate enforcement policy and multi-agency coordination through an administrative strategy to forestall congressional action. Richard Nathan [1983: 11-13] has stated that the administrative president reemerged with the Reagan presidency after lying dormant since the Nixon administration. However, in his second term President Reagan lost control of the
Senate and then had to contend with a resurgent congress with an enforcement agenda of its own and a drug czar champion in Senator Joseph Biden.

THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES

The first bureaucratic coalition to bring a new organizational "product" to the drug enforcement "marketplace" were the enforcement agencies within the Department of Justice. The Organized Crime Drug Enforcement Task Force (OCDETF) concept was developed by then Associate Attorney General Rudolph Guiliani and announced by President Reagan on 14 October 1982 [Shannon, 1988: 83; Giuliani, 1985: 712]. The official rationale for a multi-location strike force organization was based on (1) the success of the strike forces established by Attorney General Robert Kennedy in the late 1960’s and early 1970’s which targeted organized crime, (2) the success of this form of organization in South Florida, and (3) the need to be flexible and "move with the traffickers and to attack the problem in its different forms all over the country" [Guiliani, 1985: 714-717; Shannon, 1988: 87].

The major agencies involved in the OCDETF’s were DEA, the U.S. Attorney organization, and the FBI which had been given concurrent jurisdiction with the DEA over
drug investigations in 1981 as a result of a previous Giuliani initiative [Shannon, 1988: 83]. The interdiction agencies and the military were also given roles and assigned personnel to facilitate the flow of information. The OCDETFs were staffed, like the SFTF, with 1,800 personnel detailed from the various agencies to the organization [Guiliani, 1985: 716]. In contrast to the SFTF, the OCDETFs concentrated on long term conspiracy cases and high-level traffickers. While information exchange and general coordination took place the OCDETFs tended to operate autonomously within their particular regions. A particular concern to the Justice Department had been the day-to-day decision process concerning which governmental level would prosecute a given case. "While federal and state law mandates joint jurisdiction and responsibility for prosecuting drug traffickers, it provides no formal basis for allocating these massive joint responsibilities" [Guiliani, 1985: 715].

Local U.S. Attorneys were placed in charge of the task forces to "remove most of the jurisdictional disputes within particular districts and eliminate the inherent unwieldiness of absentee management" [Guiliani, 1985: 716]. This role was largely administrative in nature as there was a specific decision made not to establish lead agencies that would create friction or
rivalry. In fact, this structure was modeled somewhat on the Law Enforcement Coordinating Committees (LECC) established in the 94 federal judicial districts under the chair of the local U.S. Attorney in 1981. The LECC structure was very similar itself to the Law Enforcement Organizations (LEOs) established a decade earlier by Coast Guard commands to enhance interagency cooperation.

The OCDETFs were a marriage of investigation and prosecution with interdiction providing one part of the actionable inputs. They were an example of the President’s administrative strategy regarding drug enforcement. The Reagan administration was aware of a growing movement in Congress to establish a drug czar and wished to avoid this imposition of congressional will if possible. Opportunities to centralize and coordinate federal efforts forestalled those efforts. Elaine Shannon observed that "Joe Biden's drug czar bill became the centerpiece of an anti-crime legislative package which passed in the closing days of 1982. Objecting to the drug czar concept on bureaucratic and constitutional grounds, Reagan vetoed the entire crime package in January 1983" [Shannon, 1988: n.460].

The interdiction portion of the enforcement structure was coordinated in South Florida but nowhere else, so a void existed even in the creation of the
OCDETFs. That issue was addressed in the creation of the National Narcotics Border Interdiction System (NNBIS) established six months after the OCDETFs were announced.

THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM (NNBIS)

President Reagan announced the formation of NNBIS on 23 March 1983, and named Vice President Bush to head the organization. "The President said that mission of NNBIS was to coordinate the work of those federal agencies that have existing responsibilities and capabilities for the interdiction of seaborne, airborne, and other cross-border importation of illegal drugs. He directed NNBIS to monitor suspected smuggling activity originating outside and destined for the United States and to coordinate agencies' seizures of contraband and arrests of persons involved in illegal drug importation" [GAO, 1985: 2].

The NNBIS organization was comprised of a headquarters staff and six regional centers located in Miami, New Orleans, El Paso, Long Beach, Chicago, and New York. In concept NNBIS was intended to be an informal coordinating body that would recommend actions to agencies but not direct operations. "NNBIS is not a
separate and distinct agency -- it does not have a legislative charter or a budget" [GAO, 1985: 2]. Using the office of the Vice President, intelligence and interdiction resources would be identified and routed to the right agency for action. Subsumed within this concept was the intended solution to two problems noted earlier: the coordination of border interdiction effort and the structured use of the military in support of interdiction. To that end each regional center contained an Intelligence Information Coordination Center and an Operations Information Center.

For ease of comparison, Figure 7-2 provides a comparative listing of multi-agency coordinating structures (EPIC, SFTF, OCDETFs, and NNBIS offices) and their locations. Of the six centers established by NNBIS, Miami, New Orleans, and Long Beach were assigned to local Coast Guard District Commanders who titled Regional Coordinators. The remaining centers in Chicago, New York, and El Paso were assigned to local Customs Commissioners. Deputies in each center were assigned from the agency that did not hold the Regional Coordinator position. The total staff of the centers was approximately 150 full time personnel with temporary resources assigned from agencies as required [Schowengerdt and Hart, 1984: 26]. The agencies represented were Customs, the Coast Guard, DEA, FBI, the
### FIGURE 7-2

**COMPARITIVE LISTING OF MULTI-AGENCY STRUCTURES**

<table>
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<tr>
<th>ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE</th>
<th>NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM REGIONAL CENTER</th>
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<td>New Orleans</td>
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* The El Paso Intelligence Center (EPIC) is a separate multi-agency facilities operated under the administration of the Department of Justice and DEA.
Air Force, the Navy, the Army, the INS, the Marine Corps, the U.S. Marshall Service, BATF, members of the national security Intelligence Community (IC), and state and local enforcement personnel [Schowengerdt and Hart, 1984: 26].

Pursuant to a 1984 congressional request, GAO conducted a review of NNBIS operations and concluded that "the concept upon which NNBIS was founded -- a need for improved cross-agency coordination of drug interdiction efforts -- was sound. GAO found that there has been some improvement in interagency coordination and that NNBIS' efforts did result in some gain in drug interdictions. However, these improvements still fell far short of what is needed to substantially reduce the flow of drugs into the country" [GAO, 1985: cover].

Some of the problems that GAO found included rapid turnover and the assignment of lower rank personnel than requested, duplication of the intelligence function in other agencies and a hesitancy to provide all information, and the actual involvement of NNBIS personnel in some operations, contrary to the organization's precept [GAO, 1985]. Still GAO found numerous cases of "NNBIS' participation in an interdiction that we believe would not have occurred without NNBIS' involvement" [GAO, 1985: 14].
Respondents to a GAO questionnaire also stated that NNBIS had increased cooperation with DOD and that "getting military assistance through NNBIS is quicker, easier, and less costly to them than before" [GAO, 1985: 18].

DEA Administrator Francis Mullen maintained the view that NNBIS was an unnecessary layer in the structure and was an attempt (like the SFTF) to claim interdiction success for the Reagan administration. In a highly publicized report to the Attorney General Mullen severely criticized both NNBIS and Bush’s chief of staff, Dan Murphy; actually charging that the resources committed by the agencies were reducing effectiveness elsewhere [Shannon, 1988: n.461].

MANAGING THE PROLIFERATION OF COORDINATING STRUCTURES,
THE NATIONAL DRUG POLICY BOARD

The creation of structures such as EPIC/NNICC, the SFTF, the OCDETFs, and NNBIS succeeded in focusing multi-agency effort and provided some measure of coordination within a geographical region or functional specialty of drug enforcement. Each could claim at least modest success. However, each structure was incapable of capturing the entire drug enforcement effort across the federal bureaucracy. No matter how
effective a portion of the effort was, the entire federal program remained subject to criticism due to fragmented responsibility and lack of overall coordination and management. Moreover, public patience was being tested and the administrative approach of the Regan first term was being criticized in Congress.

THE NATIONAL DRUG ENFORCEMENT POLICY BOARD: On October 12, 1984, President Reagan signed into law the Comprehensive Crime Control Act of 1984. This legislation was the most extensive revision of the criminal codes since President Johnson signed the 1968 Omnibus Crime Control and Safe Streets Act (CO Almanac, 1984: 215). The Handbook on the Comprehensive Crime Control Act of 1984 and Other Criminal Statutes Enacted by the 98th Congress, published by the Justice Department required over 200 pages to summarize the changes in the federal code (Justice Department, 1984). This legislation was a reformulation of the 1983 bill that President Reagan had vetoed because of the drug czar provision. The bill was the "culmination of an 11-year effort to make major changes in the federal criminal code" (CO Almanac, 1984: 215). Remaining legislative agenda items from the Prettyman, Katzenbach, and following commissions were addressed, including a 65 point plan developed by the Attorney General's Task Force on Violent Crime convened in 1981 by William
Chapter XIII of the Act was titled the National Narcotics Act [H.J. Res. 648] and created the National Drug Enforcement Policy Board which replaced the Cabinet Council on Legal Policy and the Working Group on Drug Supply Reduction, but not the White House Drug Abuse Policy Office. This cabinet level board was a legislative mandate by the Congress and superceded the existing administratively created policy structure. Elaine Shannon [1988: n.460] comments that after the 1983 drug czar bill was vetoed, "As Biden and his allies regrouped, the White House proposed a compromise, a National Drug Policy Board, which would be chaired by the Attorney General. Biden did not like the idea but did not want to appear unreasonable, so he went along on the condition that the Congress get regular progress reports."

To correct Ms. Shannon's note, the board was established as the National Drug Enforcement Policy Board (NDEPB) and was later reorganized into the National Drug Policy Board (NDPB) under executive order when Reagan attempted to reassume the lead with administrative action. The NDPB broadened the NDEPB membership and, for the first time in the history of
drug control, consolidated supply and demand reduction policymaking and agency coordination in a single organization.

The NDEPB consisted of the Secretaries of State, Treasury, Defense, Transportation, and Health and Humans Services. In addition, the Directors of OMB and the CIA were included. Later Presidential additions to the board were the White House Deputy Assistant to the President for Drug Abuse Policy and the Vice President’s Chief of Staff [NDEPB, 1986: 2].

"The Board [was] given authority to develop federal drug strategy, evaluate existing programs, coordinate the activities of the departments and agencies responsible for drug enforcement and gather information about illegal drug use. The mandate to the Board [was] thus quite broad and allow[ed] a range of possible roles --from essentially passive research and analysis to active implementation of drug policies" [Justice Department, 1984: 181]. After an interim report on initial activities in July 1985, the Board submitted its first full report in March 1986 for 1984-85 and incorporated a previous reporting requirement on the OCDETF program [NDEPB, 1986: 1]. The report was a summation of federal activity in the areas of investigation and prosecution, interdiction,
international drug control, domestic cannabis eradication, licit drug diversion, intelligence programs, legislative initiatives, and drug abuse prevention and education [NDEPB, 1986: ii].

NNBIS AND THE NDEPB: The legislative mandate made it clear that the Board could review and recommend changes in existing agencies or structures such as EPIC or NNICC where the leadership or chair existed within a cabinet department. NNBIS and the SFTF were exceptions in that they reported to the Vice President who was senior to the Board chairman, the Attorney General. The fact caused GAO to comment in the 1985 NNBIS evaluation cited earlier, "... the relationship of NNBIS, located in the Office of the Vice President, to the newly created National Drug Enforcement Policy Board is unclear in light of the Board's statutory objective of overseeing and coordinating all federal drug law enforcement efforts, including drug interdiction" [GAO, 1985: 1]. The situation also caused Senator Dennis DeConcini to recommend in a 1985 letter to the President that NNBIS be relocated in a cabinet department [DeConcini, 1985]. In creating an alternative to the drug czar organization desired by Congress, the President's was unable to capture all of the enforcement functions within the structure. The alternative, reorganization or relocation of NNBIS from the Office of
the Vice President, carried huge political liabilities. With NNBIS technically autonomous in the federal structure it was possible for the Commandant of the Coast Guard to be working for three bosses: the Vice President, the Secretary of Transportation, and the Attorney General (chair of the NDEPB). The fuzziness of the structure did not end there.

THE NATIONAL SECURITY COUNCIL (NSC) ROLE EXPANDS:
The NNBIS role and questions regarding its interface with the NDEPB were highly visible within the enforcement structure and the subject of much discussion. However, an additional organization, external to the NDEPB, entered the scene on April 11, 1986, when President Reagan signed National Security Directive 221. The directive "stated that international drug trade is a threat to our national security because of its destabilizing effect on allies. The drug trade is also a possible source of funds for Soviet intelligence services, and insurgent and terrorist groups. The strategy is . . . to reduce the ability to use drug trafficking to support terrorist activities" [Trainor, 1987: 85-86].

The organizational implications of this decision were similar to that of the creation of NNBIS in that another organization, the National Security Council
staff in the White House, had become a policymaking entity in the drug enforcement structure. Earlier in 1985, Howard Gehring, in a research report prepared at the National Defense University’s Industrial College of the Armed Forces, concluded that drug trafficking was a growing threat to national security and policymaking regarding the drug threat was best located in the NSC where "strategy guidance from the highest levels of both the executive and legislative branch" could be obtained [Gehring, 1985: iv]. In essence, Gehring’s approach would have placed the focus on drug enforcement policy in the NSC subject to Presidential influence and management and obviated the need for a policy board.

CONSOLIDATION OF SUPPLY AND DEMAND SIDE ACTIVITIES
IN THE NATIONAL DRUG POLICY BOARD: On 26 March 1987, President Reagan signed Executive Order 12590 which created the National Drug Policy Board (NDPB). "The Policy Board centralizes oversight for all aspects of the Federal anti-drug effort, which extends from diplomatic initiatives to achieve increased international cooperation against the global narcotics threat to domestic law enforcement activities and the broad range of activities aimed at preventing illegal drug use, and treating and rehabilitating users" [Quoted
from the stated of purpose of the NDPB, 1988, inside cover]. EO 12590 expanded the membership of the old NDEPB as shown in Figure 7-3. The new board included neither NNBIS or the NSC activity in its sphere of coordination.

At the request of Senator Biden, the GAO conducted a review of the NDPB activities in 1987 and issued the report, "National Drug Policy Board: Leadership Evolving, Greater Role in Developing Budgets Possible" [GAO, 1988]. The report concluded that the Board's "efforts to facilitate coordination have been worthwhile and responsive to the requirements of the law establishing the Policy Board" [GAO, 1988: 2-3]. The report cited the board's issuance of two policy directives and facilitating decisions made regarding enforcement activities. The board also published the National and International Drug Enforcement Strategy [1987]. The report did state that the board needed to assume a larger role in the review of agency expenditures and the development of budgets. The Board produced the first combined national drug strategy in 1988 which addressed both the supply and demand side of the issue in one document.

As shown in Figure 7-4, the enforcement strategy is the supply reduction portion of an overall national
FIGURE 7-3
MEMBERSHIP OF THE NATIONAL DRUG POLICY BOARD

NATIONAL DRUG ENFORCEMENT POLICY BOARD (NDEPB)

ORIGINAL MEMBERS DESIGNATED IN THE COMPREHENSIVE CRIME
CONTROL ACT OF 1984 TO FORM THE NATIONAL DRUG
ENFORCEMENT POLICY BOARD (NDEPB)

Attorney General, Chair
Secretary of Health and Human Services, Vice Chair
Secretary of State
Secretary of Treasury
Secretary of Transportation
Secretary of Defense
Director, Office of Management and Budget (OMB)
Director, Central Intelligence Agency (CIA)

NATIONAL DRUG POLICY BOARD

ADDITIONAL MEMBERS ADDED UNDER EXECUTIVE ORDER 12590 TO
CREATE THE NATIONAL DRUG POLICY BOARD (NDPB)

Secretary of Interior
Secretary of Agriculture
Secretary of Housing and Urban Development
Secretary of Energy
Secretary of Education
Assistant to the President for National Security Affairs
(also known as the National Security Advisor)
Chief of Staff to the Vice President
Director of White House Drug Abuse Policy Office

and, other members as the President may designate

The intent of the changes made under EO 12590 was to
combine supply and demand reduction within the same
policy making body.

Source: National Drug Policy Board, 1989
strategy. The enforcement strategy contains 5 strategic sections developed by the Drug Enforcement Coordinating Group of the Policy Board which consisted of the enforcement agency heads. These strategic sections are further subdivided into strategic subdivisions with responsibility for strategy development. For example, the interdiction section is broken down into air, sea and land subdivisions with a lead agency assigned to coordinate activities. The Coast Guard is the lead agency within the sea interdiction subgroup. This relationship is also shown in Figure 7-4. Prior to the establishment of the board, the national strategy had been prepared by the Drug Abuse Policy Office in the Office of Policy Development in the White House with the participation of the various cabinet department pursuant to the The Drug Abuse Office and Treatment Act of 1972 discussed earlier in Part One [Drug Abuse Policy Office, 1984].

THE IMPACT OF THE ANTI-DRUG ABUSE ACT OF 1986

Just prior to the 1986 elections Congress passed the Anti-Drug Abuse Act of 1986. Despite the creation of the NDEPB, Congress continued to be actively involved in setting policy. The legislation was passed in the wake of two highly publicized deaths caused by "crack" and has been cited by Hedrick Smith as an example of the
FIGURE 7-4

THE NATIONAL DRUG POLICY BOARD ORGANIZATIONAL STRUCTURE

CHAIR
(ATTORNEY GENERAL)

VICE CHAIR
(SECRETARY OF HEALTH AND HUMAN SERVICES)

DRUG ENFORCEMENT
COORDINATING GROUP
(SUPPLY)

DRUG ABUSE, PREVENTION
AND HEALTH COORDINATING
GROUP
(DEMAND)

STRATEGIC SECTIONS

* INTELLIGENCE
* INTERNATIONAL CONTROL
* INTERDICTION
* INVESTIGATIONS
* TREATMENT
* PROSECUTIONS

EACH STRATEGIC SECTION HAS FURTHER SUBDIVISIONS.
THE INTERDICTION COMMITTEE (TIC) OVERSEES STRATEGIC
SUBDIVISIONS IN:
* AIR
* LAND
* SEA

1. The National Strategy developed by the NDPB is based
on six goals that will reduce supply and demand. The
President has termed these goals the "Foundation of the
national strategy:"
   a. A drug-free workplace
   b. Drug free schools
   c. Expanded treatment for users
   d. Improved international cooperation to reduce
      supply and use
   e. Strengthen drug law enforcement
   f. Improve public awareness and prevention

2. Each strategic group and sub-group is coordinated by
a "lead agency." For example, the lead agency in
international narcotics control group is the State
Department. The lead agency for the sea interdiction
sub-group is the Coast Guard.

Source: "A Report From the National Drug Policy Board:
Toward a Drug-Free America. The National Drug Strategy
political tactic of "positioning" in an election year [Smith, 1988: 657]. It represented, in large part, a return to the punitive legislation of the 1950's. Numerous house and senate committees were involved as well as numerous proposals. The legislation had twenty-two major provisions many of which were riders on unrelated subjects such as infant formula regulations [CQ Almanac, 1986: 92-106].

The provisions pertinent to this study include the following:

1. Increased penalties under amendments to the Controlled Substance Act.
2. Significant funding for increases in drug interdiction including AWACS aircraft for the Coast Guard and Customs, aerostat radar balloons, and 8 blackhawk helicopters.
3. Authorization additional funds and personnel for the Coast Guard.
4. Expanded the circumstances under which DOD agencies could be utilized.
5. Strengthened anti-smuggling laws related to reporting arrivals and penalties associated with smuggling controlled substances.
6. Established a United States-Bahamas drug
interdiction task force with authorization to construct facilities in the Bahamas

These provisions did not change the enforcement structure under study here. However, the struggle over the acquisition of new equipment, personnel, and missions by the interdiction agencies was intense and took place to a great extent within the Policy Board as will be discussed in Part Two.

THE TRIUMPH OF THE RESURGENT CONGRESS AND THE NATIONAL NARCOTICS LEADERSHIP ACT

The administrative strategy of the Reagan administration came to an end in the fall of 1988 with the passage of the National Narcotics Leadership Act of 1988, the "Drug Czar" bill. The act was part of a larger legislative package called the Anti-Drug Abuse Act of 1988. It was the third successive piece of anti-drug legislation passed just prior to an election: 1984-National Narcotics Act; 1986-Anti-Drug Abuse Act; 1988-Anti-Drug Abuse Act and the included National Narcotics Leadership Act. Figure 7-5 provides the major provisions of the legislation. The pertinent provision to this study is the National Narcotics Leadership Act (NNLA).
SUMMARY OF THE MAJOR PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1988 OF WHICH THE NATIONAL NARCOTICS LEADERSHIP ACT IS INCLUDED

Title I: Coordination of National Policy
"National Narcotics Leadership Act of 1988"
- Established for 5 years the Office of National Drug Control Policy with a Director and Staff. Two Deputies for supply and demand.
- Director is to promulgate a national drug control strategy, make organizational recommendations, direct reassignment of personnel subject to agency concurrence, review agency budget reprogramming requests.
- Terminates NDPEB, NNBIS, and White House Drug Abuse Policy Office.

Title II: Treatment and Prevention: Grant programs

Title III: Drug Education Programs: Grant programs

Title IV: International Narcotics Control
"International Narcotics Act of 1988"
- Amends 1961 Foreign Assistance Act
- Calls for international drug force in UN
- Amends previous legislation regarding military assistance and human rights certification.

Title V: User Accountability: Certification program that recipients of federal funds are attempting to maintain drug-free workplaces.

Title VI: Anti-Drug Abuse Amendments Act of 1988
- Amends Zero Tolerance Policy

Title VII: Death Penalty Provision

Titles not related to study not shown.

Source: HR 5210 and "Notes on the Final Drug Bill, HR 5210," prepared by the Legal Staff at Coast Guard Headquarters.
The NNLA was a similar version to the drug czar legislation vetoed by President Reagan in 1983. Despite a lukewarm approval by the GAO in their 1988 report, the National Drug Policy Board system of coordination drew extreme congressional criticism in the 1987 House Committee on Government Operations report, "The National Drug Policy Board: A Failure in the War on Drugs" [House Committee on Government Operations, HR 100-184, 1987]. One Coast Guard staff attorney described it as "blistering" [Coast Guard (G-LLX), 1988]. Senator Joseph Biden, who had attempted since the early 1980’s to establish a drug czar position, stated, "For the first time, there will be one person in charge of our national effort to control illegal drugs. No such position exists today and never has" [CQ Current American Government, 1989: 76].

The NNLA establishes the position of Director of National Drug Control Policy (the drug czar) for a period of five years to head the Office of National Drug Control Policy in the Executive Office of the President (EOP). Two Deputy Directors are established for supply and demand reduction programs. The Director is authorized to sit on the National Security Council when directed by the President. The Director is charged with promulgating the National Drug Control Strategy,
coordinating and overseeing the implementation of drug policies by agencies, making recommendations for changes in Federal organization, formulating and overseeing the National Drug Control Program budget, and reassigning personnel with the concurrence of department or agency head.

The NNLA called for the termination of the National Drug Policy Board (NDPB), the National Narcotics Border Interdiction System (NNBIS), and the White House Drug Abuse Policy Office 30 days after the confirmation of the first director. That confirmation occurred in mid-March 1989 and the terminations have occurred. The new Director, William Bennett is now engaged in a very public transition period.

An interesting aspect of the transition was the manner in which the NNBIS and NDPB staffs were dissolved. Upon his inauguration, President Bush relocated the NNBIS headquarters and staff structure into the Executive Office of the President. The NDPB staff remained located in the Justice Department until dissolution. Although the research for this study had been completed at this point, it could be assumed that the staff members of NNBIS stood a much better chance of retaining employment in the change of administrations than did the NDPB staff.
Since this legislation was passed during the research for this study and with the transition process still underway it has been difficult to move past this point in describing the changes in the drug enforcement structure. Part Three of this study contains an update on the establishment of the Office of National Drug Control Policy up to mid-April 1989.

**IMPLICATIONS FOR THE COAST GUARD:** The Coast Guard was an integral player in both NNBIS and the NDPB. Coast Guard personnel were assigned to both staffs and were interviewed as part of this research. Coast Guard personnel are also assigned to The Interdiction Committee (TIC), the working group of the NDPB for interdiction strategy. The coordination issues of the NDPB/NNBIS relationship, the allocation of the resources provided in the recent flurry of legislation, and the nature of Coast Guard interaction within these structures will be examined in Parts Two and Three of this study.
FIGURE 7-6

ANTI-DRUG ABUSE ACTIVITY BY MACRO-STRUCTURE
CIRCA 1988

GEO-POLITICAL
DIMENSION

INTERNATIONAL

DOMESTIC

NATIONAL DRUG POLICY BOARD
1987

INTL. STRATEGIC
SECTION

DRUG ABUSE,
PREVENTION, AND
HEALTH COORDINATING
GROUP

NNBIS
1983

OCDETFS
1982

S. FLORIDA
TASK FORCE
1982

INTELLIGENCE
STRATEGIC
SECTION

DRUG ENFORCEMENT
COORDINATING GROUP

MARKET DIMENSION

175
"Come gather 'round people wherever you roam
And admit that the waters around you have
grown..."

- Bob Dylan
"The Times They Are A Changin'"

Aside from my brief introductory comments, the discussion to this point has concerned the macro structure in which drug law enforcement takes place. The long standing control and stability brought about by Harry Anslinger and the FBN broke down in the 1960's to be replaced, first, by a lead agency, then, by a multi-agency coordinating structure. This new structure has been attributed to (1) a change in the drug threat that required agency specialization, (2) a need to create policy and coordinate the activities of many agencies, and (3) a struggle within the federal government over who should set the drug policy agenda and who should coordinate enforcement activity. The programmatic model described by Fritschler has shown to be but a starting point in the cyclical changes of the federal drug enforcement program. The programmatic matrix represented by the four-quadrant framework and the lead
agency concept have been replaced by the multi-agency coordinating structure.

The question that remains in this study is how and when this process impacted on the Coast Guard as it became involved in interdiction operations in the late 1960’s and early 1970’s. It is contended here that the early effort to replace FBN with a lead agency and the problems attendant to that effort tended to cloud the top-down view of the Coast Guard and its emerging role. The absence of the Customs Service and other interdiction agencies (Coast Guard and Border Patrol) from President Johnson’s reorganization plan of 1968 supports this notion. By the time the DEA was formed in 1973 these agencies were deeply involved in drug enforcement and firmly rooted in policy spaces. The early organizational problems of the DEA, coupled with the crisis in the Nixon presidency, allowed this fragmentation to become institutionalized at a point when sea borne smuggling was in its early, rapid growth stage. The result was a policy and coordination vacuum that existed until new organizational forms were created to cross agency boundaries and capture the drug enforcement function at the macro level as has been described.
The self-image of the Coast Guard was also clouded. Having just relocated into the Department of Transportation, the service viewed future growth potential in new policy spaces such as environmental protection, maritime safety systems, and expanded fisheries conservation. Maritime law enforcement was generally considered to revolve around the enforcement of conservation laws and treaties regarding fisheries but was having trouble finding an organizational niche.

The difficulty of the macro structure and the service itself to accurately see what was happening in drug interdiction had significant implications in the first 10 years of modern post-Prohibition interdiction operations (1970's). Unit commanding officers who encountered increasing numbers of smuggling vessels operated with great discretion and were forced to exercise a great amount of judgement. As a result enforcement policy tended to be de facto, set in the course of operations. Multi-agency operations tended to be the result of local negotiations and personal interactions between agency supervisors. The cultural impact of police work on an agency that had slowly drifted away from direct, non-conservation type police activity in the post-Prohibition era was also significant.
It is a second and related contention that the second decade (1980's) of the interdiction era brought significant changes as macro structures were created and the political importance of drug policy issues increased. Within the service, programmatic structures were created to provide policy guidance to the field, control discretion, and manage resources gained as a result of mission growth. Agents of cultural change were introduced in the form of a Maritime Law Enforcement School and management seminars in law enforcement. Liaison officers were routinely assigned to other agencies and macro structures to represent the Coast Guard, carry out joint staff operations, coordinate activities, and collect organizational information. Of great significance, the Office of Operations in Coast Guard Headquarters, the public sector analog to the corporate operating division or wholly owned subsidiary underwent a series of major reorganizations culminating in the divestment of most of its pre-interdiction operating program (product line) portfolio. Finally, resource allocation in the Coast Guard changed dramatically.

In 1979 the drug interdiction mission accounted for 7.6 percent of operating funds allocated in the Coast Guard [Coast Guard (G-CBU), 1989]. The President's 1990 budget request for the Coast Guard includes 24.8 percent
of operating funds for drug interdiction [Coast Guard (G-CBU), 1989]. Search and Rescue (SAR), traditionally the largest operating program in the Coast Guard, received 26.9 percent of operating funds in 1979 [Coast Guard (G-CBU), 1989]. The 1990 request includes 24.6 percent of operating funds for SAR [Coast Guard (G-CBU), 1989]. Since 1985 drug interdiction has received more operating funds than SAR.

The macro structure took notice of the Coast Guard in the second decade. Unintended constraints on Coast Guard operations introduced in earlier legislation were removed. Greater use was made of the Coast Guard's infrastructure of coastal and deployable facilities. The Commandant, Coast Guard policymakers, and senior field commanders became players in the macro structure and had impacts in policy decisions, the execution of multi-agency operations, and macro resource allocation. This new role in turn created other problems: conflicts with Customs over new and old policy spaces and renewed threats to agency survival in various reorganization proposals.

The examination of the interdiction era begins with the nature Coast Guard entered into anti-smuggling operations. While anti-smuggling operations were the first true operating program of the Coast Guard in 1790,
focus on specific types of smuggling and specific geographical regions has varied over the life of the organization. From early Nineteenth Century operations to protect strategic shipbuilding materials (liveoak forests in the southeast), to interdiction of undeclared opium in the northwest in the 1890's, to Prohibition operations, the Coast Guard's anti-smuggling efforts have varied considerably. Two significant points can be derived from this history.

First, anti-smuggling operations tended to be "campaign" oriented. That is to say they have targeted a specific material, in a specific region, for a specific timeframe. This approach is contrasted to that of the Customs Service which is a day-in and day-out anti-smuggling enforcement agency dealing with all types of contraband. The Coast Guard, however, seems to become involved in periodic smuggling "wars" which are separated by periods of low involvement and general logistical support to other agencies.

Second, the diversity of anti-smuggling operations has created an extensive organizational memory. This memory includes legal, legislative, and organizational precedents which have been built up over the years. As a result the Coast Guard has tended to have natural entre whenever new threats appear. For example, until a
legislative remedy could be obtained to close a legal loophole which allowed possession of drugs by United States citizens on the high seas (international waters), the Coast Guard relied on a prohibition era statute concerning hovering vessels outside customs waters.

A distinctive organizational competence for engaging in anti-smuggling campaigns and a legitimatized domain over such activity, has been complimented by an inventory of fixed coastal and mobile, deployable assets that are multi-missioned as noted earlier. When this triad of factors, competence, domain, and capital assets, is supported by an extensive organizational history together with military-style operating procedures, the Coast Guard is capable of responding to immediate changes in the smuggling threat without external mandate. It did so in the late 1960's and early 1970's. Almost oblivious to the major structural changes occurring in the macro enforcement structure and diverted from the maritime smuggling threat by new missions and programs, the Coast Guard nonetheless began anti-smuggling operations in what could be termed a reflexive response.

The following chapters in Part Two examine the Coast Guard and its drug interdiction role. Chapter 8 provides a brief agency history and organizational
description. Chapter 9 constructs an analytical framework by which to describe the service’s reflexive entry into the current anti-smuggling campaign based on the triad noted above. Chapters 10 and 11 discuss the organizational changes that have been made in the last twenty years to accommodate the drug interdiction mission. Chapter 12 discusses working level issues in drug interdiction.
"The history of the Coast Guard may be approached through many avenues, none of which is easily traveled because the service has had many missions. The best approach is to study the service through the evolution of its organization."

- Robert L. Scheina

Government Agencies (1983)

There are two key concepts to be derived from a review of the Coast Guard's organization and history. The first is the dual character concept that the Coast Guard is both an armed force and civil law enforcement authority. The second concept is that the Coast Guard is a multi-mission organization. Each attribute sets the Coast Guard apart from other federal agencies and together they create a anomolous organizational form in any government. Each concept is developed in the brief history and organizational description that follows.

Figure 8-1 is a graphical presentation of the development of the Coast Guard in terms of major organizational acquisitions. The organizational
FIGURE 8-1
THE ROOTS OF THE COAST GUARD

Lighthouse Service — 1716
Run by local states from 1716 until 1789 when it joined the Treasury Department. Merged with Steamboat inspection Service under the Department of Commerce in 1903. Came into Coast Guard in 1939.

Revenue Cutter Service — 1790
Run by Treasury Department from 1790 to 1915. Merged with Life-Saving Service in 1915 to form Coast Guard.

Life-Saving Service — 1848
Run by Treasury Department from 1848 to 1915. Merged with Revenue Cutter Service in 1915 to form Coast Guard.

Steamboat Inspection — 1838
Run by Justice Department from 1838 until 1852, then Treasury Department until 1932 when it merged with Bureau of Navigation and Steamboat Inspection in Department of Commerce.

Bureau of Navigation and Steamboat Inspection Service — 1932
Formed under Department of Commerce in 1932. Joined Coast Guard in 1942. Served under Navy during World War II.

Bureau of Navigation — 1848
Formed in 1848 by the Treasury Department. Joined Steamboat Inspection Service in Department of Commerce in 1932.

Formed under Treasury Department from Life-Saving Service and Revenue Cutter Service in 1915. Served under Navy from 1917 to 1919 and 1941 to 1945. Became part of Department of Transportation when it was formed in 1967.

SOURCE: U.S. COAST GUARD, 1989
antecedent of the Coast Guard was the Revenue Cutter Service. This organization was established initially as the Revenue Marine in 1790 to enforce new tariff and customs laws within the Treasury Department. The combination of the Revenue Cutter Service and the Life-Saving Service in 1915 created the modern Coast Guard. By pure coincidence that was the same year the Harrison Act controls on narcotics took effect. Other major organizational acquisitions are shown in Figure 8-1.

In 1967, the Coast Guard was relocated from the Treasury Department to the newly created Department of Transportation. The organizational acquisitions and functional relocations have been in addition to a number of statutory and regulatory functions which have been assigned since 1790.

**DUAL-CHARACTER**

When the Revenue Marine was established in 1790 it was given a military character [Evans, 1949: 5]. A rank and pay structure existed that was comparable with the Army. This role was further enhanced between 1790 and 1798 when the Revenue Marine was the only coastal naval force for the United States [Evans, 1949: 14]. Cutters fought in the Quasi-War with France (1797-1801) and were the only naval combatants pending the establishment of a Navy in 1798. The practice of assigning cutters to the
Navy at the President's discretion was formalized in legislation and later Congress provided for the transfer of the entire service to the Department of the Navy in time of war or national emergency [Evans, 1949: 14-15]. Cutters have fought in every war since 1790 and, because of the dual-character of the service, have participated in some unique operations that have been both military and civil in nature. Some of these were the engagement of French privateers in the Caribbean in the late eighteenth century, attacks on pirate land bases in the Gulf of Mexico in the early nineteenth century, defense of settlers against Seminole Indian attacks in Florida, early law and order functions following the purchase of Alaska, and blockade duty in the Mexican and Civil Wars [Evans, 1949]. Coast Guard cutters currently undergo the same training for combat as naval ships and most recently served in Vietnam, providing gunfire support and conducting arms interdiction and anti-insurgency operations [Tulich, 1986: 1].

As a law enforcement agency originally charged with the enforcement of customs laws, the Coast Guard has acquired sweeping authority and jurisdiction over the years. Figure 8-2 provides a summary of major legislation that has expanded the Coast Guard's law enforcement authority over the years.
### FIGURE 8-2

**SELECTED LEGISLATION IN THE DEVELOPMENT OF THE ENFORCEMENT OF LAWS AND TREATIES PROGRAM**

<table>
<thead>
<tr>
<th>LEGISLATION TITLE OR DATE</th>
<th>CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Revenue Collection Acts 1789</td>
<td>Established tariffs, of collection system, port of entry, and Customs</td>
</tr>
<tr>
<td>Act of August 4, 1790 1 Stat 145</td>
<td>Revenue cutters authorized</td>
</tr>
<tr>
<td>Act Providing a Naval Armament, July 1, 1797 1 Stat 621</td>
<td>Coastal defense</td>
</tr>
<tr>
<td>Act of February 2, 1799 1 Stat 619</td>
<td>Quarantine enforcement</td>
</tr>
<tr>
<td>Act of March 2, 1799 1 Stat 627</td>
<td>Disabling fire authorized</td>
</tr>
<tr>
<td>Act of May 10, 1800 2 Stat 70</td>
<td>Slave trade prohibition</td>
</tr>
<tr>
<td>Act of April 20, 1818 3 Stat 447</td>
<td>Neutrality enforcement</td>
</tr>
<tr>
<td>Act of March 3, 1819 3 Stat 510</td>
<td>Piracy enforcement</td>
</tr>
<tr>
<td>Act of February 23, 1822 3 Stat 651</td>
<td>Timber (shipbuilding) conservation</td>
</tr>
<tr>
<td>Act of December 22, 1837 5 Stat 208</td>
<td>Winter cruising, began regular patrols</td>
</tr>
<tr>
<td>Act of February 19, 1862 12 Stat 340</td>
<td>First immigration restriction</td>
</tr>
<tr>
<td>Act of March 2, 1889 25 Stat 1009</td>
<td>Salmon fisheries regulation</td>
</tr>
<tr>
<td>Modus Vivendi with Britain 1891</td>
<td>Fur seal protection</td>
</tr>
<tr>
<td>Act of May 19, 1896 29 Stat 122</td>
<td>First regatta patrol</td>
</tr>
<tr>
<td>Act of May 11, 1908 35 Stat L 102</td>
<td>Wildlife/furred animal protection</td>
</tr>
<tr>
<td>Act of February 9, 1909 35 Stat L 614</td>
<td>Prohibited importing opium, except as reg</td>
</tr>
<tr>
<td>Act of August 15, 1914 38 Stat L 692</td>
<td>Sponge fisheries</td>
</tr>
<tr>
<td>Harrison Anti-Narcotic Act 38 Stat 785</td>
<td>Narcotics controls</td>
</tr>
</tbody>
</table>
### SELECTED LEGISLATION IN THE DEVELOPMENT OF THE ENFORCEMENT OF LAWS AND TREATIES PROGRAM

<table>
<thead>
<tr>
<th>LEGISLATION TITLE OR DATE</th>
<th>CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act of January 28, 1915</td>
<td>38 Stat 800 Created modern Coast Guard</td>
</tr>
<tr>
<td>Act of 22 June 1936</td>
<td>Maritime Law Enforcement Authority</td>
</tr>
<tr>
<td>Continental Shelf</td>
<td>78 Stat 194 Creatures of the shelf (lobster, etc)</td>
</tr>
<tr>
<td>Fishery Resources Act</td>
<td>PL 88-308 protected from foreign fishing</td>
</tr>
<tr>
<td>Act May 20, 1964</td>
<td>PL 89-670 Created DOT, Coast Guard moved from Treasury</td>
</tr>
<tr>
<td>Department of Transportation Act</td>
<td>HR 15963</td>
</tr>
<tr>
<td>Bartlett Act</td>
<td>80 Stat 908 Contiguous fisheries zone established</td>
</tr>
<tr>
<td>Marine Mammal Protection Act October 2, 1972</td>
<td>80 Stat 178 Protection within 12 miles</td>
</tr>
<tr>
<td>Fisheries Conservation and Management Act 1976</td>
<td>PL 94-265 200-mile limit</td>
</tr>
<tr>
<td>Biaggi-Gilman Bill (1980)</td>
<td>94 Stat 1159 Closed high seas possession loophole</td>
</tr>
<tr>
<td></td>
<td>PL 96-350</td>
</tr>
</tbody>
</table>

190
MULTI-MISSION

The Coast Guard has accumulated a diverse number of missions in its history and is best characterized through analogy as a holding company of diversified maritime services. These services, which roughly equate to product or service lines in the private sector, are delivered through a hierarchical military field organization which is geographically based. The headquarters organization provides policy guidance, obtains resources through interaction with the federal governmental structure in Washington, D.C., administers operating programs, and allocates resources.

The multi-mission concept applies at all levels of Coast Guard activity. The agency itself is multi-mission in that it engages in service delivery (search and rescue, aids to navigation, emergency communications, icebreaking), law enforcement (fisheries, drugs, illegal aliens, environment), regulatory functions (rulemaking, licensing, adjudication), and national defense. Coast Guard hardware, operating units, and even its people are multi-mission. A patrolling cutter is also a standby search and rescue resource. A coastal station engages in search and rescue, law enforcement, and environmental protection. A crew member of a cutter has a career
FIGURE 8-3

ORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

specialty (i.e. electronics technician), may be a member of a boarding team, stands certain watches on the cutter, and has a responsibility in the event of fire or combat.

A workable private sector analogy is the economic and accounting term "joint production." More than one product is produced with the same resources or personnel. In discussing the multiple missions assigned to the service, the portfolio concept used in strategic management theory is a useful analogy. The current Commandant, Admiral Paul Yost, speaks of a strategic triad which classifies specific functions or missions into either maritime safety, defense operations, or maritime law enforcement strategic groups in much the same manner that General Electric's diversified business units are classified into three strategic groups.

ORGANIZATION

The Coast Guard operates in a matrix fashion to deliver services and conduct operations within the Department of Transportation (see Figure 8-3). Public services and other operations are classified into "operating programs" and assigned to "program managers" at Coast Guard Headquarters. Required internal support services are classified into "support programs" and are
FIGURE 8-4
ORGANIZATION OF THE UNITED STATES COAST GUARD

assigned to "support managers." These operating and support program managers have no direct line authority over field units. Figure 8-4 is the Coast Guard organization. Figure 8-5 is a listing of current operating and support programs shown with the responsible program manager at Coast Guard Headquarters. The Office of the Chief of Staff coordinates the actions of various offices with management responsibility, provides the interface with the external resource structure (DOT, Congress), and makes the macro resource allocation decisions. The Coast Guard's senior executive is the Commandant, a four-star admiral, who is assisted by a Vice Commandant, a three-star admiral. The Commandant is the senior official in both the Headquarters and field organization.

The program and support managers provide internal support and program oversight for a pyramidal military field organization that is geographically based. The field structure is divided into Pacific and Atlantic Area commands. Each area is the responsibility of an Area Commander, a three-star admiral. Within each area the commander exercises control over a regional Maintenance and Logistics Command (MLC) and geographical districts, both of which are commanded by a one or two-star admiral. Figure 8-6 is a graphical representation of the current field structure.
## FIGURE 8-5

### COAST GUARD OPERATING AND SUPPORT PLANS

<table>
<thead>
<tr>
<th>OPERATING PROGRAM AREA</th>
<th>OPERATING PROGRAM PLAN</th>
<th>PROGRAM DIRECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aids to Navigation</td>
<td>Short Range Aids to Navigation Radionavigation</td>
<td>Office of Navigation and Waterway Services (G-N)</td>
</tr>
<tr>
<td>Bridges</td>
<td>Bridge Administration</td>
<td></td>
</tr>
<tr>
<td>Domestic/Polar Ice Operations</td>
<td>Ice Operations</td>
<td>G-N</td>
</tr>
<tr>
<td>Recreational Boating Safety</td>
<td>Recreational Boating Safety</td>
<td>G-N</td>
</tr>
<tr>
<td>Waterway Management</td>
<td>Waterways Management</td>
<td>G-N</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>Enforcement of Laws and Treaties</td>
<td>G-O</td>
</tr>
<tr>
<td>Reserve Forces</td>
<td>Reserve Forces</td>
<td>Office of Readiness and Reserve (G-R)</td>
</tr>
<tr>
<td>Search and Rescue</td>
<td>Search and Rescue</td>
<td>G-N</td>
</tr>
</tbody>
</table>
### FIGURE 8-5

**COAST GUARD OPERATING AND SUPPORT PLANS**

(CONTINUED)

<table>
<thead>
<tr>
<th>Support Program</th>
<th>Support Plan</th>
<th>Program Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Support</td>
<td>Acquisition</td>
<td>Office of Acquisition (G-A)</td>
</tr>
<tr>
<td>Civil Rights</td>
<td></td>
<td>Office of Civil Rights (G-H)</td>
</tr>
<tr>
<td>Command, Control and Communications</td>
<td></td>
<td>Office of Command, Control and Communication (G-T)</td>
</tr>
<tr>
<td>Engineering, Research and Development</td>
<td></td>
<td>Office of Engineering (G-E)</td>
</tr>
<tr>
<td>Resource Management</td>
<td></td>
<td>Office of the Chief of Staff (G-CCS)</td>
</tr>
<tr>
<td>General Administration</td>
<td></td>
<td>G-CCS</td>
</tr>
<tr>
<td>Health Services, Safety, Occupational Health</td>
<td></td>
<td>Office of Health Services (G-K)</td>
</tr>
<tr>
<td>Legal Support</td>
<td></td>
<td>Office of Chief Counsel (G-L)</td>
</tr>
<tr>
<td>Intelligence and Security</td>
<td></td>
<td>G-O</td>
</tr>
<tr>
<td>Personnel</td>
<td></td>
<td>Office of Personnel (G-P)</td>
</tr>
<tr>
<td>Public Affairs</td>
<td></td>
<td>Office of the Commandant (G-C)</td>
</tr>
</tbody>
</table>
FIGURE 8-6
COAST GUARD FIELD STRUCTURE

Atlantic Area

<table>
<thead>
<tr>
<th>9th District</th>
<th>1st District</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 tugs and tenders</td>
<td>2 high endurance cutters</td>
</tr>
<tr>
<td>1 icebreaker</td>
<td>10 medium endurance cutters</td>
</tr>
<tr>
<td>8 helos</td>
<td>15 tugs and tenders</td>
</tr>
<tr>
<td></td>
<td>13 patrol boats</td>
</tr>
<tr>
<td></td>
<td>9 helos</td>
</tr>
<tr>
<td></td>
<td>6 fixed wing aircraft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2nd District</th>
<th>5th District</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 tugs and tenders</td>
<td>7 medium endurance cutters</td>
</tr>
<tr>
<td></td>
<td>1 icebreaker</td>
</tr>
<tr>
<td></td>
<td>17 tugs and tenders</td>
</tr>
<tr>
<td></td>
<td>10 patrol boats</td>
</tr>
<tr>
<td></td>
<td>6 helos</td>
</tr>
<tr>
<td></td>
<td>8 fixed wing aircraft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8th District</th>
<th>7th District</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 medium endurance cutters</td>
<td>8 tugs and tenders</td>
</tr>
<tr>
<td>4 tugs and tenders</td>
<td>28 patrol boats</td>
</tr>
<tr>
<td>12 patrol boats</td>
<td>23 helos</td>
</tr>
<tr>
<td>31 helos</td>
<td>16 fixed wing aircraft</td>
</tr>
<tr>
<td>9 fixed wing aircraft</td>
<td>* 19 helos and 6 fixed wing aircraft are assigned to the Aviation Training Center in Mobile, Ala.</td>
</tr>
</tbody>
</table>

FIGURE 8-6
COAST GUARD FIELD STRUCTURE
(CONTINUED)

17th District
2 medium endurance cutters
7 tugs and tenders
4 patrol boats
11 helos
6 fixed wing aircraft

14th District
1 high endurance cutter
3 tugs and tenders
4 patrol boats
3 helos
3 fixed wing aircraft

USCG Long Range Aids to Navigation around the world


11th District
3 high endurance cutters
2 medium endurance cutters
2 tugs and tenders
17 patrol boats
13 helos
9 fixed wing aircraft
Districts, in turn, are subdivided into smaller military commands. District staffs provide operational oversight in their areas as well as intermediate program management. Figure 8-7 is an example of the subdivision of the First Coast Guard District which is headquartered in Boston. Large cutters and long range aircraft which are highly mobile and routinely cross district boundaries are controlled by the area commanders who can task those units or shift control to district commanders. District commanders exercise autonomy subject to resource constraints and higher level policy guidelines within their district boundaries. The result is a matrix type operation where services are delivered through a field organization while program and support management interacts horizontally at a variety of levels.

The regional maintenance and logistics commands are a recent organizational development, having been established in 1987. These regional commands centralized engineering and support functions previously carried out in a decentralized fashion at district offices. This action, a major reorganization in the service's history, was carried out to free personnel resources for operational field units and is directly attributable to "recent mission expansion in the area of drug enforcement" [Belz, 1988: 10]. The theme of
FIGURE 8-7
FIRST COAST GUARD DISTRICT SUBDIVISION

First Coast Guard District
Boston, Mass.

- District Office
- Group units

Map Version 1.0 25 July 1988

organizational change to adjust to the drug interdiction mission is discussed in the following chapters.
CHAPTER NINE

THE ENTRY OF THE COAST GUARD IN DRUG INTERDICTION

CONCEPTUAL MODEL

The programmatic model used in Part One focused on the collection of what Downs termed policy spaces for the drug enforcement program in the federal government. Downs stated that these policy spaces within programs were distinct from the organizational policy space. The latter being the collection of all assigned spaces in which an organization carries out activity. It is this notion of organization versus policy space that forms the basis for the model developed here. The model is intended to explain the reflexive entry of the Coast Guard into the current drug interdiction campaign in the early 1970’s and will be used in Part Three in a discussion of the strategic implications of drug interdiction.

DEFINING ORGANIZATIONAL POLICY SPACE: It is possible to list all legislative mandates, executive orders, administrative actions, and customary activity carried out by an agency. In the case of the Coast Guard, with its long and diverse organizational history, the list would be considerable. It would approximate
the aggregate of policy spaces assigned over the years. However, such a listing would not be exhaustive because it would not contain certain activities carried on without a precept in an informal or undocumented manner.

For example, one of the largest and most complex operations carried out by the Coast Guard in recent years will not be found in statute, case law, or executive order. Nor was it carried out due to custom. When it became apparent that an aircraft carrier would be an unsuitable platform for the ceremony and festivities surrounding the relighting of the Statue of Liberty during Liberty Weekend on 4 July 1986, the venue was changed to the Coast Guard base on Governors Island in New York Harbor. The resulting operation to control both land and harbor traffic while supporting a massive influx of media and government personnel was one of the most complex in Coast Guard history. Much of this operation was based on verbal agreements by senior managers in the Coast Guard, White House, other agencies, New York City, the television networks, and independent production entities. Many standard forms of organization and procedure were simply not feasible given the time frame and complexity. New and novel approaches to organizing and conflict resolution were needed.
In the foregoing example the Coast Guard never considered the operation as unworkable or beyond the service mandate (outside the organizational policy space). The service simply assessed the situation, estimated the requirements to carry out the function, organized a response, and executed the ad hoc plan developed. In the same manner, the Coast Guard and many other organizations carry out activities not subject to advance description or classification into a particular policy space.

CAPABILITY AND CONVERTIBLE CAPACITY: This notion of activity not susceptible to advance planning or description gives rise to a question of agency capability; a more appropriate description might be reserve, unused, or convertible capacity -- its potential. That such capability, capacity, or potential exists has been theorized by a number of observers of the bureaucracy.

Chester Barnard [1968: 116] recognized the power and ambiguity of the informal group in organizations noting its power to "establish institutions" and bring about "conditions under which formal organizations may arise." Selznick [1957: 5] differentiates rational organizations which he considers "expendable tools" from institutions which are a "natural product of social
needs and pressures - a responsive and adaptive organism." Selznick [1957: 6] further states such institutions demonstrate responsive versus designed behavior. To the extent that informal organizations and other subtle forces operate within organizations, institutionalization processes take place. This process, in turn, can expand or decrease the potential of an agency to act in a manner separate from rational organizations and legal mandates.

**ORGANIZATIONAL ESSENCE:** Viewing the organization or agency as a group within the larger government bureaucracy, the institutionalization process can manifest itself in what Morton Halperin [1974: 28] has called "organizational essence." He notes that "Organizations have considerable freedom in defining their missions and the capabilities they need to pursue these missions. The organization’s essence is the view held by the dominant group in the organization of what the missions and capabilities should be. Related to this are convictions about what kinds of people with what expertise, experience, and knowledge should be members of the organization" [1974: 28]. In other words, some discretion exists in mission definition and how that discretion is exercised is based on organizational essence. Within the bureaucratic framework organizational essence in agencies is
developed in much the same manner that culture is developed in smaller informal groups within agencies themselves.

Edgar Schein [1985: 6] states that the term culture "should be reserved for the deeper level of basic assumptions and beliefs that are shared by members of an organization . . . These assumptions and beliefs are learned responses to a group’s problem of survival in its external environment and its problems of internal integration." He is quick to note that speaking of culture in terms of the "organization" versus the "group" can become problematic. Schein [1985: 7] states that "culture should be viewed as a property of an independently defined stable social unit."

Louis Bragaw [1980: 248] in a case study of the Coast Guard concluded that "threats to survival of the Coast Guard as a federal agency are the hidden stimulus for better performance . . . the hidden stimulus is a form of the survival instinct." Bragaw [1980: 247] further identifies the strategy used to meet external threats: the "dual-role," "multimission" strategy.

If survival of an agency is an adaptation to the external environment in Schein’s meaning, and if the strategy or pattern of response that has evolved over
the years has been the preservation of the dual character, multi-mission nature of the service, then these two concepts must be elements of the organizational culture and essence.

The organizational essence of the Coast Guard, it is contended here, is its dual character and multi-mission heritage. These two elements of organizational essence give the Coast Guard an eclectic nature, an anomalous position in the bureaucracy, and a survivability which is based in the difficulty of outsiders in disaggregating missions and resource application. At an individual level, Coast Guard personnel feel they belong to a unique organization and feel they are unique. If there is no agency quite like the Coast Guard, then there are no people quite like "Coasties."

Kent Williams [1984: 95], in a 1984 study of Coast Guard culture, identified five beliefs which "form the core of the Coast Guard's culture." Three of the five relate to the uniqueness or mission variety of the service: humanitarian service, individual worth and fun.

It is when this organizational essence acts upon the apparent (nominal or rational) organizational policy space (collection of mandates, etc.) that the potential
mission universe of the Coast Guard is defined. The dual character and multi-mission orientations act as multipliers on the set of rational mission assignments to create the true capability of the service. They create an attitude that is reflected in a common saying about the service's budget: "We have been doing without anything for so long, that now we can do anything with nothing!" It is also reflected more elegantly in the Coast Guard motto: Semper Paratus, "Always Ready." The service has to be convinced it can't do something which appears in its traditional domain. What is left is to define the set of missions on which these multipliers act.

STRATEGIC TRIAD: That collection of missions is defined by the triad described in the introduction to Part Two: competence, domain, and capital assets. Capital assets are the hardware and infrastructure of the Coast Guard, its ships, planes, stations, communications networks, and so forth. Domain is the ownership rationale for the mission in terms of statute, case law, custom, geographical location, executive order, or service initiative. Competence is what the organization brings to its activities in terms of human capital, skill, internal cultures, and organizational structure (formal and informal).
MISSION UNIVERSE: This triad is shown in Figure 9-1 as a model where capital assets, domain, and competence are dimensions which describe the organizational policy space in Downs meaning. Here it is referred to as the mission universe. For any mission to be carried out by the Coast Guard there must be a rationale (domain), a mechanical system (assets), and expertise (competence). Mission acquisition may involve the acquisition of all three elements at once (the relocation of the polar icebreaking program from the Navy to the Coast Guard) or the expansion of one or more of the elements (increased legal authority over fisheries conservation).

As stated earlier the ability of the Coast Guard to expand its mission universe without notice is based in its organizational essence: dual character and multi-mission. When these multipliers operate on the mission universe they create the Coast Guard’s potential mission universe. Figure 9-2 is a conceptual representation of this notion. The three-dimensional space is expanded by the organizational essence to create convertible capacity (multi-mission assets) and reserve capacity (ability to use the other character).

Models only simulate environments and situations for the purpose of creating understanding and insight.
FIGURE 9-1

THREE-DIMENSION MISSION UNIVERSE

ASSETS

CUTTERS
AIRCRAFT
EQUIPMENT
INFRASTRUCTURE
COMMUNICATIONS
TECHNOLOGY

COMPETENCE

HUMAN CAPITAL
SKILLS
CULTURE
ORGANIZATION
• FORMAL
• INFORMAL

DOMAIN

LAWS
CASES
EXECUTIVE ORDER
GEOGRAPHICAL PRESENCE
CUSTOM
FIGURE 9-2

POTENTIAL MISSION UNIVERSE
GIVEN EXISTING ASSETS, DOMAIN AND COMPETENCE

ASSETS

MISSION UNIVERSE

MULTI-MISSION

DUAL CHARACTER

POTENTIAL MISSION UNIVERSE

COMPETENCE

DOMAIN
This model is not perfect. For example, one could make the argument that organizational competence is really a rationale (domain) for mission acquisition. Current strategic thought would assert that technology is a multiplier whereas it is seen as a factor in competence or the asset base by the author. As with many conceptual representations, this model is fuzzy at the edges. Since the Coast Guard like other organizations is a dynamic system, the boundaries of the actual mission universe and potential mission universe likely fluctuate or pulse.

APPLICATION OF THE CONCEPT: The main purpose of the model in this study is to provide a means to understand why the Coast Guard began drug interdiction operations, then sustained a regional mission realignment to support these operations, and, finally, involved the entire agency absent an internal or external mandate. The contention being that drug interdiction was a mission which existed in the fuzzy margin between mission and potential mission. The agency first reacted as if it was a normal activity within the general maritime law enforcement mandate created since 1790. The reflexive response was driven by the organizational essence and culture which extended the mission universe. "We did this kind of job
before, why shouldn't we do it now?" Since that first period, the drug interdiction mission has been incorporated into the rational mission universe as the domain expanded, assets were acquired, and competence gained.

FIXING THE POSITION OF DRUG INTERDICTION IN THE COAST GUARD MISSION UNIVERSE CIRCA 1969-73

"I had just come from Vietnam - where I had been in combat for a year - and I came back here as chief of the Bridge Division, and that 4 years I was chief of the Bridge Division I was not particularly, acutely aware of this growing mission for drug interdiction."

Admiral Paul A. Yost
Commandant, U.S. Coast Guard

The set of missions which occupied the operating program managers at Coast Guard headquarters in the 1969-1973 period did not include drug interdiction. Against the backdrop of a relocation to a new cabinet department, the Coast Guard was preoccupied with other mission-related issues such as marine environmental protection, fisheries conservation, and the war in Vietnam.
A PERIOD OF ORGANIZATIONAL TRANSITION: There were other pressing issues of the day. President Johnson consolidated all transportation related activities in the new Department of Transportation in 1967. After hearing vehement opposition to relocating the Coast Guard in the new department by the service and the Treasury Department, President Johnson told Treasury Secretary Fowler, "I'll tell you that I don't even need legislation to transfer any functions of the Coast Guard that are related to transportation safety to the new department, if it is formed" [Johnson, 1987: 341].

Faced with the prospect that the service would be "stripped of its most important roles and remain with the Treasury Department as sort of a latter day Revenue-Cutter Service," the Coast Guard reacted in a manner consistent with the organizational essence and culture described above [Johnson, 1987: 341]. The head of the transition task force, Admiral Mark Whalen, recommended, "I feel our approach should be that we have expertise, loyalty, ability, and military professionalism which a DOT must have to operate effectively, and that with the above we can perform certain functions of other agencies forming the DOT better than they now do and should acquire such functions. All levels of Coast Guard personnel should be directed to at all times reflect
this attitude" [Johnson, 1987: 341]. The transition into the new department and the attendant redefinition and expansion of the service’s strategic triad (domain, competence, assets) dominated program planning and external relations in the late 1960’s. The three most important are discussed below.

THE ENVIRONMENTAL PROTECTION SURGE: A subset and compliment of the general transportation safety program concept, the environmental protection mission, emerged shortly after the relocation of the Coast Guard into the DOT. Environmental disasters caused by tanker groundings in England (Torrey Canyon, 1967) and Puerto Rico (Ocean Eagle, 1968) and the oil well blowout in Santa Barbara Channel (1969) focused national attention on the pollution threat [Bragaw, 1980: 159-160]. Following in succession were: the 1969 National Environmental Policy Act (NEPA); the establishment of the Council of Environmental Quality (CEQ) in the White House in 1969; the creation of the Environmental Protection Agency by executive order in 1970; the Federal Water Pollution Control Act Amendment of 1972; and the Ports and Waterways Safety Act of 1972 [Bragaw, 1980: 160]. This flurry of legislation and the external demands generated by the environmental movement caused the creation of the Office of Marine Environment Systems in the Coast Guard in 1971 [Bragaw, 1980: 160]. This
mission acquisition is an example of a "top-down" legislative form of program creation. The mandate and mission were clear in statute.

CONSERVATION AND MANAGEMENT OF OCEAN RESOURCES:
Another issue which was tangentially linked to both maritime transportation and the environmental movement was the conservation of ocean and continental shelf resources. In 1966, Congress created a 12-mile "contiguous fisheries zone" to protect United States resources from a growing foreign fishing fleet [Allen, 1985: 9] Senator Warren Magnuson of Washington proclaimed that "Fisheries are one of the major battlefields of the cold war" and called foreign nations "rustlers of the sea" [Allen, 1985: 7]. While the United States had attempted to manage fisheries under a 1949 international agreement, that structure had come under fire [Allen, 1985: 10-11]. The 1966 legislation was the precursor to the imposition of a 200-mile fisheries conservation zone in 1976 legislation in PL 94-265. It was clear in the late 1960's that some sort of legislation would be passed and that a role in fisheries management was likely [Melsheimer, 1989]. Headquarters planners were involved in studies as to how such a limit or "iron fence" could be enforced given the current Coast Guard cutter and aircraft resources [Lynn,
Fisheries conservation enforcement was another top-down form of program creation.

**OPERATION MARKET TIME, WARTIME INTERDICTION OPERATIONS:** In the 1960's, the Coast Guard was called upon to do three things in the war in Southeast Asia. First, Coast Guard expertise in supervising the loading and unloading of hazardous cargo, built up through World War II and Korea, was utilized to supervise untrained Vietnamese stevedores "whose methods of handling explosives were an invitation to disaster" [Johnson, 1987: 337]. Second, reliable marine (buoys, etc.) and aviation (electronic positioning) aids to navigation were needed for United States forces. The Coast Guard put in place and maintained both systems [Johnson, 1987: 337]. Third, and most important to this study, the Coast Guard was involved in Operation Market Time.

Operation Market Time was conceived by the Navy to interdict arms and insurgents entering South Vietnam by junks and small craft in 1965 [Johnson, 1987: 331]. A shortage of shallow draft vessels led the Navy to request assistance from the Treasury Department. From 1965 until 1971, the Coast Guard dispatched cutters to Vietnam and participated in interdiction operations that were intended to force the Viet Cong to "rely on the tortuous Ho Chi Minh trail for most of their supplies"
During that period Coast Guard forces boarded thousands of vessels and was involved in combat. These operations renewed armed boarding skills not used since the anti-narcotics smuggling operations of the 1930’s and the prior Prohibition operations.

Coast Guard participation in Vietnam did not result from a new congressional mandate. It was the discretionary application of resources based on the customary practice of using the Coast Guard during conflict. In fact, failure to use Coast Guard forces in southeast Asia would have reversed a 200-year old policy. Johnson (1987: 331) clearly supports this notion in regard to the combat operations in Market Time: "Admiral Roland [Commandant of the Coast Guard], had been trying to devise a way to get the Coast Guard involved in Vietnam, fearing that if his service were limited entirely to a support role as it had been during the Korean War, its prized status as one of the nation’s armed forces might be jeopardized."

THE DIRECTED RESPONSE CONCEPT: In each of the missions noted above, the Coast Guard responded to a direct mandate. The relocation to DOT, environmental protection, and fisheries conservation were all mandated in legislation. The involvement in Vietnam was based on
existing statutory authority and the customary practice to assist the Navy as directed by the President in time of conflict. The common themes in each were (1) an official mandate calling for a directed response and (2) the immediate response by the service in reallocating multi-mission resources and gaining competence needed to carry out the mandate. In most cases competence existed within the service (i.e. maintenance of aids to navigation, explosive loading expertise) or was generated as part of the new mission implementation (on the job training in fisheries boardings) While some mission acquisitions were short-notice (operations in Vietnam), there is still a sense of rationality involved in defining a need, evaluating requirements, forming a response, and implementing a plan which was present in all of these activities.

ENTER THE NEW MARITIME DRUG SMUGGLING THREAT: The Coast Guard was heavily focused on the missions noted above in September 1969. "At 2:30 p.m., Pacific Daylight Time, on Sunday, Sept. 21, U.S. Customs officials, reinforced by agents and inspectors from around the country, suddenly tightened their inspection procedures at every entry point along the U.S. Mexican border. Each car crossing the border was subjected to an intensive search . . . the object of the campaign was to cut off the flow of marijuana into this country in
one massive, abrupt action" [Schroeder, 1975: 127].

Operation Intercept was a highly visible border interdiction operation that was conceived of by Justice and Treasury Department officials John Mitchell, Richard Kleindienst, and Gordon Liddy [Epstein, 1977:Chapter 7]. Intended to demonstrate the administration's get tough stand on crime and drugs, the operation caused a six-mile line at the San Ysidro, California port of entry from Tiajuana, Mexico on the first day [Schroeder, 1975: 127]. While there were few seizures, impacts were felt in the border economies in reduced tourism and the cutoff of both legal and illegal Mexican workers. Schroeder [1975: 128] has contended that the temporary cut-off in the flow of Mexican drugs caused the consumers to shift to other drugs, establish new sources of supply (for marijuana and cocaine - Latin America), or domestic cultivation.

Elaine Shannon [1988: 70-72] points out that shifts in the source of supply may have been facilitated by supply fluctuations in Mexico, but Colombia already had a "superior product" and access to East Coast markets where the "Mexican networks were weak. "Colombia's Caribbean ports had teemed with smugglers ever since the days of the Spanish Main. Smuggling was a primary source of cash for tens of thousands of coastal people,
'costenos,' who moved Colombian cattle into Venezuela, coffee and emeralds to the United States, and cigarettes, whiskey, and electrical appliances to South America" [Shannon, 1988: 71]. Coast Guard Captain John Trainor has also attributed some of the shift to internal controls and crop eradication programs in Jamaica and Mexico that forced the marijuana trade to Colombia [Trainor, 1987: 77].

THE REFLEXIVE RESPONSE BY THE COAST GUARD: On 3 October 1969 (two weeks after the border was closed), the 95-foot patrol boat, the Cape Jellison, intercepted a small boat headed inbound near San Diego, California and pursued it [Scheina, 1989]. The boat was seized with an unrecorded amount of marijuana and other contraband. Two days later 200 pounds of marijuana were found floating by the Cape Jellison 20 miles south of San Diego [Scheina, 1989]. While it is unclear whether or not Coast Guard personnel carried out the enforcement action, this is the earliest recorded seizure of the modern interdiction era found by this researcher. Although the operation ceased in mid-October after relations with Mexico were put at risk, the trend in the shift to other methods and of transportation and sources continued [Epstein, 1977: 84; Schroeder, 1975: 127].
Later, patrols in south Florida (Seventh Coast Guard District shown Figure 8-6) began to encounter marijuana smugglers. The earliest action on the east coast found by this researcher was the seizure of the Mont Boron by the cutter Cape Knox on 10 September 1972. In 1973 five seizures were reported [Melsheimer, 1989]. Seizures doubled in 1974 and 1975 [Melsheimer, 1989]. By the time the decade (1970's) ended, over 7.5 million pounds of marijuana had been seized by the Coast Guard with other 1.1 million pounds seized in joint operations with other agencies. Figure 9-3 provides yearly seizure data since 1973 when the Coast Guard started to maintain statistics on seizures.

EXPANDING THE MISSION UNIVERSE TO INTERDICT DRUGS

THE EXCEPTION, NOT THE RULE: The cutters that made early seizures were not on directed drug patrols. These seizures were seen as the exception, rather than the rule, to the mission of the day. For example, the seizure of the Gilma I by the Cutter Courageous with 6,200 pounds of marijuana in September 1973 (miniscule by current standards) was cited at the time as the "largest high seas narcotics haul in the history of the Coast Guard" and prompted congratulatory letters from the President and the new Drug Enforcement Administration [Larzelere, 1975: 59]. In an account of
the incident for a professional journal the cutter's commanding officer described the patrol as a "continuous law enforcement patrol in the busy Caribbean waters north of Cuba" to "enforce the various U.S. laws and agreements in the area" [Larzelere, 1975: 53]. Included in that general description were: prevention of the entry of illegal aliens, enforcement of the "anti-hijacking" agreement with Cuba, deterance of raids on Cuba by exile groups, investigating disputes between Bahamian and United States fishermen, response to distress calls, and enforcement of narcotics laws [Larzelere, 1975: 53] Given the history of the Coast Guard drug interdiction effort just prior to this period, the latter would seem a recent addition based on the patrol experiences of the day.

THE DEVELOPMENT OF THE DRUG INTERDICTION DOMAIN:
Prior to the increase in seizures, drug interdiction was considered within the domain of other agencies. The Coast Guard's role was to assist those agencies. Given Coast Guard participation in prior drug smuggling campaigns it is difficult to understand why the shift in the drug trade was not viewed in the same light as the opportunity to fight in Vietnam. A review of the history of Coast Guard boarding authority and drug interdiction campaigns provides the answer.
BASIC LAW ENFORCEMENT AUTHORITY: Legislation passed in June 1936 authorized the Coast Guard to "enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States." [49 Stat 1820] The latter authorized the Coast Guard to make "inquiries, examinations, inspections, searches, seizures, and arrests . . . for the prevention, detection, and suppression of violations of the laws of the United States, under certain limitations." [49 Stat 1820] The basic law enforcement authority of the Coast Guard is now codified in 14 USC 2 and 14 USC 89.

These statutes were enacted in 1936, after the Supreme Court upheld the validity of Coast Guard two Prohibition era boardings in Maul v. U.S. [274 U.S. 501 (1927)] and U.S. v. Lee [274 U.S. 559 (1927)]. The Court ruled in favor of the Coast Guard but indicated the need for a specific statute absent a clear violation of law or probable cause [Johnson, 1987: 158]. Coast Guard boarding officers were advised in the Coast Guard Handbook "Law Enforcement at Sea Relative to Smuggling" [1932: 1-2] that probable cause was required to board United States vessels outside territorial waters. The 1936 legislation empowered the Coast Guard to board United States flag vessels without probable cause or warrant to conduct routine administrative
inspections, authority that has been repeatedly challenged in court in the last two decades. Admiral Stephen Evans [1949: 218] has called this legislation "one of the most sweeping grants of police authority ever written into law."

MAJOR DRUG INTERDICTION CAMPAIGNS: Prior to the passage of this legislation, the Coast Guard and earlier Revenue Cutters appear to have engaged in two major drug smuggling campaigns (in addition to the ongoing, routine enforcement of customs laws). The first operation took place prior to the Civil War. The dates are unclear but operations are implied in Evan's [1949: 25] "report of a shipbuilding program that was intended to increase the speed of the cutters in the 1840's to win "races with opium smugglers" [emphasis added].

The second campaign took place in the late Nineteenth Century. "When Congress revised the revenue law in 1890, it levied import taxes of varying kinds and amounts on morphine and its salts, smoking opium, and medicinal opium, and preparations of opium, and an internal revenue tax at $10 per pound on opium manufactured in the United States for smoking purposes" [Millspaugh, 1937: 80]. Smuggling of opium to avoid tariffs was combined with the smuggling of Chinese aliens for coolie labor [Evans, 1949: 182]. Enforcement
operations in this campaign took place largely in the in the Pacific Northwest (as discussed in Chapter 3).

It appears that due to World War I and the following massive anti-liquor smuggling effort during Prohibition, the Coast Guard did not pursue immediate enforcement of the Harrison Act. After the repeal of Prohibition in 1933 and the strengthening of the Coast Guard’s boarding authority in 1936, the Coast Guard, Customs, and FBN engaged in an anti-narcotics smuggling operation until the outbreak of World War II.

Walter Capron [1965: 112] commented,

"While liquor smuggling was dying out, another kind of smuggling was increasing. This was the smuggling of narcotics, mostly morphine and its derivatives. There never had been any doubt that some of the rumrunners had engaged in other illegal enterprises such as this - and even the smuggling of aliens - but it was always a sideline. Now, in 1935, a new wrinkle in smuggling dope appeared. Narcotics rings placed men in the crews of various large steamships, passenger vessels, and freighters, particularly those sailing from the Orient and Mediterranean. As these vessels approached United States ports . . . packages of
narcotics would be thrown overboard... Coast Guard vessels would meet the suspected vessel offshore and attempt to trail it to port."

In the three months following the passage of the 1936 act, 20,000 vessels were boarded, 2,000 cited for violations of law, and six were seized [Millspaugh, 1937: 153].

**DRIFTING AWAY FROM DRUG INTERDICTION:** After World War II, the Coast Guard gained a number of maritime regulatory duties and drifted away from direct enforcement of narcotics laws. A 1962 Roles and Mission study of the Coast Guard by the Treasury Department concluded:

"The Department of Justice has primary authority to investigate Federal crimes. Coast Guard policy is to refer all criminal investigations to that department after preliminary investigation reveals possible criminal activity... Enforcement and investigation of violations of criminal laws is not a large area of Coast Guard activity."

[Department of Treasury, 1962: B-13]

In regard to customs laws the study concluded:

"The Coast Guard provides assistance to
the Bureau of Customs in the enforcement of customs laws . . . by furnishing water and air transportation and, less frequently, manpower needed in emergencies to carry out investigations and to seize merchandise and contraband . . . enforcement assistance provided Customs by Coast Guard is on a cooperative basis. No formal agreement exists, nor appears to be necessary. Primary enforcement responsibility is vested in Customs, which reports that the Coast Guard renders invaluable assistance. . . it is recommended that the working relationship between the Bureau of Customs and the Coast Guard be continued."

[Department of the Treasury, 1962: B-24,25]

Those law enforcement operations which remained active were oriented toward port safety and environmental programs. The War had left the Coast Guard with a "Captain of the Port" function concerned with harbor and port safety, anti-sabotage activity, and dangerous cargo regulation [Bennett, 1981: 37]. While wartime activity included mounted and canine beach patrols, peacetime activity centered around anchorage and harbor patrols during the Cold War and, later, environmental activity. In 1969, the law enforcement
program structure reflected the devolution of drug enforcement and the evolution of regulatory and environmental programs (see Chapter 10).

In short, drug interdiction and general criminal law enforcement had been de-emphasized following the war. The acquisition of regulatory functions and the relocation to DOT reinforced this notion. The former ties between Customs and the FBN no longer existed. After a 30-year hiatus little expertise or competence in this area existed in the Coast Guard. What boarding and enforcement skills remained had been gained in normal operations, Operation Market Time, and enforcement of international fisheries agreements.

"WE DID IT BEFORE, WE CAN DO IT AGAIN!" Captain Larzelere recalls that he was "not uncomfortable" with law enforcement boarding operations and the drug interdiction mission, although we had "not perfected our procedures." He made several points which illustrate that minimum level, baseline skills needed in drug interdiction were retained through a variety of sources. First, he had commanded a patrol boat in Vietnam and had personally supervised hundreds of armed boardings under combat conditions. Second, he had also commanded a patrol boat in the Florida area earlier in his career and gained experience in unusual operations in the same
geographical area, including the Bay of Pigs operation. Third, there some Vietnam veterans in the cutter crew who also had experience. Fourth, firearms qualification and deck weapon proficiency was a routine training requirement for cutters and their personnel. Finally, lack of specific knowledge concerning evidence procedures, drug identification, and prisoner handling was learned with the help of local DEA and Customs agents.

For others interviewed by this researcher, there were some problems. Some cutters lacked firearms training for all personnel and faced difficulties in handling large numbers of prisoners. One commanding officer solved the problem by issuing guards baseball bats. One boarding officer made his first solo boarding after only one training boarding and was told by his commanding officer not to load his weapon.

Those involved in early interdiction operations reacted reflexively with existing hardware and expertise, while the rest of the Coast Guard was in a transition period or waiting for the new fisheries mandate. In 1974, the Operations Officer on a Florida-based cutter published an article in the Coast Guard Academy Alumni Association Bulletin entitled, "Drug War Erupts in the Seventh District" [Cashdollar, 1974]. In
1989, the Coast Guard is still at war, but the campaign has turned into a siege. It is the largest operating program in the Coast Guard surpassing search and rescue. The legal mandate under which the war has been played out has been 14 USC 89, codified in 1936. The geographical domain has been the Coast Guard's since the Quasi-War with France in 1799. The legal and customary practice of interdiction of contraband dates to 1790. The organizational reaction to the interdiction mission is detailed in Chapters 10 and 11.
CHAPTER TEN

ORGANIZATIONAL CHANGES IN THE COAST GUARD, ADAPTING TO THE DRUG INTERDICTION MISSION (1969-1979)

The Coast Guard organization as a whole did not take great notice of drug interdiction operations until the late 1970’s. Law enforcement gained visibility because of the impending 200-mile limit but drug interdiction tended to be viewed as a regional problem in Southeast and Southern California. In the 1980’s it became apparent that enforcing drug laws was a high visibility mission with equally high benefits in terms of funding, procurement of hardware, and elevating the organization’s prestige. This chapter examines the first interdiction decade, 1969-1979.

LOCATION OF PROGRAM MANAGEMENT AS A SURROGATE MEASURE OF CHANGE: Few major organizational changes have occurred at the operating level of the Coast Guard over the years. Equipment and skills change over time, but the basic field structure has been relatively stable or, at least, slow to change until the late 1980’s. Organizational changes are more frequent at levels which deal with the external environment in government. As external mandates change, the Coast Guard plans and
implements those changes through its headquarters staff in Washington. That staff routinely reorganizes to accommodate new programs.

The location of the program management function, the acquisition and management of resources and policy development for a particular service, can provide insight into the organizational status of that program. For example, a congressionally mandated program to change the color of life jackets to blue which is assigned to a low level in the organization hierarchy will have difficulty competing for resources to carry out that mandate. On the other hand, if the program were assigned to an implementation task force headed by a senior officer attached to the Chief of Staff’s office, the outcome would be sure and swift.

Within the planning and programming system in the Coast Guard drug interdiction has always been one part of the Enforcement of Laws and Treaties Operating Program shown in Figure 8-5. Other functions within the ELT program include marine mammal protection, illegal alien smuggling, enforcement of weapons laws, and so forth. While the writer and the Coast Guard itself may use the term "program" in different ways, it has meaning within the service as a functional category for budgeting purposes.
In this chapter and the following one the location of the ELT program and the included drug interdiction function or mission is traced over the last two decades. This organizational tracking is one measure of how the Coast Guard viewed the ELT program and the drug interdiction mission during its early phases.

A NOTE ON COAST GUARD HEADQUARTERS ORGANIZATION:
As described in Chapter 8, Coast Guard Headquarters is broken down into "offices" which are assigned operating and support program management responsibility. They are assigned acronyms with single letters (i.e. O, M, E) These offices are led by a flag officer or admiral. The next subdivision of the organization is the "division." Divisions are usually led by a Captain (a Colonel in the Army or Air Force). They are assigned acronyms that begin with the office letter and then identify that division (i.e. OSR, OLE) Divisions are further subdivided into "branches." The level of supervision in a branch depends on the size and nature of the program. Branches and some divisions have senior civilian personnel as chiefs. The Office of Civil Rights, created in the 1970's, is headed by a senior civilian. Branches are assigned alpha-numeric designators which
FIGURE 10-1

GENERIC ORGANIZATIONAL STRUCTURE AT COAST GUARD HEADQUARTERS

include the division acronym plus a number (i.e. OLE-1, OSR-5). Figure 10-1 is a generic organizational structure at Coast Guard Headquarters.

In 1969 the drug interdiction program was administered by a Commander at the branch level. For a while (1971-74) it was downgraded to a staff function within the Search and Rescue Division. By 1989, the Office of Operations had been renamed the Office of Law Enforcement and Defense Operations and was managed by a two-star admiral with a one-star admiral as an assistant. That office includes a Law Enforcement Division with separate branches for surface and air drug interdiction. The following sections show that drug interdiction moved itself into the organization from the bottom up.

EARLY TRANSPORTATION ISSUES

At the start of the first interdiction decade, Coast Guard organization was changed to accommodate the new set of transportation and environmental missions added to the service’s portfolio. However, external factors forced both fisheries and drugs onto the agenda and into the organizational structure by the end of the decade.
FIGURE 10-2
UNITED STATES COAST GUARD ORGANIZATION CIRCA 1969-1971

BEFORE THE ENVIRONMENTAL SURGE (1969-71): Prior to 1971, the Coast Guard was organized as shown in Figure 10-2. The majority of the service’s operating programs (service product lines) resided in the Office of Operations (O), they included the divisions shown in Figure 10-3. The Law Enforcement Division (OLE) consisted of three branches which managed the law enforcement programs in port safety (OLE-1), maritime law enforcement (OLE-2), and maritime pollution control (OLE-3) shown in Figure 10-3.

The Maritime Law Enforcement Branch managed the Enforcement of Laws and Treaties (ELT) operating program which would have included any drug interdiction function. The thrust of this operating program in 1969 was enforcement of international fisheries agreements and the recently imposed 12-mile fisheries zone (1966). The remaining branches managed the environmental and port safety programs that emerged after World War II.

During this period the FBN was reorganized into the BNDD in 1968; and the Comprehensive Drug Abuse Prevention and Control Act was enacted in 1970. The legislation consolidated a badly fragmented drug control regime and repealed previous legislation regarding "narcotic drugs." Among the acts that were repealed was
FIGURE 10-3
COAST GUARD LAW ENFORCEMENT MANAGEMENT ORGANIZATION CIRCA 1969

a 1941 act, which prohibited possession of any narcotic drug on board a United States vessel while engaged on a foreign voyage [Harvard Law Review, 1980: 725]. The Coast Guard was not actively involved in drug interdiction mission management at the headquarters level and the omission went unnoticed.

The effect of this repeal and the failure to create a new statute was to legalize possession of controlled substances outside the territorial waters of the United States. While the Coast Guard could stop and board a United States or stateless vessel with marijuana bales loaded on deck, prosecution was difficult because no possession law had been violated. Prosecution of violators could take place under statutes prohibiting conspiracy to import or distribute, activities covered in the 1970 statutes but difficult to prove [21 USC 952 and 21 USC 963]. This loophole created enforcement problems for the Coast Guard in the 1970’s and is discussed in Chapter 12.

ADAPTATION TO THE MARITIME SAFETY AND ENVIRONMENTAL PROTECTION MANDATE (1971-73): The Office of Marine Environment and Systems was created in late 1971 to consolidate all marine transportation systems. The Aids Aids to Navigation Division (DAN) and the Port Safety (OLE-1) and Maritime Pollution Control (OLE-3) branches
of the Law Enforcement Division (OLE) were removed from the Office of Operations. The Maritime Law Enforcement Branch was left without a division assignment. ELT program management was downgraded to a staff function and assigned to the Search and Rescue Division as OSR-5. This organization remained until 1974.

In 1973 all Coast Guard offices were given prefixes to their office identifiers to signify within DOT that they were part of the Coast Guard (i.e. G-OSR). The Office of Operations was reorganized to provide greater emphasis to the marine science programs. The new divisions in the Office of Operations were as shown in Figure 10-4.

These changes were in reaction to new missions and did not particularly take account of the ELT program other than providing it an organizational address. In a subtle way, however, the broad concept of ocean operations allowed the eventual assimilation of the expanding law enforcement program.

The Marine Sciences Division was renamed the Ocean Operations Division, a more general term and amenable to wider program diversity. The branches of the Ocean Operations Division were (1) Oceanography, (2) Polar Operations, and (3) the Ocean Station Branch. The Ocean
OPERATIONS DIVISIONS CIRCA 1974

SOURCE: DEPARTMENT OF TRANSPORTATION
Station Program was nearing the end of its life and the branch was abolished by mid-1974. The law enforcement program remained in the Search and Rescue Division, but a few months later it was renamed the Maritime Laws and Treaty Branch and was relocated from the Search and Rescue Division to the Ocean Operations Division as a full branch, G-000-4.

During this period seizures began to increase in the Southeast. The Nixon administration created ODALE and ONNI, then merged both with BNDD to form the DEA in 1973. A public affairs publication of the Coast Guard, the Commandant's Bulletin, noted the creation of DEA stating:

"All Coast Guard personnel are urged to assist this new law enforcement body to the extent possible. This is a good time to reaffirm the Commandant’s policy to assist Federal, state, and local law enforcement bodies in all matters of mutual concern. The Commandant is strengthening liaison with various agencies at a national level. All law enforcement components in the Coast Guard on the working level are encouraged to reassess and improve their liaison with all law enforcement bodies."

[Coast Guard, 1973a: 8, emphasis by author]
At the annual Area and District Commanders Conference in 1973, the Chief of Operations of the Coast Guard, Rear Admiral William Jenkins, stated,

"The potential for increased HEC [high endurance cutter] employment for ELT could well arise from increased fisheries law enforcement. We see this almost every month with additional bills that are introduced... they continually voice concern on our lack of patrol capability... New requirements may stem also from increased Coast Guard law enforcement. We have seen this in a number of areas... Cooperation with the new DEA, for example, Customs, the Bureau of Dangerous Drugs (before the DEA) and the border patrol, particularly in the 7th District, have peculiar problems. And Customs is concerned with the smuggling of narcotics and also illegal aliens in many areas."

[Coast Guard, 1973b, pp. 12-4,5]
Sea (LOS) focused the attention of Coast Guard ELT and marine science program managers. An additional branch was established in the Ocean Operations Division to coordinate National Ocean Policy activities (G-000-5). ELT planners estimated in 1975 that enforcing a 200-mile limit would require 6 additional cutters, 16 aircraft, and 1,500 people [Coast Guard (G-000-4), 1975]. Passage of the Fisheries Conservation Management Act (FCMA) in 1976 established the 200-mile limit effective 1 March 1977 [PL 94-265]. The legislation did not include additional funding for the Coast Guard.

There were good reasons why the fisheries issue drew so much attention (besides a lack of funds) and diverted time and effort from the embryonic drug interdiction mission. First, in late 1975, Iceland had imposed a similar fisheries limit which led to a "Cod War" with Great Britain [Allen, 1985: 15-16]. Several incidents resulted in damage to vessels and injuries. Iceland, home to strategic United States defense installations, threatened to break ties with Great Britain and leave NATO [Allen, 1985: 16]. Second, Admiral James Holloway III, Chief of Naval Operations, and Henry Kissiner, Secretary of State, both opposed the legislation at Congressional hearings stating the law would interfere with rights of innocent passage and the delicate ongoing LOS negotiations [Allen, 1985: 18].
President Ford had nearly vetoed the FCMA legislation saying the "measure purports to encroach upon the exclusive province of the Executive relative to matters under international negotiations" [Allen, 1985: 1].

Contrasted to the global implications of the FCMA and the anticipated resource requirements to enforce it, the regional drug interdiction operations in the Seventh District did not seem very important to senior Coast Guard personnel at Headquarters [Melsheimer, 1989]. ELT program managers worked on both the fisheries and drug issue in the same branch office, thus the two tended to compete for staff attention. Fisheries issues were much more well known to senior managers [Melsheimer, 1989]. Nonetheless, internal briefing papers by ELT planners reported on the results of coordinated Operations Buccaneer and Channel Cat in 1974, noting "These operations have Presidential encouragement and have been described as 'just the tip of the iceberg'" [Melsheimer, 1989].

The international fisheries issue was being worked top-down (under a congressional spotlight); the drug interdiction mission was forcing itself up in that interdiction operations were taking place regardless of the congressional position on drug enforcement. Admiral Wagner had establish the Law Enforcement Organization
(LEO) in Florida, took part in regional multi-agency operations, and pressed for more resources for the Seventh District.

Congress was concerned about drugs, but focused on DEA's performance and early border control issues. In fact, studies in 1974 and 1975 to consolidate or reorganize drug and border enforcement functions mention the Coast Guard only briefly, if at all. A 1974 Justice Department analysis of border issues stated, "While there are other agencies concerned with the security of the Southwest border, e.g. . . . Coast Guard . . . the principal agencies involved in law enforcement are the Departments of Justice and Treasury" [Senate Committee on Governmental Affairs, 1988: 367-8]. The recommendations of the 1975 Domestic Council Drug Abuse Task Force regarding enforcement and interagency operations do not mention the Coast Guard [Senate Committee on Governmental Affairs, 1988: 414-418].

The "staffers" in the Maritime Laws and Treaties Branch were able to obtain one position in 1975 to expand the drug interdiction program. The "billet" [term for a Coast Guard military position] was assigned to the El Paso Intelligence Center and then Lieutenant Commander (LCDR) Robert F. Melsheimer moved from the G-000-4 staff to EPIC [Melsheimer, 1989]. This liaison
billet reported to the Intelligence Division (G-OIS) which managed all Coast Guard intelligence programs.

The Coast Guard had also placed a liaison officer at the State Department as a result of an incident in 1970 where a Lithuanian seaman requesting asylum on board a Coast Guard cutter was returned to a Soviet trawler. This officer reported to the Ocean Operations Division and coordinated enforcement actions taken against foreign vessels [Melsheimer, 1989].

Increased interaction with various types of vessels from various countries in the course of law enforcement patrols (fisheries and drugs) had the potential to cause international tension at the wrong time. One of the earliest policy directives of the era, "Procedures for Handling Various Types of Non-Military Incidents" was issued to all Coast Guard operating units in 1974 and covered the following activities:

1. Hijackings or terrorist activities
2. Asylum requests
3. Seizure of United States citizens or vessels abroad
4. Requests for assistance by a foreign national
5. Violation of international agreements on the high seas.
6. Potential or actual seizure of foreign vessels in violation of United States law
7. Conflicts between United States and foreign fishing vessels [Coast Guard (G-DFO), 1974].
The directive contained more information reporting requirements and guidance on press releases than on the actual procedures to be followed in individual situations. The purpose of the directive was to inform senior officials, up to and including the White House, of potential international incidents that might impact national security. The activities could include some drug interdiction actions taken outside territorial waters against foreign vessels.

In 1975 the increase in seizures and the coming fisheries limit prompted a general directive on law enforcement operations that officially reversed the conclusions of the 1962 Roles and Missions Study. The stated policy was that

"increased emphasis will be placed on ELT operations as a primary duty and responsibility of the Coast Guard. ... With regard to cooperation with other Federal law enforcement agencies ... that role may vary from providing transportation or communications services to acting as lead agency in a multi-agency operation ... when Coast Guard Cutters and/or Coast Guard boarding parties are involved, seizures and
arrests as appropriate will normally be made by Coast Guard personnel."

[Coast Guard (G-000-4), 1975]

Area and District Commanders were also directed to establish "appropriate liaison and coordinating mechanisms at the local level" [Coast Guard (G-000-4), 1975]. Appended to the directive was the organization manual for the LEO established in the Seventh District.

AN ORGANIZATION IN TRANSITION: After ten years in the DOT, the Coast Guard was being pressed to become involved in two major mission areas that seemed to diverge from the maritime transportation agency envisioned by President Johnson, fisheries and drug interdiction. Neither had appeared as pressing national issues in the post-War period, but were now emerging. Within the Coast Guard regulatory specialists tended to conflict with traditional operators. In a special Coast Guard focus issue of the U.S. Naval Institute Proceedings in March 1976, Commandant Owen Siler [1976: 35] remarked that

"The popularity of the regulatory versus operational theory tends to overshadow other views of the Coast Guard that can also contribute to a better understanding of our nature . . . I see the Coast Guard's nature
as that of a law enforcement agency; in this context we are all operational with a central fundamental purpose."

The late 1970's could be characterized as an institution building period in Selznick's sense. External requirements and threats were being processed and accommodated. Within the drug enforcement structure, the Coast Guard was emerging as a major organization in the "drug wars" by virtue of the maritime domain it held, the assets which were in place, and the growing competence to operate those assets. Outside the Coast Guard, the external environment had already sensed this. The major border management studies noted in Chapter 7 began to include the question of what the Coast Guard role should be, but provided few answers.

ORGANIZING THE OCEAN OPERATIONS DIVISION FOR FISHERIES AND DRUGS -- MAJOR POLICY ISSUES

By 1977, drug seizures and fisheries boardings were increasing rapidly. The Coast Guard was beginning to focus more closely on the management of these programs and their place in the organization. Resource management and policy guidance for the field also
increased. Between 1975 and 1977 six major policy directives had been issued:

1. determination of jurisdictions
2. (re) emphasis of law enforcement mission
3. procedures for contact boat smuggling
4. vessel lookout procedures
5. international agreement procedures
6. stolen vessels

[Coast Guard Directives and Publication Indices 1975-1977].

The policies had been required to standardize field practice across districts (stolen vessel cases, suspect vessel lookouts) or to respond to enforcement problems identified by field commanders (motherships offloading to contact boats, uniform assertion of jurisdictions). With the exception of guidance issued to enforce high seas violations, these procedures resulted from early interdiction experiences. Legal research and policy development required more time and higher level review.

The division was reorganized into the branches shown in Figure 10-5. For the first time in the modern interdiction era there was a program management branch focused directly on maritime law enforcement issues.
OCEAN OPERATIONS DIVISION
CIRCA 1977

independent of fisheries laws and treaties. The remaining years of the 1970's produced a number of changes and contentious internal issues which occupied the "staffers."

**INCREASED INTELLIGENCE SUPPORT:** The role of EPIC increased dramatically and a system of centrally issued suspect vessel lookouts was established in 1976. A sufficient number of personnel were assigned so that Coast Guard personnel were available on a 24-hour basis. These officers were specifically directed to provide intelligence information and not to direct operational units.

The growth of the law enforcement program and drug interdiction in particular created some new organizational relationships. The role of intelligence was one such change. Before the re-emphasis of law enforcement as a primary mission, relations with other agencies and criminal enforcement activities, when required, were carried out by Coast Guard agents assigned to the intelligence organization [Chapeau, 1984: 34]. These agents were trained at the same facilities as DEA, FBI, and other federal agents and tended to see themselves as the true law enforcement officers of the service [D. Thompson, 1989]. These agents are also the internal affairs investigative force.
for the Coast Guard. Coast Guard personnel conducting boardings, making arrests, and seizing vessels were considered as a patrol force which lacked "professional" law enforcement expertise [D. Thompson, 1989]. This same dichotomy existed between the investigative and patrol agencies within the overall structure. The Coast Guard was experiencing the specialization of functions within the ELT program.

**STANDARD USE OF FORCE POLICY:** In 1978 the first service-wide "use of force" policy was issued. This policy standardized terms, defined situations requiring deadly and non-deadly force, prescribe training and qualifications standards, and directed that all Coast Guard personnel engaged in boardings be armed [Coast Guard (G-000), 1978]. The policy also contained standard procedures for hailing and stopping vessels and the situations under which force could be used to compel compliance [Coast Guard (G-000), 1978]. This was a significant policy decision on the part of the Coast Guard.

Prior to 1978 use of force issues had been dealt with at the district level. However, several incidents involving accidental discharges of weapons and one involving the death of a suspect raised the issue to a service-wide level. In the latter, a Coast Guard
helicopter had been attempting to stop a boat fleeing into Mexico south of San Diego, California. A DEA agent had been embarked on the aircraft and was armed. When the boat entered Mexican waters the DEA agent attempted to use disabling fire without advising the aircraft commander. As a result a passenger on the boat was shot and killed [D. Thompson, 1989].

District and units commanders who had retained a great deal of discretion regarding the arming of boarding parties and the use of force lost some of this discretion. The previous discretion of commanding officers not to arm boarding parties was gone.

An angry officer wrote an article entitled "Torpedoing the Coast Guard's Good-Guy Image" in a professional journal,

"Can it be that this outfit which wanted nothing more than to ensure "the safety of life and property at sea" now skulks about the ocean in unlighted ships and sends armed boarding parties to look at children's life jackets?"

[Adams, 1980:137]

This policy and the growing law enforcement activity of the Coast Guard prompted a division within
the service commonly referred to as the "white hat" versus "black hat" role. An opposing view was offered later in the Coast Guard Academy's Alumni Association Bulletin:

"Our candidates should know right from the start that among the many "hats" which a Coast Guard officer is expected to wear is that of the modern-day "Smokie of the Sea." As such, he/she will be called upon to carry a weapon, engage in extensive boarding and other enforcement operations, and make ... seizures, and arrests."

[Abel, 1982: 3]

**TRAINING FOR PATROL PERSONNEL:** The 1975 policy reversal regarding law enforcement activities raised an issue noted early on by commanding officers and underscored in events leading to the use of force policy training.

"It soon became apparent that maintaining a professionally competent boarding force would require more training in basic federal law enforcement than was available solely from a school-of-the-ship approach" [Coast Guard G-000], 1979].

In 1978 the Coast Guard established a Maritime Law
Enforcement (MLE) School at its Training Center in Yorktown, Virginia. The five week resident course trains personnel assigned to boarding teams and patrol units. Semi-annual seminars for senior officers are also conducted. The MLE school graduates approximately 30 people in each class. The number of classes held per year is established by annual funding level for Coast Guard training and varies. The training provided is "fundamental law enforcement training needed to perform effectively and professionally as federal law enforcement officer" [Coast Guard (G-000), 1979]. However, the capacity of the school was not sufficient early on to train all personnel needing the skills and "alternate sources of training" were encouraged [Coast Guard (G-000), 1979]. These alternate sources were local enforcement training facilities and in-house mobile training teams.

FORMALIZING INTERAGENCY RELATIONSHIPS: In the short period between 1975 and 1977, the growing activities of the Coast Guard in drug interdiction prompted its inclusion in the interagency coordination discussions in Congress and elsewhere (i.e OMB). The Coast Guard negotiated "Interagency Agreements" with both Customs and DEA in 1978. These agreements
identified jurisdictions and established coordinating procedures on a bilateral basis [Coast Guard, 1978b and 1978c].

**IMPACT OF THE 1976 MANSFIELD AMENDMENT:** In the late 1970’s, proposed joint interdiction operations with the Colombian Navy were derailed when legal interpretations of the Mansfield Amendment (1976) indicated the Coast Guard was prohibited from assisting the Colombians in their territorial waters [Coast Guard (LMI), 1980]. The issue was debated in legal circles and had a dampening effect on international initiatives. 1979 case law broadened powers to assert jurisdiction over United States flag vessels in the territorial waters of another nation with that nation’s consent [U.S. v. Conroy, 589 F. 2d 1258 (1979)]. It was not until the mid-1980’s that a legislative remedy was passed.

**ASSESSING THE CHANGES**

From the time of the first seizure off Southern California in 1969 until the establishment of a separate headquarters branch devoted entirely to maritime law enforcement in 1977, eight years had elapsed. Over 7 million pounds of marijuana and 339 vessels had been seized by Coast Guard units [Coast Guard (G-OLE-1),
No documented seizures in the current era were found prior to the 1969 case noted in this research. As the Coast Guard was reacting to and coming to grips with the "new" environment represented by drug smuggling, the overall enforcement structure was seeking to replace the FBN. The concept of coordinating all ocean operations in one division emerged as a form of consolidated program management at Coast Guard Headquarters. This structure provided the latitude to incorporate fast growing fisheries and drug interdiction activities in the ELT program. Forced on to the policy and program management agenda from the field level, Coast Guard managers began to provide policy guidance on law enforcement and drug interdiction issues and to interact with the external drug enforcement structure through interagency agreements and other means (EPIC advisory committee, the National Narcotics Intelligence Consumer Committee (NNICC)).

The end of the 1970's also raised several policy issues which carried over onto the agenda of the 1980's. The foremost question was, how many resources should or could the Coast Guard put into the lengthening drug war. External economic conditions were forcing operating costs in the form of fuel price increases and the federal budget deficit problem was forming. The decade ended with budget problems looming and a GAO evaluation
of the Coast Guard's interdiction efforts to date.

"The Coast Guard has had some success in
detecting and capturing drug smugglers on
the high seas. For the most part, this
is attributed to its cutters, aircraft,
and electronics gear being superior to
the equipment used by smugglers and its
strategy of concentrating surveillance in
areas which smugglers must pass.

The Coast Guard needs to establish a drug
enforcement goal to use in measuring its
effectiveness and in determining its
resource needs. . ." [GAO, 1979a:cover]
CHAPTER ELEVEN

ORGANIZATIONAL CHANGES IN THE COAST GUARD, ADAPTING TO THE DRUG INTERDICTION MISSION

(1980-1989)

Interdiction operations were taking place in every district in the Coast Guard by 1980. Joint operations at Caribbean "choke points" forced vessel smuggling into the Gulf of Mexico and north into the mid-Atlantic states and New England. On the West Coast seizures were not as frequent but occurred in every state, including Alaska [Coast Guard (G-OLE-3), 1983].

There were an increasing number of incidents where vessels refused to stop and required warning shots to "come about." In 1980, the Cutter Point Francis, became the first cutter in the era to use disabiling fire to stop a vessel [Coast Guard, G-OLE-1, 1988]. In 1982, the Naval guided missile cruiser Mississippi with a Coast Guard Law Enforcement Detachment (LEDET) embarked, seized 25 tons of marijuana and arrested 11 in capturing a drug smuggler under wider authority granted by the Posse Comitatus amendments [Trainor, 1987, p. 81]. In 1983, the USS Kidd, a Navy destroyer with a LEDET embarked, was the first Naval ship to use disabiling fire to stop a smuggler [Coast Guard (G-OLE-1), 1988].
Marijuana, bulky and space consuming, was being replaced by low volume, higher value cocaine. Drugs once visible in bales on deck were now being hidden in secret compartments [Coast Guard (G-OLE), 1983]. Marijuana seizures peaked in 1981 and 1982 to be replaced by growing cocaine seizures [Trainor, 1987: 81; Coast Guard (G-OLE-1), 1988]. Aircraft which were unconstrained by choke points were becoming the smuggler’s preferred mode of transportation [Coast Guard, (G-OAI), 1987]. Changes in the drug trade and counter-changes in the enforcement structure accelerated. The Coast Guard scrambled to keep up with thinning resources in an austere fiscal environment. Law enforcement program management, illegal alien interdiction operations as well as drug interdiction, continued the climb up the priority structure at Coast Guard Headquarters.

RE-ESTABLISHMENT OF A LAW ENFORCEMENT DIVISION
(1980-1982)

The combined growth of the fisheries and drug interdiction missions outgrew the Ocean Operations Division by 1980. The Office of Operations was reorganized as shown in Figure 11-1. The Ocean Operations Division was broken into two separate
FIGURE 11-1
OFFICE OPERATIONS CIRCA 1980

divisions: the Marine Science and Ice Operations
Division (G-OMI) and the Operational Law Enforcement
Division (G-OLE); the latter reestablished after a nine
year absence.

The complexity of the ELT program was reflected in
the establishment of separate branches for planning,
training, general law enforcement (including
interdiction), and fisheries as shown in Figure 11-1.
In 1981 the OLE-1 branch expanded its planning function
to include the facility management of all cutters except
buoy tenders and icebreakers.

In 1982 the telecommunication management support
function was removed from the Office of Operations and
relocated in the new Office of Command, Control, and
Communications. The Office of Operations was left with
five major divisions compared to the seven it managed in
1969. During this period activity centered on gaining
operating funds and new hardware for the expanding
enforcement missions in tough budget times. In
addition, the staff was involved in a new Roles and
Mission Study [Hart, 1989].
THE BUDGET PROBLEM

The combination of rising fuel prices and increases in Coast Guard missions since the late 1960's prompted the service to seek budgetary relief in the late 1970's [Alumni Association Bulletin, May/June 1980: 26]. A 1980 GAO review of the service and its funding concluded: "In recent years the Congress has given the Coast Guard new duties, for example oilspill prevention and cleanup, and enforcement of fisheries and drug laws. However, the Coast Guard's budget has not grown to meet its needs for additional staff and vessels. Moreover, some Coast Guard shore facilities are inadequate" [GAO, 1980, Digest].

In 1981, the House Committee on Merchant Marine and Fisheries published an oversight report on the Coast Guard entitled, Semiparatus: The United States Coast Guard, 1981. "Its general thrust was that the Coast Guard [did] not have the resources to cope with the variety of responsibilities placed on it and that while priority must be given to the Coast Guard's at-sea missions and to improvements in training and plant maintenance, the service should be relieved of responsibilities 'which can be fulfilled by other federal agencies, by state or local government, or by the private sector'" [Moore, 1980: 195]. Warner relief
did not appear in the 1982 appropriation, the Commandant of the Coast Guard, Admiral Jack Hayes, announced a 10 percent reduction in force and the closing of three air stations, the decommissioning of 11 cutters, and the closure of 20 coastal stations [Moore, 1980: 196]. Most of the reductions were restored after a confrontation with the Congress, but the battle for funds has continued to rage through the 1980's [Yost, 1989]. The situation was repeated in 1988 when the Commandant ordered a 50 percent reduction in enforcement patrols and closed stations [Yost, 1989]. Supplemental funds followed then too.

As a result of growing concern over the state of the Coast Guard, the House Appropriations Committee directed in 1980 that a study group be established to review Coast Guard missions and that it "be something more than a simple reaffirmation of all Coast Guard existing tasks" [Transportation Department, 1982: 1]. The result was a new Roles and Missions Study to update the 1962 effort. That study was completed in 1982 and had several important impacts on the Coast Guard. The study concluded that the drug interdiction mission was mandated in law, but did not carry a specific goal or standard comparable to other programs [Department of Transportation, 1982: 41-42]. The Coast Guard, in the absence of central federal policy on desired
performance, was described in the study as creating their own standards. The study did not recommend the Coast Guard reduce its effort, but it did call for a unified federal policy on what was expected.

This recommendation tended to agree with the 1979 GAO evaluation cited in Chapter 10, "The Coast Guard's Role in Drug Interception -- How Much is Enough?" However, no central enforcement policy structure existed until the National Drug Enforcement Policy Board was created in 1984. Prior to that time, national strategies were developed by working groups under the loose coordination of the White House Office of Drug Abuse Policy [Office of Drug Abuse Policy, 1978]. This researcher has found no clear cut, exact performance goals for the Coast Guard provided by any external entity.

OTHER DEVELOPMENTS IN THE EARLY 1980'S

CLOSING THE HIGH SEAS POSSESSION LOOPHOLE: A significant policy goal was achieved in the passage of the Maritime Drug Law Enforcement Act of 1980 (PL 96-350) which closed the high seas possession loophole created in 1970. The new act made it illegal for "any person on board a vessel of the United States, or on board a vessel subject to the jurisdiction of the United
States, on the high seas, to knowingly or intentionally manufacture or distribute, or possess with the intent to manufacture or distribute, a controlled substance" [PL 96-350].

THE MARIEL EXODUS: The largest "no-notice" peacetime surge operation in the Coast Guard’s history occurred in 1980 and virtually brought all other enforcement programs to a momentary standstill. Between April and November in 1980, nearly 125,000 Cubans entered the United States in a massive exodus from the port of Mariel, Cuba. The combined rescue and blockade operations involved 22 major cutters, 37 patrol boats, 19 Navy ships and patrol boats, numerous aircraft and small craft, and thousands of Coast Guard personnel [Larzelere, 1988]. The operation required a Coast Guard reserve force call-up for only the second time in the service’s peacetime history [Larzelere, 1988: 189].

This operation is noted here for two reasons. First, the enormity of the task and the time pressure to respond presented a huge challenge which the Coast Guard met by mustering all the potential capability and reserve capacity the service had. It worked, and provided the most elegant example to date of the extension of the strategic triad through the multiplier effect noted in Chapter 9.
Second, the operation removed cutter patrols from the choke points in the Caribbean providing nearly free access to the United States by smugglers for a number of months. The operation was directed by the President and left no mission discretion on the part of the Coast Guard. At the close of the operation it was possible to see "almost a linear relationship between the number of patrol units returned to drug interdiction and seizures . . . it also showed how resource poor the Coast Guard was in stopping drugs from entering the country" [D. Thompson, 1989]. Units retained in the area against the contingency that a second threatened exodus would occur "led to a massive increase in drug seizures late in the year" [Coast Guard (G-OLE-3), 1983].

The inference by Admiral Thompson from this "natural experiment" is that the Coast Guard can demonstrate a relationship between choke point patrols and seizures that is linear (more ships, more seizures) when there is no prior warning to the smugglers. This can infer an overall lack of resources in that when smugglers have no knowledge of interdiction unit location, seizures are proportional to patrol units. The notion is, then, that we are constrained in enforcement effectiveness only by the number of patrol units. We are "resource poor." However, this albeit
fragile notion soon collapses because the element of surprise is ephemeral and smugglers soon learn of patrol units and reroute. The overarching question becomes how to attack the flexible transportation system of smugglers. It is a question unanswered today.

HAITIAN MIGRATION: The following year, 1981, the Coast Guard initiated the Haitian Migration Interdiction Operation (HMIO) in cooperation with the Haitian government to stem the flow of aliens attempting to leave Haiti [Coast Guard (G-OLE-3), 1983]. That program continues today with a cutter on patrol or capable of response at all times. Between 1981 and 1988 nearly 17,000 aliens have been stopped. During the same period those cutters also seized an estimated 700,000 pounds of marijuana and 3,000 pounds of cocaine in 59 cases [Coast Guard (G-OLE-1), 1988]. These amounts are included in the overall statistics provided elsewhere.

POSSE COMITATUS AMENDMENTS: The passage of the Posse Comitatus amendments in 1981 provided an inter-agency coordination requirement. Policy issues were addressed within the OLE division until the establishment of NNBIS in 1983. Day-to-day coordination of DOD involvement was carried out by district and area commanders. The major use of DOD assets was for surveillance (aircraft) and through the use of Tactical
Law Enforcement Teams (TACLETS) of 15 persons and smaller detachments, LEDETS, of 5 to 8 persons [Coast Guard (G-OLE), 1983].

Without increases in funding, the Coast Guard found the emerging multi-agency operations a cost-effective way to stay involved in interdiction at a reduced cost. The TACLET/LEDET concept is a good example. Placing a team on board a Navy ship transiting the Caribbean in the course of normal operations adds little cost to the Navy and provides a drug enforcement platform to the Coast Guard. A 1984 briefing paper on this support noted, "... if we had to replace this effort with equivalent level of Coast Guard resources, the cost/value would be very substantial" [Coast Guard (G-OLE-3), 1984].


Chapter 7 detailed the evolution of multi-agency coordinating structures as a natural response to agency specialization and the growing complexity of the drug trade. From the agency view it tended to cloud existing organizational relationships and circumvent existing chains of command. Figure 11-2 is extracted from a 1983 Law Enforcement Division briefing book. It is the Coast
FIGURE 11-2
COAST GUARD COORDINATION CHAIN
WITH MULTI-AGENCY STRUCTURES
CIRCA 1983

Guard's view of the interaction between the agency and the external enforcement structure prior to the creation of the National Drug Policy Board. Figure 11-3, from the same briefing book, is a conceptual framework which shows the various supply and demand reduction agencies placed upon the four major components of the trafficking system. The reader may want to compare this agency view with the frameworks provided in Figures 2-3 or 7-6.

The Coast Guard summarized the interagency coordination issue in a Congressional hearing briefing book as follows:

"Coordination between agencies is necessary due to overlapping jurisdiction and common goals. Of the three lead federal drug interdiction agencies, DEA is the primary agency for Drug Law enforcement but its interests lie in domestic and foreign production and land-side interdiction. Customs has jurisdiction at points of entry into the U.S. which includes customs waters out to 12 miles of the U.S. coast. The Coast Guard has overlapping jurisdiction with DEA and Customs at maritime points of entry and with Customs within the customs waters, and
FIGURE 11-3
ANTI-DRUG ABUSE ACTIVITY
FRAMEWORK
CIRCA 1983

has primary jurisdiction on the high seas beyond the customs waters" [Coast Guard (G-OLE-3), 1983].

The Coast Guard, starting with assignments of personnel to EPIC and the State Department in the 1970's, assigned a number of personnel to the various task forces and coordinating structures. These liaison or staff officers assigned to external organizations have represented Coast Guard interests, worked on joint projects or operations, and, most importantly, gained in depth knowledge of the other organizations involved in similar missions. Figure 11-4 is a listing of liaison/staff functions carried out in the Coast Guard in the interdiction era.

The service's jargon for an individual assigned to such duty is a "purple suiter." This is a play on the term "blue suiter" which refers to the Coast Guard uniform and is an expression for someone in the Coast Guard. In this case, purple suit means there is no identifiable agency affiliation. In other words, these individuals serve for the good of the organization, not necessarily their own service. While no person is free from their organizational culture and its goals during
FIGURE 11-4

LIAISON FUNCTIONS RELATED TO DRUG INTERDICTION

AGENCY/LOCATION AND ACTIVITY
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State Department:
Coordination of law enforcement activity involving foreign vessel or nation. Expanded in 1980’s to liaison officers for both fisheries and general law enforcement. Coast Guard military attaches assigned to source country embassies.

El Paso Intelligence Center: Early liaison activity with drug intelligence community, followed by staffing of 24-hour watch.

National Drug Policy Board: Staff representative of the Coast Guard.

The Interdiction Committee: (TIC) Executive Director and staff officer. Coordinated development of interdiction portion of national strategy. Located with Customs.

Department of Defense: Liaison officer for issues involving DOD role in interdiction.

National Narcotics Border Interdiction System: (NNBIS) Staff director and staff officers provided. Half of regional centers under Coast Guard coordination.

Organized Crime Drug Enforcement Task Forces: (OCDETFs) Coast Guard personnel assigned as staff at regional centers.
such an assignment, the notion is that Coast Guard people do this well [Hart, 1989; Carney, 1989; Melsheimer, 1989; K. Thompson, 1989].

The following sections provide supplements to the material provided in Chapter 7 on the multi-agency coordinating structures, based on Coast Guard experiences in the South Florida Task Force, the OCDETFs, NNBIS, and the Drug Policy Board.

THE SOUTH FLORIDA TASK FORCE EXPERIENCE: Responding to the mandate to "immediately and significantly increase Coast Guard forces and manpower in the South Florida area to help in coming months with the interdiction of illegal drugs and aliens," the Coast Guard permanently reassigned cutters to the area from other parts of the country [Bland, 1983: 17]. Established at the same time was a new surface effect ship (SES) squadron (3 vessels) at Key West. These 110-foot vessels had a speed capability up to 40 knots and were capable of short-notice interceptions which other cutters could not do. Teamed with a large cutter with better sensors and a deployed helicopter, the SES concept was intended to close choke points such as the Yucatan Channel [Bland, 1983: 17] The SES squadron remains in operation and the number and sophistication of interdiction assets has continued to increase.
The combination of the Posse Comitatus amendments and Admiral Dan Murphy's "consumate management by intimidation," produced DOD assets for the Task Force [D. Thompson, 1989]. TACLETS and LEDETS were deployed on vessels with increasing success [Coast Guard (G-DLE-3), 1983]. The impact of the overall SFTF operation was enough to reroute smugglers to other parts of the country. Between 1981 and 1988 Navy assistance to the Coast Guard in the form of LEDET/TACLET embarkation or sightings leading to seizures resulted in 106 cases where an estimated 1,800,000 pounds of marijuana and 2,300 pounds of cocaine were seized [Coast Guard (G-DLE-1), 1988].

In the day-to-day operation of the SFTF both Admirals Thompson and Cueroni (coordinators between 1982 and 1986) noted the unusual reporting chains; they were responsible to the Atlantic Area commander and the Commandant within the Coast Guard, but reported to the Vice President via Admiral Murphy in coordinating SFTF operations. The Coast Guard coordinator had three offices: one at the Coast Guard District Office, another at the U.S. Attorney's Office, and a third in an office complex outside of town where the DEA was located. The White House was kept informed of activities through a weekly status report and a daily telephone call to the
Vice President's press office, in addition to the many informal contacts with Admiral Murphy [D. Thompson, 1989]. Externally, there were a number of agencies whose action were to be coordinated. Internally the District Commander frequently used temporary personnel from throughout the Coast Guard to support the SFTF and, later, NNBIS. It was difficult to manage the operation without creating friction within Coast Guard senior management, in particular those officers losing resources and senior officers in the traditional chain of command [D. Thompson and Cueroni, 1989].

Admiral Thompson agrees with Elaine Shannon's contention the DEA would have rather been involved in other long term investigative activity, but noted that the local Special Agent in Charge of the DEA "worked around" the problem and was very supportive of the local operations. The span of activity coordinated by a senior Coast Guard officer was considerable and ranged from finding enough jail space for prisoners, to coordinating money laundering investigations involving the DEA, FBI, and IRS, to assigning Coast Guard lawyers as Special Assistant U.S. Attorneys to facilitate prosecutions [D. Thompson, 1989]. At the same time, Coast Guard personnel were gaining valuable training and experience from the other agencies. Admiral Thompson characterized the interaction of the agencies as
"harmonious as it could be . . . looking back on it, people were too busy to get too petty. . . . the frustrations came from not being able to respond in two directions at the same time" [Thompson, 1989].

TRANSITION TO NNBIS AND THE OCDETFs: Admiral Thompson suggests that NNBIS was born from the "need for a visible display of tactical operations. The South Florida Task Force did not have that. The South Florida Task Force let each agency run their own interdictions, their own arrests, their own apprehensions, their own efforts . . . we coordinated them. . . but we didn't have a 24-hour operations center as we in the military could understand it, a command and control center" [D. Thompson, 1989]. The thrust of the SFTF was to "get to the kingpins" in post-interdiction investigations.

At the same time other areas of the country began to complain of displaced smuggling activity and the idea of a national interdiction system was proposed by Admiral Murphy. Thompson recalls that Admiral Murphy directed that an operations center be established in Miami for interdiction and he felt the center should be located in the Coast Guard District Operations Center. That command center, the busiest in the Coast Guard, was already overloaded with ongoing Coast Guard operations such as the Haitian operations and other Coast Guard law
enforcement patrols. Thompson recalls, "It was a crisis management center and Murphy wanted to throw everything in there." Using the clout of the Vice President's office, a separate operations center was created on short notice by GSA [D. Thompson, 1989]. "We just added another hat and made it work" [D. Thompson, 1989]. A Coast Guard NNBIS staff officer in Washington observed that the different regional command centers functioned differently based on the type of activity and the lead agency for the region: "Miami was the best because of the strong leadership and the oversight of the citizen's group" [Hart, 1989].

There were other considerations too. Thompson [1989] observes that "The creation of the OCDETF was a recognition on the part of [the Department of] Justice that were was not enough post-seizure investigative work being done. . . and it was clear that we were missing a lot of feedback that would have been useful in placing assets. . . we didn't get one in Miami and, quite frankly, we could have used one."

**NNBIS AND THE "HAT TRICK" OPERATIONS:** When Admiral Richard Cueroni relieved Admiral Deece Thompson in the Seventh District he wanted to come up with tactics beyond choke point patrols. Intelligence at the time indicated that a major operation during the harvest
period (late fall) would be effective [Cueroni, 1989]. Admiral Cueroni points out that they later learned there is no particular harvest time and marijuana is stockpiled during periods of intense enforcement [Cueroni, 1989]. The Seventh District staff developed a plan for a Coast Guard "pulsating operation down off the Colombian coast" where cutters would, in effect, blockade the outbound shipment areas of Colombia: the result was Operation Wagonwheel [Cueroni, 1989].

When the headquarters staff director of NNBIS, Coast Guard Captain Howard Gehring, was briefed on the operation, the project quickly expanded. In addition to the Coast Guard operations in what were called "departure zones," NNBIS would coordinate multi-agency operations in the "transit" and "arrival" zones [Cueroni, 1989]. The three-level interdiction plan was the rationale for the name "Hat Trick." Under the coordination of NNBIS, the State Department enlisted the aid of Caribbean Basin nations and increased use of DOD assets were obtained [NDEPB, 1986: 136] A special agreement was negotiated with Colombia to allow boardings of their vessels on the high seas and to allow cutters to board United States vessels within Colombian
"During the early phases of WAGONWHEEL, the maritime forces realized a seizure rate that was much higher than usual. When the smugglers became aware of the presence of the interdiction force, however, they stopped moving their illegal cargoes, planning to wait until the operation ended. Marijuana accumulated in the staging and growing areas of Colombia where in-country forces were able to confiscate and destroy major quantities of the drug. Operation WAGONWHEEL resulted in the seizure of 37 vessels carrying 169 tons of marijuana. Another three vessels carrying 28 tons were pursued into Mexican waters where they were seized by Mexican authorities."

[NDEPB, 1986: 137]

In comparison, the earlier and similar multi-agency Operation Stopgap (1977-78) noted in Chapter 6 resulted in the seizure of 23 vessels, the sinking of 4 others, and the seizure of nearly 450 tons of marijuana and 55 pounds of cocaine [CGLO EPIC, 1978].

Others were not so sure of the success. Admiral Cueroni called the operation a "mixed success," noting there were "too many players" [Cueroni, 1989]. However,
in NNBIS, Coast Guard Headquarters, and the Atlantic Area command there was great enthusiasm for the operation and plans began immediately for Hat Tick II [Cueroni, 1989]. Cueroni [1989] had doubts about the "sustainability" of the operation and the continual "knowledge gap" encountered with the temporary personnel sent from elsewhere in the Coast Guard to provide the needed staffing levels.

As operations became more visible, political stakes were raised. Florida Governor Bob Graham embarked on a local patrol out of Miami as a "seaman for a day" [Cueroni, 1989] When a drug bust resulted in a photo opportunity at the Coast Guard base, his opponent in the ongoing Senatorial campaign, Paula Hawkins, complained that the drug wars had become politicized [Cueroni, 1989].

**TASK FORCE OPERATIONS MULTIPLY:** A series of special interdiction operations and mini-task forces followed Hat Trick. Operation Blue Lightning (1985) was coordinated by Customs and targeted smuggling through the Bahamas. Prepositioned forces in cooperation with the Bahamanian government operated in the Bahamas. Strike teams moved by helicopters operating with cutters sealed off islands and made contraband sweeps. This operation evolved into a local permanent strike force.
operating 24-hours a day on the southeast coast of Florida. Operation Bahamas and Turks (OPBAT) focused on smuggling in the lower island chains of the Bahamas and the Turks and Caicos Islands. This was a periodic, surge-type operation that was supported by Coast Guard, Customs, Army, Air Force, and the local governments. These local operations were supported by new technology with DOD AWACs aircraft, mobile aerostat radar balloons, and high-performance helicopters and fast boats.

THE MARITIME DEFENSE ZONE, A NEW GROWTH MISSION

In 1984 the Secretaries of Defense and Transportation signed an agreement to establish Maritime Defense Zones (MDZ) under the command of the Pacific and Atlantic Area Commanders. Within these zones the Area Commanders became responsible to the respective Atlantic and Pacific Navy Fleet Commanders for "integrated defense of the area, including coastal defense, mine countermeasures/port breakout, harbor defense, port security/safety, protection of coastal shipping, and harbor defense" [Moritz, 1985: 44]. This action followed a defense missions related study by the Navy Coast Guard Board (NavGard Board). With the current naval strategy of forward projection of seapower to the area of conflict and the importance of the maritime transportation system to sustain the forward projection
strategy, the solution recommended by the NavGard Board pleased everyone and came at a time when defense programs were faring better than others. Between 1984 and 1986, the Military Readiness Division (G-OMR) of the Office of Operations was renamed twice (Military Operations then Defense Operations) expanded the program management function significantly.

By 1986, law enforcement and defense issues dominated the agenda in the Office of Operations. Separate divisions were created to manage the facilities used by both the defense and law enforcement programs, an Aviation Division (G-OAV) and a Cutter Division (G-DCU). The 1986 organization of the Office of Operations is shown in Figure 11-6.

The growing requirements for intelligence in both the ELT and defense operations programs resulted in the establishment of an Intelligence Coordination Center (ICC), a separate intelligence command located in Washington. The ICC coordinated the intelligence activities of the Coast Guard in two areas [Hager, 1989]. It interfaced with the law enforcement community through EPIC and NNICC. It also interfaced with the National Security Intelligence Community (IC) for defense related matters. The Coast Guard is unique in that it is the only federal agency with an ongoing role
FIGURE 11-5

OFFICE OF OPERATIONS CIRCA 1986

SOURCE: DEPARTMENT OF TRANSPORTATION, 1986
in both intelligence communities simultaneously [Hart, 1989].

THE MULTI-AGENCY STRUCTURE IN ACTION, THE AIR INTERDICTION MISSION

THE COAST GUARD AND THE NATIONAL DRUG ENFORCEMENT POLICY BOARD: The NDEPB was created in the 1984 legislation noted in Chapter 7. Early organizational meetings were held in April 1985 and by fall the board was soliciting staff from the participating departments. Captain Kenneth Thompson, a previous branch chief in the OLE division at Coast Guard Headquarters, was assigned to the staff of the Policy Board and reported in November of 1985. The Chief of the Office of Operations and other senior managers felt the Coast Guard should be "the first in" when such organizations were created [K. Thompson, 1989]. It was felt that there was "real potential that this would be important to the Coast Guard" [K. Thompson, 1989].

AIR INTERDICTION, A BRIEF HISTORY: Interdiction success on the water, coupled with increased use of cocaine in the United States produced new targets. Particularly important was cocaine smuggling by small aircraft: 48 percent of cocaine entering the country in
1986 entered in general aviation aircraft [Coast Guard, (G-OAI), 1987].

Without choke points and shoreline barriers, air interdiction becomes a complex problem of sorting targets, detecting small planes, identifying smugglers, monitoring the aircraft's movement, and intercepting the smuggler at a landing site not known in advance [Coast Guard, (G-OAI), 1987]. No single agency in the federal drug enforcement structure holds all of these capabilities. The current national strategy calls for detection, tracking, and apprehension in the "arrival zone" [Coast Guard (G-OAI), 1987]. The detection and tracking phases require use of fixed radar sites (FAA facilities), land based aerostate radars, mobile aerostat radars, and air search platforms (vessels and aircraft) [Coast Guard (G-OAI), 1987].

In the early 1980's, the Navy made available several P-3 Anti-Submarine Warfare (ASW) tracking planes for air interdiction. The Commandant of the Coast Guard at that time, Admiral James Gracey, refused the mission expansion under the premise that the aircraft were maintenance intensive and in need of sensor replacement to be useful [Yost, 1989]. In short, he believed they were not the right platform and the Coast Guard should not get in the business. The current Commandant,
Admiral Paul Yost [1989], agrees that the aircraft would have been an "intercept platform but would not be a good search platform." Customs took the aircraft and attempted to expand their own air interdiction mission. Evaluating that strategy, Yost [1989] remarked,

"The airplanes never flew very well.
They never got program hours out of them that we would have expected. What they did get out of them, they got at very high costs under contract maintenance and very high cost with contract pilots."

When Admiral Yost became Commandant of the Coast Guard in the summer of 1986 he felt strongly that P-3s were not the answer. He also felt that if the Coast Guard did not provide some similar platform in the maritime environment, Customs would obtained their own. "Anytime Customs wanted a platform to go board something or to patrol something we gave it to them if could spare it... if somebody is supposed to be serving you and they don’t serve you, you build your own in-house capability" [Yost, 1989]. When it became clear that superior E2C Airborne Early Warning Aircraft (AWACs) would be made available by Congress for air interdiction, Admiral Yost felt that the time was now right and that the Coast Guard was the proper agency to
receive them; William Von Raab, the Commissioner of Customs, did not agree [Yost, 1989].

ENTER THE POLICY BOARD: One of the first major policy issues referred to the NDEPB was the air interdiction issues and who should receive the E2Cs. A project team was assembled in August 1986 to report by November 1986 [GAO, 1988: 16-17]. While Captain Thompson was not assigned to the project team (nor was Customs), he provided the team with extensive background on the Coast Guard’s long aviation history and tried to impact in an “open and positive manner” on behalf of the Coast Guard [K. Thompson, 1989]. The Customs representative did not have the same background in interdiction and did not focus on the team’s activities [K. Thompson, 1989]. Captain Thompson provided logistics support and an opportunity for the project team to visit Coast Guard units during the evaluation trip to Florida so they “could see the Coast Guard at its best” [K. Thompson, 1989].

POLITICAL OUTCOME: The preliminary finding of the team was to assign all four available E2Cs to the Coast Guard and upgrade other sensor systems for Coast Guard aircraft and vessels. It was anticipated that the team’s report would be incorporated into the 1986 Anti-Drug Abuse Act (see Chapter 7). Just prior to the fall
elections, Captain Thompson was "beeped" to call the office late at night and was informed that the Congress had decided to assign two of the E2Cs to the Coast Guard and the other two to Customs [K. Thompson, 1989]. In Solomon-like wisdom the Congress had split the air interdiction mission between the two agencies.

On 11 May 1987, the Coast Guard and Customs signed a Memorandum of Understanding (MOU) regarding the joint responsibility for air interdiction. Under the agreement the Coast Guard is the "lead" air interdiction agency in the maritime region, while Customs has the lead in the land region. The MOU states, however, that the lead agency designation, "does not connote exclusive responsibility nor command and control of the resources by any other agency" [cited in Young, et al, 1987: 70]. Both agencies currently operate E2C aircraft independently and, to date, neither agency has "blinking." The issue may be moot as 1988 legislation assigned "detection and monitoring" responsibilities to the DOD (See Chapter 13).

RECENT ORGANIZATIONAL CHANGES

The combined effects of the flurry of legislation between 1984 and 1988 and the program management requirements generated by the air interdiction and MDI
mission expansions, produced sweeping organizational changes as the second interdiction decade drew to a close. While the drug mission was expanding the budget problems remained.

THE BUDGET REVISITED: Small increases in the Coast Guard's operating budget in 1983 and 1984 had allowed modest expansion of the drug mission. However the effect of the Gramm-Rudman-Hollings Act to reduce the deficit in 1984 had a chilling effect on the Coast Guard budget. Unlike the Department of Defense which had benifited from the Defense build-up of the Reagan administration, the Coast Guard was funded through the Department of Transportation appropriation which meant the Coast Guard had to compete with the likes of the FAA and Urban Mass Transit Administration for funds [Yost, 1989]. Since the drug interdiction and new Maritime Defense Zone were missions that had support in Congress, the Coast Guard began to get third-party funding via DOD appropriations and anti-drug legislation [Yost, 1989].

Figures 11-6 and 11-7 show the Operating Expenses (OE) Appropriations and the Acquisition, Construction, and Improvement (ACI) Appropriations for the fiscal years 1983 to 1990 (requested). OE is the everyday expense of operating the Coast Guard. ACI is the capital budget for the service. In OE the Coast Guard
FIGURE 11-6
COAST GUARD OPERATING EXPENSES (OE), 1983–1990

Operating Expenses
Appropriation

$ millions

1990 Constant Dollars

Source of Funding
- COAST GUARD
- DOD
- ANTI-DRUG

FY83 FY84 FY85 FY86 FY87 FY88 FY89 FY90

FIGURE 11-7
COAST GUARD CAPITAL EXPENDITURES (ACI), 1983-1990

Acquisition, Construction & Improvements Appropriation

SOURCE: U.S. COAST GUARD, 1989
has been literally kept alive by DOD and Anti-Drug funds since 1986. Likewise, capital acquisitions have come largely from those sources. Many of the acquisitions have been multi-mission hardware such as new patrol boats which have been purchased with DOD funds and are used for a number missions, most notably drug interdiction. In many cases the capital expenditure is provided for, but the follow-on OE is not. Since OE includes personnel cost, the Coast Guard has to staff new facilities from other sources. As the figures show, since 1986 the Coast Guard has struggled to staff new equipment and missions and still maintain current operationing levels. Further Figure 11-8 provides an overview of how OE funding (including overhead) has been slowly shifted to the ELT program since 1979.

GILBERT I AND II: In 1986 a newly promoted Admiral, Marshal E. Gilbert, was asked by the Commandant to (1) recommend ways to reduce personnel overhead for reprogramming to new facilities; and (2) recommend changes to the headquarters organization and staff structure to achieve greater efficiencies. The studies are referred to as "Gilbert I" and "II" within the Coast Guard.

The first study was completed in December 1986 and implemented in the summer of 1987. It is the subject of
FIGURE 11-8
OPERATING PROGRAM COST WITH SUPPORT COSTS ALLOCATED
1976-1986

DISTRIBUTION OF OPERATING EXPENSE FUNDS BY PROGRAM
SHOWN AS A PERCENTAGE OF THE TOTAL FUNDS AVAILABLE

OPERATING PROGRAM
AS A PERCENTAGE OF COSTS
(Not All Programs Shown)

<table>
<thead>
<tr>
<th>ENFORCEMENT OF LAWS AND TREATIES PROGRAM *</th>
<th>SEARCH AND RESCUE PROGRAM</th>
<th>AIDS TO NAVIGATION PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YEAR</strong></td>
<td><strong>Total</strong></td>
<td><strong>Drugs</strong></td>
</tr>
<tr>
<td></td>
<td>15.8%</td>
<td>7.6%</td>
</tr>
<tr>
<td>1979</td>
<td>18.9%</td>
<td>7.3%</td>
</tr>
<tr>
<td>1980</td>
<td>18.3%</td>
<td>10.3%</td>
</tr>
<tr>
<td>1981</td>
<td>23.6%</td>
<td>11.5%</td>
</tr>
<tr>
<td>1982</td>
<td>30.2%</td>
<td>18.0%</td>
</tr>
<tr>
<td>1983</td>
<td>32.2%</td>
<td>19.3%</td>
</tr>
<tr>
<td>1984</td>
<td>34.0%</td>
<td>21.9%</td>
</tr>
<tr>
<td>1985</td>
<td>33.2%</td>
<td>22.3%</td>
</tr>
</tbody>
</table>

* Shown for comparison are two large operating programs of the Coast Guard. Aids to Navigation and Search and Rescue, and the Enforcement of Laws and Treaties Program. The Drug column shows the percentage of the funds allocated specifically to drug interdiction. The drug interdiction figure is also included in the ELT total.

Source: Coast Guard Headquarters (G-CBU-3)
FIGURE 11-9

ORGANIZATION OF THE OFFICE OF LAW ENFORCEMENT AND DEFENSE OPERATIONS
CIRCA 1988

Sloan School of Management thesis, *The Realignment of Support and Management Functions in the United States Coast Guard: An Interim Look* [Belz, 1988]. When implemented, the changes recommended in the study produced a real savings of 500 personnel to be applied to areas such as E2C and patrol boat staffing [Coast Guard (G-CPA), 1987]. To accomplish this, traditional support functions carried out in districts (engineering, contracting, health care administration, etc.) were centralized in two regional Maintenance and Logistics Commands (MLCs) in New York and San Francisco [Coast Guard (G-CPA), 1987]. In addition, a major change in the concept of Coast Guard operations was made when operational control of all large cutters and long range aircraft was centralized at the Area Commands [Coast Guard (G-CPA), 1987].

The second study was completed in 1988. As implemented, this study significantly changed the staff organization at Coast Guard Headquarters. Pertinent to the study was the relocation of the Search and Rescue (G-OSR) and Ice Operations (G-OIO) Divisions from the Office of Operations to the expanded Office of Navigation Safety and Waterways Services (G-N). This action left the new Office of Law Enforcement and Defense Operations with the structure shown in Figure 11-9. The Operational Law Enforcement Division was also
reorganized to accommodate the new air interdiction mission. In a reversal of the organizational pattern of the 1970’s and early 1980’s, fisheries enforcement is managed within the general law enforcement branch, while drug interdiction has achieved branch status in both the air and surface programs.

**SHOOTING AT A MOVING TARGET**

The last twelve months have brought about great changes in the drug enforcement structure and the Coast Guard. This research began as the new Headquarters reorganization was starting. The National Drug Policy Board and NNBIS have been replaced by a drug czar. The air interdiction mission has been largely assigned to the DOD in legislation passed late in 1988. The Anti-Drug Abuse Act of 1988 (which contained the drug czar bill) assigned the role of "detection and monitoring" to DOD and, as a result, joint operation centers are being built at this moment in Key West, Florida and San Diego, California. Two Coast Guard admirals have been assigned to the Navy as assistant Fleet Commanders. This, in turn, has drawn fire from Customs.
CHAPTER TWELVE

WORKING LEVEL ISSUES IN DRUG INTERDICTION

A recurring theme throughout this study has been the increasing complexity of the drug trade and specialization of agencies involved in drug enforcement. One of the reasons why the Coast Guard is a specialized agency lies in its sole authority to board vessels and enforce law beyond the customs waters. This authority is the de facto legal mandate for drug interdiction - no one else is authorized to do such work on the high seas. This is part of the domain dimension of the strategic triad. Other reasons for the Coast Guard drug interdiction role lie in its asset inventory and competence, the remaining dimensions of the triad. This chapter focuses on the competence dimension of the triad and, in particular, the police activity of Coast Guard personnel.

The police work of the Coast Guard is different from any other force in the United States and has not been the subject of detailed analysis as have other police agencies. However, the nature of Coast Guard police work is important because the service's involvement with drug interdiction results in a large number of boardings and interaction with the public.
Boardings like many other enforcement activities represent the interest of the state in maintaining order juxtaposed against the rights of individuals. This tension has always been present in traditional police work. However, the Coast Guard has not encountered it to a great extent since Prohibition.

Following the development of a framework for the discussion, this chapter focuses on three issues involving Coast Guard police work at the working level: (1) competency in conducting boardings; (2) discretion in Coast Guard police work (i.e. stopping vessels, dispatching boarding teams); and (3) the specialization of police work in the Coast Guard since 1969.

FRAMEWORK FOR DISCUSSION

James Q. Wilson, Michael Banton, Eugene Wenninger, John Clark, and others have made a general distinction in police work between what is called "enforcing law" and "maintaining order" [Wilson, 1968: 16]. Wilson implies [1968: 16] that police agencies help attain certain basic goals of any society through "goal attainment" (law enforcement) and "pattern maintenance" (maintaining order). It is the maintenance of order that is the primary goal of the everyday patrol officer, as opposed to the enforcement of law which is a primary
goal of investigation. The difference in the view of Wilson is that patrol officers have the added dimension of peacekeeping in their activity. This role necessarily implies discretion as to what response is taken by the patrolman. A warning not to speed to a speeder may be all that is necessary to keep the peace. A warning not to murder to a murderer is unacceptable. So the definition of what a patrolman does is fuzzy and based largely on the order maintenance needs of the environment.

Peter Manning [1980: 42] has described the interaction between the environment and the organizational mandate (interdict drugs, etc.) to be a "dialectical process." He discusses [1968: 43] the "environment of policing" in depth and settles on Weick's term of the "enacted environment" to describe what is usually called the external environment. The notion here is that police enact in the environment and therefore shape it to an extent.

"... the environment cannot usefully be seen as a single object but as an entity that variably and phenomenologically links the organization and external events. ... [it] is a reflexive concept: it refers not only to what is "seen" in the external world but also
to the structure by which such seeing is made possible" [Manning, 1980: 44].

While this is a strong concept in thinking about police work, it is an intuitive notion that is raised to nearly a spiritual concept when applied to work on the sea. The literary works of Melville, London, Conrad, Wouk, and others abound with the notion. The Coast Guard is distinguished from other police agencies in that it is a patrol agency which creates its enacted environment through the cultural lens of the Coast Guard as a traditional naval organization.

The distinct nature of Coast Guard police work does not end there. While most models of police work focus on individual officer behavior, Coast Guard police work is marked by a collectivism not seen elsewhere. This collectivism is due in part to the need to survive in the environment first, before policing in it. It is also a manifestation of the organizational essence (discussed in Chapter 9) which combines the law enforcement and military characters. Police work in the Coast Guard is necessarily a military operation. This, in turn, introduces another dialectic, to borrow Manning's term, in that individual action is in tension with the larger authority structure of the military.
autonomy and discretion versus military accountability and collective action.

COAST GUARD POLICE WORK: The majority of current Coast Guard law enforcement (police) work, and nearly all drug interdiction activity, is carried out by Coast Guard boarding teams which are patrol entities in the marine environment. A boarding team might be deployed from a large cutter with ready fire power and senior personnel on scene to provide guidance and oversight. A boarding team can also be a group of two or three junior enlisted personnel deployed from a coastal rescue boat dispatched from a fixed station. After the Posse Comitatus Amendments a boarding team could be deployed from a Navy ship. In most Navy ships no other Coast Guard personnel would be on board. Boarding teams are the action taking subunits of a larger facility-based group or organization with a law enforcement mission. The combined activity constitutes the Coast Guard patrol function. This notion, not pursued here, can be extended to a larger unit of analysis; the interdiction system where cutters, aircraft, detection facilities, and command centers operate collectively.

The boarding team itself is led by a "boarding officer." The term has legal and organizational meanings. Organizationally, the boarding officer is the
team leader, similar to the platoon or squad leader in a military ground force. Militarily, the boarding officer is usually senior to others in the boarding party. Within military protocol the boarding officer is responsible to a superior on the larger facility, be it a coxswain on a small boat, the commanding officer of a shore station, or the commanding officer of a cutter on scene. Legally, the boarding officer is the individual who takes the enforcement action; the one who exercises jurisdiction, authority, and the powers of search, arrest, and seizure; he or she is the locus of activity. In court it is the boarding officer and boarding team who normally testify. It is the boarding officer who makes on-scene decisions as to probable cause and the application of law to a situation. While the judgements and actions of the boarding officer and boarding team can be observed (with guidance and advice provided by seniors nearby), the actual enforcement action is the boarding officer’s.

This form of a law enforcement activity is unique to the Coast Guard for a number of reasons. First, while similarities exist between marine police units, SWAT teams, and other law enforcement action subunits, the Coast Guard is the only organization (in the United States) which carries out peacetime tactical unit law enforcement operations within a military structure of
command and control. Second, boarding teams operate totally in a marine environment that may vary from an inland river to the high seas hundreds of miles from land. There are many situations where the environment may be a greater danger to the officer than the offender.

Third, while the enforcement power is vested in a boarding officer, the final enforcement action taken is the result of a system of actions which are brought to bear in a situation. Many of these actions are necessary to establish the basis for the enforcement of law, but are not carried out by the boarding officer. For example, the determination that jurisdiction exists over the location of the offense is often a navigational activity carried out on the bridge of a cutter and then relayed to the officer. In such cases, logs and charts become evidence required to establish jurisdiction. This system of actions makes the boarding activity a collective enforcement system in which information is fed to the boarding officer. Moreover, a portion of that information is not related to the enforcement action itself but is designed to insure the safety of the boarding team (i.e. the close presence of a large deck gun or periodic communication).
BOARDING COMPETENCE AND DRUG INTERDICTION

The boarding team is one part of the interdiction system. After twenty years of interdiction experience boarding teams have progressed from seizing vessels with bales of marijuana in plain view to conducting space accountability audits and using fiber-optic scopes to detect cocaine in concealed compartments [Duca, 1989: 180].

The early interdiction boardings were conducted by teams of personnel from the ship’s compliment. In keeping with the multi-mission heritage of the service, boarding team members had career specialties and shipboard organizational assignments (see Chapter 8). Those same individuals are used in boarding teams today. The big difference was competence. In 1969 true law enforcement competence resided with special agents. While sufficient skills may have resided in the boarding team members by chance, there was no service-wide training program or performance standards. As several officers have noted, early success in boarding was related to the existing skill portfolio on the cutter, many of which were carryovers from other missions [Larzelere, 1989].

On-the-job training was replaced in 1978 with the opening of the MLE school. Since this school could not
produce a sufficient number of graduates, many graduates returned and became trainers at units. In addition, the increasing number of multi-agency and surge operations (SFTF, Mariel Exodus, Haitian Migration, etc.) gave boarding teams increased experience.

Until 1980, boarding teams had to deal with the high seas possession loophole. Attempting to assemble a conspiracy or possession with intent to distribute case was difficult. Often seizures did not produce enough evidence to support prosecution. Successful prosecutions involved a cast of players including intelligence officers, special agents, and other people from other agencies. One novel approach used prior to the 1980 amendments to the Controlled Substances Act was the use of the 1935 Hovering Vessel Act, a Prohibition era law which was used to take action against foreign liquor smugglers who hovered outside customs waters [Ficken, 1975: 700]. Nonetheless, the prosecution of violators was difficult. One Coast Guard attorney estimated that prosecutions were only possible in about half of the interdiction of the era and of those prosecutions "only about 50% yielded convictions" [Conroy, et al, 1988: 5]. After 1980 legislation closed the possession loophole the percentage of prosecution following arrests rose from 41 percent to 90 percent and the percentage of arrest that yielded

In 1983, the Coast Guard published the first Maritime Law Enforcement Manual which incorporated previous guidance on training, procedures and use of force [Coast Guard COMDTINST 16243, 1983]. Recently the MLE School began to issue bi-monthly MLE Bulletins to the field. By the late 1980’s the Coast Guard had gained enough expertise in boarding operation that training teams have been created to deploy to third world countries. The International Training Team (ITTs) is a permanent training unit stationed at the Coast Guard’s training center at Yorktown, Virginia.

Boarding teams and boarding officers are one half of the interdiction system. The basic decisions on target selection and asserting jurisdiction are made at the command level.

COMMAND DISCRETION

COMMAND ROLE: In the collective system of enforcement that makes up Coast Guard patrol activity, the decisions of the cutter commanding officer are critical. Prior to any action by a boarding team, a target must be selected. Peter Manning has noted the
high degree of discretion in target selection in narcotics enforcement [Manning, 1980: 47]. In a like manner, the commanding officer exercises discretion in selecting boarding targets. In addition, since the commanding officer is nearby and can be informed of some or all of what is transpiring on the vessel being boarded, the boarding team’s discretion can be limited by the commanding officer. Very often there is good reason to do this, such as the receipt of intelligence indicating a threat on the vessel which is unknown to the boarding team. Often this imposition of authority is command perogative, the exercise of experience from a distance. Above all, the commanding officer is responsible for the safety of the vessel and its crew and is ultimately accountable for the actions of all crewmembers, including the boarding team.

Many of the decisions made by individual patrol officers in a typical police situation are split between the boarding officer and commanding officer at sea. The target selection, method of stopping a suspected vessel, the decision to use force on the vessel, and the ability to recall the boarding team reside with the commanding officer.

**EARLY DISCRETION:** Early in the interdiction era, commanding officers exercised discretion that was
constrained only by local operating orders and the statutes themselves. For example, Captain Larzelere who commanded the cutter *Courageous* in 1973 was concerned that a crewmember might be taken hostage. In the absence of formal guidance, his contingency plan was to pass a code word to the boarding team which would alert them to the fact that the cutter would ram the vessel. The boarding team was then to leap into the water where they could be recovered [Larzelere, 1989]. Another commanding officer, as noted earlier, issued baseball bats in lieu of firearms for prisoner guards.

The tension created between command responsibility and autonomy and the military chain of command was significant early in the era [Melsheimer, 1989]. Many senior officers recalled the punitive letters of reprimand and the forced retirement of the First District Commander and Chief-of-Staff in Boston after a 1970 incident where a Lithuanian seaman who requested asylum aboard the cutter *Vigilant* was returned to a Soviet trawler [Johnson, 1987: 364]. One law enforcement staffer at Headquarters in the early 1970's felt senior managers prolonged the official decision to re-entry the law enforcement arena because of the unpredictability of boardings, the discretion of commanding officers, and the "*Vigilant* affair" [Melsheimer, 1989].
CONSTRAINING DISCRETION: The majority of policy directives concerning law enforcement that have been issued in the last twenty years focus on procedures to be followed in similar incidents. The outcome of this process has been procedures that require commanding officer to notify superiors in certain situations before taking action. While this process has exceptions (i.e. firing in self defense), command decision making is reviewed by higher authority in much the same manner as the boarding officer's actions are reviewed by the commanding officer.

In the area of target selection the commanding officer must assess a number of factors including available intelligence, the location of the vessel (jurisdiction over location), the offense or activity observed (jurisdiction over the offense or activity), and, finally, the nationality of the vessel (sovereign jurisdiction). Many smuggling vessels are stateless or claim more than one nationality. In those cases, when verified, international law allows enforcement action under a 1958 Geneva Convention [Conroy, et al, 1988]. For certain countries the United States has negotiated individual agreements that allow enforcement action by the United States against a foreign vessel [Coast Guard (G-OLE-3), 1983]. A final consideration is the current
case law regarding the particular situation. There have been a number of challenges to the Coast Guard boarding authority under 14 USC 89 [Carmichael, 1977; Buonaiuto and Josephson, 1980].

The combination of these factors has served to lessen the discretion held by commanding officers at the start of the interdiction era. This limit on discretion was recently raised significantly in the "Zero Tolerance" policy. This policy "was recommended by the White House Conference for a Drug Free America and was initiated by the National Drug Policy Board" [Coast Guard, Commandant's Bulletin, May 31, 1988: 1]. This policy required commanding officers and boarding officers to seize vessels for even small amounts of drugs found on vessels within 12 miles of the United States coast. After boaters and fishermen complained to their Congressmen, the 1988 Anti-Drug Abuse Act amended the policy by allowing fishermen to continue their work pending an investigation [CO Current American Government, Spring 1988: 78].

SPECIALIZATION OF LAW ENFORCEMENT IN THE COAST GUARD

WHO DOES POLICE WORK IN THE COAST GUARD? The majority of Coast Guard police work was not always carried out by boarding parties as described above. In
fact, as Wilson and others note, there are a variety of
types of police work in organizations and the Coast
Guard is no exception. The Coast Guard currently has
personnel conducting patrol work (boarding parties),
carrying out criminal investigations (internal and
external), and working in the intelligence field as
intelligence officers or analysts. These are
specialized areas of law enforcement, just as the
various agencies are specialized. Excluded for the
purposes of this study are the personnel who enforce
environmental and marine safety regulations. These
activities are regulatory in nature and do not involve
the maintenance of order or the enforcement of criminal
law. Much of this work is done without arming
personnel.

The Coast Guard had de-emphasized maritime law
enforcement as an operational mission after World War
II. Little police work was carried out by boarding
teams from cutters, with the exception of the
enforcement of international fisheries treaties. Most
police work in 1969 was carried out by a small cadre of
special agents who were trained with other federal
agents (civil service series 1811) at national
enforcement academies [Chapeau, 1984: 34]. These agents
were attached to the Intelligence Branch of the
Operations Division at district offices and were under
the control of the district commander. "Coast Guard Intelligence until the late '60's had, as a primary mission, the conduct of internal investigations related to misconduct of military personnel. A second major function was conducting background investigations for security clearances. Another major duty involved being the focal point for Coast Guard contact with other federal, state, and local law enforcement agencies. There were miscellaneous other tasks, including the management of the Port Security program. A few of those other tasks involved intelligence collection and dissemination" [Chapeau, 1984: 34].

As Chapeau has noted, "since the 1970's radical changes have taken place" in the law enforcement function. The most noteworthy has been the spillover effects from the boarding operations in the field and the program management at Headquarters. The only intermediate level staff element which was suited to act as a district level program manager was the traditional Intelligence Branch described earlier. As a result general law enforcement and fisheries programs developed at the district level to provide an interface between field operations and headquarters. These offices prepared resource requirements for law enforcement units and also prepared operational plans and strategy for local regions. It was in a similar manner that the
Seventh District had become involved in multi-unit operations early on in the era.

At the same time a dichotomy emerged between the intelligence and criminal investigation function. Interaction with the national intelligence communities through EPIC and ONNI, as well as the national security agencies (i.e. CIA), created the need for an intelligence officer specialty separate from the traditional intelligence office. As intelligence began to flow in, resulting from seizures, there was no established system to process it. It was retained at the district or area or forwarded to EPIC. In the first decade of the era, small pockets of intelligence analysts sprang up at EPIC and both Area Commands [Hager, 1989] This fragmentation ended with the establishment of a central intelligence unit for the Coast Guard in 1984 [Hager, 1989]. There is now an intelligence officer career path in the Coast Guard, including a post-graduate education program [Hager, 1989].

In regards to criminal investigations, there has been an attempt to separate out internal affairs, background investigations, and criminal investigations from the management of operational law enforcement carried out by patrol units. This has been accomplished
to a degree by the creation of civilian special agent positions in selected Coast Guard districts. As noted by Wilson and others, there is a substantial difference in the roles of the patrol force of the Coast Guard and the investigators. The drug interdiction mission has served to define the boundaries and create the need for a separate intelligence organization.

SUMMARY

The nature of Coast Guard police work is unique because of the environment in which it takes place and the collective nature of the interdiction system. With little prior knowledge in general law enforcement, boarding teams have increased in competence over the years. At the same time commanding officers have seen standardization of procedures and some limits on discretion not present earlier. Finally, as with the larger enforcement structure, internal law enforcement duties in the Coast Guard have become more specialized as a result of the increased tempo of operations and the increasing complexity of the task.

320
CHAPTER THIRTEEN

THE DRUG ENFORCEMENT STRUCTURE, DRUG INTERDICTION, AND THE COAST GUARD

The drug enforcement structure has grown from a small regulatory enforcement branch in the Bureau of Internal Revenue in 1915 to the Office of National Drug Control Policy headed by a "czar." The Coast Guard which has participated in periodic anti-drug campaigns since the early Nineteenth Century has been engaged in the present one for nearly twenty years with the ELT program now larger in operating expense than any other program. During that period each President has pledged to end the scourge of drugs.

What is to made of all this? This final chapter attempts to derive some organizational implications from the study just related in terms of the overall federal drug enforcement structure and in terms of the strategic position of the Coast Guard. However, these discussions are preceded by an update on the new Office of National Drug Control Policy at the time this effort ends.
THE LATE STATUS OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

As stated in Chapter 7, the creation of the Drug Czar marked the organizational end of the National Drug Policy Board, the National Narcotics Border Interdiction System, and the White House Office on Drug Abuse Policy. After President Bush was inaugurated and before William Bennett was named Drug Czar, the NNBIS organization was moved from the Office of the Vice President to the Executive Office of the President (EOP). Thus it was assured life after the naming of a drug czar. The Policy Board staff was not moved into the EOP.

After his confirmation, William Bennett has made some staff changes but retained the basic NNBIS structure under the supply reduction deputy [Addis, 1989]. This action insured that the regional coordination centers around the country would continue to operate. The Policy Board staff remained at the Department of Justice and was eventually dissolved 30 days after Bennett’s confirmation. Some of that staff, but not all, was relocated into the drug czar office.

The new staff is currently under a legislative deadline to produce a new national drug strategy within 180 days. Working under the deadline, the new staff has
involved the National Security Council (NSC) staff in the policy formulation [Addis, 1989]. This is an interesting turn of events. The NSC is the president's national security policymaking body which is intended to provide a supra-departmental view of issues. The involvement of the NSC raises the level of discussion and review above that previously carried out in the Policy Board. Under the 1988 legislation, the President has the option to allow the drug czar to sit on the NSC.

While the new staff has worked on the new strategy, the new Drug Czar William Bennett has tested the new office. First, he has used the position to advocate reform of gun control laws [Wall Street Journal, 2 March 1989: A6]. Second, he has focused attention on the drug abuse and related crime problem in Washington, D.C. [New York Times, 11 April 1989: 1].

The establishment of the Office of National Drug Control Policy (ONDCP) has centralized control over three prior structures and focused accountability in a single office. These actions, in and of themselves, will not achieve a centralized and accountable structure. The reasons are set forth in the section below.
The basic problem in organizing drug enforcement today has not been solved by the creation of the drug czar organization. Three central problems remain in the current enforcement structure.

First, the new organization has not "captured" all of the policy and enforcement structures which exist. The NNBIS organization was assimilated into the ONDCP, the OCDETFs remain under the coordination of the Attorney General. The NSC staff, under the 1986 National Security Directive, are engaged in policymaking above the ONDCP.

Second, the basic issue of organizational conflict over simultaneous occupation of policy space continues to exist. This situation creates organizational conflict which will take up ONDCP staff time and divert energies from drug abuse issues. The policy space issue has two key components. One is the conflicting legal mandates of the enforcement agencies. Both the Coast Guard and Customs share legal jurisdiction within twelve miles of the United States shore. Similar situations exist between DEA and Customs, and between Customs and the Border Patrol. Past reorganizations have consolidated particular aspects of drug enforcement but
have not removed conflicting legal mandates and agency enforcement capability. As a result bureaucratic organizations grow back. The other is less subtle but more important than legal pronouncements. Agencies retain control over their own resources in the budgetary process. Latitude necessary for the operation of an organization creates the discretion described by Halperin in choosing or emphasizing missions.

Third, the pace of complexity and growth of the enforcement structure shows no sign of slowing. A good example is Title XI of the National Defense Authorization Act for 1989. This legislation did not receive the media attention which was accorded the drug czar bill but it added another major player to the enforcement structure. This law designates the Department of Defense as the lead agency for “detection and monitoring” in the drug war [PL 100-456]. The law allowed the President to assign another agency as lead agency within 15 days of the bill’s enactment but this did not occur [Coast Guard (G-L), 1988: D-8]. Since the Anti-Drug Abuse Act of 1988 allows Presidential designation of lead agencies in principal drug strategy areas, the option is not forclosed [Coast Guard (G-L), 1988: D-8]. The act also requires that existing command, control, communications, and intelligence (C3I) assets dedicated to drug interdiction be integrated into
an effective network. The President was required to submit a plan within 90 days assigning responsibility for operating the network. [Coast Guard (G-L), 1988, D-8]. There is no indication in the bill of how this structure relates to the drug czar organization or how the dual role of the former NNBIS centers is to be integrated.

These three problems are indicative of the pattern of drug control organizing seen since the 1930’s: a cyclical pattern of consolidation, fragmentation, and reconsolidation in a more complex form. The flaw in each cycle has been the failure to address the entire spectrum of activity within the new structure. This has been due to the problems noted above as well as the shifting nature of the drug threat. It seems at each juncture the new organization did not perceive a new threat just over the horizon. In the 1930’s it was abuse of dangerous drugs and synthetic opiates. In the 1970’s it was the shift in smuggling to the maritime environment. With the number of civilian submersible vehicles which exist it is not beyond the realm of possibility that submarine smuggling could emerge by the year 2000, if it is not already in progress.

The activity of government appears to be in competition with the drug trade and both continue to
grow. This appears to the author to be a pathological problem in the enforcement structure and government in general. The answer in the mind of all interviewed in the course of this research is demand reduction, the creation of a "drug repulsed generation."

THE UNITED STATES COAST GUARD AND DRUG INTERDICTION

The purpose of this study has been in part to determine the extent to which the Coast Guard has undergone change in its organizational structure as a result of the drug interdiction mission. The issue of cultural change and drug interdiction is an equally ripe area for study, one that would have been included more fully in this study under broader time constraints. Since becoming involved in drug interdiction, the Coast Guard has elevated ELT program management to the highest organizational level at Headquarters, an office now bears a law enforcement title. That tile is shared with an equally fast rising mission, defense operations. Resource allocation is now greater for law enforcement than for any other operating program.

THE EXTERNAL THREAT RATIONALE: These actions are things that the organization has done to accommodate external threats in the meaning of Selznick and Schein. The threat has been twofold. First, the drug trade
entered the maritime environment and created a threat to the maintenance of order in the enacted environment of Coast Guard operations. This prompted a reflexive response at the field level which then committed the service to the mission; especially when it became clear that the Coast Guard was sole owner of the drug interdiction policy space on the high seas. Second, failure to fill a mission vacuum in the bureaucracy will result in a loss of that mission and the attendant mandate and resources. Maintenance of roles and mission is a process necessary to agency survival. The threat is not unlike defending market share and distribution networks with new product lines. When the visibility of the drug problem became high enough, the Coast Guard benefitted in terms of hardware acquisition and operating funds. For an agency that has labored for many years in the backwater of media attention in Washington, the Coast Guard also finds the new attention flattering.

THE RETURN TO TRADITIONAL MISSIONS: Beyond the notion of external threat, this author has developed an alternative concept of why the Coast Guard has pursued both the drug interdiction and defense operations missions. Each is alike in one basic respect. Neither mission resulted from a modern congressional mandate. Each is based in the central
founding concepts of the service, its dual-character nature. Neither is related to the maritime safety portfolio envisioned when the service was relocated to the DOT. Most importantly, since neither mission carries a modern mandate and specific program goals, the Coast Guard has the flexibility to determine how much of that service it wishes to produce, subject to resource constraints. No congressional or presidential decision was made to spend less on search and rescue and more on drug interdiction, the Coast Guard did that. Lately, additional resources have been legislated with more specific goals (i.e. air interdiction) but the basic entry decision was the Coast Guard’s.

Assessing the first ten years in the DOT, a former instructor at the Coast Guard Academy noted the military-civilian tension which existed in the service as a result of the relocation to DOT [Russell, 1976:39] The military concept "has remained ingrained in the officer corps in spite of an increasing civilian role in the Transportation Department" [Russell, 1976:39] Eight years later in 1984, a young officer wrote in a professional journal stated, "We spend entirely too much time apologizing for the fact that the Coast Guard enforces law" [Abel, 1984:28] Over twenty years after the creation of DOT the real fact is that the Coast Guard now pursues, as its primary missions, functions
not considered in the original DOT concept. This situation gives rise to the question of whether the service really accepted its new role in the DOT, regardless of rhetoric to the contrary. The service has not, as Admiral Whalen suggested at the time, expanded within DOT to capture its functions. Could it be that the organization has sought, in a largely unconscious manner, to return to its traditional roles? The question is posed without a sense for the answer. The recent rash of beach pollution with medical waste and the Alaskan oil spill appear to signal a new environmental wave in the country. This could radically change the current mission portfolio should congressional and public pressure continue.

STRATEGIC IMPLICATIONS: The role of the strategic triad and the expandable mission universe described in Chapter 9 are also important in understanding what the Coast Guard did. The ability to react on short notice is linked to reserve capacity and capability which are created by the organizational multipliers, the dual-character of the service and its multi-mission people and assets. If the ability to react on short notice, even in a reflexive mode, contributes to agency survival, these multipliers are the true organizational essence of the Coast Guard. The implication or meaning of the drug interdiction experience lies, then, in its
role as an implicit, incremental, and possibly unconscious strategy carried out to position the organization for future survival. The organizational essence was the primary force which allowed the mission universe to pulse and incorporate the new role.

HOW LONG AND HOW FAR SHOULD THE DRUG WAR BE EXTENDED IN THE COAST GUARD? Excluding the social problem of drug abuse and viewing the drug interdiction mission in a strategic context, the question arises of how far the Coast Guard should extend its participation and how long should it stay engaged in the drug war. A look around the Coast Guard right now might raise the same question as a recent article notes,

"Without much notice, the United States is developing two separate Coast Guards. One is the high-tech, well-armed force that uses the newest in radar, planes and boats to battle drug runners around Florida.

A close cousin to the Drug Enforcement Administration and the FBI, this Coast Guard is a glamorous outfit whose high-speed boats slam the waves in pursuit of cocaine and marijuana smugglers.

The other Coast Guard is the old Coast Guard: the low-keyed naval service that sets the buoys in channels, rescues the occasional stray boater,
teaches marine safety and maintains order along America's coastline . . .

Congress loves the new Coast Guard and annually gives it money for new boats or planes. At the same time, the old service suffered a $100 million cut under a budget agreement last year, and had to close 30 stations.

The two forces are really the same Coast Guard, of course. But the difference between what is happening around Florida and what is happening elsewhere in the country is so dramatic that the agency sometimes appears to have become a rich Florida belle and her poor Northern stepsister."

[Karaism, 1988]

This issue bears serious consideration, not so much because of the have and have-not missions, but because the service may be drifting away from its traditional strategy as postulated in this chapter. That strategy calls for the maintenance of a strong strategic triad upon which the organizational multipliers may act when needed to provide surge capability and capacity. The trend noted above, if true, tends to defeat that strategic pattern. Some examples can illuminate the issue.
The basic organizational rationale for many Coast Guard facilities lies in the multi-mission application of that resource. It is difficult to imagine aircraft and cutters operating deep in the Caribbean as also being standby resources for search and rescue or pollution response. When the organization moves multi-mission assets out of the existing domain of service provision they become single mission units. The value of the asset and its potential capability is diminished. Defense assets on the other hand are single mission and deployment away from United States territory is common. For many years the Coast Guard has justified greater designed performance in facilities than would be approved for a single mission asset under the multi-mission rationale. Operating out of the strategic domain can result in duplicate assets and higher costs to the Coast Guard and government. E2C aircraft and aerostat balloons could fall into this category. In another Mariel Exodus these assets would add little to the surge capability required. Finally, diversion of operating funds has the potential to slowly deteriorate the infrastructure on which the entire organization rests.

The question arises of how far the service should extend itself into the drug war. This question is related, in a purely organizational sense, to the Coast
Guard's overall strategic plan. Despite the moral argument to show a strong public stand against drug abuse through enforcement, the Coast Guard strategy in regard to the future is very fuzzy. Part of this has to do with the political tide and the will of congress which is pro-enforcement at this time. Federal agencies have great difficulty planning beyond the next session of congress. However, as part of the larger question of future missions and strategic placement of the agency, the drug war raises serious issues.

Lacking a clear long-term organizational strategy, which the author hopes has been proved not to exist in the Coast Guard, the Coast Guard is best served by maintaining flexible capability to respond to short term threats and new opportunities within its environment. The maintenance of this capability can be seen as a generic strategy in itself.

The Coast Guard should maintain and enhance its strategic triad whenever possible and maintain the organizational essence (or multipliers) which allow the best choice of mission for the organization. If this is accepted as the organizational strategy, the emergence of the drug interdiction and defense operations missions become explainable and almost logical. In contrast, the single-mission assets defeat the purpose of the
strategic orientation and place the organization at risk unless those assets are used in a policy space which is solely owned by the Coast Guard (polar icebreakers come to mind). Mission (domain expansion), asset acquisition, and the development of competence should be consistent with the maintenance of the triad. The agency should not acquire assets for which operating competence cannot be shared. The agency should not acquire missions that include assets not useable in other missions unless the mandate is exclusive.

If this rather abstract notion of strategy is applied to current events, the decision of the congress to designate DOD as the lead agency in detection and monitoring is logical and in the interest of the Coast Guard. DOD can deploy assets away from the United States and remain consistent with their strategic triad. On the other hand, Coast Guard deployment of training teams to Third World countries is an exportation of competence retained solely in the organization. All of this indicates that the Coast Guard is pushing the strategic "envelope" at this point. The risk exists that the strategic base will deteriorate while the agency acquires single mission resources. This would lead to the conclusion that the agency should rethink the air interdiction mission in light of the new DOD role.
The long term strategy, in the author’s view, should be to clean up domain issues with other enforcement agencies, not just by agreement or coordination of higher authority, but through legislative housecleaning of the statutes. Beyond that new systems acquisitions should reflect multi-mission use. Finally, competency should be expanded in generic forms to enhance future capability. A small example will end this thesis. The Coast Guard with its own university should produce officers with dual-language qualifications given the international interfaces that take place regularly on the high seas in fisheries, search and rescue, and law enforcement; all of which are traditional missions and part of the strategic triad.
INTERVIEWS

Lieutenant Commander Scot Addis, Executive Office of the President, National Security Council.

Commander Charles C. Beck, Coast Guard Liaison Officer, U.S. Naval War College, Newport Rhode Island.

Commander Allen K. Boetig, Chief of the Surface Drug Interdiction Branch, Operational Law Enforcement Division, U.S. Coast Guard Headquarters, Washington, D.C.

Captain Jack Carney, Coast Guard Liaison Officer, National Drug Policy Board, Department of Justice, Washington, D.C.

Commander Craig Coy, Special Assistant to the Attorney General, Department of Justice, Washington, D.C.

Rear Admiral Richard Cuaroni, Superintendent, U.S. Coast Guard Academy (Former Commander, Seventh Coast Guard District, Miami, Florida), New London, CT.

Lieutenant Commander Joseph E. Donovan, Legal Advisor, Operational Law Enforcement Division, U.S. Coast Guard Headquarters, Washington, D.C.

Captain Richard Gehring, Chief of Operations, Fifth Coast Guard District, Portsmouth, VA (Former Deputy Director, National Narcotics Border Interdiction System, NNIBS), telephone conversation.

Mr. Dennis Hager, Technical Director, U.S. Coast Guard Intelligence Coordination Center, Washington, D.C.

Commander Terry Hart, USCG, Chief Operational Intelligence and Law Enforcement Branch, Operations Division, First Coast Guard District, Boston, MA (Former National Narcotics Border Interdiction System Staff Officer, Office of the Vice President).

Captain Alexander Larzelere, USCG, retired. Former Commanding Officer USCGC Courageous and staff officer of the Seventh District.

Captain J.B. Lynn, USCG, retired, former Chief of the Maritime Law Enforcement Branch early 1970’s.

Captain Robert F. Melsheimer, USCG, retired, former staff officer in ELT program and the first Coast Guard Liaison Officer at the El Paso Intelligence Center.
INTERVIEWS
(CONTINUED)


Captain Rudy Peschel, Commanding Officer, USCG Reserve Training Center, Yorktown, Virginia

Doctor Robert L. Scheina, Coast Guard Historian.

Vice Admiral Donald C. Thompson, USCG, retired
Former Commander, U.S. Coast Guard Atlantic Area; Commander, Seventh Coast Guard District, Miami, FL; Chief of Staff, U.S. Coast Guard Headquarters.

Captain Kenneth Thompson, Chief of Programs Divisions, U.S. Coast Guard Headquarters (Former Coast Guard Liaison Officer to the National Drug Policy Board), Washington, D.C.

Captain Jon C. Uithol, U.S. Coast Guard retired,
Commanding Officer USCG Cutter DAUNTLESS from 1976-1978.

Commander Thomas D. Yearout, Budget Division, Coast Guard Headquarters and former boarding officer on USCGC Dauntless and USCGC Durable.

Admiral Paul A. Yost, Commandant, U.S. Coast Guard.
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