

DRAFT

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Preface

"Crack, wicked as it is, cannot compare to the destructive power of **methamphetamine**," according to Dr. Michael Abrams, of the Broadlawn Medical Center in Des Moines, Iowa. The violence associated with methamphetamine is like that of few other addictive substances. The violence of methamphetamine is not limited to the traffickers' fierce efforts to protect their interests in the illicit marketplace; it is not limited to an addict's desperate craving in search of resources needed to purchase another fix. The violence of methamphetamine is chemically generated in the user -- hostile, uncontrollable, toxic rages that cannot be satisfied or sedated with another fix and that frequently result in harm against others in the home, immediate community, law enforcement and others. Dr. Abrams believes that there has never been an addiction so proficient in human destruction -- of the brain, the family and the community.

As never before, the law enforcement, medical, research and treatment communities are coming together to sound a warning and meet a critical threat. At the Attorney General's invitation, many have contributed to this threat assessment and proposed strategy: the Criminal Division of the Department of Justice, the Drug Enforcement Administration and our partners in State and local law enforcement -- the Attorneys General of California and New Hampshire and the California Bureau of Narcotics Enforcement. We are grateful for the contributions of S. Alex Stalcup, M.D. of San Francisco; Michael Abrams, M.D. of Des Moines; Andrew M. Mecca, Director of California Department of Alcohol and Drug Programs; and the following offices of the Justice Department: the Attorney General's Advisory Council of United States Attorneys, the Environment and Natural Resources Division; the Office of Policy Development, the National Institute of Justice and the Office of Justice Programs.

On February 13, 1996, over 200 representatives of Federal, State and local law enforcement nationwide met in Arlington, Virginia, for a three-day conference sponsored by DEA and developed along with the California Bureau of Narcotics Enforcement and the California Narcotics Officers Association. The conference assembled a broad representation of the law enforcement community to share information and experience in issues relating to methamphetamine. The content of the discussions and the recommendations of the conference working groups are incorporated in this strategy.

The first element of our strategy is to continue the spirit of generous cooperation that is manifest in the work that follows. Together, we have begun the process of developing a comprehensive strategy, not limited to law enforcement, but encompassing, as well, regulation of precursor chemicals; international initiatives; sentencing and legislative proposals; training of investigators and prosecutors; treatment and prevention; and public awareness.

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I. Methamphetamine abuse and trafficking patterns

Trafficking and abuse of a highly potent form of methamphetamine have been on the rise in the United States over the past few years, and this drug continues to devastate many communities. Although still more common in western areas of the country, methamphetamine trafficking and abuse are no longer confined to any one region: methamphetamine is spreading eastward. For example, in areas like New York, New Jersey and Delaware, methamphetamine use in the past had been confined to a small group of users typically associated with motorcycle gangs; in the past year, however, methamphetamine has become popular with college students, housewives and factory workers and has become a drug of choice at "raves" (all-night dance gatherings). Given the production and trafficking structures now in place, if unchecked, the nation as a whole is poised for a methamphetamine boom of pandemic proportions.

A. Production: Clandestine Laboratories

Historically, the suppliers of methamphetamine throughout the United States were outlaw motorcycle gangs and other independent trafficking groups. Although these groups continue to operate, Mexican polydrug trafficking organizations now dominate wholesale methamphetamine trafficking. Mexican organizations have revolutionized production by operating large-scale laboratories capable of producing unprecedented quantities of high-purity methamphetamine and have saturated the market in the Western United States with this product. Much of the clandestine laboratory activity remains centered in California, where the methamphetamine problem is most acute.

In the Midwest, there is an increase in the number of labs in Iowa, Kansas and Missouri, signalling eastward expansion. However, the Midwest laboratories are relatively small-scale in comparison to the laboratories operating in California. DEA believes that the rise in laboratory seizures in the Midwest states does not reflect a concerted effort by major traffickers to shift production from sites in California, as much as it reflects the increasing effort by local entrepreneurs, who operate on the periphery of the methamphetamine market, to exploit the expanding demand for the drug. Figure 1 illustrates the number of clandestine methamphetamine laboratories seized by DEA, in whole or in part, in each state over the last three calendar years (with partial data for FY95).¹

¹ Importantly, Figure 1 shows only seizures in which DEA played a role; it does not show seizure made solely by state and local law enforcement. This is significant when one considers that the California Bureau of Narcotics, for example, seized 419 clandestine labs in 1994 and 465 in 1995.

Clandestine methamphetamine laboratories in the United States are makeshift operations that usually operate on an intermittent and transient basis. After "cooking," a batch of finished product is often moved or stored and the lab is disassembled while additional chemicals are acquired. The laboratory may be relocated sometime later to "cook" another batch; relocation affords some protection against detection. Storage facilities often are used to house or safeguard chemicals, glassware and the finished product. It is not uncommon for operators to have multiple laboratory sites.

Methamphetamine laboratory operators often are well-armed, and their labs often are booby-trapped and equipped with scanning devices employed as security precautions. Weaponry, ranging from single firearms to arsenals of high-powered weapons and explosives, are commonly found at laboratory sites.

Laboratory operators, or "cooks," usually display little or no concern for public safety or the environment. Cooks vary from high school dropouts with no real chemistry education to professionals with graduate degrees in chemistry. Typically, however, they have little formal training, and learn from a handwritten recipe, underground publications, the computer information networks, apprenticeships or fellow inmates during periods of incarceration.

The clandestine nature of the manufacturing process and the presence of ignitable, corrosive, reactive and toxic chemicals at the sites have resulted in explosions, fires, toxic fumes and irreparable damage to human health and to the environment. Every year, fires or explosions at a number of clandestine laboratory sites lead to their discovery. Hazardous chemical wastes, the by-products of the clandestine drug manufacturing process, are disposed of by unsafe and illegal methods -- operators dump them on the ground or in nearby streams and lakes, pour them into local sewage systems or septic tanks, or bury them. The toxicity and flammability of methamphetamine laboratories pose a great danger to law enforcement. As a result, special training in health, safety and environmental protection measures and careful planning are prerequisites to any laboratory raid.

In addition to the manufacture of methamphetamine in the United States, it increasingly is being produced in Mexico and smuggled into the United States. Clandestine methamphetamine laboratories in Mexico appear to be operated in a similar manner to their counterparts in the United States. For example, temporary laborers are hired to perform the production process, laboratories often are located in remote areas (e. g., ranches),

and large-capacity laboratory apparatus are used. Seizures of large amounts of methamphetamine in Mexico are common.²

B. Distribution, Availability and Seizures

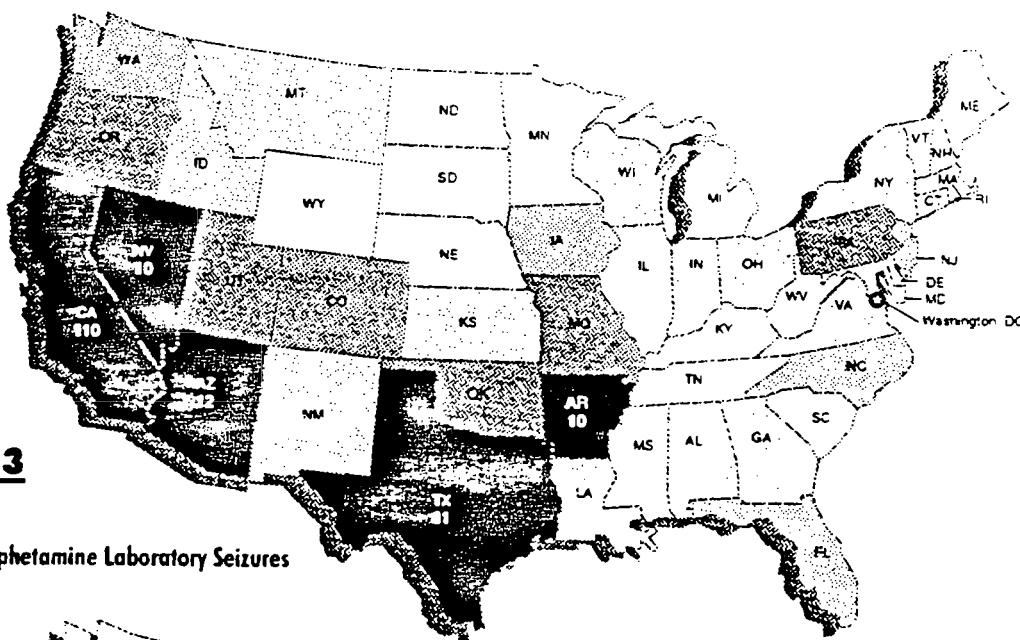
Domestic methamphetamine production and abuse, is concentrated in the Western and Southwestern United States. The hardest hit cities in these regions include Los Angeles, Phoenix, San Diego, San Francisco and, to a lesser degree, Dallas, Denver and Seattle. Methamphetamine also is available consistently in wholesale quantities in some cities in the Midwest and the South. Mexican drug trafficking organizations reportedly have supplanted Asian suppliers of the Hawaiian methamphetamine market. According to the DEA, areas of the Pacific Northwest, Midwest and some portions of the South and Southeast have experienced a dramatic increase in the availability of methamphetamine supplied by Mexican trafficking organizations.

Methamphetamine trafficking is a violent business. In June 1994, DEA Special Agent Richard Fass, acting in an undercover capacity, was attempting to make a purchase of methamphetamine in a Glendale, Arizona strip-mall. S/A Fass was ambushed, shot and killed by four methamphetamine traffickers whose sole intent was to rob him.

Seizure statistics indicate that methamphetamine availability is increasing. The growing frequency of large, high-purity methamphetamine seizures over the past few years provides strong evidence of significantly increased availability of the drug. The total weight and number of methamphetamine seizures submitted to DEA laboratories have increased over the past five years. The average purity of methamphetamine seizures submitted both in FY94 and FY95 was 87 percent, the highest average potency level in the last 11 years.

² Methamphetamine seizures in Mexico have increased from a negligible quantity in 1992 to 495 kilograms in 1995. Seizures of methamphetamine along the U.S.-Mexico border also increased from 6.5 kilograms in 1992 to 665 kilograms in 1995. Moreover, ephedrine seizures have increased steadily in Mexico, from 2,600 kilograms in 1992 to 6,400 kilograms in 1995.

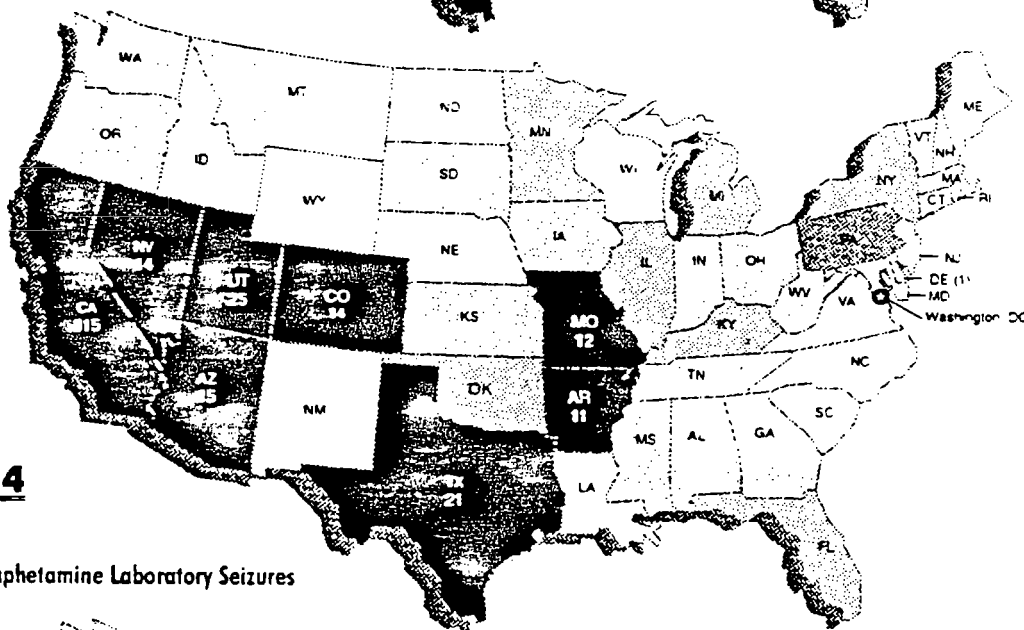
Methamphetamine manufacturing is moving eastward.
The midwestern states, especially Missouri and Kansas are showing the fastest growth.



1993

218

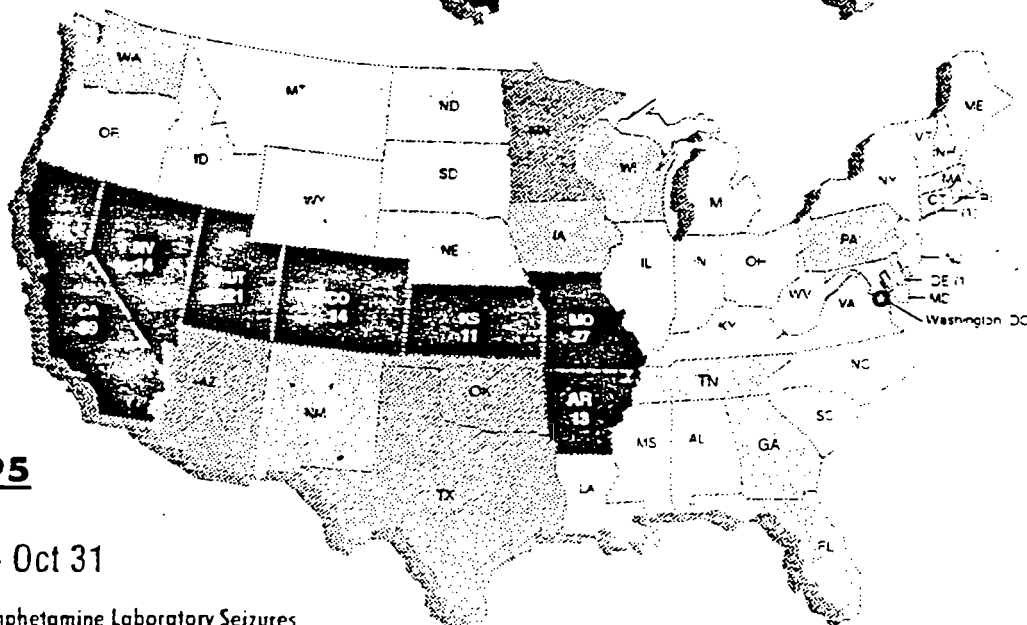
Methamphetamine Laboratory Seizures



1994

263

Methamphetamine Laboratory Seizures



1995

241

Jan - Oct 31

Methamphetamine Laboratory Seizures

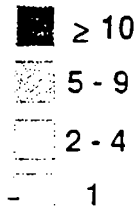


Figure 2

Methamphetamine Submissions

<u>Fiscal Year</u>	<u>Total # of Seizures</u>	<u>% Change</u>	<u>Total net wt. (kilos)</u>	<u>% Change</u>
1985	704	--	103.9	--
1986	785	+12%	229.1	+121%
1987	868	+11%	167.6	-27%
1988	1,122	+29%	576.3	+244%
1989	1,032	-8%	518.8	-10%
1990	941	-9%	751.6	+45%
1991	772	-18%	293.5	-61%
1992	841	+9%	357.9	+22%
1993	880	+5%	488.8	+37%
1994	1,145	+30%	704.8	+44%
1995*	1,470	+28%	950.3	+35%

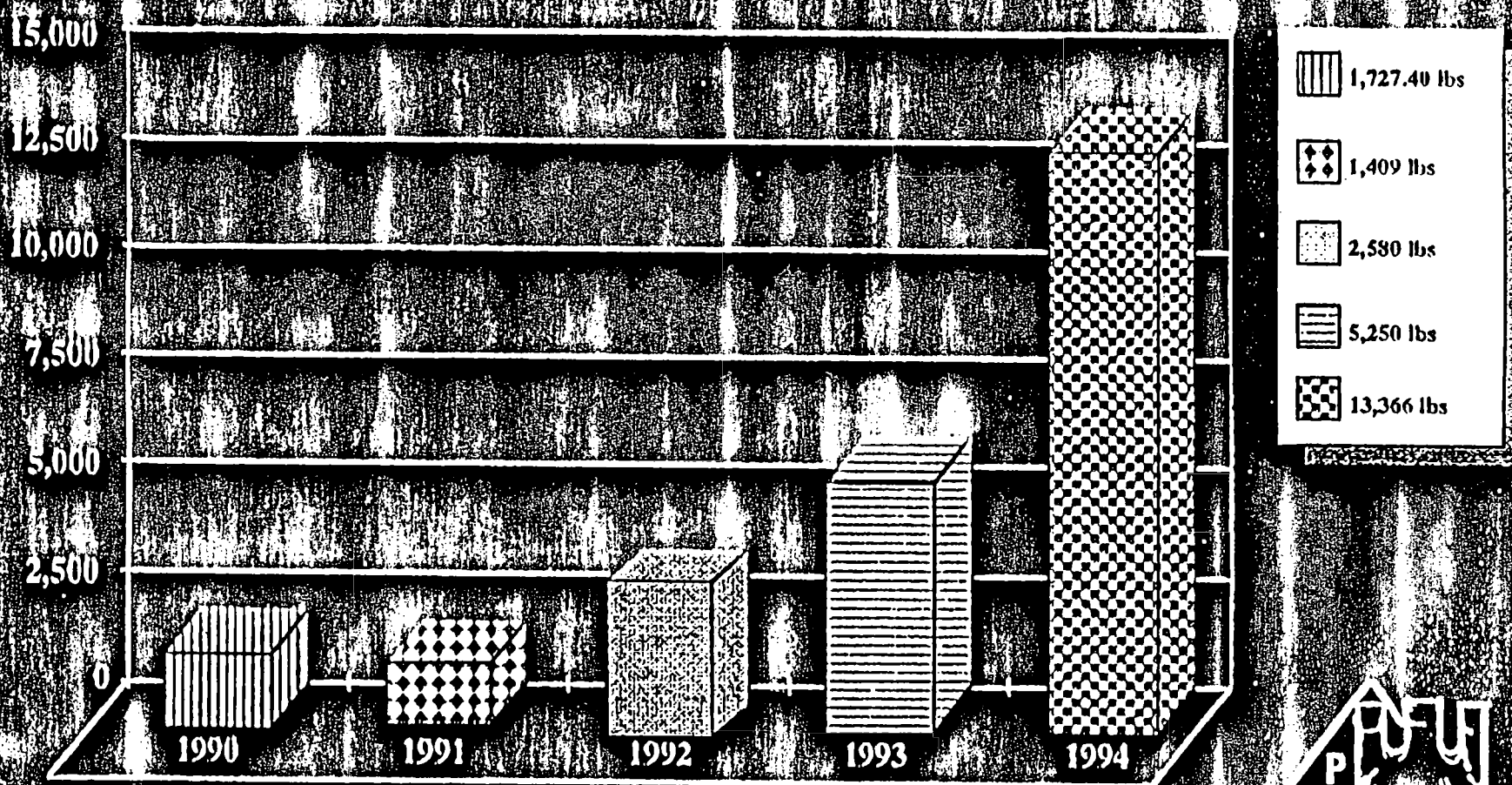
* FY95 figures are preliminary and subject to updating.

Note that statistics on the quantities of drugs seized can be significantly affected by a small number of large seizures. For example, the increase in the FY95 figure was due in large part to a February 3, 1995 seizure of 306 kilograms of 97% pure methamphetamine in Las Cruces, New Mexico. Had this seizure not occurred, the percentage change in the quantity of methamphetamine seized during FY95 would have decreased by 8% instead of increasing, as it did, by 35%.

Also note that the above figures represent DEA seizures. Figure 3 summarizes seizures by the California Department of Justice Bureau of Narcotic Enforcement.

California Department of Justice Bureau of Narcotic Enforcement Methamphetamine Seizures

Weight by Pounds



CALIFORNIA BUREAU OF NARCOTIC ENFORCEMENT

According to the El Paso Intelligence Center, the amount of methamphetamine seized in transit from Mexico to the United States increased dramatically beginning in 1993. This is clearly borne out by the following seizure statistics along the border:

Figure 4

**Methamphetamine Seizures
in Kilograms**

	1992	1993	1994	1995 Jan-Oct
Southwest Border (EPIC)	6.5	306	682	616

DEA expects that increasingly strict chemical controls and enforcement efforts at the Federal and State levels, especially California, will result in a shift to increased production of methamphetamine in Mexico. In addition, Mexico does not have adequate laws in place to control the importation and diversion of ephedrine, a precursor chemical for methamphetamine production.

Interestingly, the trend in the number of methamphetamine laboratory seizures -- once heavily relied on by DEA as a gauge of the volume of methamphetamine trafficking -- does not reflect the increased volume of drugs seized. This is due to the greatly increased scale of manufacture by Mexican organizations, compared to the smaller scale laboratories found in previous years.

Figure 5

Methamphetamine Laboratory Seizures Reported to DEA³

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
46	69	136	126	89	132	119	185	266	412
<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	
653	629	652	429	315	288	218	263	241	

³ As reported to DEA Headquarters by teletype, DEA-6 and Clandestine Laboratory Report, pursuant to DEA Agents Manual reporting requirements. DEA defines a clandestine laboratory as "an illicit operation consisting of a sufficient combination of apparatus and chemicals that either has been or could be used in the manufacture or synthesis of controlled substances." This definition does not include the seizure of chemicals, glassware or other equipment which by themselves may demonstrate the existence of a laboratory.

California Bureau of Narcotics Enforcement (BNE) seizures of methamphetamine and clandestine labs have increased dramatically. Methamphetamine seizures surged from 1,400 pounds in 1991 to over 18,000 pounds in 1995. Also, last year, BNE's lab seizures reached 465 -- one every 19 years. Figure 6 represents a comparison of the numbers of DEA clandestine laboratory seizures with those of the BNE. The figures reflect that the decline in DEA seizures since 1992 is matched by a sharp increase in seizures by BNE. Indeed, in recent years, BNE has effected a greater number of laboratory seizures statewide than DEA has effected nationwide.

The price of methamphetamine has remained within a fairly constant range over the past several years. The nationwide range of prices are estimated per pound (\$6,500-\$20,000), per ounce (\$500-\$2,700) and per gram (\$50-\$150). Methamphetamine prices are heavily influenced by the supply of the key precursors, ephedrine or pseudoephedrine. For example, through mid-1995, when ephedrine and pseudoephedrine supplies were readily available, a pound of methamphetamine sold for as low as \$3,000 in Los Angeles and San Francisco. Lately, however, pound prices have increased, most likely as a result of recent efforts to curtail ephedrine and pseudoephedrine supplies. Currently, a pound of methamphetamine sells for \$6,500 to \$10,000 in both cities.

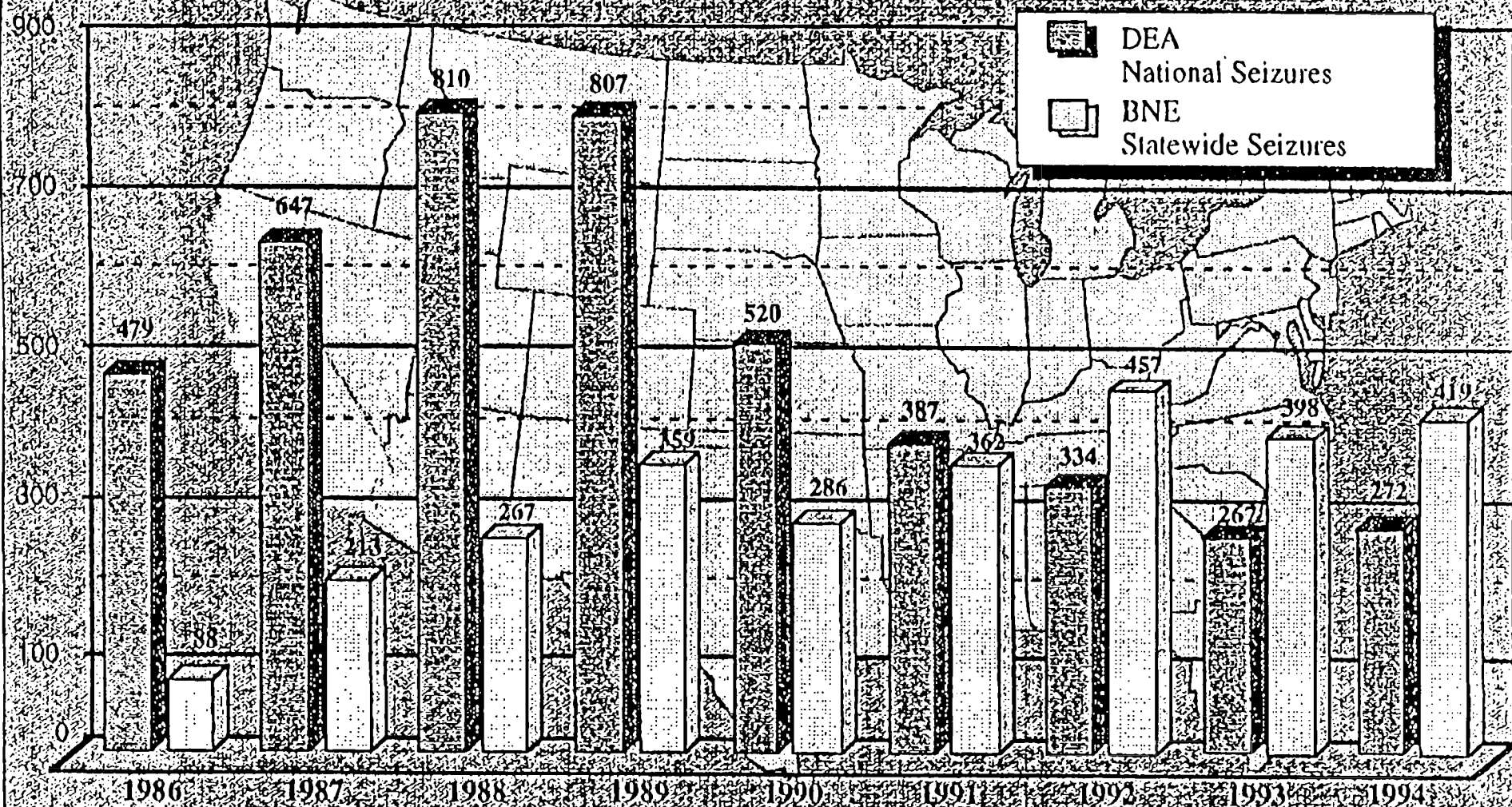
C. Use

The latest information from the Drug Abuse Warning Network (DAWN)⁴ shows that the estimated number of nationwide emergency room drug abuse episodes involving methamphetamine has increased steadily since 1992, following significant decreases that had begun in 1990.

DAWN statistics confirm that the Western cities are hardest hit by methamphetamine abuse. In Phoenix, emergency room episodes involving methamphetamine nearly quadrupled from 1991 to 1994. In addition, methamphetamine-related deaths reported to DAWN by Phoenix medical examiners increased eleven-fold from 1991 (11 deaths) to 1994 (122 deaths).

⁴ The most recent available DAWN data is preliminary data for calendar year 1994.

Comparison of Drug Enforcement Administration and California Bureau of Narcotic Enforcement Clandestine Laboratory Seizures



California Department of Justice
Bureau of Narcotic Enforcement
Clandestine Laboratory Enforcement Program



Figure 6

**Methamphetamine-Related Emergency Room Mentions
in Selected Cities**

<u>City</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>% Change</u>
Los Angeles	506	827	1,227	1,418	180%
Phoenix	164	281	481	770	370%
San Diego	516	931	930	967	87%
<u>San Francisco</u>	<u>839</u>	<u>688</u>	<u>992</u>	<u>979</u>	<u>16%</u>
FOUR CITIES	2,025	2,727	3,630	4,134	104%

Figure 7

**Methamphetamine-Related⁵ Deaths
in Selected Cities**

<u>City</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>% Change</u>
Los Angeles	99	68	198	219	121%
Phoenix	11	20	63	122	1009%
San Diego	60	97	110	172	187%
<u>San Francisco</u>	<u>41</u>	<u>48</u>	<u>62</u>	<u>69</u>	<u>68%</u>
FOUR CITIES	211	233	433	582	176%

User groups for methamphetamine have traditionally been white males between the ages of 19 and 40. This population remains most prominent in the DAWN data. However, reports from epidemiologist and treatment personnel reveal several possible modifications in the methamphetamine user profile. For example, methamphetamine use has increased among the Hispanic population in the United States, possibly as a result of the increasing involvement of Mexicans in the production and retail distribution of the drug. There also are reports that methamphetamine use is increasing among college students and young professionals involved in the club scene or participating in "rave" parties, where the drug has emerged among a battery of "party drugs" including LSD, marijuana, Ketamine and alcohol.

D. Pharmacology

Methamphetamine, like cocaine, is a potent central nervous system stimulant. It can be smoked, snorted, injected or taken orally. Snorting and smoking have increased as methods of administration, but injection still predominates among the largest user groups in San Francisco. Ingestion of

⁵ The DAWN data under-count the number of "methamphetamine-related" deaths in some measure. Many of the violence-related consequences of methamphetamine trafficking and use are not included in the DAWN statistics and/or are not widely understood, e.g., homicides, domestic violence, shaken-baby syndrome and HIV transmission.

methamphetamine increases heart rate, blood pressure, body temperature and rate of breathing; dilates the pupils; and produces euphoria, increased alertness, a sense of increased energy and tremors. High doses or chronic use have been associated with increased nervousness, irritability and paranoia, which in turn lead to hyperactive behavior and dramatic mood swings. Heavy users, who can inject up to 2.5 grams (2,500 milligrams) per day, exhibit extreme belligerence and paranoia. The behavior of a methamphetamine user is so violent and bizarre that public health officials often find it difficult to distinguish methamphetamine users from paranoid schizophrenics. Withdrawal from high doses produces severe depression.

As noted at the very beginning of this report, some experts believe that methamphetamine is even more destructive than crack cocaine. According to Dr. Michael Abrams, a physician at Broadlawn Medical Center of Des Moines, Iowa, the chemical structure of methamphetamine renders it more stimulating to the brain than any other drug and capable of far more destructive brain damage.

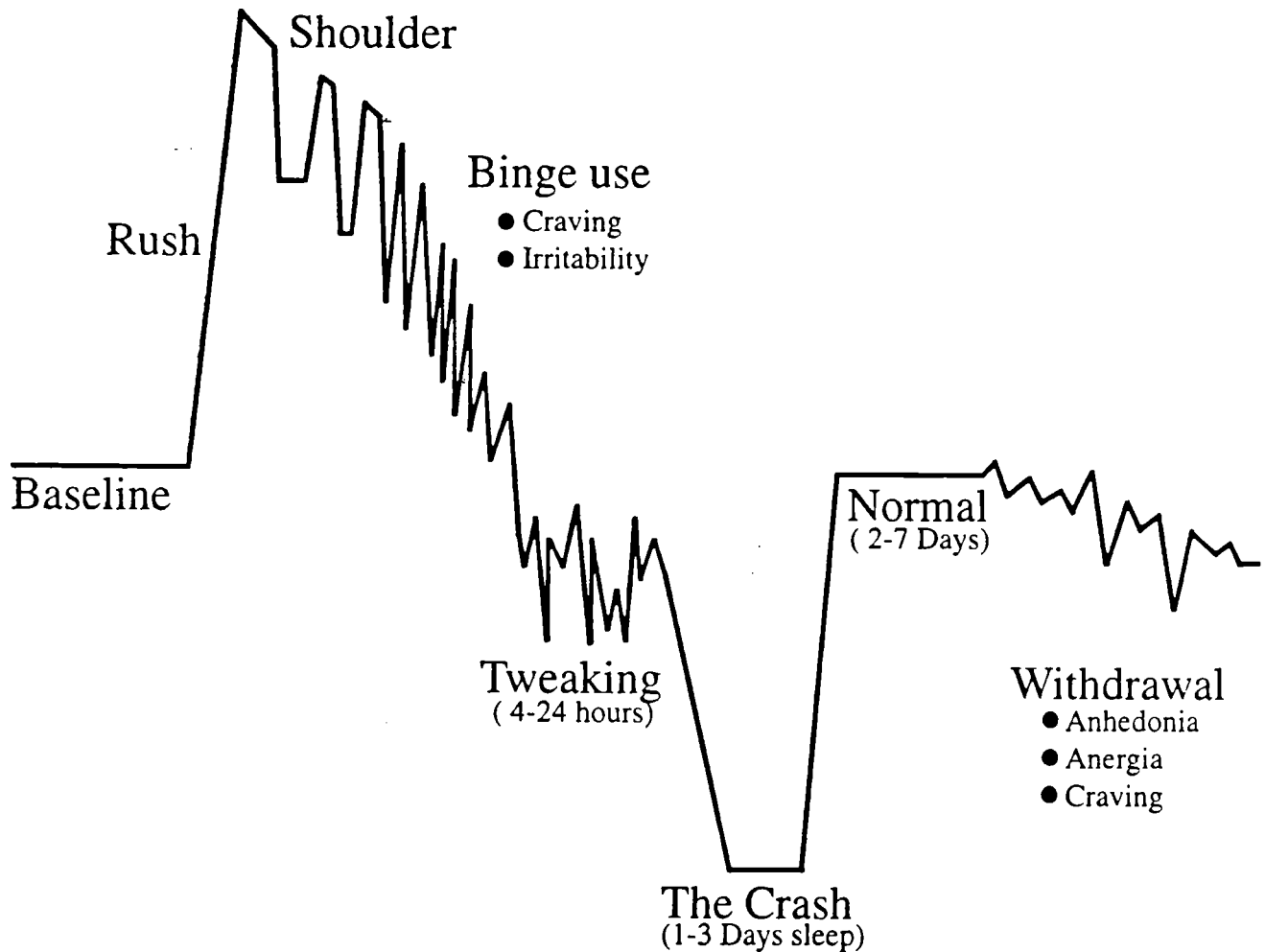
Dr. S. Alex Stalcup, a physician specializing in treatment of methamphetamine-addicted individuals in the San Francisco Bay area, defines three methamphetamine user groups: low-intensity, "binge" and high-intensity users. Low-intensity users take methamphetamine to lose weight and stay alert and awake; adolescents, housewives and shift workers are common among this group.

The pattern of "binge" users is depicted in Figure 8. According to Dr. Stalcup, the initial "rush" and "binge" to maintain the original "high" of methamphetamine are followed by 4-24 hours of "tweaking" -- the phase of the binge in which a user need not ingest any additional drug, but remains high and exhibits little control over his or her behavior. This "tweaking" phase -- a nearly intolerable state, according to Dr. Stalcup -- poses the greatest risk to family, friends, the public and police; the body's release of adrenaline can induce a violent rage manifest through aggression, violence, paranoia, anxiety, hallucinations and hyperactivity. It can also cause the user to have severe physical reaction -- heart attacks and stroke -- if the user is physically restrained using traditional law enforcement methods.

The tweaking phase is followed by the "crash," during which the user sleeps for one to three consecutive days. According to Dr. Stalcup, an average "binge" methamphetamine user can follow the crash with up to a week of normal behavior before withdrawal sets in, triggering the next binge cycle.

The third category, high-intensity methamphetamine users, varies from the binge users in that they follow the crash

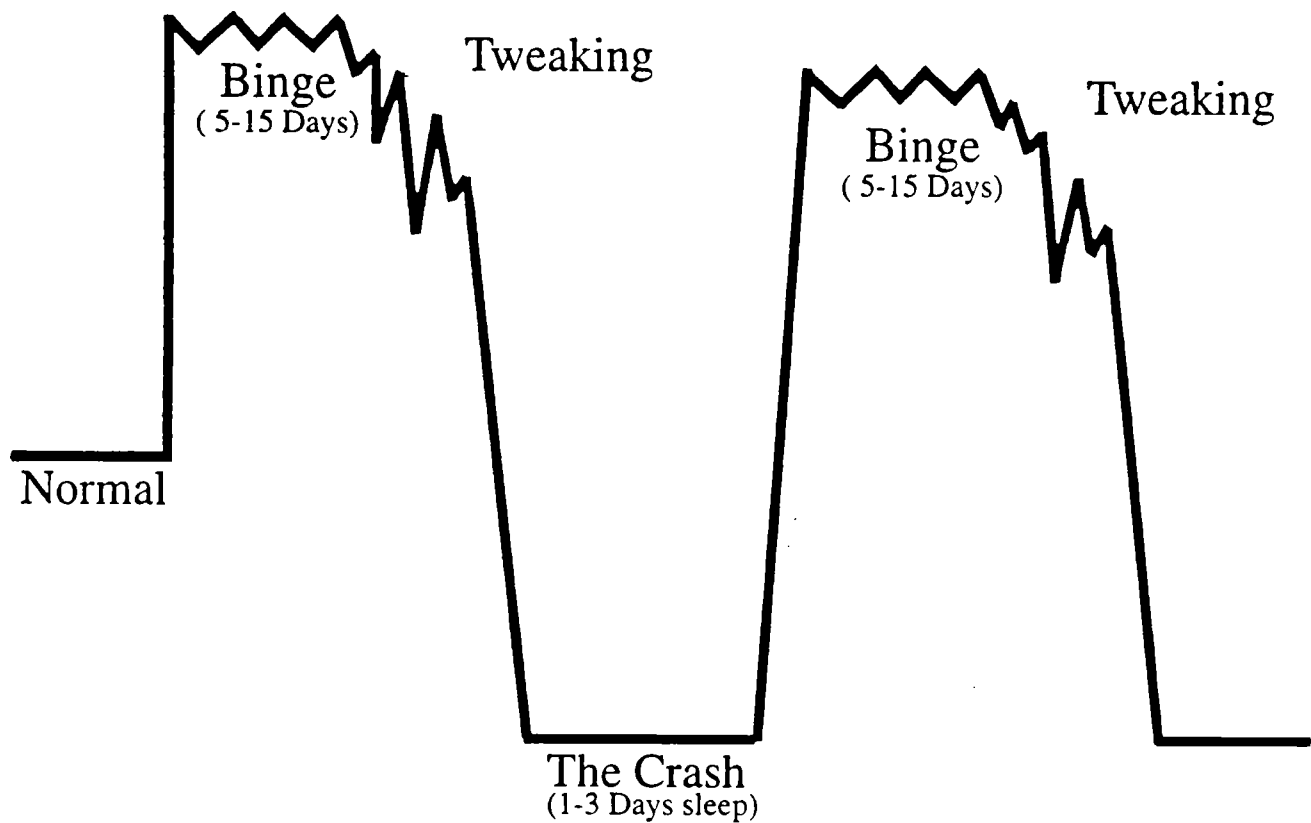
Binge Amphetamine Use



Effects:

- Aggression, violence
- Paranoia, anxiety, hallucinations
- Hyperactivity
- Weight loss

High Intensity Amphetamine Use



Effects:

- Extreme Weight Loss (50-100 pounds)
- Aggression, Violence, Belligerence
- Toxic Psychosis:
Paranoia, Hallucinations, Hysteria
- Stroke, Heart failure

immediately by another 5-15 day binge, putting these users in an almost perpetual cycle of rushing, tweaking and crashing (see Figure 9). These users may experience extreme weight loss, aggression, toxic psychosis (including paranoia, hallucinations and hysteria), stroke and heart failure.

Binge and high-intensity methamphetamine use leave no time for the care of children; child neglect and abuse are inevitable consequences. According to Dr. Stalcup, neither the binge, tweaking nor crash phases yield time to tend to the needs of dependents. At the most violent, irritable and paranoid phases of the binge, children are at risk of physical abuse and/or "shaken baby" syndrome. In at least one highly publicized case, a New Mexico man, high on methamphetamine, beheaded his 14-year old son, believing him to be a demon, and tossed the dismembered head onto a public highway.

Also among the public health risks, Dr. Stalcup cites an increased incidence of HIV in female methamphetamine users, the result of increased promiscuous behavior in the "tweaking" phase and of trading sex for drugs to satisfy severe craving for additional drugs. Dr. Stalcup predicts that methamphetamine use is or soon will become the major cause of HIV transmission in the San Francisco Bay area.

Finally, the pharmacology of methamphetamine indicates severe and crippling depression in the extended, long-term withdrawal process -- a process that does not even begin until approximately 30 days after use (and often well after the term of availability of traditional treatment interventions). This fact must be addressed by the treatment community in developing methods to break the cycle of methamphetamine dependency.

II. ENFORCEMENT ACTIVITIES -- FEDERAL AND STATE

A. Current Enforcement Efforts

DEA field divisions have initiated specific programs to address methamphetamine trafficking and diversion of precursor and essential chemicals. In particular, efforts are underway to:

- Develop additional intelligence on clandestine methamphetamine production sites and target laboratory operators.
- Identify trafficking organizations that are transporting methamphetamine from sources of supply in Mexico and the Western United States. Gather intelligence on maritime, air and land transshipment methods and routes used by domestic and international drug trafficking groups.

- Monitor shipments of methamphetamine precursors into the United States, which must be reported under the Controlled Substances Act.
- Maintain ongoing liaison efforts with chemical companies that import/export and/or distribute listed chemicals used to manufacture methamphetamine to garner the cooperation of legitimate firms. Specifically, work with chemical suppliers to identify suspicious orders of precursor and essential chemicals, glassware and other equipment and determine which chemical suppliers are, whether wittingly or unwittingly, responsible for precursor chemical diversion.
- Focus special emphasis on major violent methamphetamine trafficking organizations.
- Select high-level targets who are involved in significant money laundering and other organized criminal activities.
- Maintain liaison with federal, state and local law enforcement and regulatory personnel to ensure that there are no gaps in the law enforcement system. Rely on state law and regulatory controls where they are stronger than the federal law.

B. Proposed Strategy; Implementation Items

- Continue all elements of Section II.A, above, entitled "Current Enforcement Efforts."
- Form a commitment to information-sharing, including standardization of reporting (e.g., a uniform definition of "clandestine lab"); identify methods of connecting existing intelligence information databases; publish a list of databases, agencies, organizations, informational sources and points of contact that can be of assistance in methamphetamine investigations.
- Form or use existing task forces composed of federal, state and local law enforcement officials (e.g., OCDETF, Safe Streets Task Force) to investigate methamphetamine trafficking.
- Since the bulk of precursor chemicals and finished methamphetamine (perhaps 70% or more) reaches this country across the Southwest Border, enhance the focus of investigative and prosecutive resources of the Southwest Border Initiative on the methamphetamine production and chemical supply operations of the Mexican trafficking organizations targeted by the Initiative.

- Regularly convene conferences among federal, state and local law enforcement officials to share operational intelligence and investigative and prosecutive strategies.
- Monitor publicly accessible electronic media (e.g., the Internet) to gain information on methods of production and trafficking, after ascertaining Privacy Act and constitutional limitations, if any.
- Utilize all available law enforcement techniques, including undercover operations, electronic surveillance -- with particular focus upon the command and control communications structures -- and grand jury investigations, to identify and pursue the larger production and trafficking organizations.
- Develop or maintain agreements and working relationships as necessary between federal, state and local law enforcement and environmental agencies to respond to clandestine methamphetamine laboratories identified in investigations in order to pool the expensive, specialized equipment, training and expertise needed to respond to clandestine laboratories, which are usually associated with highly flammable and hazardous chemicals.
- Build upon existing liaisons and develop new liaisons with security personnel at United States points of entry and with public and private mail services.

III. Regulatory Controls

A. Analysis of Current Situation

1. Methamphetamine

Methamphetamine is regulated under the Controlled Substances Act, 21 U.S.C. § 803 et seq., and implementing regulations as a Schedule II stimulant (see 21 C.F.R. § 1308.12(d)). As such, it is subject to the most stringent regulatory criteria of any drug with a currently accepted medical use. Currently accepted medical uses of the drug include the treatment of obesity and attention deficit disorder. See Physicians Desk Reference (50th ed. 1996, at 419).

As a Schedule II controlled substance, methamphetamine is subject to production quotas based on total estimated annual needs for medical, scientific, research and industrial purposes. 21 U.S.C. § 826. The 1995 production quota was 16 kilograms. The 1996 quota will increase to 44 kilograms. The nearly threefold increase is explained by depletion of methamphetamine inventories by existing manufacturers and distributors. Coupled with the penalties imposed for methamphetamine trafficking -- mandatory minimum penalties of 5 and 10 years for 10 and 100

grams, respectively -- regulatory controls on the drug itself are appropriately stringent. These statutory and regulatory measures have, in fact, largely curtailed the diversion and abuse of licitly produced methamphetamine from legitimate channels, as evidenced by the very small number of cases of methamphetamine diversion through such schemes as bogus prescriptions or "back door" sales from pharmacies.

2. Precursor Chemicals: Ephedrine and Pseudoephedrine

A more troublesome issue is the regulation of the precursor chemicals from which methamphetamine is manufactured. A brief history of the illicit manufacturing process is necessary to appreciate the current situation. The earliest clandestine methamphetamine labs used the chemical phenyl-2-propanone, also known as phenylacetone or P2P, to produce methamphetamine. In response to clandestine lab seizures throughout the 1970s, P2P was placed on Schedule II of the Controlled Substances Act under the provision which includes within the definition of a "controlled substance" any "immediate precursor." See 21 U.S.C. § 802(6). This action increased the difficulty and risk of obtaining P2P and led to a brief decline in clandestine lab seizures.

However, traffickers adjusted to the scheduling of P2P, first by switching to production of P2P from other uncontrolled chemicals, and then by shifting to the hydriodic acid/ephedrine reduction method of methamphetamine production, which does not require P2P, and which was first discovered by DEA in a 1987 lab seizure. Since then, the relatively simple, high yield ephedrine reduction method of production has outstripped the P2P method in seized labs by a factor of six to one. Ephedrine is used lawfully as a bronchodilator for asthma, while pseudoephedrine is a very widely used nasal decongestant.

The transition from production methods using P2P to those using ephedrine and pseudoephedrine as precursors has resulted in a far more potent drug. The P2P method produces an equal mixture of D- and L-methamphetamine; the ephedrine-based method produces only D-methamphetamine. As only D-methamphetamine enters the central nervous system, ephedrine-based methamphetamine is twice as potent as P2P-based methamphetamine.

The ephedrine reduction method is also more efficient than the P2P method in terms of production. The combination of P2P and methylamine yields only about 20% methamphetamine. In the clandestine laboratory setting, the ephedrine reduction method yields approximately 50-70% methamphetamine. Thus, although greater yields are possible, one kilogram of ephedrine usually converts to about 500-700 grams (0.50 to .70 kilograms) of methamphetamine.

In 1988, following a successful pilot project,⁶ DEA obtained legislative authority to launch a program of controls on precursor and essential chemicals. The Chemical Diversion and Trafficking Act of 1988 (CDTA)⁷ imposed domestic and import/export regulatory controls on a list of chemicals that includes ephedrine and pseudoephedrine. The CDTA effectively controlled only the bulk form of ephedrine and did not regulate lawfully manufactured drug products containing ephedrine. It is a simple matter to extract the ephedrine from these tablets. Clandestine manufacturers quickly seized on this exemption, facilitated by a gray market of mail order firms that developed to supply ephedrine tablets in bulk to methamphetamine producers, despite indicia of probable diversion that would have led legitimate businessmen not to make the sale.

Abuses of this "legal drug exemption" for ephedrine tablets were part of the impetus for the Domestic Chemical Diversion Control Act (DCDCA), passed by Congress in November 1993 and effective April 16, 1994. This law removes the exemption from record-keeping and reporting requirements for single entity ephedrine products and requires DEA registration for distributors of bulk ephedrine and other chemicals on "list I," which are mostly precursors. The Final Rule setting forth implementing regulations for the DCDCA was published on June 22, 1995.⁸ With the burden now placed on prospective registrants to demonstrate that their registration is in the public interest, 21 U.S.C. § 823(h), DEA has found that only legitimate chemical firms are seeking registration;⁹ the "rogue" chemical companies have eschewed the process.

Predictably, however, traffickers and rogue chemical firms have adjusted to the new regulatory environment by exploiting remaining opportunities. Traffickers are turning to over-the-counter pseudoephedrine, which is chemically similar to ephedrine, may be substituted in the production process, and yields the same quantity of methamphetamine. Laboratory operators also are turning to drug products containing ephedrine

⁶ The pilot program was embodied in a law that required reporting of sales of piperidine, a precursor to phencyclidine (PCP), enacted as Title II of the Psychotropic Substances Act of 1978, P.L. 95-633, 92 Stat. 3768-78.

⁷ Title VI, Subtitle A, P.L. 100-690, the Anti-Drug Abuse Act of 1988.

⁸ 60 Fed. Reg. 32,447 (22 June 1995).

⁹ About 400 firms have applied for DEA registration to distribute list I chemicals, a smaller number than DEA anticipated.

in combination with other substances -- e.g., ephedrine with guaifenesin -- so that they remain exempt.

Law enforcement authorities have countered with two recent regulatory initiatives. First, effective November 10, 1994, DEA eliminated the regulatory quantity threshold for ephedrine, which had been one kilogram. See 59 Fed. Reg. 51,365. Now all single-entity ephedrine transactions are subject to reporting, record-keeping and notification requirements, regardless of the quantity involved.

Second, a DEA Proposed Rule published in the October 31, 1995 Federal Register would remove the regulatory exemption for certain pseudoephedrine products. Because pseudoephedrine is an ingredient in many legitimate over-the-counter drugs, the proposed rule generally regulates only products in which pseudoephedrine is the sole active ingredient, or is combined with other active ingredients such that pseudoephedrine can be readily recovered.¹⁰ The threshold of 24 grams pseudoephedrine base corresponds to a 120-day supply at the maximum adult daily dosage established by the FDA. Significantly, a waiver ensures that the approximately 750,000 retail distributors of pseudoephedrine will remain exempt, unless they engage in sales of above-threshold quantities.¹¹

On the international front, implementation of the CDTA and some successful prosecutions of domestic methamphetamine trafficking organizations gave rise to a fundamental change in the illicit methamphetamine trade. As noted in Part I, Mexican polydrug organizations replaced domestic outlaw motorcycle gangs as the primary methamphetamine producers, traffickers and distributors in the Western United States. In 1990, smuggling of precursors along the United States/Mexican border increased significantly. This practice exposed the Mexican traffickers to the much lower penalties for smuggling chemical precursors, avoiding the tougher penalties associated with smuggling the final product.¹² According to the DEA, Mexican chemists

¹⁰ 60 Fed. Reg. 55,348 (Oct. 31, 1995). The newly regulated combination products are tablets, capsules, and powder packets containing pseudoephedrine and antihistamines, guaifenesin or dextromethorphan. 60 Fed. Reg. at 55,350.

¹¹ "Retail distributor" is defined as one "selling only personal use quantities to walk-in customers" 21 CFR 309.02. Thus, the seller to a pharmacy is required to report, the pharmacy is not.

¹² This problem and possible solutions are discussed below in Part IV, "Sentencing and Legislative Initiatives."

operating on both sides of the border are now responsible for most methamphetamine production.

The scope of Mexican methamphetamine trafficking became apparent in March 1994, as a result of a chance Customs seizure of 3.4 metric tons of ephedrine at the Dallas/Ft. Worth Airport. Manufactured in India and brokered by a Swiss firm, the shipment was intercepted en route from Zurich to Mexico City. Four months later, a 2.3 metric ton ephedrine seizure was made at the same location. Further investigation revealed source countries as diverse as India, China and the Czech Republic; transit countries that included the United Arab Emirates, the Netherlands, Germany, Guatemala and other Latin American countries; brokers in Switzerland; and distribution points in Guatemala and Mexico.

As a policy matter, further regulatory controls on precursor chemicals will require balancing the competing interests of law enforcement and the legitimate needs of industry. Even as traffickers constantly shift to meet regulatory changes, each successive control measure places greater strain on the chemical and pharmaceutical industries, the vast majority of which are composed of legitimate firms conducting legitimate transactions. Either chemical may be obtained naturally from the ephedra plant or may be produced by purely synthetic methods. On balance, we think it is possible to increase regulatory controls and government powers in the limited manner suggested below in Section III.B.

B. Strategy; Implementation Items

- Current regulatory measures for methamphetamine are adequate. Schedule II controls are appropriately stringent, and have been effective in preventing diversion and abuse of illicitly manufactured and lawfully prescribed methamphetamine.
- Taking into account reasonable public comments, follow through on the current proposed rule to impose regulatory controls on those products in which pseudoephedrine is the only active ingredient or can be readily recovered, so that the final rule is substantially similar to the proposed rule.
- Similar to the rule imposing greater regulation on pseudoephedrine, undertake regulation of appropriate ephedrine combination products, particularly ephedrine with guaifenesin and other products from which the ephedrine can be readily retrieved by clandestine methamphetamine "cooks."
- In an effort to anticipate the clandestine lab operators' next moves, the DEA should conduct a comprehensive review of other feasible methods by which methamphetamine can be

manufactured, taking into account historical methods, substitute chemicals and probable innovations.

- Amend the Controlled Substance Act to permit seizure of regulated chemicals where suspicious transactions or regulatory violations are detected. As interpreted by DEA, current law permits only criminal forfeiture, predicated on import, export, distribution, possession, etc. in violation of a felony provision of the CSA, under 21 U.S.C. § 881(a)(9). Although DEA has legal authority to seize and dispose of list I chemicals when a registration has expired or been revoked or suspended, pursuant to 21 U.S.C. § 824(f) and (g), that authority may not extend to registration denials.¹³ This may become more of a problem in the future if, for example, a rogue chemical firm were to apply for and be denied registration with the DEA.
- Encourage prosecutors to make greater use of 21 U.S.C. § 843(a)(7), as revised, which makes it a crime to manufacture, distribute, import or export, inter alia, any equipment, product or chemical -- whether or not it is regulated under the CSA -- "knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or listed chemical in violation of [the CSA]." This could even reach chemicals not (yet) regulated by DEA.

Note: Prosecutors would need to see the importance of such prosecutions beyond prison sentences, as the penalty range is 0-4 years, plus fine and injunction. Increased sentences are not being proposed because other provisions impose stiffer penalties for similar conduct with regulated chemicals. See 21 U.S.C. §§ 841(d)(1), (2), (g)(1), 960(d)(1), (2).

- Create the authority to enjoin the sale of chemicals, whether or not they are regulated per se under the CSA, by making violation of 21 U.S.C. §§ 843(a)(7) enforceable by means of injunctive relief (subjecting a violator to potential imprisonment for contempt). This change could be made as part of a broader amendment to permit enforcement of all of §§ 842 and 843, which set forth the more minor and essentially regulatory violations of the CSA, through civil

¹³ DEA Office of Chief Counsel arrived at this conclusion after consultation with the Criminal Division, Narcotic and Dangerous Drug Section, which in turn consulted with the Deputy Director of what was then the Asset Forfeiture Office. It should be noted that unlike controlled substances, the mere possession of which violates 21 U.S.C. § 844, precursor chemicals are not readily shown to be contraband.

injunctive relief. The following draft legislative language, under the heading "Alternative civil and injunctive measures," is offered as a new subsection 21 U.S.C. § 843(f):

In addition to or in lieu of the foregoing penalties, the Attorney General is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, where there is a reasonable basis to believe that a violation of this section or section 842 of this subtitle will occur. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation.¹⁴

The greater flexibility and lower standard of proof to obtain a civil injunction could be a useful tool to prevent imminent suspicious transactions. As a practical matter, civil AUSAs in some districts may be more willing to seek such injunctions than their criminal counterparts.

- Establish a procedure, with appropriate due process safeguards, whereby DEA can instruct a firm not to engage in a particular chemical transaction with another firm. In other words, DEA should have the authority to suspend a sale of chemicals domestically parallel to its authority to interdict an import or export under 21 U.S.C. § 971(c). The following draft legislative language, under the heading "Suspension of suspicious chemical transactions," is offered for consideration as a new subsection 21 U.S.C. § 830(c):

(1) The Attorney General may order the suspension of any transaction involving a listed chemical, where there is a reasonable basis to believe that the transaction will facilitate the unlawful manufacture of a listed chemical or controlled substance. From and after the time when the Attorney General provides written notice of the order to the regulated person (including the basis for the legal and factual basis for the order), the regulated person shall not carry out the transaction.

(2) Upon written request to the Attorney General, a regulated person to whom an order applies under

¹⁴ Existing injunction provisions of the CSA require a conviction prior to their issuance. The suggested language is adapted from 33 U.S.C. § 1319(c), which provides for injunctive relief to enforce certain DEA compliance orders.

paragraph (1) is entitled to an agency hearing, on the record, in accordance with subchapter II of chapter 5 of Title 5. The hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person.¹⁵

Note: Under current law, there are times when DEA develops information on suspicious domestic sales, e.g., to pharmacies that divert chemicals out the "back door," but cannot act on the information. The one district court to rule on DEA's application of current 21 U.S.C. § 830, which would on its face permit DEA to order a firm not to engage in a domestic chemical transaction, read the statute more narrowly, based on statutory construction and procedural due process concerns. Chemicals for Research and Industry v. Thornburgh, 762 F. Supp. 1394 (N.D. Cal. 1991).

IV. International Initiatives: Focus on Mexico

A. Analysis of Current Situation

As noted above, the production and trafficking of methamphetamine has a strong international dimension, so our international efforts -- including bilateral and multilateral agreements and cooperative arrangements -- are important. Cooperation with Mexico is especially crucial. The nearly 2,000-mile U.S.-Mexican border is the primary entry point for ephedrine into this country, and Mexican organized crime now controls much of the illicit manufacture, sale and distribution of methamphetamine in the United States. The polydrug trafficking organizations with a stake in the emerging methamphetamine trade include:

- The Juarez Cartel, led by Amado Carrillo Fuentes, operates from Hermisillo in the west across the border to Arizona and from Juarez into Texas. Carrillo Fuentes is believed to have controlled the 315 kg of methamphetamine that were seized in Las Cruces, New Mexico, in February 1995; he is also tied to a three metric ton shipment of ephedrine made to Nicaragua in concert with the Amezcua brothers.
- The Sonora Cartel, headed by Miguel Caro Quintero, operates from Hermosillo, Agua Prieta, Guadalajara and Culiacan, as

¹⁵ This amendment impels deletion, as obsolete, of the following language from 21 U.S.C. § 830(b)(1): "A regulated person may not complete a transaction with a person whose description or identifying characteristic is furnished to the regulated person under subparagraph (B), unless the transaction is approved by the Attorney General."

well as the Mexican states of San Luis Potosi, Sinaloa and Sonora. Its smuggling routes extend into California, Arizona, Texas and Nevada; the organization is believed to be responsible for trafficking hundred-pound quantities of methamphetamine through the Arizona ports of entry.

- The Arellano Felix brothers, Benjamin, Francisco, Eduardo and Ramon, operate from Tijuana into Arizona and southern California. The gang has connections to the methamphetamine trade in San Diego through direct contact with the Logan Heights Calle Trienta and other street gangs. The group is considered the most violent of the Mexican trafficking organizations. Through their sponsorship of San Diego methamphetamine trafficker Nico Marron, the group is alleged to have assisted in 26 drug-related murders.
- The Amezcua organization -- headed by Jesus Amezcua Contreras and his brothers Luis and Adan -- is perhaps the largest methamphetamine trafficking group in North America. It operates primarily out of Guadalajara but, through agreements with other Mexican gangs, the Amezcuas' reach extends all along the border. The Amezcuas control methamphetamine labs in Guadalajara and Tijuana; their associates across the border are heavily involved in methamphetamine distribution and ephedrine trafficking, especially in southern California.

While DEA has good working relationships with its Mexican counterparts at the operational level, Mexico still lacks adequate legislation to regulate precursor and essential chemicals and to punish chemical trafficking. Strong legislation proposed in 1993 resulted in only minor changes to the Mexican public health law, under which ephedrine and pseudoephedrine are loosely monitored.

An increase in penalties in the United States for trafficking in ephedrine and pseudoephedrine, as urged below in Part V of this Strategy, could have a collateral impact in Mexico. It would add to the existing pressure on traffickers -- resulting from a tougher U.S. law enforcement and regulatory environment -- to shift production from the United States to Mexico. This possibility makes an effective chemical control regime in Mexico all the more important.

B. Strategy: Implementation Items

- Continue to meet with, advise and train foreign counterparts -- particularly in Mexico -- at both policy and operational levels concerning the problem and consequences of chemical diversion and the legal, administrative and practical means to prevent and detect diversion.

- In our bilateral relationship with Mexico, lay special emphasis on the need to curb trafficking in methamphetamine and its precursor chemicals, especially ephedrine and pseudoephedrine.
- To promote a comprehensive approach and harmonization of laws to the extent possible, urge Mexico to use as a model for its legislation the OAS model chemical control regulations and Article 12 of the 1988 UN Vienna Convention.

Note: The OAS model laws include, among other measures, the power to suspend or cancel imports and exports on reasonable suspicion of diversion, and a requirement of shipment-specific notice to allow for investigation of intended use of chemical products.

- Augment the role of the Bilateral Working Group on Precursor Chemicals, which now serves as an ad hoc operational consultative body, by (a) making it a permanent, staffed unit based in Mexico City and (b) giving it a greater policy-making function.
- Augment more U.S. resources in Mexico, including at the Embassy, on tracking and investigating methamphetamine trafficking and precursor chemical smuggling and diversion.
- Encourage more investigation of importers and major distributors of methamphetamine and its major precursors by law enforcement authorities in Latin America, especially Mexico.
- Continue to cooperate with the United Nations International Narcotics Control Board (INCB) to foster and enhance its role as a central collection point for data regarding ephedrine and pseudoephedrine shipments, which it distributes via electronic mail.
- Continue to work with the INCB and other international bodies -- including regional organizations such as the OAS anti-drug commission (CICAD) -- and foreign counterparts to focus attention on the problem of chemical diversion and its quintessentially international dimensions.

V. Sentencing and Legislative Initiatives

A. Analysis of Current Situation

The current penalties for methamphetamine manufacture and trafficking appropriately reflect the societal harms and dangers wrought by these activities. There is a 10-year mandatory minimum penalty for trafficking in 100 grams or more of pure methamphetamine or 1,000 grams (one kilogram) or more of a mixture containing methamphetamine, and a 5-year mandatory minimum penalty for trafficking in 10 grams or more of pure methamphetamine, or 100 grams or more of a methamphetamine mixture. Even at the retail ounce and gram levels, most seizures of methamphetamine are in the purity range of 50-70%, so most cases involve determination of the quantity of "pure" methamphetamine for sentencing purposes. Although it is difficult to pinpoint an "average" dosage of methamphetamine -- as is clear from the discussion in section I.D on the pharmacology of the drug -- an average "binge" user ingests 500 milligrams per day. Assuming an average of 60% purity, this dose has about 300 milligrams of "pure" methamphetamine.

Methamphetamine is a central nervous system stimulant, similar to powder and crack cocaine in its euphoric effects. The comparison of sentencing consequences, by amount and dosage are as follows:

	Five-year Minimum	Ten-year Minimum
Methamphetamine	10 grams (pure) 33 days dosage	100 grams (pure) 333 days dosage
Powder Cocaine	500 grams 1,000-5,000 doses	5 kilograms 10,000-50,000 doses
Crack Cocaine	5 grams 10-50 doses	50 grams 100-500 doses

Given that the methamphetamine use pattern is similar to that of crack cocaine -- and that much of the potent methamphetamine available today produces a reaction far more severe than even crack -- threshold quantities for determining mandatory minimum penalties for trafficking methamphetamine should be set at or about the same levels established for crack. However, there are two issues that should be resolved: first, to the extent that we seek to balance crack and methamphetamine sentencing and to the extent that debate continues with respect to crack sentencing, we must resolve the crack issues. Second, in that there is considerable room for disagreement about the weight and dosage equivalencies between methamphetamine and crack cocaine, we must begin consultations among health and law

enforcement professionals aimed at determining the appropriate equivalencies.

In addition, we should consider additional enhancements for methamphetamine manufacture and trafficking. For example, clandestine laboratories pose a unique hazard to the environment and to public health -- and in particular the health of law enforcement personnel and others at the lab scene -- that should subject offenders to additional penalties in appropriate cases.¹⁶ Draft legislative language for consideration appears below at subpart B of this Part.

Penalties for trafficking in the precursor chemicals ephedrine and pseudoephedrine, which are today by far the most common precursors in the clandestine manufacture of methamphetamine, are much lower than for trafficking in the finished product. The long drug sentences prescribed in USSG 2D1.1 apply only if the government can show that the offense involved manufacturing or attempted manufacturing of methamphetamine. See USSG 2D1.11(c). Otherwise, a penalty range of 0-10 years applies to possession, distribution or import/export of a listed chemical knowing, or having reasonable cause to believe, that it will be used in the illicit manufacture of a controlled substance. See 21 U.S.C. §§ 841(d) and 960(d). The highest sentencing guideline offense level for trafficking in ephedrine, pseudoephedrine or any listed chemical is level 28 (78-97 months for a first offense), which applies to offenses involving 20 kilograms or more. See USSG § 2D1.11.

While higher yields are theoretically possible, in practice clandestine lab operators are able to convert one kilogram (1,000 grams) of ephedrine or pseudoephedrine to about 0.50 to 0.70 kilograms (500-700 grams) of methamphetamine. The illicit sale of 200 grams of ephedrine, which could produce at least 100 grams of pure methamphetamine -- corresponding to a 10-year mandatory minimum penalty -- yields an offense level of 18 (27-33 months). The 20 grams of ephedrine needed to yield 10 grams of methamphetamine corresponds to a level 12 offense (10-16 months, with the possibility of a split sentence). On the other hand, the amount of ephedrine or pseudoephedrine necessary to reach level 26 -- i.e., the level equivalent to a 5-year mandatory

¹⁶ Senator Slade Gorton introduced a bill in 1991 that proposed increased sentences and fines for laboratory operators failing to comply with environmental laws to pay for cleanup and restoration of the laboratory sites. See the "Violent Crime and Law Enforcement Control Act of 1991," Sec. 1621. We also propose to include a criminal fine as part of the penalty; however, it is our observation that defendants in clandestine laboratory cases who are sentenced to lengthy prison terms are generally not in a position to pay the assessed fines.

minimum sentence -- is 6-20 kilograms. The 6 kilograms of ephedrine needed to trigger a 5-year mandatory penalty is 600 times greater than the 100 grams of methamphetamine that triggers the same penalty. Six kilograms of ephedrine can produce, with simple processing and not much skill or education, at least three kilograms of methamphetamine, the sale of which would yield an offense level of 34 (151-188 months for a first offense).

B. Strategy; Implementation Items

- Penalties for methamphetamine manufacture and trafficking must appropriately reflect the acute threat to the public and the seriousness of the offense.
- Statutory penalties and Guidelines sentences for trafficking in precursor chemicals should be significantly increased to better reflect their relative harm, based on the ease of conversion to controlled substances and the quantity ratio of controlled substances produced.

The statutory maximum for trafficking in the precursor chemicals should be changed as follows: where the Government can prove that the trafficker knew or had reason to know that the chemicals were being used for the unlawful manufacture of methamphetamine (or other controlled substance), the penalty should be equal to that of trafficking in the quantity of methamphetamine (or other controlled substance) that could have been manufactured (where such corresponding quantity can be determined) from the quantity of chemicals proven. It is noted that prosecutors have the option, presently, to charge such trafficking as attempt to manufacture a controlled substance, under 21 U.S.C. §§ 841(a) and 846; however, the proposed legislative change would strengthen the alternative charging option set forth in § 841(d).

Note: The much lower penalties for illegal importation of precursor chemicals than finished methamphetamine have caused Mexican polydrug organizations operating in the United States to minimize their risk by importing precursor chemicals from Mexico for processing into methamphetamine in the Western United States. While it is not proposed that penalties for ephedrine and pseudoephedrine be made equivalent to methamphetamine, it should be noted that increased penalties for precursor importation and distribution may lead the source organizations to produce incrementally more methamphetamine in Mexico, smuggling the finished product into the United States. A collateral effect would be to remove the serious dangers of explosions and environmental degradation from clandestine methamphetamine labs from this country, but the same hazards would be transferred to Mexico.

- Additional consecutive penalties for improper storage, release, disposal, transport or other handling of toxic, ignitable, explosive and hazardous chemicals used to manufacture methamphetamine in clandestine settings should be imposed to appropriately reflect the unique public health hazards -- including danger to law enforcement officers and others at the scene -- and environmental degradation wrought by this form of drug crime.

We suggest for consideration the following provision, which could be a new 21 U.S.C. § 864, which makes it unlawful to generate, transport, treat, store, dispose of, use, possess, distribute, import or export a precursor chemical or its waste. A proposed statute is attached as Appendix A.

- The Attorney General's authority to suspend domestic shipments of regulated chemicals and to seek injunctions to prevent shipments of all chemicals (whether or not regulated) should be expanded. See Section III.B, above.
- The Attorney General can issue regulations narrowing the exemptions for drug products containing ephedrine and pseudoephedrine. While legislation to narrow these regulatory "loopholes" is also an option, the use of regulations permits greater flexibility.

VI. Training of Investigators and Prosecutors

A. Analysis of Current Situation

Clandestine laboratory and methamphetamine investigations and prosecutions pose some unique issues from the perspective of hazardous situations at clandestine lab sites, the violent proclivities of methamphetamine users and proof problems at trial of offenders. In particular, investigators face significant dangers due to the toxicity and flammability of the chemicals used in the process. Similar problems complicate seizure and forfeiture of property. Real property may be contaminated to the extent that its cleanup costs exceed its value.

The primary toxic gases generated during the manufacture of methamphetamine are hydriodic acid vapors and phosphine gas. Prolonged exposure can cause internal chemical burns and permanent respiratory damage. Lab sites such as hotels or apartment buildings can use centralized air ventilation systems, endangering innocent individuals should poisonous vapors, gases or smoke from chemical fires travel freely from room to room.

At the DEA conference held in February 1995, 83% of law enforcement personnel responding to a survey expressed the view that training is needed to alert officers to the dangers of clandestine laboratories. DEA reports that while 60% of those

surveyed claimed their agencies are having difficulty meeting federally mandated training requirements, 71% indicated that officers in their jurisdictions have experienced health problems arising from exposure to hazardous chemicals found at seized methamphetamine labs. Other dangers await the officers responding to clandestine labs: 78% said firearms are typically present at these sites and 45% said booby traps have been encountered.

Discarded liquid waste -- primarily sodium hydroxide -- contaminates soil and ground water, posing an environmental threat for years. Abandoned dump sites continue to hold red phosphorous, which remains highly combustible. Even the attempts to unearth or clean up the site can create enough friction to ignite the red phosphorous, causing chemical fires. Each of these environmental issues requires training, for the protection of the public, the environment and the physical safety of law enforcement officers.

While Federal law enforcement agencies are fully capable of searching and seizing these laboratory sites and arresting those responsible, they have limited chemical/environmental decontamination capabilities. Accordingly, Federal law enforcement agencies have requested the assistance of the Department of Defense in chemically decontaminating ever-increasing numbers of these sites to ensure the public's health and safety, as well as environmental resources. DOJ has requested a \$20 million appropriation in support of this effort.

Additional personal safety issues are posed by violent users, to the public and law enforcement community, but also to the user in situations where law enforcement employs traditional methods of restraint. Dr. Michael Abrams, of the Broadlawn Medical Center in Des Moines, Iowa, provides treatment in hospital and prison settings. He reports danger of heart attack and stroke in prisoners controlled by handcuffs and leg restraints, while in a methamphetamine chemically-induced rage. He urges the law enforcement and medical communities to research together appropriate methods for protection of officers and prisoners.

For prosecutors, methamphetamine cases sometimes involve unique proof problems. For example, where a lab is raided before "cooking" has begun -- or more likely between cooking episodes, but after the last batch has been removed -- there may be no methamphetamine seized to introduce as evidence. Prosecutors should be aware of the federal and applicable state regulatory controls on precursor and essential chemicals, and may wish to include chemical trafficking counts along with conspiracy to manufacture methamphetamine counts in the indictment. They also should be aware of applicable environmental laws and regulations. Reference also should be made to the analogous body of

prosecutions involving clandestine cocaine laboratories, particularly in the Southern District of Florida, which posed similar investigative and prosecutive issues.

B. Strategy: Implementation Items

- The law enforcement training academies will develop curricula addressing the physical dangers posed by the chemicals encountered at clandestine laboratories and chemical dump sites, including the use of protective clothing and equipment. Proposed safety training programs should include the 40-hour initial training program required by OSHA, the 8-hour refresher training, baseline and annual medical examinations, acquisition of protective equipment, record keeping, and on-the-job training. Specialized training should include the identification and dismantling of trap devices found at clandestine lab sites.
- The training academies will also develop instructional materials on statutory and regulatory requirements and responsibilities associated with the cleanup and remediation of chemical disposal sites.
- Educational material (pamphlets and videos) should be prepared to alert field personnel, management and administrators to actual and possible hazards of clandestine labs. Topics should include federal regulations concerning safety clothing, equipment and medical evaluations, as well as civil liability and the obligations of supervisors and administrators.
- The law enforcement and corrections communities will combine with the medical/mental health/addiction communities to exchange information regarding safety issues associated with the violent behavior of methamphetamine users and addicts.
- DEA, EOUSA and DOJ/NDDS, California BNE and other State and local law enforcement agencies will identify as participants in a training team the most knowledgeable and experienced analysts, investigators and prosecutors. We will draw from the list in our training and regularly will update the list and make it available to other jurisdictions upon request.
- DEA, EOUSA and DOJ, California BNE and other State and local law enforcement agencies will collaborate to develop a practical, case-oriented training curriculum and materials.
- DEA, USCS, EOUSA and DOJ/NDDS, California BNE and other State and local law enforcement agencies will identify the regions where training is most needed, and the training team will make presentations in those regions.

- Formulation of training schedules, course materials, presenters and identifications of first tier training locations were discussed at the February 1996 meeting of prosecutors and investigators in Washington D.C.

VII. Treatment, prevention and education

As the Attorney General stressed in Miami in early December, the young people of this nation must be convinced that drug use is not attractive or cool or safe, but illegal and unwise and dangerous. Methamphetamine is not a benign substance -- it is physically and psychologically destructive. The treatment community must begin to study deficiencies in traditional drug treatment over the longterm. Methamphetamine users show markedly different behavior after 30 days of abstinence (severe, crippling depression) than do individuals treated for the abuse of other substances. Indeed, withdrawal as such may not even set in until 30 days after use. Thus, it is anticipated that the treatment community will have to recognize and/or develop regimens of long-term treatment specific to methamphetamine dependency.

The Office of Justice Programs (OJP) and DEA have very strong treatment and educational structures. For example, in FY95, five grants were awarded for the implementation of new drug courts and eight grants were awarded for the improvement and enhancement of established drug courts. Drug court implementation awards were given to localities to serve juveniles, women with children, as well as adult males. Enhancement awards will enable on-going programs to improve their effectiveness through the use of automated information systems, vocational/educational services and upgraded treatment and sanction systems.

Drug courts contribute to reduction of the demand for illicit drugs, including methamphetamine, by mandating treatment for drug-addicted offenders. The link between drug use and criminal activity has been well-documented, and drug treatment has been shown to reduce both the drug use and the criminal activity of drug-involved offenders.

In addition, the corrections programs authorized by the Violent Crime Control and Law Enforcement Act (Crime Act) of 1994 address Goal 2 in the 1995 National Drug Control Strategy, which is to:

Expand treatment capacity and services and increase treatment effectiveness so that those who need treatment can receive it. Target intensive treatment services for hardcore drug-using populations and special populations, including adults and adolescents in custody or under the supervision of the criminal justice system, pregnant women and women with dependent children.

The Crime Act establishes programs that provide funds to State and local governments, all or part of which may be used to provide substance abuse treatment to inmates under correctional supervision.

In FY95, the Office of Justice Programs (OJP) implemented the Corrections Boot Camp Initiative under the \$24.5 million Violent Offender Incarceration Program appropriation, which was limited to use for the planning, construction and renovation of boot camps. OJP funded 44 boot camp projects that will be implemented at the State and local levels. All of these boot camps will include drug treatment and intensive, coordinated aftercare components.

In the State systems, the Residential Substance Abuse Treatment for State Prisoners Program provides formula grants to states to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

OJP has engaged in extensive planning to facilitate the immediate and effective implementation of the Residential Substance Abuse Program and treatment components of the other correctional programs as soon as the FY96 appropriation is enacted. OJP is developing program guidelines and an extensive technical assistance program to dispel commonly held beliefs among many policy-makers that treatment does not work for offenders and to assist State and local governments in implementing effective treatment programs which reduce drug use and criminal behavior. The guidelines and technical assistance are being developed in conjunction with and are based on recent research conducted by the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the National Institute on Drug Abuse and others. Technical assistance will be provided through national and regional workshops, as well as on-site assistance to address site specific needs.

Through the technical assistance program, OJP encourages state and local policy-makers to reassess the importance of substance abuse treatment for offenders and to develop and implement comprehensive treatment programs, including intensive aftercare components. A consortium of federal agencies -- led by the Office of the Director of National Drug Control Policy and including the National Institute of Justice (NIJ), the Bureau of Justice Assistance (BJA), the National Institute of Drug Abuse (NIDA), the Center for Substance Abuse Treatment (CSAT) and the Drug Courts Program Office of the Office of Justice Programs -- is developing a multi-year demonstration program to test the effectiveness of a system-wide criminal justice intervention with drug addicted offenders.

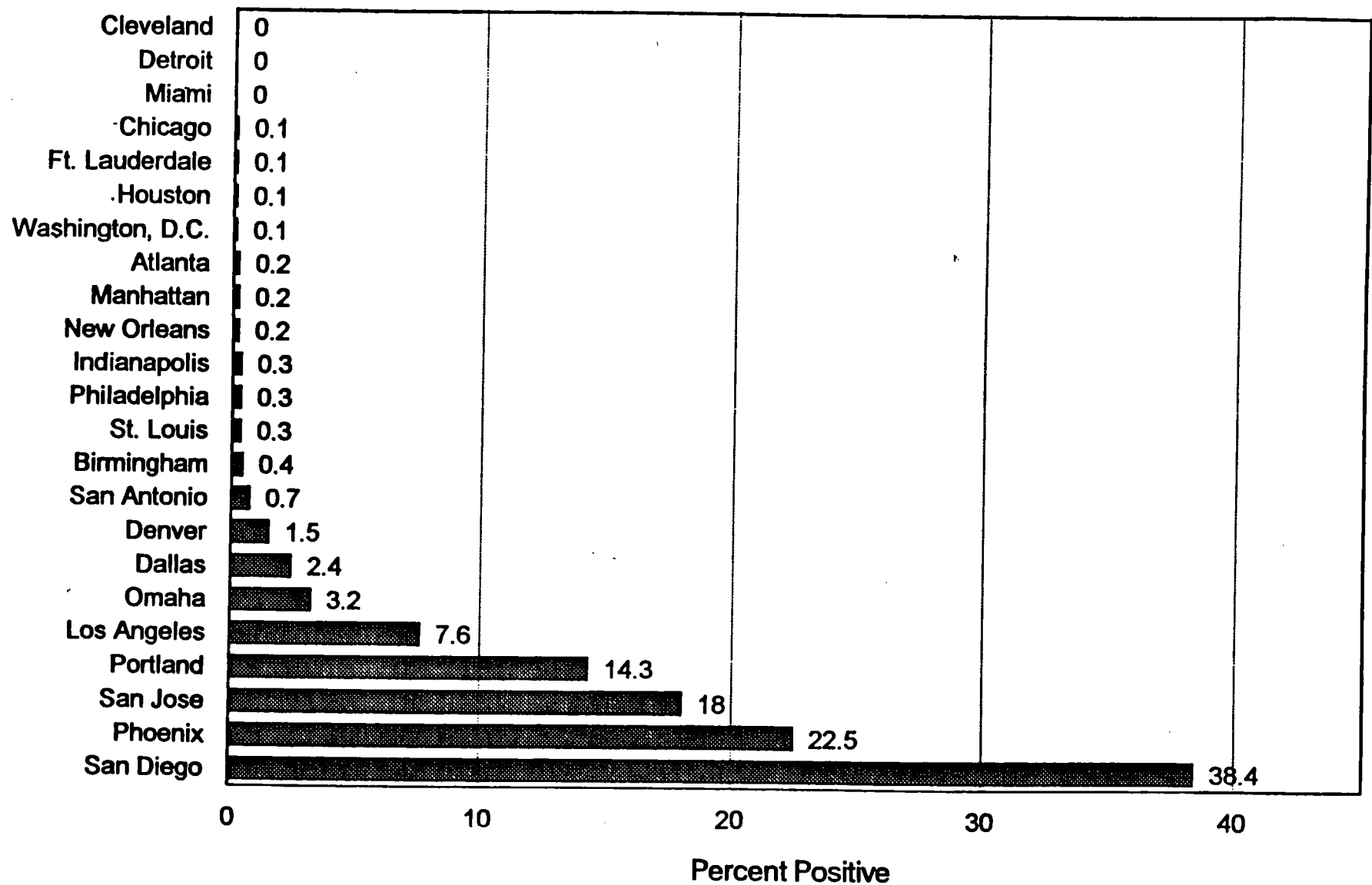
This demonstration project is called Breaking the Cycle (BTC). The major objectives are reduced recidivism/criminal behavior and reduced substance abuse among adult offenders who abuse drugs; improved social function indicators in the subject population; and improved resource utilization, particularly detention capacity, throughout the criminal justice system. Intermediate objectives include increasing the population's exposure to drug treatment; improving the match between the type of treatment and user needs; and increasing delivery of social services to the population.

Drug Testing: On December 18, 1995, President Clinton issued a directive to the Attorney General to develop a plan for universal drug testing for all federal arrestees prior to their first appearance before a Magistrate Judge. Pilot projects have been conducted for the past seven years, in selected cities, through the Drug Use Forecasting (DUF) program. Accordingly, the National Institute of Justice reports that it is assessing the importance of testing for methamphetamine use, even though historically, the use of methamphetamine rates have been low in many DUF cities. Figure 11 depicts the 1994 results of urinalysis of arrestees across the United States, in the selected DUF cities.

Public Awareness: National surveys show alcohol and drug use on the rise, especially among young people. The trend may reflect, in part, a decline in the promulgation of the anti-drug message in homes, schools and the media. Currently, pro-drug information, be it the din of the drug legalization debate or the glamorization of drug use by popular culture, is getting an increased airing. We must increase public awareness of the dangers of methamphetamine.

A national media campaign should be developed, targeting young people, adults, parents, employers and educators. Possible topics include the dangers of methamphetamine abuse, violence and the environmental harm caused by clandestine laboratories. Through our State and local counterparts, we should encourage community groups to schedule local events that bring together experts from a full range of disciplines to discuss and educate the community on the dangers of methamphetamine. We are also working with the Office of National Drug Control Policy to ensure that methamphetamine is given increased emphasis in this year's National Drug Control Strategy.

1994 Methamphetamine Positives by DUF Site



Appendix A

§ 864. Dangerous Handling of Listed Chemicals

(a) **Offense.** It is unlawful for a person --

(1) to generate, transport, treat, store, dispose of, use, possess, distribute, import or export a listed chemical, or the waste from the use of such chemical,

(2) in the manufacture or attempted manufacture of a controlled substance, or with the knowledge or intent that such listed chemical will be used in the illegal manufacture of a controlled substance, including but not limited to the clandestine laboratory setting,

(3)(A) in violation of --

(i) 42 U.S.C. § 6928(d) or (e) (handling hazardous wastes in a manner inconsistent with federal or applicable state law) or 42 U.S.C. § 6928(e);

(ii) 42 U.S.C. § 9603(b) (failure to notify the National Response Center established under the Federal Water Pollution Control Act [33 U.S.C. § 1251 et seq.], of a reportable release, other than a federally permitted release, of a hazardous substance from a facility or vessel);

(iii) 33 U.S.C. § 1319(c)(2) and (3) (discharge of pollutants in violation of the Federal Water Pollution Control Act [33 U.S.C. § 1251 et seq.]; or

(iv) 49 U.S.C. § 5124 (knowing or willful violations of laws and regulations enforced by the Department of Transportation with respect to transportation of hazardous material); or

(B) in any manner posing an imminent danger to the health and safety of another person, including any law enforcement official lawfully present at the site.

(b) **Penalties.** (1) A person who violates this section shall be subject to a fine up to \$250,000 and shall be sentenced to the greater of:

(A) imprisonment for two to four years; or

(B) in the case of knowing endangerment, as set forth under 42 U.S.C. § 6928(e) and 33 U.S.C. § 1319(c)(3), imprisonment for five to fifteen years; or

(C) if death or serious bodily injury results from the person's handling of listed chemicals in violation of this section, imprisonment for ten to fifteen years; or

(D) if after a prior conviction for a felony drug offense, including an offense under this section, twice the penalty otherwise applicable in (1)(A), (B) or (C) of this subsection.

(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment, including that imposed for the manufacture or attempted manufacture of controlled substances for which listed chemicals were used in violation of this section.

(3) This section is not intended to preclude prosecution under the environmental and transportation provisions cited herein, or under any other law.

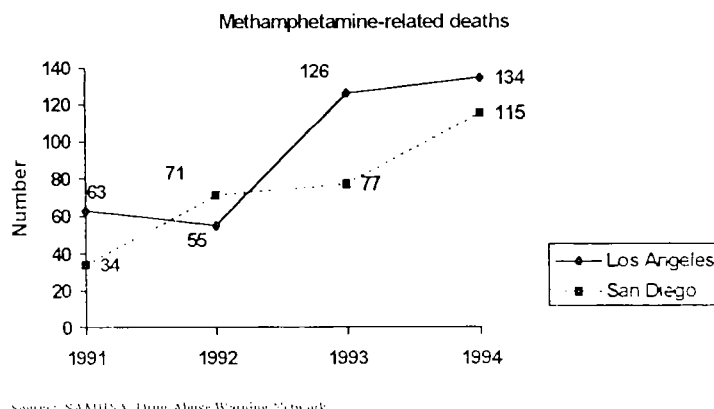
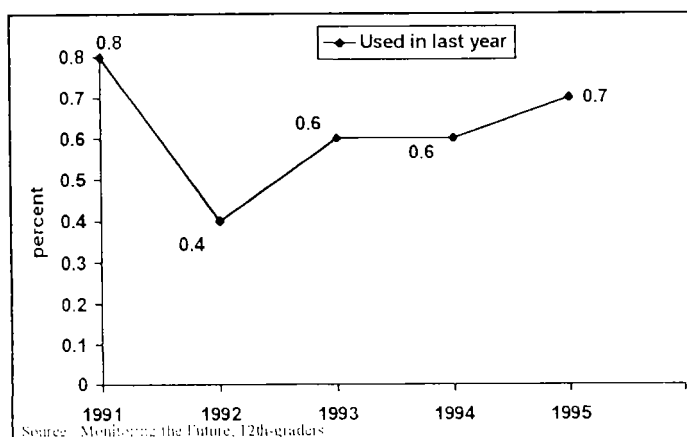
PARTNERSHIP

BULLETIN FROM THE PARTNERSHIP FOR A DRUG-FREE AMERICA

April 1996

Epidemic, or Serious Problem?

Recent widespread media coverage about the ravages of methamphetamine abuse has intensified focus on this dangerous substance. Is the methamphetamine problem snowballing into an epidemic, as some news media have reported? The current data strongly suggest that the problem is geographically self-contained especially in California, the Southwest and a few other regions in the U.S.:



Methamphetamine use is not widespread, according to national drug studies (chart on left). However, in areas of the country that report an increase in use, "meth" is having devastating consequences. "Meth-related" deaths have increased 113% in Los Angeles and 238% in San Diego from 1991 to 1994, according to data gathered by the Drug Abuse Warning Network (chart on right).

♦ ♦ ♦ ♦ ♦

U.S. Lawmakers: Shut Down Meth Factories

A bipartisan group of congressional lawmakers last month introduced a bill which would increase penalties for producing methamphetamine. If passed, the legislation will allow authorities to close down distribution companies that provide chemicals used in the illegal production of speed. In addition, the bill would track the sale of three chemicals used in the drug's production (iodine, red phosphorus and hydrochloric gas); increase penalties for the illegal production of meth from four to 10 years; and increase sentences for possession of larger volumes of chemicals or manufacturing equipment. The bill, sponsored by Senator Dianne Feinstein (D-CA) and Representative Vic Fazio (D-CA), also calls for the government to regulate pseudoephedrine, which is found in over-the-counter cold medications and is a possible substitute chemical in the manufacturing of speed.

♦ ♦ ♦ ♦ ♦

Partnership Volunteer Meeting Confirmed for May

Partnership local market volunteers -- our State Alliance, Key Market and Public Relations Coordinators across the country -- will convene for their annual meeting on May 2nd and 3rd in New York City. (Steve Pasierb @ 410/882-7396.)

♦ ♦ ♦ ♦ ♦

-- over --

U.S. Bans Rohypnol

U.S. Treasury Secretary Robert Rubin and U.S. Customs officials have officially banned the import of Rohypnol, also known as "roofies" and "the forget pill." Ten times stronger than Valium, Rohypnol causes a drunk, sleepy feeling that lasts up to eight hours. Officials in Florida are investigating cases where women were sexually assaulted after being given the drug. Rohypnol is popular with teens, who combine it with alcohol -- that combination sent Nirvana's Kurt Cobain into a coma shortly before his suicide. Hoffmann-LaRoche, which produces the drug legally in South America, Europe, Asia and Mexico as a cure for insomnia, said it will work with officials to end "illegal diversion and illicit use of Rohypnol."

* * * * *

In McCaffrey's Words

In a March 17th interview with The New York Times, General Barry McCaffrey, President Clinton's new drug czar:

- ✓ said that while law enforcement is very important, it's "not how we're going to solve the problem. We need treatment, prevention." He also said that addicts who are in prison or on probation need treatment to avoid committing new crimes.
- ✓ avoids the cliché of a "war on drugs," preferring the analogy of a battle against cancer. War is focused violence directed toward an achievable end, McCaffrey says, with a unity of command and element of surprise. He believes what's needed is to deal with the root causes of drug abuse, treating the pain and preserving the dignity of those afflicted.
- ✓ "It seems to me that our number one responsibility is to youth, and that means drug prevention," said McCaffrey. "...What I'm going to be is the intellectual quarterback of the President's team in the Federal Government that tries to coordinate and articulate solutions. And that's going to be a big job, and I'm going to do it with ferocious concentration and hopefully with some success."

* * * * *

Help's on the Web

Advice for parents, daily news summaries and drug prevention information is widely available on the Internet. Some of the most reputable and helpful Websites include:

Department of Justice National Criminal Justice Reference Service: includes case studies of anti-drug community efforts, ONDCP's national drug control strategy and information on D.A.R.E. (<http://www.ncjrs.org/>).

Join Together: includes daily news summaries, searchable news archives, who's who in the prevention field and e-mail discussion lists (<http://www.jointogether.org/jointogether.html>).

National Clearinghouse on Alcohol and Drug Information (NCADI): includes research data, Prevention Primer (a database of prevention information), a bibliographic database of related scientific literature, an on-line version of "A Parent's Guide to Prevention" and links to other internet resources in the field of alcohol, tobacco and drug prevention. (<http://www.health.org/>).

National Institute on Drug Abuse (NIDA): includes new brochures for parents and teens, grant information and NIDA materials. (<http://www.nida.nih.gov>).

Substance Abuse and Mental Health Services Administration (SAMHSA): includes statistics on drug abuse, including the National Household Survey on Drug Abuse and information on SAMHSA programs and events. (<http://www.samhsa.gov>).

Web of Addictions: includes fact sheets on drugs and an index of drug slang. (Address: <http://www.well.com/user/woa/>).

(Look for the debut of the PDFa website this summer, which will include general drug information and help for parents on talking to their kids about drugs.)

* * * * *

Best known for its national anti-drug advertising campaign, the Partnership for a Drug-Free America is a private, non-profit coalition of professionals from the communications industry, whose collective mission is to reduce demand for illicit drugs in America through media communication. To date, more than \$2 billion in broadcast time and print space, and 500 anti-drug ads, have been donated to the Partnership's national campaign, making this the largest public service advertising campaign in history. The Partnership receives major funding from the Robert Wood Johnson Foundation.

These are my thoughts on the paper

Truths (as I see them)

1. There is a problem
2. Meth producers could not care less about the damage production causes on others, themselves or the environment
3. Production exists primarily in the Southwest.
4. This drug is spreading among the youth (particularly males)
5. The drug use and withdrawal charts are very accurate.

Concerns with the paper

1. The paper concentrates so much on meth that it ignores one major factor. Most meth users will use other drugs. They assume that meth is the only problem. This is not the case.
2. The authors overlook the harm the user can cause upon him or herself when under the influence of the drug. It is being described as a menace to society. While it is true, they overlook the damage the addict causes him or herself.
3. The paper overlooks the kids who "cook" meth at home when the parents are away.
4. The focus of the paper is entirely on law enforcement. In the beginning, the paper proports that we should work with fire fighters and environmental advocates/police to stop this problem. Yet the paper provides no credence to the thought until the end. At this time, it talks about treatment and prevention within two pages of a 30-page document.
5. The Mexican market supplanted the South Asian market. How did this happen? If we do the same thing in Mexico that we did in Southeast Asia, how will we insure we reduce the number of meth addicts and not create another foreign source market, i.e. Eastern Europe?
6. From 1993 to 1995, New Mexico reported few problems with the drug while all the surrounding states had escalating problems? What did they do to reduce use and can it be replicated throughout the country? (See chart between Pages 4 and 5)
7. More federal seizures took place from 1986 to 1991 than occurred at the state and local levels. This switched in 1992? Why did this change occur? If the federal government was more involved five years ago in seizing the drug, why are we doing something now? (See chart between Pages 6 and

7)

8. Figure 5 on page 5 shows the number of seized Meth labs from 1977 to 1995. The number of meth lab seizures have decreased since 1991. The rates were at their highest rates from 1986 to 1990. The rates for 1995 and 1993 were the lowest since 1984. Why are we doing something now?
9. There is so much focus placed on the distribution country, Mexico, that we overlook the manufacturing countries in Asia and Europe. Upon comparing the amount of information the paper concentrates on domestic and foreign sources, the paper overlooks the domestic "cooking mills".



U. S. Department of Justice

Washington, D.C. 20530

FACSIMILE COVER SHEET

TO: DENNIS BURKE

FROM: Nicholas M. Gess
Director
Public Liaison and Intergovernmental Affairs
TELEPHONE: (202) 514-3465
FACSIMILE: (202) 514-2504

DATE: April 25, 1996

SUBJECT: Meth Strategy

PAGES: (Including this cover sheet)

REMARKS: Dennis - Here is the latest take on a meth strategy document for release on Monday. Neither Andy, Cathy nor I have edited it yet. This was produced by Criminal Division. Most important items for consideration: 1) Is this too long; 2) What comes out; 3) How do we handle internal references to DOJ components and to California agencies (can't we just call them "one state law enforcement agency"). Pls. give me a call. Also, if you have any edits, feel free to markup and fax back to me. Thanx. Nick

DRAFT

*Deanne
FYI
Debbie*

April 26, 1996

BRIEF MEET AND GREET WITH MEMBERS OF DRUG PREVENTION GROUP

Date: Monday, April 29, 1996
Time: 9:35 a.m.
Location: Tarmac Miami International Airport
From: Don Baer and Carol Rasco

I. PURPOSE

To highlight individuals working at the grassroots level to solve your State of the Union challenges. You will also highlight this group in your speech at George Washington Carver Middle School.

II. BACKGROUND

D-FY-IT is a community-based, drug prevention organization started in 1989 in Dade County by a group of concerned community leaders who felt that current drug and alcohol prevention programs in the school system needed to be expanded. After three years of planning by community collaborators and the Miami Coalition, the program was first implemented at the Homestead Senior High School in 1992. Within one week, over 400 students had joined. The goal of the program is to recognize and encourage students who choose to live a healthy, drug-free lifestyle using "positive peer pressure" to reinforce their drug-free choice. The program operates in middle and high schools as youth-led community service clubs that work in coordination with an adult on-site school 'club sponsor' and the Adult Advisory Board.

→ All club members are drug and alcohol-free, and are proud to prove it through voluntary initial and ongoing random urinalysis drug screens. Upon confirmation of their drug-free status, their commitment to perform community service, and permission from their parents, students become club members. Community service activities include: cleaning-up graffiti, tutoring elementary students, visiting the elderly in retirement homes and park beautification projects. Student members are also issued a color photo ID card which entitles them to special discounts at local businesses which have offered to support D-FY-IT members; these business sponsors are all recruited by the students. The program enjoys enormous support and participation from the community and is funded by both public and private sources; for example, Toxicology Testing Services does the testing for free.]

There are currently D-FY-IT clubs in 9 schools in Dade County, with a total of over 2100 students participating and a 99% prevention rate to date. The program's goal is to expand to every Dade County public and private middle and senior high school by 2000; it has already been implemented by cities in 23 other states using D-FY-IT of Dade County as a model.

III. PARTICIPANTS

You will meet representatives of D-FY-IT, including students who are members of D-FY-IT clubs in Dade County schools, their adult 'club sponsors', and the program's organizers.

Adults:

Elaine Beame: Elaine was one of two women who co-Founded D-FY-IT and who is now co-Chair of the Board. Her daughter, Rachel, participates in the program and is one of the students you will meet who will later introduce you at George Washington Carver Middle School.

Anthony Finegan: He is the adult "club sponsor" at Southwood Middle School.

Marlene Josefsberg: She is a co-Chair and co-Founder of D-FY-IT.

Lisa Moore: Lisa is the Executive Director of D-FY-IT.

Paula Swope: She is a "club sponsor" at Miami Edison Senior High.

Students:

Rachel Beame: 8th grade at Gulliver Academy. She is the daughter of Elaine Beame and she will introduce you before your speech at the George Washington Carver Middle School.

Christine Billmyer: 11th grade at Miami Edison Senior High

Tatiana Menoz: 8th grade at Southwood Middle School

Melissa Montalva: 11th grade at Miami Edison Senior High.

Carline Omisica: President of the D-FY-IT club at Miami Edison and in 11th grade

Ana Perez: 8th grade at Southwood Middle School

Juan Vasquez: 8th grade at Southwood Middle School

Mike Winkleman: 12th grade at Gulliver Prep

IV. SEQUENCE OF EVENTS

You will meet individuals involved in D-FY-IT upon arrival.

V. PRESS PLAN

The meet and greet will be covered by the local press. Additionally, the individuals will be profiled about this meeting before and after your visit.

VI. REMARKS

No remarks are necessary.

Clinton Presidential Records Digital Records Marker

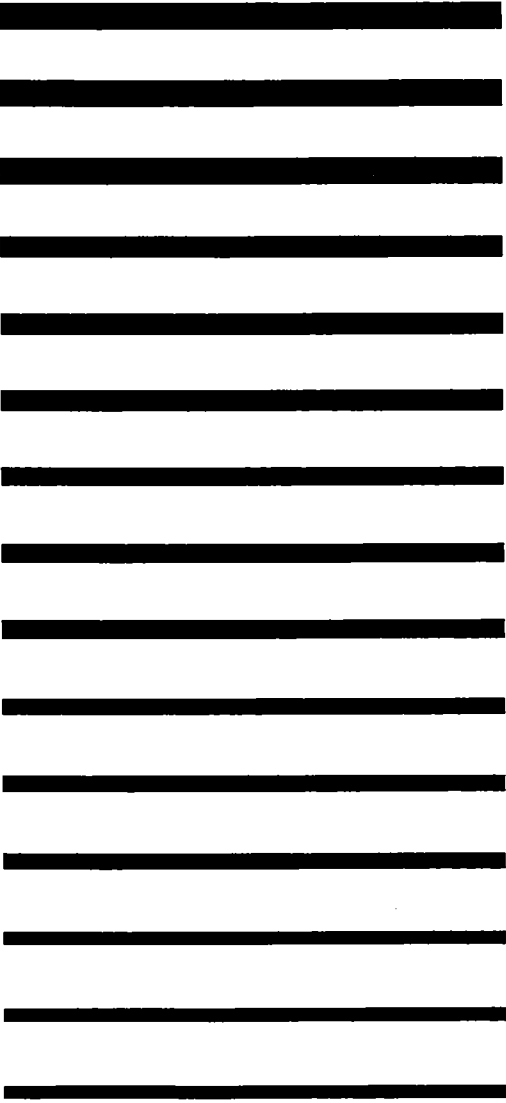
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Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.



National Methamphetamine Strategy

A large rectangular area of the document is redacted with 18 thick black horizontal bars, obscuring the main body of the report.

April 1996



U.S. Department of Justice
The Deputy Attorney General

Washington, D.C. 20530

3/14/96

Rahm -

The policy is in its final coordination stage, but this is an accurate statement of how it is likely to turn out.

Call me if you have any questions -

Joan

National Methamphetamine Strategy

As never before, the law enforcement, medical, research and treatment communities are coming together to sound a warning and meet a critical threat. At the Attorney General's invitation, Federal, State and local authorities have combined to develop a comprehensive national strategy, not limited to law enforcement, but encompassing, as well, regulation of precursor chemicals; international initiatives; sentencing and legislative proposals; training of investigators and prosecutors; treatment and prevention; and public awareness.

Methamphetamine, like cocaine, is a potent central nervous system stimulant. It can be smoked, snorted, injected or taken orally. Heavy users, who can inject up to 2.5 grams (2,500 milligrams) per day, exhibit extreme belligerence and paranoia. The behavior of a methamphetamine user is so violent and bizarre that public health officials often find it difficult to distinguish methamphetamine users from paranoid schizophrenics. Withdrawal from high doses produces severe depression.

Our national strategy includes the following elements:

Operational (and international) objectives: Although the threat has been largely centered in California and the Western states, methamphetamine use is moving eastward, with some states, such as Iowa, already hit hard. The operational objectives of the strategy are to work in unison with State and local law enforcement agencies to develop additional intelligence and to identify trafficking organizations transporting methamphetamine. This intelligence will assist law enforcement in monitoring shipments of methamphetamine and its precursor chemicals, with special emphasis on major violent methamphetamine trafficking organizations. We expect that the operational focus will continue to require investigative and prosecutive resources in the Southwest Border Initiative, to attack the methamphetamine production and chemical supply operations of the Mexican trafficking organizations.

Internationally, we must continue to meet with, advise and train foreign counterparts -- particularly in Mexico -- at both policy and operational levels concerning the problem and consequences of chemical diversion and the legal, administrative and practical means to prevent and detect diversion. One suggestion is to augment the role of the Bilateral Working Group on Precursor Chemicals, which now serves as an ad hoc operational consultative body, by (a) making it a permanent, staffed unit based in Mexico City and (b) giving it a greater policy-making function.

Regulatory and legislative objectives: The strategy also calls for stronger regulation of precursor chemicals, both by pursuing current proposals to control products in which pseudoephedrine is the only active ingredient (or from which it

-2-

can be readily recovered) and by undertaking regulation of appropriate ephedrine combination products, particularly ephedrine with guaifenesin and other products from which the ephedrine can be readily retrieved by clandestine methamphetamine "cooks." We also propose amendment of the Controlled Substance Act to permit seizure of regulated chemicals where suspicious transactions or regulatory violations are detected, and the authority to suspend suspicious transactions of chemicals.

Sentencing and legislative objectives: The strategy reflects our view that penalties for methamphetamine manufacture and trafficking must appropriately reflect the acute threat to the public and the seriousness of the offense -- which is at least equal to that of crack cocaine. Additional enhancements should be considered to reflect the harms posed by improper storage, release, disposal, transport or other handling of toxic, ignitable, explosive and hazardous chemicals used to manufacture methamphetamine in clandestine settings should be imposed to appropriately reflect the unique public health hazards -- including danger to law enforcement officers and others at the scene -- and environmental degradation.

Training objectives: Given the great dangers posed to law enforcement personnel, the law enforcement training academies should begin developing curricula addressing the physical risk posed by the chemicals encountered at clandestine laboratories and chemical dump sites, including the use of protective clothing and equipment. The training academies also should develop instructional materials on statutory and regulatory requirements and responsibilities associated with the cleanup and remediation of chemical disposal sites. Educational material (pamphlets and videos) can be prepared to alert field personnel, management and administrators to actual and possible hazards of clandestine labs. Topics should include federal regulations concerning safety clothing, equipment and medical evaluations, as well as civil liability and the obligations of supervisors and administrators.

Finally, the law enforcement and corrections communities will combine with the medical/mental health/addiction communities to exchange information regarding safety issues associated with the violent behavior of methamphetamine users and addicts.

Message from the Attorney General

The trafficking and abuse of methamphetamine -- a destructive and addictive synthetic drug -- is a growing national problem. Until recently, methamphetamine was largely associated with motorcycle gangs who supplied users in the western states, but available data show that methamphetamine abuse has risen significantly in the West and Southwest, is threatening the Midwest and has begun to spread eastward.

The National Methamphetamine Strategy assesses the threat, identifies the issues, and draws an action plan for future efforts to avert the spread of this dangerous drug. In so doing, it recognizes that tackling the problem will require approaches in diverse disciplines -- legislation, law enforcement, training, chemical regulation, international cooperation, environmental protection, public awareness, education and addictions treatment -- and from all corners of federal, state and local government, the private sector, and our communities.

I am immensely grateful for the cooperation of our partners in state and local law enforcement, in particular, the Attorneys General of California and New Hampshire and the California Bureau of Narcotic Enforcement, and the cooperation of the Departments of Treasury, State and Health and Human Services (HHS) (the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration), the Environmental Protection Agency (EPA), and the Office of National Drug Control Policy.

In February 1996, over 200 members of federal, state and local law enforcement nationwide met in Arlington, Virginia, at a conference sponsored by DEA and developed with the California Bureau of Narcotic Enforcement and the California Narcotics Officers Association. This strategy incorporates many of the observations and recommendations of the broad spectrum of the law enforcement community who participated in the conference. But this document goes beyond law enforcement to encompass regulation of precursor chemicals; international initiatives; sentencing and legislative proposals; training of investigators and prosecutors; treatment and prevention; and public awareness.

This strategy sets forth our agenda. First, the law enforcement, medical, environmental and treatment communities will share information concerning the effects and toxicity of methamphetamine, to protect law enforcement and the public and to assist prevention efforts. Our federal, state and local law enforcement agencies will continue to develop intelligence on clandestine laboratories and trafficking organizations, and to select and pursue appropriate targets. As an initial matter, I am requesting that each United States Attorney coordinate a multi-disciplinary effort to assess and address the methamphetamine problem in his/her judicial district. At the same time, we will address the international organizations predominant in methamphetamine trafficking and the importation of chemicals used to make methamphetamine in the United States and we will devote additional investigative and prosecutive resources along the Southwest Border and in rural areas.

Our law enforcement officers will be provided training to protect against the risks encountered at clandestine laboratories and chemical dump sites -- through cooperative initiatives with the HHS and EPA -- and the cleanup of these labs will be accomplished with attention paid to protection of our environment and the public safety. Penalties for trafficking in methamphetamine and its precursor chemicals should reflect the harm to the environment and the public safety. This strategy proposes to increase the penalties for methamphetamine trafficking -- and additionally to punish methamphetamine lab operators who mishandle ignitable, corrosive, reactive and toxic chemicals so as to endanger public safety and the environment.

Because methamphetamine must be synthesized from chemicals, we will also seek enhanced regulatory control of a select group of chemicals, while balancing the legitimate concerns of the chemical, health care and pharmaceutical industries. This strategy proposes civil penalties for persons and businesses that sell chemicals to clandestine laboratories and it seeks tighter regulation of drug products containing the precursor chemicals ephedrine and pseudoephedrine.

Finally, we must raise the level of public awareness, with education campaigns, in the media and elsewhere, focused on persons at risk. HHS will soon convene a meeting of recognized scientists to review available data on the effects and toxicity of methamphetamine and methods of treatment in order to provide a sound basis for prevention efforts and to provide direction for research and treatment demonstration efforts. Written documentation of this meeting will be used in further examination by the scientific and treatment communities and for use in training. Working with ONDCP, the Department of Education and an array of federal, state and local agencies and private entities, we will develop a targeted and effective prevention and education campaign to increase public awareness and combat methamphetamine use by youth and other particularly vulnerable population groups.

It is our goal that this comprehensive, immediate and intensive attack will bring methamphetamine abuse to a swift and decisive end. I am gratified by the generous spirit of cooperation that has produced this strategy and I look forward to continuing in this important endeavor.

Janet Reno

Executive Summary

The trafficking and abuse of methamphetamine -- a destructive and addictive synthetic drug -- is a growing national problem. Until recently, methamphetamine was largely associated with motorcycle gangs who supplied users in the western states. In the last few years, available data shows that methamphetamine abuse has risen significantly in the West and Southwest, is threatening the Midwest and has begun to spread eastward. Well-organized, Mexico-based drug organizations have seized control of methamphetamine trafficking, using sophisticated chemical procurement, manufacturing and transportation techniques.

The National Methamphetamine Strategy assesses the threat, identifies the issues, and draws an action plan for future efforts to avert the spread of this dangerous drug. In so doing, it recognizes that tackling the problem will require approaches in diverse disciplines, including legislation, law enforcement, training, chemical regulation, international cooperation, environmental protection, public awareness, education and addictions treatment. This strategy sets forth our agenda:

- The law enforcement, medical, research, environmental and treatment communities will work together to share information concerning the effects and toxicity of methamphetamine and in order to protect law enforcement and the public from the hazards of methamphetamine abuse; to provide a sound basis for prevention efforts; and to provide direction for research and treatment demonstration efforts.
- Law enforcement agencies will continue to develop intelligence on clandestine laboratories and trafficking organizations, and select and pursue appropriate targets. The ignitable and toxic properties of methamphetamine labs pose special health risks to law enforcement agents, and prosecution poses unique technical issues for prosecutors.
 - United States Attorneys will each coordinate a multi-disciplinary effort to assess and address the methamphetamine problem in his/her judicial district;
 - We will devote additional investigative and prosecutive resources, especially along the Southwest Border and in rural areas;
 - Training will be provided to protect against the risks encountered at clandestine laboratories and chemical dump sites, and in health, safety and environmental protection measures; and

- Penalties for trafficking in methamphetamine and its precursor chemicals should reflect the harms posed to the public health and safety. We should additionally punish lab operators who mishandle ignitable, corrosive, reactive and toxic chemicals so as to pose a risk to public safety and the environment. The Strategy recommends:
 - Increasing the mandatory minimum sentences for methamphetamine to better reflect its destructive effects;
 - Significantly raising penalties for trafficking in precursor chemicals to reflect the conversion ratio of chemicals to methamphetamine; and
 - Adding special penalties, in appropriate cases, for improper storage, use or other handling of the dangerous chemicals used in the clandestine manufacture of methamphetamine.
- Because methamphetamine must be synthesized from chemicals, regulatory control of a select group of chemicals can impede clandestine production of the drug. At the same time, the law enforcement need for chemical control must be balanced against the legitimate needs of the chemical, health care and pharmaceutical industries. The Strategy recommends the following measures, among others:
 - Subjecting persons and firms who sell chemicals to clandestine labs to significant civil penalties;
 - Imposing tighter regulatory controls on drug products containing the precursor chemicals ephedrine and pseudoephedrine; and
 - Permitting the DEA to order firms to stop suspicious shipments of chemical precursors, and providing authority to seek injunctions against such shipments.
- We will address the international organizations predominant in methamphetamine trafficking and the importation of chemicals used to make methamphetamine into the United States. The Strategy includes:
 - Advising and training foreign counterparts, particularly in Mexico, and securing their support to (a) curb methamphetamine trafficking and (b) implement meaningful controls to prevent chemical diversion; and
 - Establishing an operational binational (U.S./Mexican) chemical control task force.

- We will raise the level of public awareness, with education campaigns, in the media and elsewhere, focused on persons at risk. The Strategy recommends:
 - Convening a meeting of recognized scientists to review available data on the effects and toxicity of methamphetamine and methods of treatment in order to provide a sound basis for prevention efforts and to provide direction for research and treatment demonstration efforts. We will develop appropriate written documentation of this meeting for dissemination to scientific and treatment community and for use in training.
 - Working with ONDCP and the array of Federal, State and local agencies and private entities, to develop a targeted and effective prevention and education campaign to increase public awareness and combat methamphetamine use by youth and other particularly vulnerable population groups.

DRAFT

4/26/96-4:15 PM

**REMARKS OF THE ATTORNEY GENERAL
ANNOUNCEMENT OF NATIONAL METHAMPHETAMINE STRATEGY
Miami, Florida
April 29, 1996**

Prepared by: Nicholas M. Gess
Reviewed by: Wilfredo Ferrer, Cathy Russell, Jonathan Schwartz, Mary
Lee Warren, Barbara Kittay

Mr. President, Director McCaffrey, Secretaries Rubin and Shalala, welcome to my home town. Secretary Rubin, thank you for your kind introduction. I am so very proud that you chose Miami as the site to release the 1996 National Drug Control Strategy and I am particularly pleased that I could be here today to present you with a key part of that plan, a national methamphetamine strategy, showing that we are taking action to combat yet another scourge posed by illegal drugs.

Mr. President, thank you for the leadership you have shown in fighting crime. I only wish that all the people here today could have been present during the many times we have met and talked about crime issues during the three years I've had the honor to serve as your Attorney General. You are a true friend to law enforcement, you are a true supporter and I think that the men and women who put their lives on the line for us every day know that.

Your presence here today is a testament to that support and -- let me take off my hat as a Member of your Cabinet and put on one as a citizen of Florida, to thank you.

DRAFT

I was born and bred in Miami and I worked here for most of my professional career. We know the violence, the pain and the suffering which illegal drugs can cause. Our common purpose -- Federal, state and local law enforcement working together -- is to reduce illegal drug use and its consequences in America.

Today, I particularly want to focus on the our National Methamphetamine Strategy. Methamphetamine is not a new drug, but new, more potent strains are being manufactured, with alarming and violent consequences. We have an opportunity to stop the spread of this drug -- before the levels of its abuse reach the dangerous proportions of crack cocaine.its widespread use is. We can't afford to let this drug get as out of control as other drugs such as cocaine and crack have done in the past. We need to step in now, while we still can.

We have worked with other Federal agencies, represented by Director McCaffrey, Secretary Shalala and Secretary Rubin today, as well as the Environmental Protection Agency and the Departments of Education and State at the Federal level. Our action plan is also the product of close cooperation with state and local prosecutors and police. Mr. President, I know that you are today sending forward to Congress legislation which will increase the penalties for those who traffick in methamphetamine. Significantly, we are also seeking penalties for individuals who create physical hazard to law enforcement and to the public health by carrying explosive and flammable chemicals into our communities and by pouring the toxic byproducts into the environment. We will also propose rules which will make it harder for the chemists or cooks of this poison to obtain the basic

DRAFT

ingredients for their poison. We will direct prosecutive and law enforcement resources to the problem and ask that state and local agencies join us in this effort. We will also work with our international partners to control the trafficking in methamphetamine and its precursor chemicals.

However, none of this will work without increased public awareness. We will prepare education campaigns which let our youth know just how dangerous this drug is. Here, we will work not only within law enforcement and government, but in a public-private educational partnership.

This will be a dangerous task for law enforcement and to those of you law enforcement officers here today. We will -- through this Strategy -- ensure that you are given the tools, the equipment, the protective clothing, and the training to accomplish your mission with the least possible risk to your health and your lives. You have not only the support and admiration of this Administration, but the support and admiration of most Americans.

Mr. President, thank you once again for the opportunity to serve and for having created the atmosphere which has allowed those of us from far-reaching disciplines to come together here today in Miami to fight this problem.

Now, I have the distinct honor of introducing to you a man who will play a key role in combatting drugs and in developing a drug strategy which works for all Americans. Since I met him earlier this year, we have become friends and I am proud to serve with him in the President's Cabinet. Please welcome the Director of the Office of National Drug Control Policy -- General Barry McCaffrey.

Message from the Attorney General

The trafficking and abuse of methamphetamine -- a destructive and addictive synthetic drug -- is a growing national problem. Until recently, methamphetamine was largely associated with motorcycle gangs who supplied users in the western states, but available data show that methamphetamine abuse has risen significantly in the West and Southwest, is threatening the Midwest and has begun to spread eastward.

The National Methamphetamine Strategy assesses the threat, identifies the issues, and draws an action plan for future efforts to avert the spread of this dangerous drug. In so doing, it recognizes that tackling the problem will require approaches in diverse disciplines -- legislation, law enforcement, training, chemical regulation, international cooperation, environmental protection, public awareness, education and addictions treatment -- and from all corners of federal, state and local government, the private sector, and our communities.

I am immensely grateful for the cooperation of our partners in state and local law enforcement, in particular, the Attorneys General of California and New Hampshire and the California Bureau of Narcotic Enforcement, and the cooperation of the Departments of Treasury, State and Health and Human Services (HHS) (the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration), the Environmental Protection Agency (EPA), and the Office of National Drug Control Policy.

In February 1996, over 200 members of federal, state and local law enforcement nationwide met in Arlington, Virginia, at a conference sponsored by DEA and developed with the California Bureau of Narcotic Enforcement and the California Narcotics Officers Association. This strategy incorporates many of the observations and recommendations of the broad spectrum of the law enforcement community who participated in the conference. But this document goes beyond law enforcement to encompass regulation of precursor chemicals; international initiatives; sentencing and legislative proposals; training of investigators and prosecutors; treatment and prevention; and public awareness.

This strategy sets forth our agenda. First, the law enforcement, medical, environmental and treatment communities will share information concerning the effects and toxicity of methamphetamine, to protect law enforcement and the public and to assist prevention efforts. Our federal, state and local law enforcement agencies will continue to develop intelligence on clandestine laboratories and trafficking organizations, and to select and pursue appropriate targets. As an initial matter, I am requesting that each United States Attorney coordinate a multi-disciplinary effort to assess and address the methamphetamine problem in his/her judicial district. At the same time, we will address the international organizations predominant in methamphetamine trafficking and the importation of chemicals used to make methamphetamine in the United States and we will devote additional investigative and prosecutive resources along the Southwest Border and in rural areas.

Our law enforcement officers will be provided training to protect against the risks encountered at clandestine laboratories and chemical dump sites -- through cooperative initiatives with the HHS and EPA -- and the cleanup of these labs will be accomplished with attention paid to protection of our environment and the public safety. Penalties for trafficking in methamphetamine and its precursor chemicals should reflect the harm to the environment and the public safety. This strategy proposes to increase the penalties for methamphetamine trafficking -- and additionally to punish methamphetamine lab operators who mishandle ignitable, corrosive, reactive and toxic chemicals so as to endanger public safety and the environment.

Because methamphetamine must be synthesized from chemicals, we will also seek enhanced regulatory control of a select group of chemicals, while balancing the legitimate concerns of the chemical, health care and pharmaceutical industries. This strategy proposes civil penalties for persons and businesses that sell chemicals to clandestine laboratories and it seeks tighter regulation of drug products containing the precursor chemicals ephedrine and pseudoephedrine.

Finally, we must raise the level of public awareness, with education campaigns, in the media and elsewhere, focused on persons at risk. HHS will soon convene a meeting of recognized scientists to review available data on the effects and toxicity of methamphetamine and methods of treatment in order to provide a sound basis for prevention efforts and to provide direction for research and treatment demonstration efforts. Written documentation of this meeting will be used in further examination by the scientific and treatment communities and for use in training. Working with ONDCP, the Department of Education and an array of federal, state and local agencies and private entities, we will develop a targeted and effective prevention and education campaign to increase public awareness and combat methamphetamine use by youth and other particularly vulnerable population groups.

It is our goal that this comprehensive, immediate and intensive attack will bring methamphetamine abuse to a swift and decisive end. I am gratified by the generous spirit of cooperation that has produced this strategy and I look forward to continuing in this important endeavor.

Janet Reno

Executive Summary

The trafficking and abuse of methamphetamine -- a destructive and addictive synthetic drug -- is a growing national problem. Until recently, methamphetamine was largely associated with motorcycle gangs who supplied users in the western states. In the last few years, available data shows that methamphetamine abuse has risen significantly in the West and Southwest, is threatening the Midwest and has begun to spread eastward. Well-organized, Mexico-based drug organizations have seized control of methamphetamine trafficking, using sophisticated chemical procurement, manufacturing and transportation techniques.

The National Methamphetamine Strategy assesses the threat, identifies the issues, and draws an action plan for future efforts to avert the spread of this dangerous drug. In so doing, it recognizes that tackling the problem will require approaches in diverse disciplines, including legislation, law enforcement, training, chemical regulation, international cooperation, environmental protection, public awareness, education and addictions treatment. This strategy sets forth our agenda:

- The law enforcement, medical, research, environmental and treatment communities will work together to share information concerning the effects and toxicity of methamphetamine and in order to protect law enforcement and the public from the hazards of methamphetamine abuse; to provide a sound basis for prevention efforts; and to provide direction for research and treatment demonstration efforts.
- Law enforcement agencies will continue to develop intelligence on clandestine laboratories and trafficking organizations, and select and pursue appropriate targets. The ignitable and toxic properties of methamphetamine labs pose special health risks to law enforcement agents, and prosecution poses unique technical issues for prosecutors.
 - United States Attorneys will each coordinate a multi-disciplinary effort to assess and address the methamphetamine problem in his/her judicial district;
 - We will devote additional investigative and prosecutive resources, especially along the Southwest Border and in rural areas;
 - Training will be provided to protect against the risks encountered at clandestine laboratories and chemical dump sites, and in health, safety and environmental protection measures; and

- Penalties for trafficking in methamphetamine and its precursor chemicals should to reflect the harms posed to the public health and safety. We should additionally punish lab operators who mishandle ignitable, corrosive, reactive and toxic chemicals so as to pose a risk to public safety and the environment. The Strategy recommends:
 - Increasing the mandatory minimum sentences for methamphetamine to better reflect its destructive effects;
 - Significantly raising penalties for trafficking in precursor chemicals to reflect the conversion ratio of chemicals to methamphetamine; and
 - Adding special penalties, in appropriate cases, for improper storage, use or other handling of the dangerous chemicals used in the clandestine manufacture of methamphetamine.
- Because methamphetamine must be synthesized from chemicals, regulatory control of a select group of chemicals can impede clandestine production of the drug. At the same time, the law enforcement need for chemical control must be balanced against the legitimate needs of the chemical, health care and pharmaceutical industries. The Strategy recommends the following measures, among others:
 - Subjecting persons and firms who sell chemicals to clandestine labs to significant civil penalties;
 - Imposing tighter regulatory controls on drug products containing the precursor chemicals ephedrine and pseudoephedrine; and
 - Permitting the DEA to order firms to stop suspicious shipments of chemical precursors, and providing authority to seek injunctions against such shipments.
- We will address the international organizations predominant in methamphetamine trafficking and the importation of chemicals used to make methamphetamine into the United States. The Strategy includes:
 - Advising and training foreign counterparts, particularly in Mexico, and securing their support to (a) curb methamphetamine trafficking and (b) implement meaningful controls to prevent chemical diversion; and
 - Establishing an operational binational (U.S./Mexican) chemical control task force.

- We will raise the level of public awareness, with education campaigns, in the media and elsewhere, focused on persons at risk. The Strategy recommends:
 - Convening a meeting of recognized scientists to review available data on the effects and toxicity of methamphetamine and methods of treatment in order to provide a sound basis for prevention efforts and to provide direction for research and treatment demonstration efforts. We will develop appropriate written documentation of this meeting for dissemination to scientific and treatment community and for use in training.
 - Working with ONDCP and the array of Federal, State and local agencies and private entities, to develop a targeted and effective prevention and education campaign to increase public awareness and combat methamphetamine use by youth and other particularly vulnerable population groups.

OUTLINE

Methamphetamine (METH) Paper

I. Meth Abuse and Trafficking Patterns

A. Production: Clandestine Laboratories

1. large meth labs exist along the Southwest border and those border states, particularly California
 - a. High-level purity
 - b. Smuggled into U.S. through Mexico
2. Production has increased in Iowa, Kansas, and Missouri
3. Usually makeshift operations
 - a. Work on a transient basis
4. Causes serious health and environmental hazards
 - a. Causes skin and lung damage to lab operators
 1. If lab exists in a hotel, the fumes can spread to guests
 2. Red phosphagen can cause chemical fires and is extremely sensitive to contact with air
 3. Other chemicals pollute ground water supplies

B. Distribution, Availability and Seizures

1. Most available in Southwest U.S.
2. Wholesale quantities available in the Midwest and South
3. Price ranges from
 - a. \$6500-20,00 per pound
 - b. \$500 to 2700 per ounce
 - c. \$50 -150 per gram
 - d. Price dependent upon the amount of precursor drugs

1. Ephedrine or Pseudoephedrine

C. Use

1. The number of emergency room visits has increased

D. Pharmacology

1. Effects the central nervous system
 - a. Increases heart rate
 - b. Increases blood pressure
 - c. Increases body temperature and breathing
 - d. Dilates the pupils
 - e. Increases energy and tremors
 - f. High doses cause
 1. nervousness, irritability and paranoia
 2. Dramatic mood swings
 3. Violence and belligerence
 4. Hard to distinguish between methamphetamine use and paranoid schizophrenics
 - g. Five stages to use
 1. Rush
 - a. Occurs at initial intake
 2. Binge
 - a. Maintains high
 3. Tweaking
 - a. Little control over behavior for several hours
 4. Tweaking
 - a. Poses greatest risk to society
 - b. Can last for several days
 5. Crash

- a. User sleeps from one to three days
- 6. Rush begins usually within five to 15 days after the crash

II. Enforcement Activities - - Federal and State

A. Current Enforcement Efforts

- 1. Develop additional intelligence on clandestine meth production sites
- 2. Identify traffickers from Mexico and the Southwest
- 3. Monitor shipments into U.S. under the Controlled Substances Act
- 4. Maintain liaison efforts with chemical companies that import/export and /or distribute listed chemicals used to manufacture meth
- 5. Focus on major violent meth trafficking organizations
- 6. Focus on money laundering and other criminal activities
- 7. Close law enforcement gaps between local, state and federal government

B. Implementation

- 1. Share information with organizations, databases, and government agencies
- 2. Form or use special task forces to combat use
- 3. Focus on precursor drug use in Southwest
- 4. Convene conferences among law enforcement officers on the subject
- 5. Monitor electronic mail for recipe sources

III. Regulatory Controls

A. Analysis of Current Situation

- 1. Regulated under Controlled Substances Act
 - a. Controlled very strictly
- 2. Precursor Chemicals

- a. Meth grew out of P2P use of the 1970s
- b. Produces an equal mixture of D- and L-Methamphetamine
 - 1. Twice more potent than P2P
- 3. Chemical Diversion and Trafficking Act of 1988
 - a. Imposed domestic and import/export regulatory controls on a list of chemicals containing ephedrine and pseudoephedrine
 - b. Did not regulate ephedrine bulk supply from to meth producers
 - 1. Remedied by the Chemical Diversion Control Act of 1993
 - c. Traffickers now use over-the-counter ephedrine (diet pills) as a substitute
 - d. Government regulates certain pseudoephedrine products
 - e. Focus on Mexican sources since 1994
 - 1. Customs seized 3.4 metric tons in Dallas/Ft. Worth Airport
 - 2. Shipment interrupted from Zurich to Mexico City
 - 3. Other source countries are India, China, Czech Republic, United Arab Emirates, the Netherlands, Germany, Guatemala, and latin American countries

B. Strategy

- 1. Meth is a Schedule II drug
- 2. Considering imposing greater regulation on pseudoephedrine and ephedrine
- 3. Use historical accounts to construct methods to end meth production
- 4. Amend the Controlled Substance Act to permit seizure of regulated chemicals where suspicious transactions or regulatory violations are detected
- 5. Encourage prosecutors to make greater use of

21 U.S.C. S843 (a) (7)

6. Establish a procedure whereby DEA can instruct a firm not to engage in a particular chemical transactions with other firms

IV. International Initiatives - Focus on Mexico

A. Analysis of Current Situation

1. Juarez Cartel operates from Hermisillo and bring meth into Arizona and Brownsville, Texas
2. Sonora Cartel smuggles the drug into the southwest states
3. Arellano Felix Brothers ship meth into Arizona and Southern California
 - a. Ties itself to street gangs in San Diego
4. Amezcua operates in Guadalajara but distributes drug into Southern California

B. Strategy

1. Meet with foreign counterparts to develop policies and practical ways to end the meth problem
 - a. Done through
 1. Bilateral Working Group on Percusor Chemicals
 2. U.S. and Mexican embassies
 3. U.N. International Narcotics Control Board
 4. OAS Anti-Drug Commission

V. Sentencing and Legislative Initiatives

A. Analysis of Current Situation

1. 10-year mandatory minimum penalty for trafficking in 100 grams or more of pure meth or 1000 grams of mixture
2. 5-year mandatory minimum penalty for trafficking 10 grams or more of pure meth or 100 grams of mixture
3. Sentences are similar to crack cocaine

B. Implementation

1. Penalties for meth should reflect the actual threat to public and seriousness of the offense.
2. Statutory penalties and guidelines sentences for trafficking in precursor chemicals should be significantly increased to better reflect their relative harm
3. Additional consecutive penalties for improper storage, release, disposal, transport or other handling of toxic and hazardous chemicals
4. Suspend domestic shipments of regulated chemicals and seek their injunction

VI. Treatment, Prevention and Education

A. Office of Justice Programs and DEA

1. Five grants were awarded to implement new drug enhance of established drug courts
 - a. Can mandate treatment
 - b. Targeted toward the hardcore user and special populations, i.e. pregnant women and children, youth in custody
2. Residential Substance Abuse Treatment for State Prisoners Program
 - a. Create formula grants to states to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities for inmates
3. Drug Testing
 - a. A plan for universal drug testing for all federal arrestees prior to their first appearance before a Magistrate Judge
4. Public Awareness
 - a. Alcohol and drug use is rising among young people
 - b. Develop a national media campaign targeted to young people, adults, parents, employers and educators.

These are my thoughts on the paper

Truths (as I see them)

1. There is a problem
2. Meth producers could not care less about the damage production causes on others, themselves or the environment
3. Production exists primarily in the Southwest.
4. This drug is spreading among the youth (particularly males)
5. The drug use and withdrawal charts are very accurate.

Concerns with the paper

1. The paper concentrates so much on meth that it ignores one major factor. Most meth users will use other drugs. They assume that meth is the only problem. This is not the case.
2. The authors overlook the harm the user can cause upon him or herself when under the influence of the drug. It is being described as a menace to society. While it is true, they overlook the damage the addict causes him or herself.
3. The paper overlooks the kids who "cook" meth at home when the parents are away.
4. The focus of the paper is entirely on law enforcement. In the beginning, the paper proports that we should work with fire fighters and environmental advocates/police to stop this problem. Yet the paper provides no credence to the thought until the end. At this time, it talks about treatment and prevention within two pages of a 30-page document.
5. The Mexican market supplanted the South Asian market. How did this happen? If we do the same thing in Mexico that we did in Southeast Asia, how will we insure we reduce the number of meth addicts and not create another foreign source market, i.e. Eastern Europe?
6. From 1993 to 1995, New Mexico reported few problems with the drug while all the surrounding states had escalating problems? What did they do to reduce use and can it be replicated throughout the country? (See chart between Pages 4 and 5)
7. More federal seizures took place from 1986 to 1991 than occurred at the state and local levels. This switched in 1992? Why did this change occur? If the federal government was more involved five years ago in seizing the drug, why are we doing something now? (See chart between Pages 6 and

7)

8. Figure 5 on page 5 shows the number of seized Meth labs from 1977 to 1995. The number of meth lab seizures have decreased since 1991. The rates were at their highest rates from 1986 to 1990. The rates for 1995 and 1993 were the lowest since 1984. Why are we doing something now?
9. There is so much focus placed on the distribution country, Mexico, that we overlook the manufacturing countries in Asia and Europe. Upon comparing the amount of information the paper concentrates on domestic and foreign sources, the paper overlooks the domestic "cooking mills".

DRAFT

MAR 6 1996

Preface

"Crack, wicked as it is, cannot compare to the destructive power of **methamphetamine**," according to Dr. Michael Abrams, of the Broadlawn Medical Center in Des Moines, Iowa. The violence associated with methamphetamine is like that of few other addictive substances. The violence of methamphetamine is not limited to the traffickers' fierce efforts to protect their interests in the illicit marketplace; it is not limited to an addict's desperate craving in search of resources needed to purchase another fix. The violence of methamphetamine is chemically generated in the user -- hostile, uncontrollable, toxic rages that cannot be satisfied or sedated with another fix and that frequently result in harm against others in the home, immediate community, law enforcement and others. Dr. Abrams believes that there has never been an addiction so proficient in human destruction -- of the brain, the family and the community.

The violence it can create is accurate-

Forgot the harm to the user

As never before, the law enforcement, medical, research and treatment communities are coming together to sound a warning and meet a critical threat. At the Attorney General's invitation, many have contributed to this threat assessment and proposed strategy: the Criminal Division of the Department of Justice, the Drug Enforcement Administration and our partners in State and local law enforcement -- the Attorneys General of California and New Hampshire and the California Bureau of Narcotics Enforcement. We are grateful for the contributions of S. Alex Stalcup, M.D. of San Francisco; Michael Abrams, M.D. of Des Moines; Andrew M. Mecca, Director of California Department of Alcohol and Drug Programs; and the following offices of the Justice Department: the Attorney General's Advisory Council of United States Attorneys, the Environment and Natural Resources Division; the Office of Policy Development, the National Institute of Justice and the Office of Justice Programs.

On February 13, 1996, over 200 representatives of Federal, State and local law enforcement nationwide met in Arlington, Virginia, for a three-day conference sponsored by DEA and developed along with the California Bureau of Narcotics Enforcement and the California Narcotics Officers Association. The conference assembled a broad representation of the law enforcement community to share information and experience in issues relating to methamphetamine. The content of the discussions and the recommendations of the conference working groups are incorporated in this strategy.

The first element of our strategy is to continue the spirit of generous cooperation that is manifest in the work that follows. Together, we have begun the process of developing a comprehensive strategy, not limited to law enforcement, but encompassing, as well, regulation of precursor chemicals; international initiatives; sentencing and legislative proposals; training of investigators and prosecutors; treatment and prevention; and public awareness.

most meth addicts will use combination of other drugs

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I. Methamphetamine abuse and trafficking patterns

Trafficking and abuse of a highly potent form of methamphetamine have been on the rise in the United States over the past few years, and this drug continues to devastate many communities. Although still more common in western areas of the country, methamphetamine trafficking and abuse are no longer confined to any one region: methamphetamine is spreading eastward. For example, in areas like New York, New Jersey and Delaware, methamphetamine use in the past had been confined to a small group of users typically associated with motorcycle gangs; in the past year, however, methamphetamine has become popular with college students, housewives and factory workers and has become a drug of choice at "raves" (all-night dance gatherings). Given the production and trafficking structures now in place, if unchecked, the nation as a whole is poised for a methamphetamine boom of pandemic proportions.

A. Production: Clandestine Laboratories

Historically, the suppliers of methamphetamine throughout the United States were outlaw motorcycle gangs and other independent trafficking groups. Although these groups continue to operate, Mexican polydrug trafficking organizations now dominate wholesale methamphetamine trafficking. Mexican organizations have revolutionized production by operating large-scale laboratories capable of producing unprecedented quantities of high-purity methamphetamine and have saturated the market in the Western United States with this product. Much of the clandestine laboratory activity remains centered in California, where the methamphetamine problem is most acute.

In the Midwest, there is an increase in the number of labs in Iowa, Kansas and Missouri, signalling eastward expansion. However, the Midwest laboratories are relatively small-scale in comparison to the laboratories operating in California. DEA believes that the rise in laboratory seizures in the Midwest states does not reflect a concerted effort by major traffickers to shift production from sites in California, as much as it reflects the increasing effort by local entrepreneurs, who operate on the periphery of the methamphetamine market, to exploit the expanding demand for the drug. Figure 1 illustrates the number of clandestine methamphetamine laboratories seized by DEA, in whole or in part, in each state over the last three calendar years (with partial data for FY95).¹

¹ Importantly, Figure 1 shows only seizures in which DEA played a role; it does not show seizure made solely by state and local law enforcement. This is significant when one considers that the California Bureau of Narcotics, for example, seized 419 clandestine labs in 1994 and 465 in 1995.

*Paper ignores teenager who
"cook" meth @ home while
mom's everyone's away -2-*

Clandestine methamphetamine laboratories in the United States are makeshift operations that usually operate on an intermittent and transient basis. After "cooking," a batch of finished product is often moved or stored and the lab is disassembled while additional chemicals are acquired. The laboratory may be relocated sometime later to "cook" another batch; relocation affords some protection against detection. Storage facilities often are used to house or safeguard chemicals, glassware and the finished product. It is not uncommon for operators to have multiple laboratory sites.

Methamphetamine laboratory operators often are well-armed, and their labs often are booby-trapped and equipped with scanning devices employed as security precautions. Weaponry, ranging from single firearms to arsenals of high-powered weapons and explosives, are commonly found at laboratory sites.

TRUE Laboratory operators, or "cooks," usually display little or no concern for public safety or the environment. Cooks vary from high school dropouts with no real chemistry education to professionals with graduate degrees in chemistry. Typically, however, they have little formal training, and learn from a handwritten recipe, underground publications, the computer information networks, apprenticeships or fellow inmates during periods of incarceration.

Why weren't fire fighters & enviro. advocates invited to April Conference? The clandestine nature of the manufacturing process and the presence of ignitable, corrosive, reactive and toxic chemicals at the sites have resulted in explosions, fires, toxic fumes and irreparable damage to human health and to the environment. Every year, fires or explosions at a number of clandestine laboratory sites lead to their discovery. Hazardous chemical wastes, the by-products of the clandestine drug manufacturing process, are disposed of by unsafe and illegal methods -- operators dump them on the ground or in nearby streams and lakes, pour them into local sewage systems or septic tanks, or bury them. The toxicity and flammability of methamphetamine laboratories pose a great danger to law enforcement. As a result, special training in health, safety and environmental protection measures and careful planning are prerequisites to any laboratory raid.

In addition to the manufacture of methamphetamine in the United States, it increasingly is being produced in Mexico and smuggled into the United States. Clandestine methamphetamine laboratories in Mexico appear to be operated in a similar manner to their counterparts in the United States. For example, temporary laborers are hired to perform the production process, laboratories often are located in remote areas (e. g., ranches),

and large-capacity laboratory apparatus are used. Seizures of large amounts of methamphetamine in Mexico are common.²

Who is making the seizures?

B. Distribution, Availability and Seizures

By Mexican market suppliers in the S. E. Asian market, how did this happen? Law Enforcement if we do this some times in Mexico how will we ensure we reduce the number of meth addicts & not create another foreign market source in Eastern Europe.

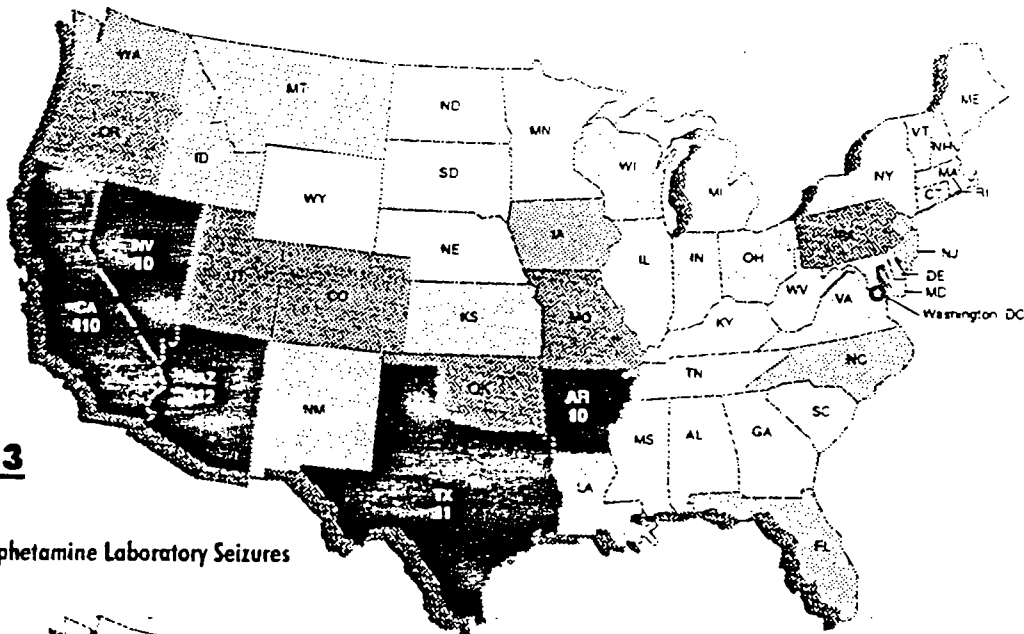
Domestic methamphetamine production and abuse, is concentrated in the Western and Southwestern United States. The hardest hit cities in these regions include Los Angeles, Phoenix, San Diego, San Francisco and, to a lesser degree, Dallas, Denver and Seattle. Methamphetamine also is available consistently in wholesale quantities in some cities in the Midwest and the South. Mexican drug trafficking organizations reportedly have supplanted Asian suppliers of the Hawaiian methamphetamine market. According to the DEA, areas of the Pacific Northwest, Midwest and some portions of the South and Southeast have experienced a dramatic increase in the availability of methamphetamine supplied by Mexican trafficking organizations.

Methamphetamine trafficking is a violent business. In June 1994, DEA Special Agent Richard Fass, acting in an undercover capacity, was attempting to make a purchase of methamphetamine in a Glendale, Arizona strip-mall. S/A Fass was ambushed, shot and killed by four methamphetamine traffickers whose sole intent was to rob him.

Seizure statistics indicate that methamphetamine availability is increasing. The growing frequency of large, high-purity methamphetamine seizures over the past few years provides strong evidence of significantly increased availability of the drug. The total weight and number of methamphetamine seizures submitted to DEA laboratories have increased over the past five years. The average purity of methamphetamine seizures submitted both in FY94 and FY95 was 87 percent, the highest average potency level in the last 11 years.

² Methamphetamine seizures in Mexico have increased from a negligible quantity in 1992 to 495 kilograms in 1995. Seizures of methamphetamine along the U.S.-Mexico border also increased from 6.5 kilograms in 1992 to 665 kilograms in 1995. Moreover, ephedrine seizures have increased steadily in Mexico, from 2,600 kilograms in 1992 to 6,400 kilograms in 1995.

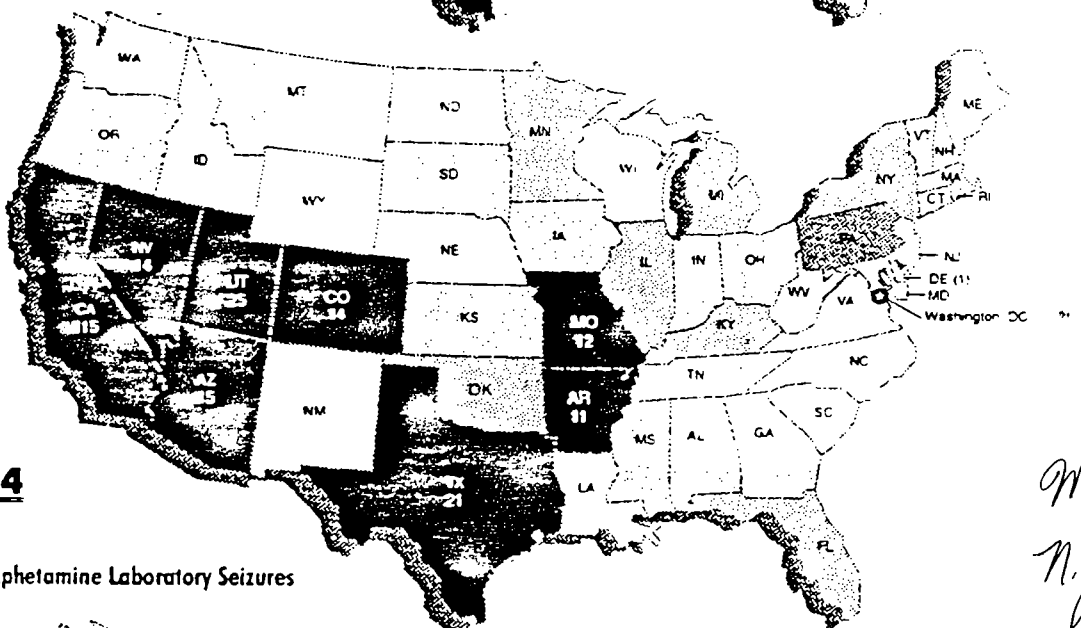
The midwestern states, especially Missouri and Kansas are showing the fastest growth.



1993

218

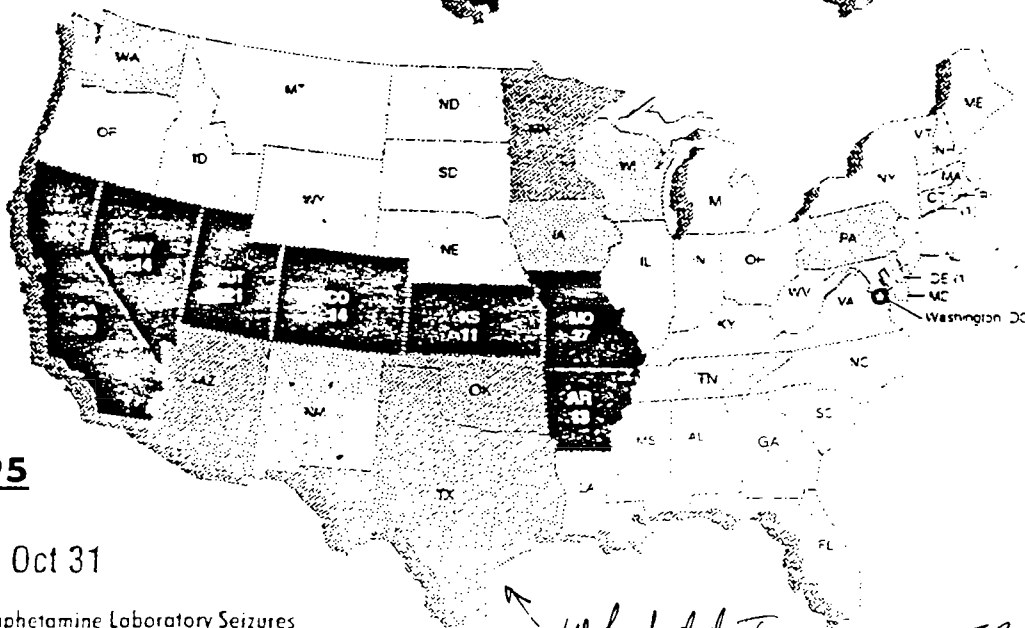
Methamphetamine Laboratory Seizures



1994

263

Methamphetamine Laboratory Seizures



1995

241

Jan - Oct 31

Methamphetamine Laboratory Seizures

Why does
N.M. have unusually
lower rates than
any other surround
state? Why did
they do? Can it
be replicated?

What did Texas + Florida + Penn.
do to reduce Meth ^{rate} ~~use~~ ^{from} 93 to 95

Figure 2

Methamphetamine Submissions

<u>Fiscal Year</u>	<u>Total # of Seizures</u>	<u>% Change</u>	<u>Total net wt. (kilos)</u>	<u>% Change</u>
1985	704	--	103.9	--
1986	785	+12%	229.1	+121%
1987	868	+11%	167.6	-27%
1988	1,122	+29%	576.3	+244%
1989	1,032	-8%	518.8	-10%
1990	941	-9%	751.6	+45%
1991	772	-18%	293.5	-61%
1992	841	+9%	357.9	+22%
1993	880	+5%	488.8	+37%
1994	1,145	+30%	704.8	+44%
1995*	1,470	+28%	950.3	+35%

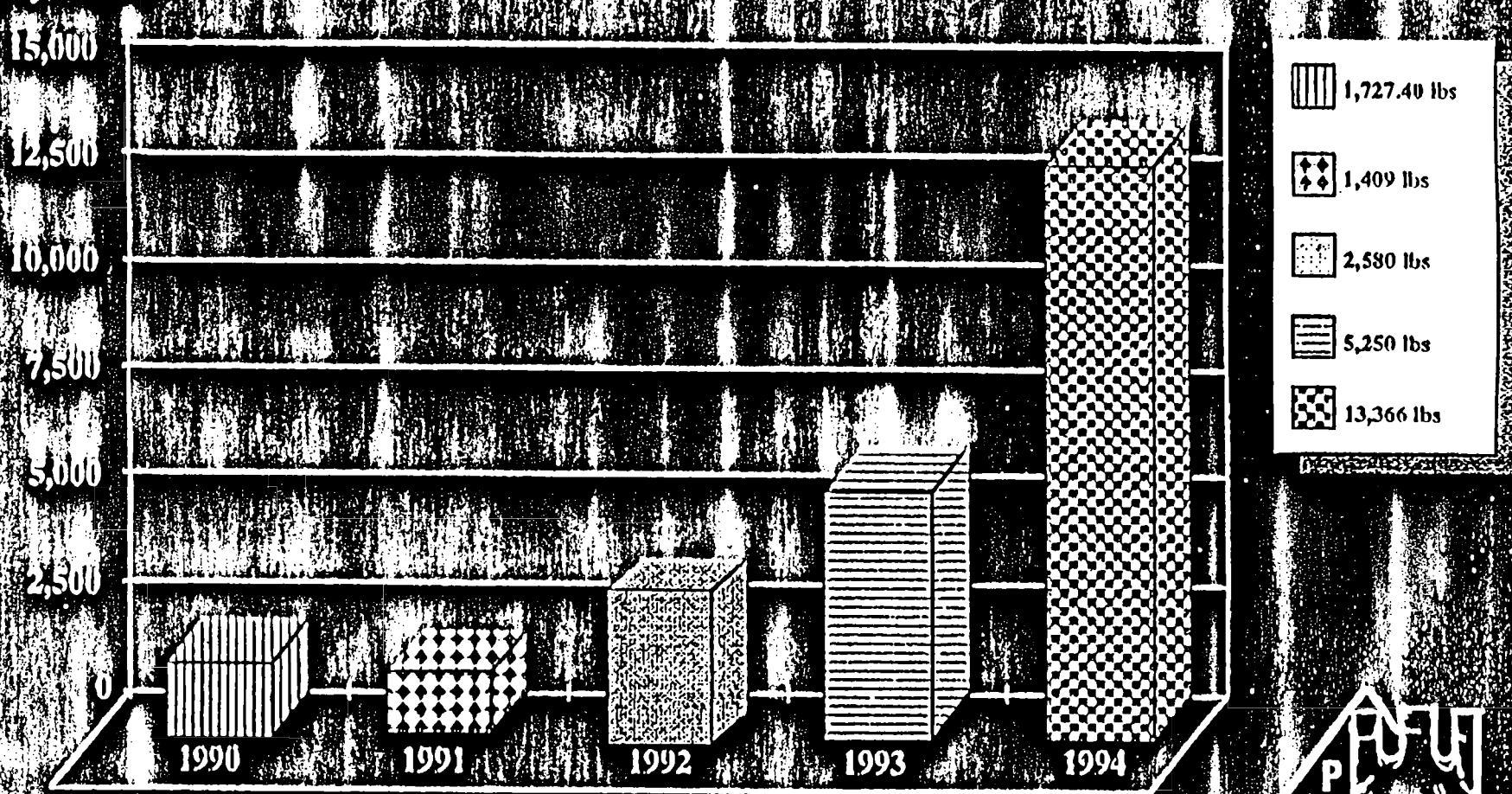
* FY95 figures are preliminary and subject to updating.

Note that statistics on the quantities of drugs seized can be significantly affected by a small number of large seizures. For example, the increase in the FY95 figure was due in large part to a February 3, 1995 seizure of 306 kilograms of 97% pure methamphetamine in Las Cruces, New Mexico. Had this seizure not occurred, the percentage change in the quantity of methamphetamine seized during FY95 would have decreased by 8% instead of increasing, as it did, by 35%.

Also note that the above figures represent DEA seizures. Figure 3 summarizes seizures by the California Department of Justice Bureau of Narcotic Enforcement.

California Department of Justice Bureau of Narcotic Enforcement Methamphetamine Seizures

Weight by Pounds



California Bureau of Narcotics Enforcement (BNE) seizures of methamphetamine and clandestine labs have increased dramatically. Methamphetamine seizures surged from 1,400 pounds in 1991 to over 18,000 pounds in 1995. Also, last year, BNE's lab seizures reached 465 -- one every 19 years. Figure 6 represents a comparison of the numbers of DEA clandestine laboratory seizures with those of the BNE. The figures reflect that the decline in DEA seizures since 1992 is matched by a sharp increase in seizures by BNE. Indeed, in recent years, BNE has effected a greater number of laboratory seizures statewide than DEA has effected nationwide.

The price of methamphetamine has remained within a fairly constant range over the past several years. The nationwide range of prices are estimated per pound (\$6,500-\$20,000), per ounce (\$500-\$2,700) and per gram (\$50-\$150). Methamphetamine prices are heavily influenced by the supply of the key precursors, ephedrine or pseudoephedrine. For example, through mid-1995, when ephedrine and pseudoephedrine supplies were readily available, a pound of methamphetamine sold for as low as \$3,000 in Los Angeles and San Francisco. Lately, however, pound prices have increased, most likely as a result of recent efforts to curtail ephedrine and pseudoephedrine supplies. Currently, a pound of methamphetamine sells for \$6,500 to \$10,000 in both cities.

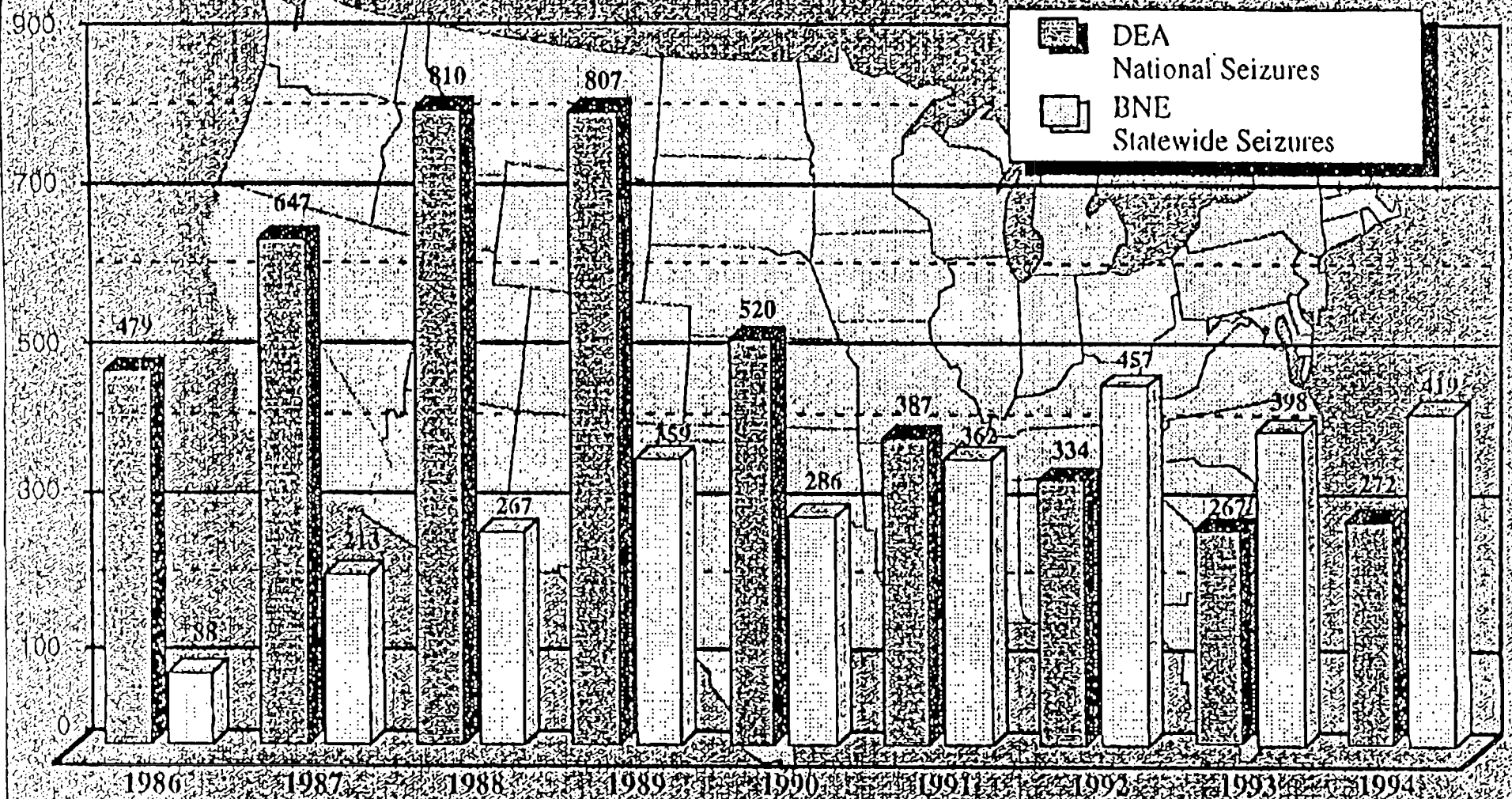
C. Use

The latest information from the Drug Abuse Warning Network (DAWN)⁴ shows that the estimated number of nationwide emergency room drug abuse episodes involving methamphetamine has increased steadily since 1992, following significant decreases that had begun in 1990.

DAWN statistics confirm that the Western cities are hardest hit by methamphetamine abuse. In Phoenix, emergency room episodes involving methamphetamine nearly quadrupled from 1991 to 1994. In addition, methamphetamine-related deaths reported to DAWN by Phoenix medical examiners increased eleven-fold from 1991 (11 deaths) to 1994 (122 deaths).

⁴ The most recent available DAWN data is preliminary data for calendar year 1994.

Comparison of Drug Enforcement Administration and California Bureau of Narcotic Enforcement Clandestine Laboratory Seizures



California Department of Justice
Bureau of Narcotic Enforcement
Clandestine Laboratory Enforcement Program



More federal seizures took place from 1986 to 1991 that occurred at the state & local levels? This switched in 1992? Why

-7-

Figure 6
 the change? If the feds were more involved 5 yrs ago, why are we doing something now? Should we not focus more on other efforts to control use @ state & locals, who are making the arrests

Methamphetamine-Related Emergency Room Mentions
 in Selected Cities

City	1991	1992	1993	1994	% Change
Los Angeles	506	827	1,227	1,418	180%
Phoenix	164	281	481	770	370%
San Diego	516	931	930	967	87%
San Francisco	839	688	992	979	16%
FOUR CITIES	2,025	2,727	3,630	4,134	104%

Figure 7

Methamphetamine-Related⁵ Deaths
 in Selected Cities

City	1991	1992	1993	1994	% Change
Los Angeles	99	68	198	219	121%
Phoenix	11	20	63	122	1009%
San Diego	60	97	110	172	187%
San Francisco	41	48	62	69	68%
FOUR CITIES	211	233	433	582	176%

User groups for methamphetamine have traditionally been white males between the ages of 19 and 40. This population remains most prominent in the DAWN data. However, reports from epidemiologist and treatment personnel reveal several possible modifications in the methamphetamine user profile. For example, methamphetamine use has increased among the Hispanic population in the United States, possibly as a result of the increasing involvement of Mexicans in the production and retail distribution of the drug. There also are reports that methamphetamine use is increasing among college students and young professionals involved in the club scene or participating in "rave" parties, where the drug has emerged among a battery of "party drugs" including LSD, marijuana, Ketamine and alcohol.

D. Pharmacology

Methamphetamine, like cocaine, is a potent central nervous system stimulant. It can be smoked, snorted, injected or taken orally. Snorting and smoking have increased as methods of administration, but injection still predominates among the largest user groups in San Francisco. Ingestion of

⁵ The DAWN data under-count the number of "methamphetamine-related" deaths in some measure. Many of the violence-related consequences of methamphetamine trafficking and use are not included in the DAWN statistics and/or are not widely understood, e.g., homicides, domestic violence, shaken-baby syndrome and HIV transmission.

According to the El Paso Intelligence Center, the amount of methamphetamine seized in transit from Mexico to the United States increased dramatically beginning in 1993. This is clearly borne out by the following seizure statistics along the border:

Figure 4

**Methamphetamine Seizures
in Kilograms**

	1992	1993	1994	1995 Jan-Oct
Southwest Border (EPIC)	6.5	306	682	616

What meas
DEA expects that increasingly strict chemical controls and enforcement efforts at the Federal and State levels, especially California, will result in a shift to increased production of methamphetamine in Mexico. In addition, Mexico does not have adequate laws in place to control the importation and diversion of ephedrine, a precursor chemical for methamphetamine production.

Interestingly, the trend in the number of methamphetamine laboratory seizures -- once heavily relied on by DEA as a gauge of the volume of methamphetamine trafficking -- does not reflect the increased volume of drugs seized. This is due to the greatly increased scale of manufacture by Mexican organizations, compared to the smaller scale laboratories found in previous years.

Figure 5

Methamphetamine Laboratory Seizures Reported to DEA³

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
46	69	136	126	89	132	119	185	266	412
<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	
653	629	652	429	315	288	218	263	241	

³ As reported to DEA Headquarters by teletype, DEA-6 and Clandestine Laboratory Report, pursuant to DEA Agents Manual reporting requirements. DEA defines a clandestine laboratory as "an illicit operation consisting of a sufficient combination of apparatus and chemicals that either has been or could be used in the manufacture or synthesis of controlled substances." This definition does not include the seizure of chemicals, glassware or other equipment which by themselves may demonstrate the existence of a laboratory.

*See questions
on pg. 7
This drug has been
around for
a long time*

methamphetamine increases heart rate, blood pressure, body temperature and rate of breathing; dilates the pupils; and produces euphoria, increased alertness, a sense of increased energy and tremors. High doses or chronic use have been associated with increased nervousness, irritability and paranoia, which in turn lead to hyperactive behavior and dramatic mood swings. Heavy users, who can inject up to 2.5 grams (2,500 milligrams) per day, exhibit extreme belligerence and paranoia. The behavior of a methamphetamine user is so violent and bizarre that public health officials often find it difficult to distinguish methamphetamine users from paranoid schizophrenics. Withdrawal from high doses produces severe depression.

As noted at the very beginning of this report, some experts believe that methamphetamine is even more destructive than crack cocaine. According to Dr. Michael Abrams, a physician at Broadlawn Medical Center of Des Moines, Iowa, the chemical structure of methamphetamine renders it more stimulating to the brain than any other drug and capable of far more destructive brain damage.

Dr. S. Alex Stalcup, a physician specializing in treatment of methamphetamine-addicted individuals in the San Francisco Bay area, defines three methamphetamine user groups: low-intensity, "binge" and high-intensity users. Low-intensity users take methamphetamine to lose weight and stay alert and awake; adolescents, housewives and shift workers are common among this group.

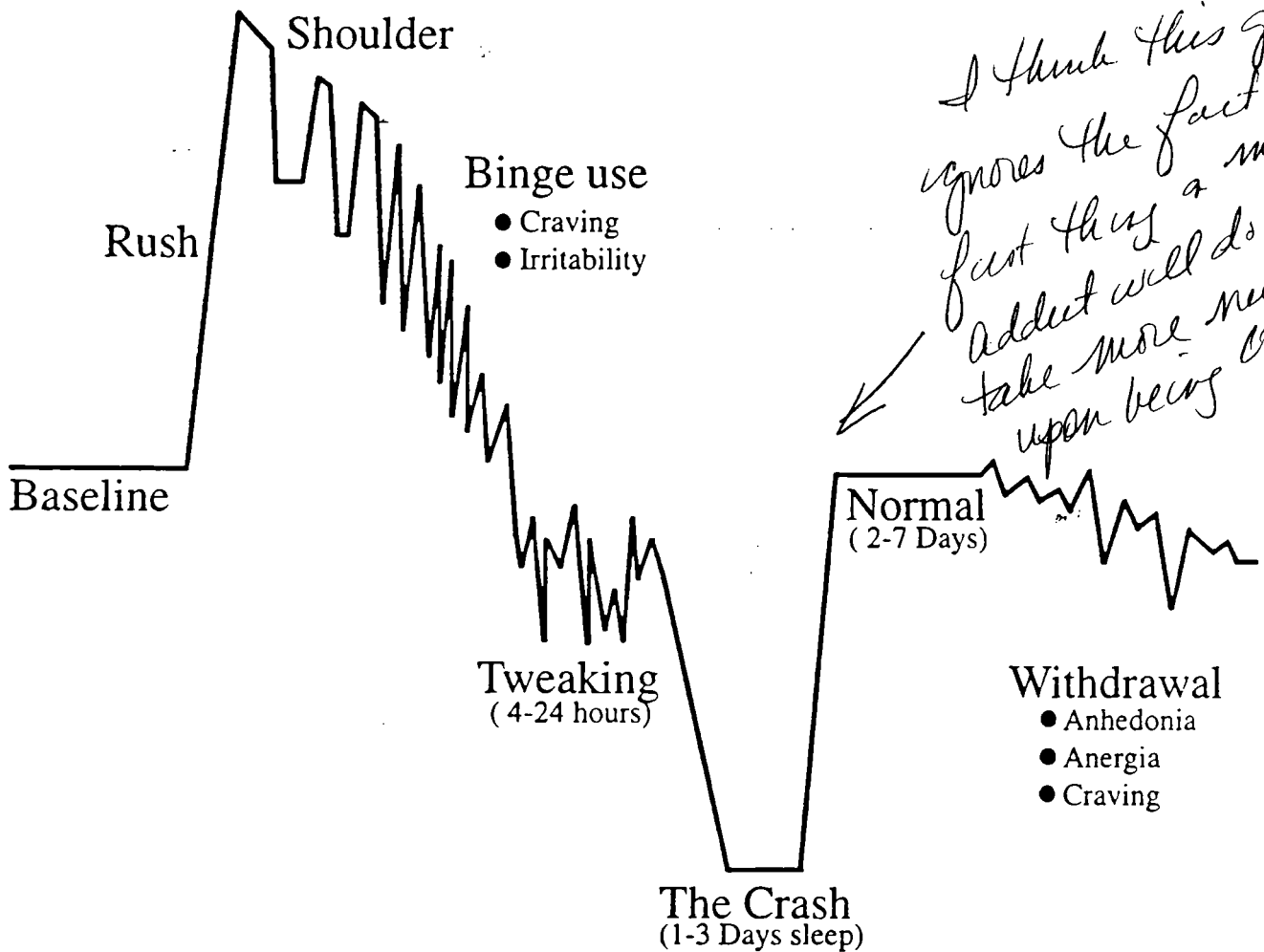
free The pattern of "binge" users is depicted in Figure 8. According to Dr. Stalcup, the initial "rush" and "binge" to maintain the original "high" of methamphetamine are followed by 4-24 hours of "tweaking" -- the phase of the binge in which a user need not ingest any additional drug, but remains high and exhibits little control over his or her behavior. This "tweaking" phase -- a nearly intolerable state, according to Dr. Stalcup -- poses the greatest risk to family, friends, the public and police; the body's release of adrenaline can induce a violent rage manifest through aggression, violence, paranoia, anxiety, hallucinations and hyperactivity. It can also cause the user to have severe physical reaction -- heart attacks and stroke -- if the user is physically restrained using traditional law enforcement methods.

The tweaking phase is followed by the "crash," during which the user sleeps for one to three consecutive days. According to Dr. Stalcup, an average "binge" methamphetamine user can follow the crash with up to a week of normal behavior before withdrawal sets in, triggering the next binge cycle.

The third category, high-intensity methamphetamine users, varies from the binge users in that they follow the crash

Binge Amphetamine Use

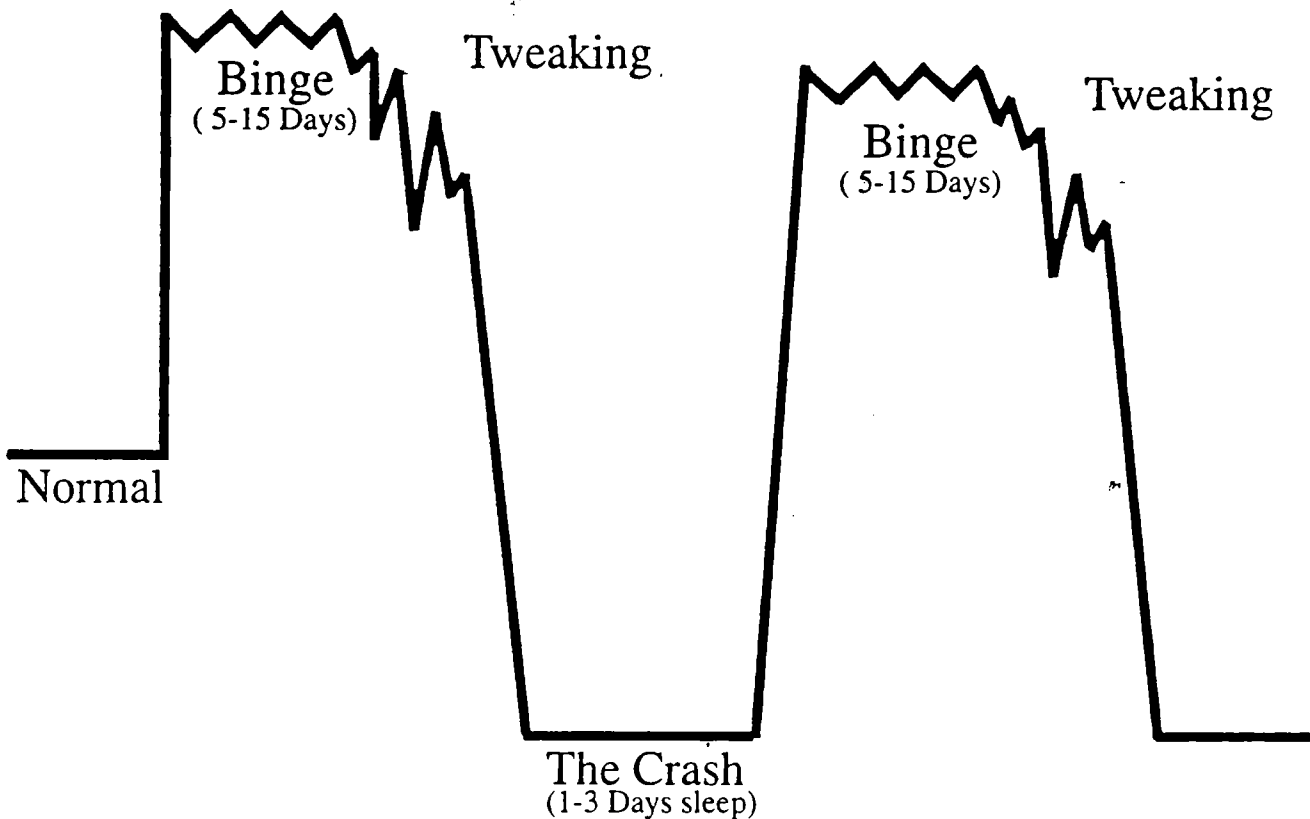
Binging is a phase that leads to heavier use - not just coffee the night before a test



Effects:

- Aggression, violence
- Paranoia, anxiety, hallucinations
- Hyperactivity
- Weight loss

High Intensity Amphetamine Use



Effects:

- Extreme Weight Loss (50-100 pounds)
- Aggression, Violence, Belligerence
- Toxic Psychosis:
 - Paranoia, Hallucinations, Hysteria
- Stroke, Heart failure

immediately by another 5-15 day binge, putting these users in an almost perpetual cycle of rushing, tweaking and crashing (see Figure 9). These users may experience extreme weight loss, aggression, toxic psychosis (including paranoia, hallucinations and hysteria), stroke and heart failure.] three

Binge and high-intensity methamphetamine use leave no time for the care of children; child neglect and abuse are inevitable consequences. According to Dr. Stalcup, neither the binge, tweaking nor crash phases yield time to tend to the needs of dependents. At the most violent, irritable and paranoid phases of the binge, children are at risk of physical abuse and/or "shaken baby" syndrome. In at least one highly publicized case, a New Mexico man, high on methamphetamine, beheaded his 14-year old son, believing him to be a demon, and tossed the dismembered head onto a public highway.

Also among the public health risks, Dr. Stalcup cites an increased incidence of HIV in female methamphetamine users, the result of increased promiscuous behavior in the "tweaking" phase and of trading sex for drugs to satisfy severe craving for additional drugs. Dr. Stalcup predicts that methamphetamine use is or soon will become the major cause of HIV transmission in the San Francisco Bay area.

Finally, the pharmacology of methamphetamine indicates severe and crippling depression in the extended, long-term withdrawal process -- a process that does not even begin until approximately 30 days after use (and often well after the term of availability of traditional treatment interventions). This fact must be addressed by the treatment community in developing methods to break the cycle of methamphetamine dependency.

II. ENFORCEMENT ACTIVITIES -- FEDERAL AND STATE

A. Current Enforcement Efforts

DEA field divisions have initiated specific programs to address methamphetamine trafficking and diversion of precursor and essential chemicals. In particular, efforts are underway to:

- Develop additional intelligence on clandestine methamphetamine production sites and target laboratory operators.
- Identify trafficking organizations that are transporting methamphetamine from sources of supply in Mexico and the Western United States. Gather intelligence on maritime, air and land transshipment methods and routes used by domestic and international drug trafficking groups.

Focus is placed upon
foreign sources. Little
emphasis is placed on ~~the~~
local production.

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- Monitor shipments of methamphetamine precursors into the United States, which must be reported under the Controlled Substances Act.
- Maintain ongoing liaison efforts with chemical companies that import/export and/or distribute listed chemicals used to manufacture methamphetamine to garner the cooperation of legitimate firms. Specifically, work with chemical suppliers to identify suspicious orders of precursor and essential chemicals, glassware and other equipment and determine which chemical suppliers are, whether wittingly or unwittingly, responsible for precursor chemical diversion.
- Focus special emphasis on major violent methamphetamine trafficking organizations.
- Select high-level targets who are involved in significant money laundering and other organized criminal activities.
- Maintain liaison with federal, state and local law enforcement and regulatory personnel to ensure that there are no gaps in the law enforcement system. Rely on state law and regulatory controls where they are stronger than the federal law.

B. Proposed Strategy; Implementation Items

- Continue all elements of Section II.A, above, entitled "Current Enforcement Efforts."
- Form a commitment to information-sharing, including standardization of reporting (e.g., a uniform definition of "clandestine lab"); identify methods of connecting existing intelligence information databases; publish a list of databases, agencies, organizations, informational sources and points of contact that can be of assistance in methamphetamine investigations.
- Form or use existing task forces composed of federal, state and local law enforcement officials (e.g., OCDETF, Safe Streets Task Force) to investigate methamphetamine trafficking.
- Since the bulk of precursor chemicals and finished methamphetamine (perhaps 70% or more) reaches this country across the Southwest Border, enhance the focus of investigative and prosecutive resources of the Southwest Border Initiative on the methamphetamine production and chemical supply operations of the Mexican trafficking organizations targeted by the Initiative.

- Regularly convene conferences among federal, state and local law enforcement officials to share operational intelligence and investigative and prosecutive strategies.
- Monitor publicly accessible electronic media (e.g., the Internet) to gain information on methods of production and trafficking, after ascertaining Privacy Act and constitutional limitations, if any.
- Utilize all available law enforcement techniques, including undercover operations, electronic surveillance -- with particular focus upon the command and control communications structures -- and grand jury investigations, to identify and pursue the larger production and trafficking organizations.
- Develop or maintain agreements and working relationships as necessary between federal, state and local law enforcement and environmental agencies to respond to clandestine methamphetamine laboratories identified in investigations in order to pool the expensive, specialized equipment, training and expertise needed to respond to clandestine laboratories, which are usually associated with highly flammable and hazardous chemicals.
- Build upon existing liaisons and develop new liaisons with security personnel at United States points of entry and with public and private mail services.

III. Regulatory Controls

A. Analysis of Current Situation

1. Methamphetamine

Methamphetamine is regulated under the Controlled Substances Act, 21 U.S.C. § 803 et seq., and implementing regulations as a Schedule II stimulant (see 21 C.F.R. § 1308.12(d)). As such, it is subject to the most stringent regulatory criteria of any drug with a currently accepted medical use. Currently accepted medical uses of the drug include the treatment of obesity and attention deficit disorder. See Physicians Desk Reference (50th ed. 1996, at 419).

As a Schedule II controlled substance, methamphetamine is subject to production quotas based on total estimated annual needs for medical, scientific, research and industrial purposes. 21 U.S.C. § 826. The 1995 production quota was 16 kilograms. The 1996 quota will increase to 44 kilograms. The nearly threefold increase is explained by depletion of methamphetamine inventories by existing manufacturers and distributors. Coupled with the penalties imposed for methamphetamine trafficking -- mandatory minimum penalties of 5 and 10 years for 10 and 100

grams, respectively -- regulatory controls on the drug itself are appropriately stringent. These statutory and regulatory measures have, in fact, largely curtailed the diversion and abuse of illicitly produced methamphetamine from legitimate channels, as evidenced by the very small number of cases of methamphetamine diversion through such schemes as bogus prescriptions or "back door" sales from pharmacies.

2. Precursor Chemicals: Ephedrine and Pseudoephedrine

A more troublesome issue is the regulation of the precursor chemicals from which methamphetamine is manufactured. A brief history of the illicit manufacturing process is necessary to appreciate the current situation. The earliest clandestine methamphetamine labs used the chemical phenyl-2-propanone, also known as phenylacetone or P2P, to produce methamphetamine. In response to clandestine lab seizures throughout the 1970s, P2P was placed on Schedule II of the Controlled Substances Act under the provision which includes within the definition of a "controlled substance" any "immediate precursor." See 21 U.S.C. § 802(6). This action increased the difficulty and risk of obtaining P2P and led to a brief decline in clandestine lab seizures.

However, traffickers adjusted to the scheduling of P2P, first by switching to production of P2P from other uncontrolled chemicals, and then by shifting to the hydriodic acid/ephedrine reduction method of methamphetamine production, which does not require P2P, and which was first discovered by DEA in a 1987 lab seizure. Since then, the relatively simple, high yield ephedrine reduction method of production has outstripped the P2P method in seized labs by a factor of six to one. Ephedrine is used lawfully as a bronchodilator for asthma, while pseudoephedrine is a very widely used nasal decongestant.

The transition from production methods using P2P to those using ephedrine and pseudoephedrine as precursors has resulted in a far more potent drug. The P2P method produces an equal mixture of D- and L-methamphetamine; the ephedrine-based method produces only D-methamphetamine. As only D-methamphetamine enters the central nervous system, ephedrine-based methamphetamine is twice as potent as P2P-based methamphetamine.

The ephedrine reduction method is also more efficient than the P2P method in terms of production. The combination of P2P and methylamine yields only about 20% methamphetamine. In the clandestine laboratory setting, the ephedrine reduction method yields approximately 50-70% methamphetamine. Thus, although greater yields are possible, one kilogram of ephedrine usually converts to about 500-700 grams (0.50 to .70 kilograms) of methamphetamine.

In 1988, following a successful pilot project,⁶ DEA obtained legislative authority to launch a program of controls on precursor and essential chemicals. The Chemical Diversion and Trafficking Act of 1988 (CDTA)⁷ imposed domestic and import/export regulatory controls on a list of chemicals that includes ephedrine and pseudoephedrine. The CDTA effectively controlled only the bulk form of ephedrine and did not regulate lawfully manufactured drug products containing ephedrine. It is a simple matter to extract the ephedrine from these tablets. Clandestine manufacturers quickly seized on this exemption, facilitated by a gray market of mail order firms that developed to supply ephedrine tablets in bulk to methamphetamine producers, despite indicia of probable diversion that would have led legitimate businessmen not to make the sale.

Abuses of this "legal drug exemption" for ephedrine tablets were part of the impetus for the Domestic Chemical Diversion Control Act (DCDCA), passed by Congress in November 1993 and effective April 16, 1994. This law removes the exemption from record-keeping and reporting requirements for single entity ephedrine products and requires DEA registration for distributors of bulk ephedrine and other chemicals on "list I," which are mostly precursors. The Final Rule setting forth implementing regulations for the DCDCA was published on June 22, 1995.⁸ With the burden now placed on prospective registrants to demonstrate that their registration is in the public interest, 21 U.S.C. § 823(h), DEA has found that only legitimate chemical firms are seeking registration;⁹ the "rogue" chemical companies have eschewed the process.

Predictably, however, traffickers and rogue chemical firms have adjusted to the new regulatory environment by exploiting remaining opportunities. Traffickers are turning to over-the-counter pseudoephedrine, which is chemically similar to ephedrine, may be substituted in the production process, and yields the same quantity of methamphetamine. Laboratory operators also are turning to drug products containing ephedrine

⁶ The pilot program was embodied in a law that required reporting of sales of piperidine, a precursor to phencyclidine (PCP), enacted as Title II of the Psychotropic Substances Act of 1978, P.L. 95-633, 92 Stat. 3768-78.

⁷ Title VI, Subtitle A, P.L. 100-690, the Anti-Drug Abuse Act of 1988.

⁸ 60 Fed. Reg. 32,447 (22 June 1995).

⁹ About 400 firms have applied for DEA registration to distribute list I chemicals, a smaller number than DEA anticipated.

*Can meth be
taken out of pseudoephedrine,
like in diet pills.*

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in combination with other substances -- e.g., ephedrine with guaifenesin -- so that they remain exempt.

Law enforcement authorities have countered with two recent regulatory initiatives. First, effective November 10, 1994, DEA eliminated the regulatory quantity threshold for ephedrine, which had been one kilogram. See 59 Fed. Reg. 51,365. Now all single-entity ephedrine transactions are subject to reporting, record-keeping and notification requirements, regardless of the quantity involved.

diet pills
Second, a DEA Proposed Rule published in the October 31, 1995 Federal Register would remove the regulatory exemption for certain pseudoephedrine products. Because pseudoephedrine is an ingredient in many legitimate over-the-counter drugs, the proposed rule generally regulates only products in which pseudoephedrine is the sole active ingredient, or is combined with other active ingredients such that pseudoephedrine can be readily recovered.¹⁰ The threshold of 24 grams pseudoephedrine base corresponds to a 120-day supply at the maximum adult daily dosage established by the FDA. Significantly, a waiver ensures that the approximately 750,000 retail distributors of pseudoephedrine will remain exempt, unless they engage in sales of above-threshold quantities.¹¹

On the international front, implementation of the CDTA and some successful prosecutions of domestic methamphetamine trafficking organizations gave rise to a fundamental change in the illicit methamphetamine trade. As noted in Part I, Mexican polydrug organizations replaced domestic outlaw motorcycle gangs as the primary methamphetamine producers, traffickers and distributors in the Western United States. In 1990, smuggling of precursors along the United States/Mexican border increased significantly. This practice exposed the Mexican traffickers to the much lower penalties for smuggling chemical precursors, avoiding the tougher penalties associated with smuggling the final product.¹² According to the DEA, Mexican chemists

¹⁰ 60 Fed. Reg. 55,348 (Oct. 31, 1995). The newly regulated combination products are tablets, capsules, and powder packets containing pseudoephedrine and antihistamines, guaifenesin or dextromethorphan. 60 Fed. Reg. at 55,350.

¹¹ "Retail distributor" is defined as one "selling only personal use quantities to walk-in customers" 21 CFR 309.02. Thus, the seller to a pharmacy is required to report, the pharmacy is not.

¹² This problem and possible solutions are discussed below in Part IV, "Sentencing and Legislative Initiatives."

operating on both sides of the border are now responsible for most methamphetamine production.

Why the focus on Mexico

The scope of Mexican methamphetamine trafficking became apparent in March 1994, as a result of a chance Customs seizure of 3.4 metric tons of ephedrine at the Dallas/Ft. Worth Airport. Manufactured in India and brokered by a Swiss firm, the shipment was intercepted en route from Zurich to Mexico City. Four months later, a 2.3 metric ton ephedrine seizure was made at the same location. Further investigation revealed source countries as diverse as India, China and the Czech Republic; transit countries that included the United Arab Emirates, the Netherlands, Germany, Guatemala and other Latin American countries; brokers in Switzerland; and distribution points in Guatemala and Mexico.

As a policy matter, further regulatory controls on precursor chemicals will require balancing the competing interests of law enforcement and the legitimate needs of industry. Even as traffickers constantly shift to meet regulatory changes, each successive control measure places greater strain on the chemical and pharmaceutical industries, the vast majority of which are composed of legitimate firms conducting legitimate transactions. Either chemical may be obtained naturally from the ephedra plant or may be produced by purely synthetic methods. On balance, we think it is possible to increase regulatory controls and government powers in the limited manner suggested below in Section III.B.

B. Strategy; Implementation Items

- Of Schedule II it is adequate why the focus? Women being raped w/ Roofies & it gets Schedule II?*
- Current regulatory measures for methamphetamine are adequate. Schedule II controls are appropriately stringent, and have been effective in preventing diversion and abuse of illicitly manufactured and lawfully prescribed methamphetamine.

Taking into account reasonable public comments, follow through on the current proposed rule to impose regulatory controls on those products in which pseudoephedrine is the only active ingredient or can be readily recovered, so that the final rule is substantially similar to the proposed rule.

- Similar to the rule imposing greater regulation on pseudoephedrine, undertake regulation of appropriate ephedrine combination products, particularly ephedrine with guaifenesin and other products from which the ephedrine can be readily retrieved by clandestine methamphetamine "cooks."
- In an effort to anticipate the clandestine lab operators' next moves, the DEA should conduct a comprehensive review of other feasible methods by which methamphetamine can be

manufactured, taking into account historical methods, substitute chemicals and probable innovations.

- Amend the Controlled Substance Act to permit seizure of regulated chemicals where suspicious transactions or regulatory violations are detected. As interpreted by DEA, current law permits only criminal forfeiture, predicated on import, export, distribution, possession, etc. in violation of a felony provision of the CSA, under 21 U.S.C. § 881(a)(9). Although DEA has legal authority to seize and dispose of list I chemicals when a registration has expired or been revoked or suspended, pursuant to 21 U.S.C. § 824(f) and (g), that authority may not extend to registration denials.¹³ This may become more of a problem in the future if, for example, a rogue chemical firm were to apply for and be denied registration with the DEA.

- Encourage prosecutors to make greater use of 21 U.S.C. § 843(a)(7), as revised, which makes it a crime to manufacture, distribute, import or export, inter alia, any equipment, product or chemical -- whether or not it is regulated under the CSA -- "knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or listed chemical in violation of [the CSA]." This could even reach chemicals not (yet) regulated by DEA.

Note: Prosecutors would need to see the importance of such prosecutions beyond prison sentences, as the penalty range is 0-4 years, plus fine and injunction. Increased sentences are not being proposed because other provisions impose stiffer penalties for similar conduct with regulated chemicals. See 21 U.S.C. §§ 841(d)(1), (2), (g)(1), 960(d)(1), (2).

- Create the authority to enjoin the sale of chemicals, whether or not they are regulated per se under the CSA, by making violation of 21 U.S.C. §§ 843(a)(7) enforceable by means of injunctive relief (subjecting a violator to potential imprisonment for contempt). This change could be made as part of a broader amendment to permit enforcement of all of §§ 842 and 843, which set forth the more minor and essentially regulatory violations of the CSA, through civil

¹³ DEA Office of Chief Counsel arrived at this conclusion after consultation with the Criminal Division, Narcotic and Dangerous Drug Section, which in turn consulted with the Deputy Director of what was then the Asset Forfeiture Office. It should be noted that unlike controlled substances, the mere possession of which violates 21 U.S.C. § 844, precursor chemicals are not readily shown to be contraband.

injunctive relief. The following draft legislative language, under the heading "Alternative civil and injunctive measures," is offered as a new subsection 21 U.S.C. § 843(f):

In addition to or in lieu of the foregoing penalties, the Attorney General is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, where there is a reasonable basis to believe that a violation of this section or section 842 of this subtitle will occur. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation.¹⁴

The greater flexibility and lower standard of proof to obtain a civil injunction could be a useful tool to prevent imminent suspicious transactions. As a practical matter, civil AUSAs in some districts may be more willing to seek such injunctions than their criminal counterparts.

- Establish a procedure, with appropriate due process safeguards, whereby DEA can instruct a firm not to engage in a particular chemical transaction with another firm. In other words, DEA should have the authority to suspend a sale of chemicals domestically parallel to its authority to interdict an import or export under 21 U.S.C. § 971(c). The following draft legislative language, under the heading "Suspension of suspicious chemical transactions," is offered for consideration as a new subsection 21 U.S.C. § 830(c):

(1) The Attorney General may order the suspension of any transaction involving a listed chemical, where there is a reasonable basis to believe that the transaction will facilitate the unlawful manufacture of a listed chemical or controlled substance. From and after the time when the Attorney General provides written notice of the order to the regulated person (including the basis for the legal and factual basis for the order), the regulated person shall not carry out the transaction.

(2) Upon written request to the Attorney General, a regulated person to whom an order applies under

¹⁴ Existing injunction provisions of the CSA require a conviction prior to their issuance. The suggested language is adapted from 33 U.S.C. § 1319(c), which provides for injunctive relief to enforce certain DEA compliance orders.

paragraph (1) is entitled to an agency hearing, on the record, in accordance with subchapter II of chapter 5 of Title 5. The hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person.¹⁵

Note: Under current law, there are times when DEA develops information on suspicious domestic sales, e.g., to pharmacies that divert chemicals out the "back door," but cannot act on the information. The one district court to rule on DEA's application of current 21 U.S.C. § 830, which would on its face permit DEA to order a firm not to engage in a domestic chemical transaction, read the statute more narrowly, based on statutory construction and procedural due process concerns. Chemicals for Research and Industry v. Thornburgh, 762 F. Supp. 1394 (N.D. Cal. 1991).

IV. International Initiatives: Focus on Mexico

A. Analysis of Current Situation

As noted above, the production and trafficking of methamphetamine has a strong international dimension, so our international efforts -- including bilateral and multilateral agreements and cooperative arrangements -- are important. Cooperation with Mexico is especially crucial. The nearly 2,000-mile U.S.-Mexican border is the primary entry point for ephedrine into this country, and Mexican organized crime now controls much of the illicit manufacture, sale and distribution of methamphetamine in the United States. The polydrug trafficking organizations with a stake in the emerging methamphetamine trade include:

- The Juarez Cartel, led by Amado Carrillo Fuentes, operates from Hermisillo in the west across the border to Arizona and from Juarez into Texas. Carrillo Fuentes is believed to have controlled the 315 kg of methamphetamine that were seized in Las Cruces, New Mexico, in February 1995; he is also tied to a three metric ton shipment of ephedrine made to Nicaragua in concert with the Amezcua brothers.
- The Sonora Cartel, headed by Miguel Caro Quintero, operates from Hermosillo, Agua Prieta, Guadalajara and Culiacan, as

¹⁵ This amendment impels deletion, as obsolete, of the following language from 21 U.S.C. § 830(b)(1): "A regulated person may not complete a transaction with a person whose description or identifying characteristic is furnished to the regulated person under subparagraph (B), unless the transaction is approved by the Attorney General."

well as the Mexican states of San Luis Potosi, Sinaloa and Sonora. Its smuggling routes extend into California, Arizona, Texas and Nevada; the organization is believed to be responsible for trafficking hundred-pound quantities of methamphetamine through the Arizona ports of entry.

- The Arellano Felix brothers, Benjamin, Francisco, Eduardo and Ramon, operate from Tijuana into Arizona and southern California. The gang has connections to the methamphetamine trade in San Diego through direct contact with the Logan Heights Calle Trienta and other street gangs. The group is considered the most violent of the Mexican trafficking organizations. Through their sponsorship of San Diego methamphetamine trafficker Nico Marron, the group is alleged to have assisted in 26 drug-related murders.
- The Amezcua organization -- headed by Jesus Amezcua Contreras and his brothers Luis and Adan -- is perhaps the largest methamphetamine trafficking group in North America. It operates primarily out of Guadalajara but, through agreements with other Mexican gangs, the Amezcuas' reach extends all along the border. The Amezcuas control methamphetamine labs in Guadalajara and Tijuana; their associates across the border are heavily involved in methamphetamine distribution and ephedrine trafficking, especially in southern California.

While DEA has good working relationships with its Mexican counterparts at the operational level, Mexico still lacks adequate legislation to regulate precursor and essential chemicals and to punish chemical trafficking. Strong legislation proposed in 1993 resulted in only minor changes to the Mexican public health law, under which ephedrine and pseudoephedrine are loosely monitored.

An increase in penalties in the United States for trafficking in ephedrine and pseudoephedrine, as urged below in Part V of this Strategy, could have a collateral impact in Mexico. It would add to the existing pressure on traffickers -- resulting from a tougher U.S. law enforcement and regulatory environment -- to shift production from the United States to Mexico. This possibility makes an effective chemical control regime in Mexico all the more important.

B. Strategy: Implementation Items

- Continue to meet with, advise and train foreign counterparts -- particularly in Mexico -- at both policy and operational levels concerning the problem and consequences of chemical diversion and the legal, administrative and practical means to prevent and detect diversion.

- In our bilateral relationship with Mexico, lay special emphasis on the need to curb trafficking in methamphetamine and its precursor chemicals, especially ephedrine and pseudoephedrine.
- To promote a comprehensive approach and harmonization of laws to the extent possible, urge Mexico to use as a model for its legislation the OAS model chemical control regulations and Article 12 of the 1988 UN Vienna Convention.

Note: The OAS model laws include, among other measures, the power to suspend or cancel imports and exports on reasonable suspicion of diversion, and a requirement of shipment-specific notice to allow for investigation of intended use of chemical products.

- Augment the role of the Bilateral Working Group on Precursor Chemicals, which now serves as an ad hoc operational consultative body, by (a) making it a permanent, staffed unit based in Mexico City and (b) giving it a greater policy-making function.
- Augment more U.S. resources in Mexico, including at the Embassy, on tracking and investigating methamphetamine trafficking and precursor chemical smuggling and diversion.
- Encourage more investigation of importers and major distributors of methamphetamine and its major precursors by law enforcement authorities in Latin America, especially Mexico.
- Continue to cooperate with the United Nations International Narcotics Control Board (INCB) to foster and enhance its role as a central collection point for data regarding ephedrine and pseudoephedrine shipments, which it distributes via electronic mail.
- Continue to work with the INCB and other international bodies -- including regional organizations such as the OAS anti-drug commission (CICAD) -- and foreign counterparts to focus attention on the problem of chemical diversion and its quintessentially international dimensions.

V. Sentencing and Legislative Initiatives

A. Analysis of Current Situation

The current penalties for methamphetamine manufacture and trafficking appropriately reflect the societal harms and dangers wrought by these activities. There is a 10-year mandatory minimum penalty for trafficking in 100 grams or more of pure methamphetamine or 1,000 grams (one kilogram) or more of a mixture containing methamphetamine, and a 5-year mandatory minimum penalty for trafficking in 10 grams or more of pure methamphetamine, or 100 grams or more of a methamphetamine mixture. Even at the retail ounce and gram levels, most seizures of methamphetamine are in the purity range of 50-70%, so most cases involve determination of the quantity of "pure" methamphetamine for sentencing purposes. Although it is difficult to pinpoint an "average" dosage of methamphetamine -- as is clear from the discussion in section I.D on the pharmacology of the drug -- an average "binge" user ingests 500 milligrams per day. Assuming an average of 60% purity, this dose has about 300 milligrams of "pure" methamphetamine.

Methamphetamine is a central nervous system stimulant, similar to powder and crack cocaine in its euphoric effects. The comparison of sentencing consequences, by amount and dosage are as follows:

	Five-year Minimum	Ten-year Minimum
Methamphetamine	10 grams (pure) 33 days dosage	100 grams (pure) 333 days dosage
Powder Cocaine	500 grams 1,000-5,000 doses	5 kilograms 10,000-50,000 doses
Crack Cocaine	5 grams 10-50 doses	50 grams 100-500 doses

Given that the methamphetamine use pattern is similar to that of crack cocaine -- and that much of the potent methamphetamine available today produces a reaction far more severe than even crack -- threshold quantities for determining mandatory minimum penalties for trafficking methamphetamine should be set at or about the same levels established for crack. However, there are two issues that should be resolved: first, to the extent that we seek to balance crack and methamphetamine sentencing and to the extent that debate continues with respect to crack sentencing, we must resolve the crack issues. Second, in that there is considerable room for disagreement about the weight and dosage equivalencies between methamphetamine and crack cocaine, we must begin consultations among health and law

enforcement professionals aimed at determining the appropriate equivalencies.

In addition, we should consider additional enhancements for methamphetamine manufacture and trafficking. For example, clandestine laboratories pose a unique hazard to the environment and to public health -- and in particular the health of law enforcement personnel and others at the lab scene -- that should subject offenders to additional penalties in appropriate cases.¹⁶ Draft legislative language for consideration appears below at subpart B of this Part.

Penalties for trafficking in the precursor chemicals ephedrine and pseudoephedrine, which are today by far the most common precursors in the clandestine manufacture of methamphetamine, are much lower than for trafficking in the finished product. The long drug sentences prescribed in USSG 2D1.1 apply only if the government can show that the offense involved manufacturing or attempted manufacturing of methamphetamine. See USSG 2D1.11(c). Otherwise, a penalty range of 0-10 years applies to possession, distribution or import/export of a listed chemical knowing, or having reasonable cause to believe, that it will be used in the illicit manufacture of a controlled substance. See 21 U.S.C. §§ 841(d) and 960(d). The highest sentencing guideline offense level for trafficking in ephedrine, pseudoephedrine or any listed chemical is level 28 (78-97 months for a first offense), which applies to offenses involving 20 kilograms or more. See USSG § 2D1.11.

While higher yields are theoretically possible, in practice clandestine lab operators are able to convert one kilogram (1,000 grams) of ephedrine or pseudoephedrine to about 0.50 to 0.70 kilograms (500-700 grams) of methamphetamine. The illicit sale of 200 grams of ephedrine, which could produce at least 100 grams of pure methamphetamine -- corresponding to a 10-year mandatory minimum penalty -- yields an offense level of 18 (27-33 months). The 20 grams of ephedrine needed to yield 10 grams of methamphetamine corresponds to a level 12 offense (10-16 months, with the possibility of a split sentence). On the other hand, the amount of ephedrine or pseudoephedrine necessary to reach level 26 -- i.e., the level equivalent to a 5-year mandatory

¹⁶ Senator Slade Gorton introduced a bill in 1991 that proposed increased sentences and fines for laboratory operators failing to comply with environmental laws to pay for cleanup and restoration of the laboratory sites. See the "Violent Crime and Law Enforcement Control Act of 1991," Sec. 1621. We also propose to include a criminal fine as part of the penalty; however, it is our observation that defendants in clandestine laboratory cases who are sentenced to lengthy prison terms are generally not in a position to pay the assessed fines.

minimum sentence -- is 6-20 kilograms. The 6 kilograms of ephedrine needed to trigger a 5-year mandatory penalty is 600 times greater than the 100 grams of methamphetamine that triggers the same penalty. Six kilograms of ephedrine can produce, with simple processing and not much skill or education, at least three kilograms of methamphetamine, the sale of which would yield an offense level of 34 (151-188 months for a first offense).

B. Strategy: Implementation Items

- Penalties for methamphetamine manufacture and trafficking must appropriately reflect the acute threat to the public and the seriousness of the offense.
- Statutory penalties and Guidelines sentences for trafficking in precursor chemicals should be significantly increased to better reflect their relative harm, based on the ease of conversion to controlled substances and the quantity ratio of controlled substances produced.

The statutory maximum for trafficking in the precursor chemicals should be changed as follows: where the Government can prove that the trafficker knew or had reason to know that the chemicals were being used for the unlawful manufacture of methamphetamine (or other controlled substance), the penalty should be equal to that of trafficking in the quantity of methamphetamine (or other controlled substance) that could have been manufactured (where such corresponding quantity can be determined) from the quantity of chemicals proven. It is noted that prosecutors have the option, presently, to charge such trafficking as attempt to manufacture a controlled substance, under 21 U.S.C. §§ 841(a) and 846; however, the proposed legislative change would strengthen the alternative charging option set forth in § 841(d). *with knowledge*

Note: The much lower penalties for illegal importation of precursor chemicals than finished methamphetamine have caused Mexican polydrug organizations operating in the United States to minimize their risk by importing precursor chemicals from Mexico for processing into methamphetamine in the Western United States. While it is not proposed that penalties for ephedrine and pseudoephedrine be made equivalent to methamphetamine, it should be noted that increased penalties for precursor importation and distribution may lead the source organizations to produce incrementally more methamphetamine in Mexico, smuggling the finished product into the United States. A collateral effect would be to remove the serious dangers of explosions and environmental degradation from clandestine methamphetamine labs from this country, but the same hazards would be transferred to Mexico.

- Additional consecutive penalties for improper storage, release, disposal, transport or other handling of toxic, ignitable, explosive and hazardous chemicals used to manufacture methamphetamine in clandestine settings should be imposed to appropriately reflect the unique public health hazards -- including danger to law enforcement officers and others at the scene -- and environmental degradation wrought by this form of drug crime.

We suggest for consideration the following provision, which could be a new 21 U.S.C. § 864, which makes it unlawful to generate, transport, treat, store, dispose of, use, possess, distribute, import or export a precursor chemical or its waste. A proposed statute is attached as Appendix A.

- The Attorney General's authority to suspend domestic shipments of regulated chemicals and to seek injunctions to prevent shipments of all chemicals (whether or not regulated) should be expanded. See Section III.B, above.
- The Attorney General can issue regulations narrowing the exemptions for drug products containing ephedrine and pseudoephedrine. While legislation to narrow these regulatory "loopholes" is also an option, the use of regulations permits greater flexibility.

VI. Training of Investigators and Prosecutors

A. Analysis of Current Situation

Clandestine laboratory and methamphetamine investigations and prosecutions pose some unique issues from the perspective of hazardous situations at clandestine lab sites, the violent proclivities of methamphetamine users and proof problems at trial of offenders. In particular, investigators face significant dangers due to the toxicity and flammability of the chemicals used in the process. Similar problems complicate seizure and forfeiture of property. Real property may be contaminated to the extent that its cleanup costs exceed its value.

The primary toxic gases generated during the manufacture of methamphetamine are hydriodic acid vapors and phosphine gas. Prolonged exposure can cause internal chemical burns and permanent respiratory damage. Lab sites such as hotels or apartment buildings can use centralized air ventilation systems, endangering innocent individuals should poisonous vapors, gases or smoke from chemical fires travel freely from room to room.

At the DEA conference held in February 1995, 83% of law enforcement personnel responding to a survey expressed the view that training is needed to alert officers to the dangers of clandestine laboratories. DEA reports that while 60% of those

surveyed claimed their agencies are having difficulty meeting federally mandated training requirements, 71% indicated that officers in their jurisdictions have experienced health problems arising from exposure to hazardous chemicals found at seized methamphetamine labs. Other dangers await the officers responding to clandestine labs: 78% said firearms are typically present at these sites and 45% said booby traps have been encountered.

Discarded liquid waste -- primarily sodium hydroxide -- contaminates soil and ground water, posing an environmental threat for years. Abandoned dump sites continue to hold red phosphorous, which remains highly combustible. Even the attempts to unearth or clean up the site can create enough friction to ignite the red phosphorous, causing chemical fires. Each of these environmental issues requires training, for the protection of the public, the environment and the physical safety of law enforcement officers.

While Federal law enforcement agencies are fully capable of searching and seizing these laboratory sites and arresting those responsible, they have limited chemical/environmental decontamination capabilities. Accordingly, Federal law enforcement agencies have requested the assistance of the Department of Defense in chemically decontaminating ever-increasing numbers of these sites to ensure the public's health and safety, as well as environmental resources. DOJ has requested a \$20 million appropriation in support of this effort.

Additional personal safety issues are posed by violent users, to the public and law enforcement community, but also to the user in situations where law enforcement employs traditional methods of restraint. Dr. Michael Abrams, of the Broadlawn Medical Center in Des Moines, Iowa, provides treatment in hospital and prison settings. He reports danger of heart attack and stroke in prisoners controlled by handcuffs and leg restraints, while in a methamphetamine chemically-induced rage. He urges the law enforcement and medical communities to research together appropriate methods for protection of officers and prisoners.

For prosecutors, methamphetamine cases sometimes involve unique proof problems. For example, where a lab is raided before "cooking" has begun -- or more likely between cooking episodes, but after the last batch has been removed -- there may be no methamphetamine seized to introduce as evidence. Prosecutors should be aware of the federal and applicable state regulatory controls on precursor and essential chemicals, and may wish to include chemical trafficking counts along with conspiracy to manufacture methamphetamine counts in the indictment. They also should be aware of applicable environmental laws and regulations. Reference also should be made to the analogous body of

prosecutions involving clandestine cocaine laboratories, particularly in the Southern District of Florida, which posed similar investigative and prosecutive issues.

B. Strategy; Implementation Items

- The law enforcement training academies will develop curricula addressing the physical dangers posed by the chemicals encountered at clandestine laboratories and chemical dump sites, including the use of protective clothing and equipment. Proposed safety training programs should include the 40-hour initial training program required by OSHA, the 8-hour refresher training, baseline and annual medical examinations, acquisition of protective equipment, record keeping, and on-the-job training. Specialized training should include the identification and dismantling of trap devices found at clandestine lab sites.
- The training academies will also develop instructional materials on statutory and regulatory requirements and responsibilities associated with the cleanup and remediation of chemical disposal sites.
- Educational material (pamphlets and videos) should be prepared to alert field personnel, management and administrators to actual and possible hazards of clandestine labs. Topics should include federal regulations concerning safety clothing, equipment and medical evaluations, as well as civil liability and the obligations of supervisors and administrators.
- The law enforcement and corrections communities will combine with the medical/mental health/addiction communities to exchange information regarding safety issues associated with the violent behavior of methamphetamine users and addicts.
- DEA, EOUSA and DOJ/NDDS, California BNE and other State and local law enforcement agencies will identify as participants in a training team the most knowledgeable and experienced analysts, investigators and prosecutors. We will draw from the list in our training and regularly will update the list and make it available to other jurisdictions upon request.
- DEA, EOUSA and DOJ, California BNE and other State and local law enforcement agencies will collaborate to develop a practical, case-oriented training curriculum and materials.
- DEA, USCS, EOUSA and DOJ/NDDS, California BNE and other State and local law enforcement agencies will identify the regions where training is most needed, and the training team will make presentations in those regions.

- Formulation of training schedules, course materials, presenters and identifications of first tier training locations were discussed at the February 1996 meeting of prosecutors and investigators in Washington D.C.

VII. Treatment, prevention and education

As the Attorney General stressed in Miami in early December, the young people of this nation must be convinced that drug use is not attractive or cool or safe, but illegal and unwise and dangerous. Methamphetamine is not a benign substance -- it is physically and psychologically destructive. The treatment community must begin to study deficiencies in traditional drug treatment over the longterm. Methamphetamine users show markedly different behavior after 30 days of abstinence (severe, crippling depression) than do individuals treated for the abuse of other substances. Indeed, withdrawal as such may not even set in until 30 days after use. Thus, it is anticipated that the treatment community will have to recognize and/or develop regimens of long-term treatment specific to methamphetamine dependency.

The Office of Justice Programs (OJP) and DEA have very strong treatment and educational structures. For example, in FY95, five grants were awarded for the implementation of new drug courts and eight grants were awarded for the improvement and enhancement of established drug courts. Drug court implementation awards were given to localities to serve juveniles, women with children, as well as adult males. Enhancement awards will enable on-going programs to improve their effectiveness through the use of automated information systems, vocational/educational services and upgraded treatment and sanction systems.

Drug courts contribute to reduction of the demand for illicit drugs, including methamphetamine, by mandating treatment for drug-addicted offenders. The link between drug use and criminal activity has been well-documented, and drug treatment has been shown to reduce both the drug use and the criminal activity of drug-involved offenders.

In addition, the corrections programs authorized by the Violent Crime Control and Law Enforcement Act (Crime Act) of 1994 address Goal 2 in the 1995 National Drug Control Strategy, which is to:

Expand treatment capacity and services and increase treatment effectiveness so that those who need treatment can receive it. Target intensive treatment services for hardcore drug-using populations and special populations, including adults and adolescents in custody or under the supervision of the criminal justice system, pregnant women and women with dependent children.

The Crime Act establishes programs that provide funds to State and local governments, all or part of which may be used to provide substance abuse treatment to inmates under correctional supervision.

In FY95, the Office of Justice Programs (OJP) implemented the Corrections Boot Camp Initiative under the \$24.5 million Violent Offender Incarceration Program appropriation, which was limited to use for the planning, construction and renovation of boot camps. OJP funded 44 boot camp projects that will be implemented at the State and local levels. All of these boot camps will include drug treatment and intensive, coordinated aftercare components.

In the State systems, the Residential Substance Abuse Treatment for State Prisoners Program provides formula grants to states to develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

OJP has engaged in extensive planning to facilitate the immediate and effective implementation of the Residential Substance Abuse Program and treatment components of the other correctional programs as soon as the FY96 appropriation is enacted. OJP is developing program guidelines and an extensive technical assistance program to dispel commonly held beliefs among many policy-makers that treatment does not work for offenders and to assist State and local governments in implementing effective treatment programs which reduce drug use and criminal behavior. The guidelines and technical assistance are being developed in conjunction with and are based on recent research conducted by the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the National Institute on Drug Abuse and others. Technical assistance will be provided through national and regional workshops, as well as on-site assistance to address site specific needs.

Through the technical assistance program, OJP encourages state and local policy-makers to reassess the importance of substance abuse treatment for offenders and to develop and implement comprehensive treatment programs, including intensive aftercare components. A consortium of federal agencies -- led by the Office of the Director of National Drug Control Policy and including the National Institute of Justice (NIJ), the Bureau of Justice Assistance (BJA), the National Institute of Drug Abuse (NIDA), the Center for Substance Abuse Treatment (CSAT) and the Drug Courts Program Office of the Office of Justice Programs -- is developing a multi-year demonstration program to test the effectiveness of a system-wide criminal justice intervention with drug addicted offenders.

This demonstration project is called Breaking the Cycle (BTC). The major objectives are reduced recidivism/criminal behavior and reduced substance abuse among adult offenders who abuse drugs; improved social function indicators in the subject population; and improved resource utilization, particularly detention capacity, throughout the criminal justice system. Intermediate objectives include increasing the population's exposure to drug treatment; improving the match between the type of treatment and user needs; and increasing delivery of social services to the population.

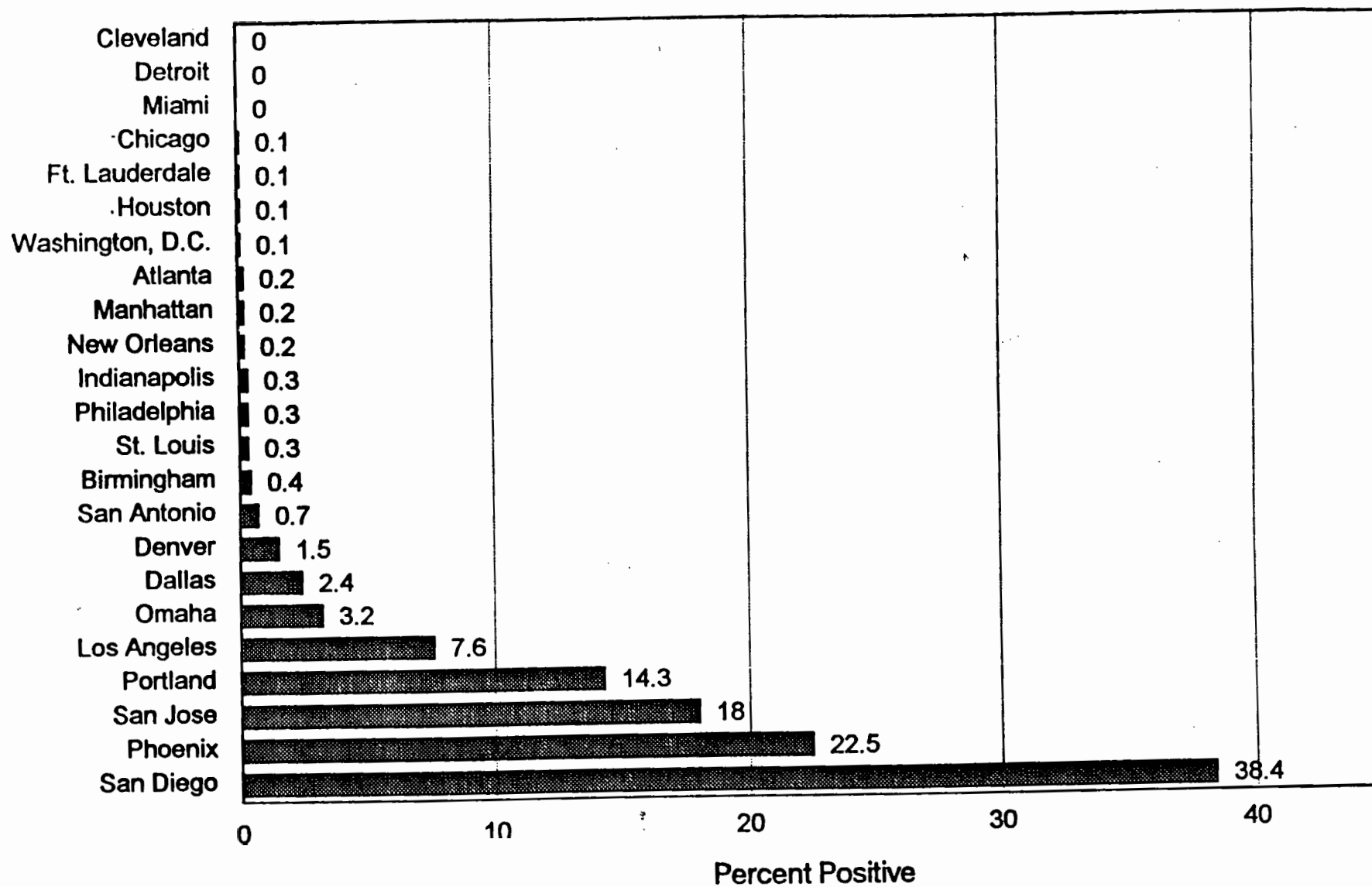
Drug Testing: On December 18, 1995, President Clinton issued a directive to the Attorney General to develop a plan for universal drug testing for all federal arrestees prior to their first appearance before a Magistrate Judge. Pilot projects have been conducted for the past seven years, in selected cities, through the Drug Use Forecasting (DUF) program. Accordingly, the National Institute of Justice reports that it is assessing the importance of testing for methamphetamine use, even though historically, the use of methamphetamine rates have been low in many DUF cities. Figure 11 depicts the 1994 results of urinalysis of arrestees across the United States, in the selected DUF cities.

Public Awareness: National surveys show alcohol and drug use on the rise, especially among young people. The trend may reflect, in part, a decline in the promulgation of the anti-drug message in homes, schools and the media. Currently, pro-drug information, be it the din of the drug legalization debate or the glamorization of drug use by popular culture, is getting an increased airing. We must increase public awareness of the dangers of methamphetamine.

A national media campaign should be developed, targeting young people, adults, parents, employers and educators. Possible topics include the dangers of methamphetamine abuse, violence and the environmental harm caused by clandestine laboratories. Through our State and local counterparts, we should encourage community groups to schedule local events that bring together experts from a full range of disciplines to discuss and educate the community on the dangers of methamphetamine. We are also working with the Office of National Drug Control Policy to ensure that methamphetamine is given increased emphasis in this year's National Drug Control Strategy.

↑
*With let the
kids first.
Male teens particularly*

1994 Methamphetamine Positives by DUF Site



Appendix A

*Outline
whole this*

§ 864. Dangerous Handling of Listed Chemicals

(a) **Offense.** It is unlawful for a person --

(1) to generate, transport, treat, store, dispose of, use, possess, distribute, import or export a listed chemical, or the waste from the use of such chemical,

(2) in the manufacture or attempted manufacture of a controlled substance, or with the knowledge or intent that such listed chemical will be used in the illegal manufacture of a controlled substance, including but not limited to the clandestine laboratory setting,

(3)(A) in violation of --

(i) 42 U.S.C. § 6928(d) or (e) (handling hazardous wastes in a manner inconsistent with federal or applicable state law) or 42 U.S.C. § 6928(e);

(ii) 42 U.S.C. § 9603(b) (failure to notify the National Response Center established under the Federal Water Pollution Control Act [33 U.S.C. § 1251 et seq.], of a reportable release, other than a federally permitted release, of a hazardous substance from a facility or vessel);

(iii) 33 U.S.C. § 1319(c)(2) and (3) (discharge of pollutants in violation of the Federal Water Pollution Control Act [33 U.S.C. § 1251 et seq.]; or

(iv) 49 U.S.C. § 5124 (knowing or willful violations of laws and regulations enforced by the Department of Transportation with respect to transportation of hazardous material); or

(B) in any manner posing an imminent danger to the health and safety of another person, including any law enforcement official lawfully present at the site.

(b) **Penalties.** (1) A person who violates this section shall be subject to a fine up to \$250,000 and shall be sentenced to the greater of:

(A) imprisonment for two to four years; or

(B) in the case of knowing endangerment, as set forth under 42 U.S.C. § 6928(e) and 33 U.S.C. § 1319(c)(3), imprisonment for five to fifteen years; or

(C) if death or serious bodily injury results from the person's handling of listed chemicals in violation of this section, imprisonment for ten to fifteen years; or

(D) if after a prior conviction for a felony drug offense, including an offense under this section, twice the penalty otherwise applicable in (1)(A), (B) or (C) of this subsection.

(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment, including that imposed for the manufacture or attempted manufacture of controlled substances for which listed chemicals were used in violation of this section.

(3) This section is not intended to preclude prosecution under the environmental and transportation provisions cited herein, or under any other law.

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DAC
STAFF

THE WHITE HOUSE
WASHINGTON

February 5, 1996

MEMORANDUM FOR DISTRIBUTION

FROM: KITTY HIGGINS

**SUBJECT: SUMMARY OF CABINET DAILY ACTIVITIES
FEBRUARY 5--MARCH 3, 1996**

Week of February 5-11, 1996

TREASURY--Waco Report: It is expected that a draft of the House Waco report will be made available to House Democratic staff this week or next. Once the draft is available, Treasury's Office of Enforcement will have two weeks to work with the staff to formulate minority views which will become part of the report.

INTERIOR--Upcoming Travel: This week, Secretary Babbitt will travel to Memphis, TN to address the International Waterfowl Symposium sponsored by Ducks Unlimited. He will also be in FL touring the Big Cypress National Preserve with South Florida reporters, as well as in TX with stops in Dallas, Galveston Bay and Corpus Christi where he will highlight the Clean Water Act and the Endangered Species Act.

USDA--New Zealand/Australia Mission To Promote U.S. Trade Perspective:
On February 2-11, Deputy Secretary Rominger will travel to New Zealand and Australia to discuss pending agricultural trade issues with government officials. The focal point of the mission will be an address at the international agricultural outlook conference in Canberra, Australia.

COMMERCE--Economic Indicators: The following economic indicators are due to come out over the next two weeks: U.S. International Trade (2/7); the Third Quarter State Personal Income (2/15); the Manufacturers' Shipments, Inventories and Orders--11-12/95 (2/15); Wholesale Trade--12/95 (2/15); Value of New Construction Put in Place--11-12/95 (2/16); and Fourth Quarter Gross Domestic Product and Housing Stats (2/23).

LABOR--Roundtable on Corporate Responsibility: Secretary Reich will host a roundtable discussion sponsored by *Harper's* magazine on corporate responsibility this week.

LABOR--Flood relief grant for Pennsylvania: The flood relief grant for PA that will

provide temporary jobs to 680 workers dislocated by the January floods is still pending. Labor staff is currently coordinating with Cabinet Affairs regarding the announcement of this grant next week.

LABOR--New York City Strike: This strike continues with 30,000 cleaners, porters, and elevator operators, represented by the Service Employees International Union, posed against the employer group representing owners and managers of about 1,000 New York City office buildings. The stoppage began on January 4th, after the union's bargaining committee rejected a "final" offer from the Realty Advisory Board, the industry group.

HHS--HHS May Approve Welfare Proposals for NC, LA, MS and UT: North Carolina's *Work First Program*, which HHS may approve next week, includes provisions that would establish a family cap, time-limit benefits, and would require minor parents to live at home or in other adult-supervised settings and to attend school. Louisiana's *Individual Responsibility Project* would limit AFDC benefits, require each child to attend school and be immunized and apply full family sanctions where the parent has declined or refused an opportunity for full-time employment, without good cause. Mississippi's proposal amends a component of the previously approved *New Direction Demonstration Project*, currently operating in six counties. Utah also has proposed amendments to its current statewide welfare demonstration, the *Single Parent Employment Demonstration Program*. The new project would exclude the value of a vehicle for AFDC recipient families, including those also receiving Food Stamps. NC and LA would become the 36th and 37th states to receive welfare waivers. With the new proposals from MS and UT, which may be approved within the next few weeks, HHS will have approved a total of 54 welfare demonstration projects.

HHS--Record IRS Collections for Delinquent Child Support: In the next few days, Secretary Shalala will report that a record of over \$828 million in delinquent child support was collected from federal income tax refunds for tax year 1994. The amount was nearly 18% higher than the previous year, and over 1.2 million families benefitted from this critical support. The Clinton Administration has also taken executive action to make the federal government a model employer in child support collections, increase paternity establishment and improve collection of support from parents who move from state to state. Overall, federal child support collections have increased from \$7 billion in 1991 to an estimated \$11 billion in 1995.

DOT--International Aviation: A third round of air cargo talks with Japan is scheduled to take place February 5-7 in Tokyo.

ENERGY--Meeting with Senator Baucus: Secretary O' Leary will meet with Senator Baucus this week to discuss the potential privatization of an Energy Department facility in Butte, MO.

VA--Excessive Discount Points Being Charged by Some Lenders: VA plans to announce this week that the Department is developing regulations to guard against excessive discount points that veterans are being charged by some lenders when refinancing VA-guaranteed home loans. In recent weeks, VA has detected instances in which as many as seven discount

points were being rolled into loans. The result is that some veterans may not be getting the full benefit of reducing the interest rate and may even be increasing their monthly payments. There has been media interest in this situation and VA's resulting policy directive.

USTR--WTO Dispute with Japan: USTR's Office of Monitoring and Enforcement continues preparations for the initiation of a WTO dispute settlement proceeding against Japan for its non-compliance with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs).

ONDCP--Key Department News: Press coverage continues on the designation of General Barry McCaffrey as the new director of ONDCP. Briefings this week with the Senate Judiciary Committee as well as Cabinet Members are ongoing with General McCaffrey.

OPM--Hatch Act: Director King is scheduled to testify before a hearing of the Senate Governmental Affairs Committee on a possible revision to the Hatch Act reforms of 1993 which would amend the ban on political recommendations for civil service personnel actions.

USIA--Travel: A delegation led by Senator Mike Dewine (R-OH) and including Senators Graham (D-FL) and Bryan (R-NV) will visit Chile and Peru. In Chile, they will have briefings on the Chilean pension plan and counter narcotics initiatives. USIS posts are arranging press support and background materials for the group.

Monday, February 5, 1996

JUSTICE--Address ABA House of Delegates: Attorney General Reno will travel to Baltimore, MD to address the ABA House of Delegates.

LABOR--Yale University Strike: Some 3,100 clerical, technical, and service workers at Yale University have authorized a strike to begin today if a new agreement is not concluded. The workers are represented by two locals of the Hotel Employees and Restaurant Employees International Union. The prior agreements expired January 19th; however, the contracts were extended until February 5th. Negotiations are continuing.

USDA--Address Maryland Agriculture Breakfast: Secretary Glickman will address the annual Maryland Agriculture Breakfast in Waldorf, MA with Representative Hoyer.

HHS--National Commission on Working Women Breakfast: Secretary Shalala will attend the breakfast hosted by the National Commission on Working Women (NCWW). NCWW is honoring Mrs. Clinton in her role as the Honorary Chair of the U.S. Delegation to the U.N. Fourth World Conference on Women.

DOT--National Airport Radar Dedication Ceremony: Secretary Pena will attend a dedication ceremony at National Airport for the DCA Terminal Doppler Weather Radar. Members of Congress from the local area have been invited to attend.

EDUCATION--Vermont Trip: Secretary Riley and the Deputy Secretary will participate

with Senator Jeffords in the Vermont Education Summit, to be held today in Burlington, VT. They also plan to visit a local elementary school.

EPA--Connecticut Trip: Administrator Browner will travel to Stratford, CT to tour the Raymark superfund site, conduct a press availability, and meet with local representatives. Senator Christopher Dodd (D-CT) and Congresswoman Rose DeLauro (D-CT) will accompany her. The Administrator will then travel to New Haven where she will meet with environmentalists and later with an editorial board.

Tuesday, February 6, 1996

TREASURY--AARP Legislative Council Meeting: Secretary Rubin will address the annual meeting of the AARP Legislative Council today.

JUSTICE--Senate Committee to Hold Hearing on "English as Official Language": The Senate Governmental Affairs Committee has scheduled a hearing on English as the official language for today.

INTERIOR--Senate Hearing on Trends in Public Land Management: Today, Secretary Babbitt will be testifying before the Senate Energy and National Resources Subcommittee on Oversight and Investigations on the trends in public land management. The Secretary's testimony will expand on the importance of the national parks to include the importance of wildlife refuges, wilderness and grazing lands. His testimony will also respond to a series of legislative proposals which seek to curtail or divest public lands.

LABOR--Speech at George Washington University: Secretary Reich will address the George Washington University School of Business and Public Management in conjunction with the 175th anniversary of the University. The Secretary's remarks will focus on the decline of government support for working Americans and the need for corporations to accept greater responsibility for their workers.

HHS--Use of Welfare Programs by Immigrants: The Senate Judiciary Subcommittee on Immigration will hold a hearing on the use of SSI and other welfare benefits by immigrants.

HUD--Press Roundtable: Secretary Cisneros will host a press roundtable with African-American reporters on budget, State of the Union themes, and the HUD Blueprint II.

EDUCATION--Capitol Rally: Secretary Riley is tentatively scheduled to speak at rally to be held at the Capitol by the National School Boards Association today.

GSA--Speeches in Utah: Administrator Johnson will deliver a speech at the University of Utah today.

SSA--Hearing on Supplemental Security Income: The Senate Judiciary Committee's Subcommittee on Immigration, will hold a hearing on the Supplemental Security Income (SSI) program. The hearing will focus on eligibility rules for immigration/non-citizens. The

SSA has been invited to testify on a panel with representatives from the HHS and GSA.

Wednesday, February 7, 1996

TREASURY--Presentation of Olympic Coins: Secretary Rubin will attend an event at the White House to present Olympic coins to the President today.

JUSTICE--Crime Subcommittee to Hold Hearing on Independent Counsel: The Crime Subcommittee of the House Judiciary Committee will hold an oversight hearing on the Independent Counsel as early as today.

USDA--Addresses in Nevada: Secretary Glickman will address both the National Association of Conservation Districts and the National Association of Wheat Growers at their national conventions in Nevada today and tomorrow.

HUD--Cisneros Announces Innovative Partnership with City of New Orleans and Local Universities on Management of Troubled Housing Authority: The Secretary will join Mayor Morial today in New Orleans to announce a new partnership to turn around the troubled housing authority (HANO).

EDUCATION--White House Participation in Education Conferences: Secretary Riley will join the President today at the annual meeting of the National Association of Independent Colleges and Universities.

Thursday, February 8, 1996

TREASURY--Testimony on Debt Limit: Secretary Rubin and Chairman Greenspan will testify before the House Banking Committee on debt limit.

HHS--New Member of President's Council on Physical Fitness and Sports: Secretary Shalala will swear in former Buffalo Bill's quarterback Jim Kelly as the newest member of the President's Council on Physical Fitness and Sports.

HUD--Secretary Cisneros Announces Highest Homeownership Rate Since 1981: Today, Secretary Cisneros will announce that this year's fourth quarter homeownership rate of 65.1% is the highest rate in 15 years. The rate means that 1.4 million additional people have become homeowners since the end of 1994. The fourth quarter report from the Census Bureau also shows a large increase in the number of minorities and working families that have become homeowners since last year.

DOT--1996 Aviation Safety Plan: A media event is set for today to announce the release of the aviation safety plan for 1996. The plan, a product of an ongoing partnership among industry, labor, and government, will define safety priorities and recommend actions.

OPM--Donation of Surplus Computers: Director King will complete the donation of 180 surplus personal computers and some photography equipment to the D.C. schools at an event at Lincoln

Middle School. Students will repair the equipment for use in the public school system. D.C. School Superintendent Franklin Smith will accept the donation on behalf of the school system. Director King's remarks will stress that this is part of the Clinton Administration's policy of reaching out to work with communities to increase opportunities for young people. OPM is seeking coverage from the local and specialty media.

Friday, February 9, 1996

TREASURY--Travel to Pittsburgh: Secretary Rubin will travel to Pittsburgh to attend a event for Representative Coyne.

ENERGY--Speech to the Students of Historically Black Colleges and Universities: Secretary O'Leary will speak to students of Historically Black Colleges and Universities today. She is committed to the Democratic National Committee to work to activate this group of voters. The Secretary's speech will focus on Administration support of our Black colleges and universities. Secretary Cisneros will also address this group at their annual conference at Hampton University.

SSA--First Meeting of the Social Security Advisory Board: At the request of Chairman Harlan Mathews, Commissioner Chater will meet with the Social Security Advisory Board at its first meeting in Baltimore, MD. The Commissioner will provide the Board with a status report on the Agency and her goals for the future.

Week of February 12-17, 1996

COMMERCE--Travel Preparations Continue: Preparations continue for Secretary Brown's Business Development Mission to Sub-Saharan Africa, tentatively scheduled for February 17-25, 1996; and also for his mission to Latin America (Nicaragua, Colombia and Panama), tentatively scheduled for March 1996.

EDUCATION--Midwest Visits: Secretary Riley will travel February 12 - 14 to Indiana and Illinois. He is scheduled to participate in events with Congressmen Lee Hamilton, Jerry Costello, Tim Roemer, and Glenn Poshard.

Tuesday, February 13, 1996

JUSTICE--Address DEA Law Enforcement Conference: Attorney General Reno will address the DEA Law Enforcement Conference regarding methamphetamine use today in Arlington VA.

USDA--Address the Second Annual Institute for Public Affairs--Orthodox Union: Secretary Glickman will travel to New York to address the second annual Institute for Public Affairs--Orthodox Union today.

Wednesday, February 14, 1996

COMMERCE--Confirmation Hearing: A confirmation hearing for ITA Under Secretary designate

Stuart Eisenstat before the Senate Finance Committee has been scheduled for today.

DOT--Public Meeting on Chrysler Seat-Belt Anchorage Failure: The National Highway Traffic Safety Administration (NHTSA) will hold a public meeting today in Washington D.C., regarding its initial decision of January 23 that more than 91,000 Model Year 1995 Chrysler Cirrus and Dodge Stratus passenger cars manufactured before May 15, 1995 do not meet its safety standard for rear seat-belt anchorage strength. The meeting will allow the public to submit additional information, views, and arguments on the issue.

Friday, February 16, 1996

DOT--Travel to Florida: Secretary Pena will travel to Jacksonville and Miami for a DNC event and fundraiser.

Monday, February 19, 1996

USDA--Travel to Idaho: Secretary Glickman will travel to Idaho to tour the Boise Fire Center as well as address the Idaho Agriculture Summit and Boise City Club today and tomorrow.

Wednesday, February 21, 1996

JUSTICE--Address to American Academy of Forensic Science: Attorney General Reno will travel to Tennessee to address the American Academy of Forensic Science.

USDA--Annual Outlook Forum: Secretary Glickman will address USDA's annual Outlook Forum, in Washington D.C.

DOT--Trip to Northern California: Secretary Pena will be in Northern California through February 23.

ENERGY--Press Conference on Openness: Secretary O'Leary will conduct a press conference on openness issues. The Department of Energy will review its successes in exposing past government-sponsored radiation experiments, nuclear weapons tests, and the quantity of weapons grade materials that had been held in secret. At this press conference, Secretary O'Leary will put forth new initiatives such as changing the presumption of whether documents should be classified, complying with the President's Executive Order on declassification, and quantifying past foreign acquisitions and transfers of plutonium.

Thursday, February 22, 1996

USDA--USA Rice Federation: Secretary Glickman will address the USA Rice Federation in Washington D.C.

EDUCATION--Chicago Speech: Secretary Riley will speak at the meeting of the Illinois Education Association in Chicago.

Friday, February 23, 1996

JUSTICE--Address to National Resource Board Meeting: Attorney General Reno make an address regarding the COPS to the National Resource Board Meeting.

USDA--Travel to Kansas: Secretary Glickman will travel to Kansas to address the Kansas Farmers Union Forum.

Week of February 26-March 3, 1996

TREASURY--FY 1997 Treasury Postal Appropriations: The House Treasury Postal Appropriations Subcommittee is in the process of scheduling its FY 1997 hearings on the Treasury budget. Hearings will begin the first week in March and run through the end of the month. Senate hearings will follow in April.

Monday, February 26, 1996

USDA--National Association of State Departments of Agriculture Meeting: Secretary Glickman will address the National Association of State Departments of Agriculture meeting in Washington D.C.

Wednesday, February 28, 1996

COMMERCE--Plan for 2000 Census: Under Secretary Ehrlich and Census Director Riche will join Secretary Brown in presenting the plan for the 2000 Census at a half-day town hall meeting at the Department of Commerce. Census stakeholders have been invited to attend this major event, and significant press coverage is anticipated.

EDUCATION--State of American Education Address: Secretary Riley will deliver the annual State of American Education address in St. Louis, MO.

USIA--Remarks at Fulbright's 50th Anniversary Ceremony: Director Duffey will make remarks at Fulbright's 50th Anniversary First-Day Issue Stamp Ceremony at the University of Arkansas.

Friday, March 1, 1996

JUSTICE--Congress Requests Department to Prepare Report on Crime on Federal Public Lands: This report is due today. Pursuant to the request, the Director of Investigative Agencies Policy (DIAP), has convened an interagency working group including the FBI, DEA, BLM, Forest Service, and Park Service. Representatives of the Environment and Natural Resources Division attended the first meeting on January 23, 1996, and provided information to the working group on the Department's response to the County Supremacy Movement.

GSA--Administrator Johnson to Resign: Administrator Johnson announced his resignation effective today.



U. S. Department of Justice

Washington, D.C. 20530

FACSIMILE COVER SHEET

TO: Dennis Burke

FROM: Nicholas M. Gess
Director
Public Liaison and Intergovernmental Affairs
TELEPHONE: (202) 514-3465
FACSIMILE: (202) 514-2504

DATE: February 12, 1996

SUBJECT: AG Meth Speech

PAGES: (Including this cover sheet)

REMARKS: Dennis - Thanks for your help. Attached isn't perfect, but it's a long way from where we started. Particularly grateful becs. it was a Saturday afternoon you gave up to help. Nick

N.M. GESS

2/11/96-11:00 PM

**REMARKS OF THE ATTORNEY GENERAL
DRUG ENFORCEMENT ADMINISTRATION
ENFORCEMENT CONFERENCE**

**Arlington, Virginia
February 13, 1996**

I am so pleased to be back here with my colleagues in state and local law enforcement. Some of the strongest friendships I made in 15 years as State's Attorney in Dade County, Florida, were with men and women on the front lines of law enforcement. I miss that contact here in Washington and it reinvigorates me to be back among you.

This has been a tough year for law enforcement. You have been abused by politicians, you have been vilified for enforcing the law. I want you to leave this place today with the certain knowledge that this Administration, this Justice Department, views law enforcement as the true heroes which you are.

Heroes, however, don't get to rest on their laurels for long. We've got another problem and America looks to you to solve it. Methamphetamine or "speed" manufacturing, distribution and use is on the rise at an alarming rate. Your successes in dismantling the Cali Cartel, in eradicating illegal cash crops of marijuana, of putting crack dealers in jail for long sentences, faces a new challenge.

However, this is a challenge which you don't face alone -- President Clinton and I join you in meeting it. This problem comes as no surprise to me. When I came to Washington, I predicted that the long-term criminal justice which America would face would come from its young people. I didn't come here to tell you that, "I

N.M. GESS

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told you so," I came here to tell you that we have, do and will help.

Indeed, crime is down across America. Murders and other crimes are down at particularly heartening rates. That's due in part to the success of community policing. Community policing means that law enforcement has to work with individuals and groups which it hasn't worked with very well in the past. But, everywhere I travel, even those who approached this new concept -- which is really a very old concept, the "cop on the beat" -- with some trepidation, have embraced it. That's because it works.

And we want to make it work much, much more. In 1993, President Clinton pledged to put 100,000 new community policing officers on America's streets. That's approximately an 18% increase in the strength of state and local law enforcement. On September 13, 1994, after 6 long years of partisan wrangling, Congress presented the President with a bipartisan Crime Act which accomplished just what he asked Congress to do.

We all know that laws are easy to make, but harder to implement. There were many who said that we'd be lucky to put 15-20,000 new police officers on the street during the 6-year life of the new program which all of you know is called Community Oriented Policing Services or COPS.

We've proved the cynics, the bureaucrats and the special interests wrong. In the first year of the program, we've funded more than 25,000 new police officers. That means we're 1/4 of the way to the goal line in 1/6 of the time. I never doubted

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that we'd make it. Implementing this program was going to be tough and just as fighting the war on drugs means that we've brought in tough and experienced leaders from state and local law enforcement officer such as Tom Constantine here at DEA and Eddie Gonzalez over at the Marshals Service, we brought in an experienced and committed local chief of police from California -- Joe Brann -- to serve as America's "top cop".

Joe and his team of professionals over at the COPS office have done what they said couldn't be done. They set an example for all of us to follow. They've helped your communities and they are getting you the backup you need to get the job done.

At the same time, we face a particular challenge. While I am so pleased that crime rates are down generally, they are rising at an alarming rate among young people. Combine the population increase among young people with the increasing violence and you've got a potent and explosive mixture indeed.

Drugs aren't the only reason for this increase, but we know that they are a substantial part of it. What's the ideal drug for a young person who just doesn't care? Well, let's look for one which is easy to manufacture, is made from ingredients which are mostly lawfully manufactured and lawfully sold, is cheap, is hard to detect and gives a good strong high.

A drug marketing whiz couldn't have done better to describe methamphetamine. I hear about it wherever I travel. I look at my long-range

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schedule and the invitations which I receive from across the country. I look at my notes from meetings with law enforcement I try to have wherever I travel. I keep seeing the word methamphetamine. I keep seeing the word "gangs" and I keep seeing the word, "illegal aliens".

Deaths from methamphetamine have tripled, emergency room admissions for methamphetamine-related incidents have tripled and the price keeps dropping. Just a few weeks ago, two young children died when the trailer in which their folks were manufacturing speed caught fire and exploded. Across America, responsible kids, their parents, their teachers and other community leaders tell us that we face a problem as severe as that we now face from crack in the inner city.

I want to help solve problems. The way we do that is to identify what does work and what does not work. When something works, we need to spread the good word. There's no reason for someone in Wheeling to reinvent a wheel which has already been designed in Ottumwa. At the same time, we also must identify what does not work.

There's no shame in experimentation. There's no shame in trying things which don't work. But when they don't work, let's not waste more time elsewhere. In Wheeling you need to know it didn't work in Ottumwa so you don't waste your time with it.

That's why conferences such as this are so important. They give you a chance to talk, to exchange ideas and to put a name to a face. They spread the

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We can give you the tools, but tools don't build houses, people build them. We're well on the way toward giving you 100,000 new police officers, the 18% increase law enforcement tells us it needs.

The Crime Act also contains a ban on 19 assault weapons which serve only to kill and to maim, while protecting over 600 sporting weapons which America's hunters can use at their leisure. That's so important, because law enforcement deserves a fighting chance. Over 36% of the law enforcement officers killed with firearms are killed with now banned assault weapons. Just think how many of our colleagues could be here today if we'd had that ban years earlier. Just think how much shorter the annual memorial service for those killed in the line of duty would be if it weren't for those weapons.

We've also asked for a larger increase in Byrne Grant funding for state and local task force efforts than anybody else in history. These grants -- the lifeblood of drug task forces around the country -- may grow by as much as 25% this year alone.

But that's not enough. You are police officers and you know what the police need. We can't seriously talk about putting violent offenders away without the possibility of parole unless we give states a place to put these people. We're ready to fund prisons for serious violent offenders as long as your state gets rid of "revolving door" policies which make a mockery of seemingly tough sentences.

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But even that's not enough. Experienced law enforcement officers know that the best solution to crime is to prevent it from happening in the first place. I've been mocked as a social worker for advocating after-school programs to keep kids off the streets, but let me tell you as one social worker who has approved more death penalty offenses than almost any other prosecutor in America, those after school programs are designed by experienced law enforcement officers.

Law enforcement tells me America needs prevention programs and you are right.

All of this is on the line. We might not get out of the starting gate. There are attacks on the COPS program from local bureaucrats who aren't content with a flexible program which funds police officers, civilians to help put officers back on the street where they belong and technology such as laptops which keeps law enforcement up-to-date. They want to replace a program which uses a one-page grant application with one which will keep them in business.

The budget impasse means that although we've asked for \$1.9 billion for this fiscal year to fund the COPS program, we're working on just over \$800 million now. That's less than 1/2 of what we've asked for, what America needs.

At the same time, Byrne grants are taking a terrible hit. We can only release a percentage of the money and whatever we do will help.

These are all great tools, but as I said earlier, tools don't build houses, people do. We've taken those tools and put together an anti-violent crime initiative with

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That's the kind of cooperation we need, that's what America wants. Remember, we spend all too much time worrying about whether our badges say "Federal agent", "Deputy Sheriff" or "Patrol Officer". The public doesn't care what the badge says. The public just wants the job done.

While I am pleased to be back amongst line law enforcement officers, I am distressed that we need to have this conference at all. Again, America faces the scourge of an emergent drug which threatens the fabric of our society and which poses new challenges for all levels of government at the very time when resources are tightest.

Let me start by saying that I am proudest when I see law enforcement coming together to develop solutions, to determine what works and what does not work.

Today, I call on law enforcement in America to come together and within 30 days report back to me with a strategy to attack methamphetamine. Those of you who work for the Justice Department should consider this an order. For those of you who work for other Federal agencies or for state and local law enforcement, this is a request for assistance.

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Times are tight and new resources aren't available. We must work with what we have - the hand we've been dealt. We've done it before, we can do it now and we'll do it again the future.

We need action and I challenge you to use the knowledge which you bring to the table to solve this terrible affliction.

Methamphetamine poses special problems for us. First, it's easy to make. What we call a clandestine laboratory is hardly the image we think of when we conceive of a chemical company. A shack in the woods with some pots and pans and assorted tubes and a Bunsen burner will do the trick quite nicely. Sure, the process stinks, but that's the beauty of rural areas. No next door neighbors to tell you when you've burnt a pot roast, also means that you can make speed without fear of routine detection.

Second, it's cheap to make and cheap to buy. Cocaine poses its own range of problems, but fortunately it's expensive. Now that may drive many to commit property crimes, but at least it drives them above ground.

Third, since it can be made locally, there's no sophisticated organization required to distribute it. We've been successful in the past year in taking large chunks out of the Cali Cartel, responsible for so much of Colombia's cocaine. However, it doesn't take the Cali Cartel to manufacture this poison. This means that traditional investigative devices such as financial, tax and electronic surveillance may help, but won't necessarily pinpoint a dealer.

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Fourth, rogue chemical companies sell quantities of precursors which -- in their heart of hearts they must know will be used unlawfully -- but which the law doesn't itself reach. It's all too easy to slap regulations on, but when a substance has a lawful use, we've got to be concerned that over-regulation may drive legitimate business out of business, costing us needed jobs.

We need to be proactive in this battle as we need to be proactive in all our law enforcement battles. Sure, if we sit back and throw money at a problem, we'll see some results, but we won't get to the root of the problem. At the same time, we are a government of laws. We are a democracy operating within a republic and under a Constitution of which there is none finer.

It's all too easy to say that we've got a problem and that we need to sacrifice individual liberties for the common good. That won't work. History teaches us that. From the burning of the Reichstag to the coup in Niger last week, the hypocrisy of saying that we need to take away rights to protect citizens rings false.

But, we don't need to sacrifice individual liberties to do our jobs. We've done a lot to give law enforcement the tools it needs to work. Some of them are:

1. Grand Jury - We can obtain almost any kind of record known to mankind in a secret proceeding;
2. Electronic Surveillance - We can maintain court-ordered wiretaps, position-monitoring devices, trap and trace and pen registers. We have access to satellite technology and infrared imaging, all under the appropriately watchful eyes

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of a neutral judiciary.

3. Witness Protection - We can offer those who cooperate lower sentences -- sometimes below otherwise minima specified by statute or sentencing guidelines. We can offer those who cooperate a new identity and a new home. We can offer rewards under appropriate controls.

4. Technology - I know that 10 years ago, agents compiled telephone connection charts by writing down numbers from phone bills on index cards. I know that tracking an average user's long distance traffic for 3 months could take a day. Now, with electronic data transmission, data bases and charting software, we can have useful printouts in virtually real-time as opposed to the 12-18 months we had to wait in the past.

5. International - Speed like other problems neither begins nor ends within our borders. The Commonwealth of civilized nations must abhor what is wrong as much as we do. I have devoted myself to working to develop a good relationship with Mexican law enforcement. I know that there's a long way to go. I know that corruption and infighting are a problem and I know that there's a lot of mistrust. The specter of the murder of Kiki Camarena lives on as it should. But, that doesn't mean that we can't work to make this a better place.

6. Immigration - Most who come to our shores come for a better life and to lead lawful and peaceful existences. We should welcome them. Those who come and commit crimes should be deported or otherwise expelled forthwith. We

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need to draw a simple line in the sand. America is a land of hope and opportunity. It is the land of promise for men, woman and children of all races and national origins. But we are not a battleground to line the coffers of international criminals. We will deal harshly with those who violate our sovereignty.

7. Forfeiture - Federal law allows us to forfeit the proceeds of criminal enterprises as well as property used to facilitate these narcotics enterprises. Most of the forfeited funds are returned to state and local law enforcement. Not only do we deprive drug criminals of their profits but we alleviate the burden on local taxpayers of combatting crime. We need to step up our forfeiture enforcement. Nobody deals drugs because they enjoy it or because its a good thing to do. They deal for one reason, money. If we can interdict profits, we interdict motive and we may prevent crime from occurring.

Forfeiture numbers are dropping across America and that's bad. Part of what we have to do is consider the seizure of assets an essential part of every investigation. We don't chose targets because they have money -- that's called "bounty hunting" and that's bad. However, once we have a target, we need to make sure that the target not only goes to jail, but is stripped of his/her profits. Remember, Al Capone didn't go to jail for murder, he went to jail for income tax evasion.

All of you have heard my challenge. I know America wants you to join us. Please do.



U. S. Department of Justice

Washington, D.C. 20530

FACSIMILE COVER SHEET

TO: Dennis Burke

FROM: Nicholas M. Gess
Director
Public Liaison and Intergovernmental Affairs
TELEPHONE: (202) 514-3465
FACSIMILE: (202) 514-2504

DATE: February 12, 1996

SUBJECT: Meth Speech for AG

PAGES: (Including this cover sheet)

REMARKS: Dennis, I've added in McCaffrey + drug testing
pieces to the AG's meth speech. Nick

N.M. GESS

2/12/96-11:40 AM

**REMARKS OF THE ATTORNEY GENERAL
DRUG ENFORCEMENT ADMINISTRATION
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Times are tight and new resources aren't available. We must work with what we have - the hand we've been dealt. We've done it before, we can do it now and we'll do it again the future.

We need action and I challenge you to use the knowledge which you bring to the table to solve this terrible affliction. There are two things happening which can help you in this process. First, I am so pleased that President Clinton has nominated Barry McCaffrey to serve as the Director of the Office of National Drug Control Policy -- the "Drug Czar" as we sometimes call the position. General McCaffrey is a can do person who will bring a wealth of positive thinking and knowledge to the job. We've truly hit it off well in the weeks since we first met. I am excited and look forward to working with him. I know that as many of you get to meet him, you will come to appreciate what he can do for this country.

Second, several weeks ago, President Clinton signed an Executive Order which will eventually require all Federal prosecutors to seek to have Federal defendants drug tested before a Federal judge sets bail. How can we know what kind of a danger or a flight risk a defendant poses if we don't know if s/he is abusing drugs. The President can't order states to do the same thing. That's a matter for individual Governors and state legislatures. But the President has challenged the states to implement parallel requirements and we're going to help the states do it. I am hopeful that we will have money for pilot projects across the country in the near future and money for the entire country in the long-term.

N.M. GESS

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People who use drugs are part of the problem. They are a danger and we need to know who they are. Bail conditions don't mean a thing if we don't have an enforcement mechanism to backup court-ordered release conditions. I know that this plan can help you and that the President's challenge to the states can mean a lot as part of a comprehensive methamphetamine strategy.

Methamphetamine poses special problems for us. First, it's easy to make. What we call a clandestine laboratory is hardly the image we think of when we conceive of a chemical company. A shack in the woods with some pots and pans and assorted tubes and a Bunsen burner will do the trick quite nicely. Sure, the process stinks, but that's the beauty of rural areas. No next door neighbors to tell you when you've burnt a pot roast, also means that you can make speed without fear of routine detection.

Second, it's cheap to make and cheap to buy. Cocaine poses its own range of problems, but fortunately it's expensive. Now that may drive many to commit property crimes, but at least it drives them above ground.

Third, since it can be made locally, there's no sophisticated organization required to distribute it. We've been successful in the past year in taking large chunks out of the Cali Cartel, responsible for so much of Colombia's cocaine. However, it doesn't take the Cali Cartel to manufacture this poison. This means that traditional investigative devices such as financial, tax and electronic surveillance may help, but won't necessarily pinpoint a dealer.

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Fourth, rogue chemical companies sell quantities of precursors which -- in their heart of hearts they must know will be used unlawfully -- but which the law doesn't itself reach. It's all too easy to slap regulations on, but when a substance has a lawful use, we've got to be concerned that over-regulation may drive legitimate business out of business, costing us needed jobs.

We need to be proactive in this battle as we need to be proactive in all our law enforcement battles. Sure, if we sit back and throw money at a problem, we'll see some results, but we won't get to the root of the problem. At the same time, we are a government of laws. We are a democracy operating within a republic and under a Constitution of which there is none finer.

It's all too easy to say that we've got a problem and that we need to sacrifice individual liberties for the common good. That won't work. History teaches us that. From the burning of the Reichstag to the coup in Niger last week, the hypocrisy of saying that we need to take away rights to protect citizens rings false.

But, we don't need to sacrifice individual liberties to do our jobs. We've done a lot to give law enforcement the tools it needs to work. Some of them are:

1. Grand Jury - We can obtain almost any kind of record known to mankind in a secret proceeding;
2. Electronic Surveillance - We can maintain court-ordered wiretaps, position-monitoring devices, trap and trace and pen registers. We have access to satellite technology and infrared imaging, all under the appropriately watchful eyes

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of a neutral judiciary.

3. Witness Protection - We can offer those who cooperate lower sentences -- sometimes below otherwise minima specified by statute or sentencing guidelines. We can offer those who cooperate a new identity and a new home. We can offer rewards under appropriate controls.

4. Technology - I know that 10 years ago, agents compiled telephone connection charts by writing down numbers from phone bills on index cards. I know that tracking an average user's long distance traffic for 3 months could take a day. Now, with electronic data transmission, data bases and charting software, we can have useful printouts in virtually real-time as opposed to the 12-18 months we had to wait in the past.

5. International - Speed like other problems neither begins nor ends within our borders. The Commonwealth of civilized nations must abhor what is wrong as much as we do. I have devoted myself to working to develop a good relationship with Mexican law enforcement. I know that there's a long way to go. I know that corruption and infighting are a problem and I know that there's a lot of mistrust. The specter of the murder of Kiki Camarena lives on as it should. But, that doesn't mean that we can't work to make this a better place.

6. Immigration - Most who come to our shores come for a better life and to lead lawful and peaceful existences. We should welcome them. Those who come and commit crimes should be deported or otherwise expelled forthwith. We

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need to draw a simple line in the sand. America is a land of hope and opportunity. It is the land of promise for men, woman and children of all races and national origins. But we are not a battleground to line the coffers of international criminals. We will deal harshly with those who violate our sovereignty.

7. Forfeiture - Federal law allows us to forfeit the proceeds of criminal enterprises as well as property used to facilitate these narcotics enterprises. Most of the forfeited funds are returned to state and local law enforcement. Not only do we deprive drug criminals of their profits but we alleviate the burden on local taxpayers of combatting crime. We need to step up our forfeiture enforcement. Nobody deals drugs because they enjoy it or because its a good thing to do. They deal for one reason, money. If we can interdict profits, we interdict motive and we may prevent crime from occurring.

Forfeiture numbers are dropping across America and that's bad. Part of what we have to do is consider the seizure of assets an essential part of every investigation. We don't chose targets because they have money -- that's called "bounty hunting" and that's bad. However, once we have a target, we need to make sure that the target not only goes to jail, but is stripped of his/her profits. Remember, Al Capone didn't go to jail for murder, he went to jail for income tax evasion.

All of you have heard my challenge. I know America wants you to join us. Please do.