

CRS Report for Congress

Drug Control Law and Legislation: Selected References, 1988-1992

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DRUG CONTROL LAW AND LEGISLATION, SELECTED REFERENCES, 1988-1992

SUMMARY

This bibliography compiles articles and congressional reports and documents which discuss the U.S. Government's efforts through its laws to control drug abuse and the flow of drugs to and through the United States.

Sections in this bibliography list general materials on anti-drug laws, some evaluating the success of efforts; "demand-side" efforts to curb the Nation's appetite for drugs; penalties for trafficking and use, including job discrimination, eviction from public housing, seizure of profits from the trade and forfeiture, and money laundering. The section on interdiction or control of the "supply-side" of drug trafficking includes materials on use of the military, the Federal Aviation Administration, and international efforts including extradition.

Materials for this compilation have been selected from the Congressional Research Service's bibliographic data bases. Other related CRS bibliographies include:

- Drug abuse in America: selected references, 1990-1992 (92-321 L)
- Drug abuse and control: a checklist of CRS products and public policy literature of (91-423 L)
- Drug control, Federal efforts to reduce the supply: selected references, 1987-1990 (90-617 L)
- Drug abuse treatment, prevention and education: selected references, 1989-1990 (90-465 L)
- State and local initiatives to combat drug abuse and drug abuse-related crime: selected references, 1980-1989 (90-10 L)
- The drug crisis: Federal aid for crime control prevention, and treatment; selected references, 1986-1989 (90-9 L)

Congressional offices may obtain copies of items listed in this bibliography or other bibliographies listed above by calling 7-5700. All other readers should consult their local libraries.

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DRUG CONTROL LAW AND LEGISLATION: SELECTED REFERENCES, 1988-1992

I. GENERAL

Anderson, Gary M. Tollison, Robert D.

The war on drugs as antitrust regulation. Cato journal, v. 10, winter 1991: 691-701. LRS91-13928

Concludes that: "Our purpose here has been to outline some neglected 'perverse consequences' of the manner in which the War on Drugs has been 'fought.' The government imposes severe penalties on the sale and use of certain illegal intoxicants; but that same government engages in a kind of informal 'antitrust' program in the market for illegal drugs, which has the effect of increasing competition in that market and (indirectly) making more drugs available to consumers more cheaply than would otherwise be the case."

Cavanagh, Suzanne. Woldman, William F.

The Anti-Drug Abuse Act of 1988 (P.L. 100-690): reports and other executive branch actions required. July 7, 1989. Washington, Congressional Research Service, 1989. 20 p. 89-406 GOV

The Anti-Drug Abuse Act of 1988 (P.L. 100-690; 102 Stat. 4181), signed into law on November 18, 1988, contains provisions requiring reports, notifications, and other actions by the executive branch at specified times. The table that follows identifies the action required, the individual or entity required to perform it, and the time stipulations for such performances.

Compilation of selected acts within the jurisdiction of the Committee on Energy and Commerce: Food, drug, and related law. Washington, G.P.O., 1991. 553 p. LRS91-5705

At head of title: 101st Congress, 1st session, committee print, no. 102-C.

"Food, Drug, and related law, including Federal Food, Drug, and Cosmetic Act, Controlled Substances Act, Controlled Substances Import and Export Act, Narcotic Addict Rehabilitation Act of 1966, Federal Cigarette Labeling and Advertising Act, Comprehensive Smokeless Tobacco Health Education Act of 1986, Little Cigar Act of 1973."

Cotts, Cynthia.

Year of the rat. Reason, v. 24, May 1992: 38-41. LRS92-2110

States that "the informant boom can be traced to federal drug laws, a Byzantine code of penalties and rewards that gives prosecutors the leverage to coerce defendants into becoming informants. Revising these laws is the only way to end the snitch epidemic." Argues that "too often,

prosecutors recommend lenient sentences for kingpins who cooperate while throwing the book at middlemen who won't talk."

Dennis, Richard J.

Life after legalization: scenes from a post war America. Reason, v. 23, Feb. 1992: 35-39. LRS92-137

"What will life be like after drugs are legalized? No one knows for sure. Drug warriors are quick to exploit people's fear of the unknown, spreading visions of doom. Many reasonable people also seem to have dire expectations. But, in truth, we have more to fear from what we know about prohibition than from what we don't know about legalization. In the vignettes that follow, author [has] envisioned a post-legalization America where the policy questions associated with distribution have been answered somewhat differently from state to state."

Drug control: existing Federal laws and pending legislation; info pack. Washington, Congressional Research Service. Updated as needed.

IP430D

This Info Pack provides summaries of the major Federal laws passed since 1961 relating to the control of narcotics and other dangerous drugs in the United States, and tracks legislation on this issue pending in the current Congress.

Hogan, Harry. Doyle, Charles. Klebe, Edward. Perl, Raphael.

Anti-Drug Abuse Act of 1988 (H.R. 5210, 100th Congress): highlights of enacted bill. Nov. 16, 1988. Washington, Congressional Research Service, 1988. 19 p. 88-707 GOV

This report contains a digest of highlights of the omnibus anti-drug bill passed in the closing moments of the 100th Congress. The new act is a broad-scope measure containing ten titles and relating to virtually every aspect of the Federal effort to curb abuse of narcotics and other dangerous drugs.

Hogan, Harry L.

Drug control: issue brief. Regularly updated. 14 p. IB87013

The nonmedical use of narcotics and other dangerous drugs has been a national problem since the latter part of the controlling such substances has been assumed by the Federal Government. Currently embracing a broad spectrum of approaches, the Federal commitment to antidrug efforts has expanded rapidly in recent years.

Drug control: legislation in the 101st Congress; archived issue brief. Sept. 19, 1990. Washington, Congressional Research Service, 1990. 17 p. IB90095

The Federal commitment to antidrug efforts has expanded rapidly in recent years. This issue brief lists and summarizes major drug control legislation before the 101st Congress.

Drug legalization: pro and con. Aug. 8, 1988. Washington, Congressional Research Service, 1988. 19 p. 88-500 GOV

Proposals to legalize several currently prohibited drugs have renewed a recurrent debate. This report summarizes arguments that have been made, or that might reasonably be made, for and against such propositions.

National drug control strategy, 1990: discussion of selected priority highlights; companion to CRS Report 89-567 GOV (National Drug Control Strategy, 1989). Mar. 1, 1990. Washington, Congressional Research Service, 1990. 28 p. 90-122 GOV

On January 25, 1990, the White House released the second report on drug control strategy to be prepared by the Office of National Drug Control Policy; the first was issued in September 1989. This CRS report is limited generally to a discussion of the 1990 Strategy priority "highlights" about which significant policy questions might be raised and the implications of which were not explored in the earlier CRS report.

Moore, W. John.

Dissenters in the drug war. National journal, v. 21, Nov. 4, 1989: 2692-2695. LRS89-9872

Reports the views of critics of the Federal Government's antidrug policy, which they believe embraces "unrealistic goals, debatable strategy and dubious tactics."

Sterling, Eric E.

Trashing the Bill of Rights. Progressive, v. 55, July 1991: 34-38. LRS91-10800

"In its zeal to crack down on illegal narcotics, the Government has curtailed civil liberties and undermined due process, chipping away at every one of the first ten amendments to the Constitution."

Teasley, David.

Crime Control Act of 1990 (P.L. 101-647): drug-related reports and other executive branch actions required. Sept. 4, 1991. Washington, Congressional Research Service, 1991. 4 p. 91-654 GOV

The Crime Control Act of 1990 (P.L. 101-647; 104 Stat 4789), signed into law on November 29, 1990, contains provisions requiring reports, notifications, and other actions by the executive branch at specified times. This report lists actions on drug-related issues. Each action is detailed, along with the person or entity required to perform it. The specified deadline for completion of the required action is also included. An appendix lists other provisions not directly concerned with drug-related issues but which may be pertinent in a peripheral way.

U.S. Office of National Drug Control Policy.

National drug control strategy: a nation responds to drug use.

Washington, The Office, 1992. 215 p.

LRS92-183

"The is the Fourth National Drug Control Strategy, and it lays out a comprehensive plan for Federal drug control activities for Fiscal Year 1993 and beyond. The principal goal remains unchanged from the previous three Strategies: to reduce the level of illegal drug use in America." For the previous strategies, see LRS89-7553, LRS90-157, and LRS91-355.

National drug control strategy: a nation responds to drug use; budget summary. Washington, The Office, 1992. 214 p.

LRS92-182

"This document is the companion volume to the National Drug Control Strategy [LRS92-183] The first section, entitled 'Federal Funding Priorities and Resource Requirements,' also appears in the National Drug control Strategy as Appendix B. The second section, 'Agency Summaries,' provides descriptions of the FY 1993 budget requests for each of the roughly 50 agencies and accounts that make up the National Drug Control Budget. The last section, 'Additional Funding Tables,' provides additional information on funding and employment levels, including historical funding levels for 1981 through the President's request for 1993."

II. DEMAND CONTROL

Dale, Charles V.

Federally mandated drug testing of transportation workers. June 16, 1989. Washington, Congressional Research Service, 1989. 19 p.

89-384 A

This report considers recent Federal executive and congressional initiatives, and court decisions, concerning the mandatory drug testing of Federal employees and workers within federally regulated industries, mainly transportation.

Governmentally mandated drug testing of public employees: a survey of recent constitutional developments. Feb. 23, 1990. Washington, Congressional Research Service, 1990. 16 p.

90-103 A

This report analyzes judicial developments and the current state of constitutional law concerning mandatory, and random, drug testing of public employees.

Drugs in trucking. Heavy duty trucking, v. 68, Dec. 1989: 50-59; v. 69, Jan. 1990: 78-80, 85-87; Feb.: 66-69; Mar.: 80-84, 88, 90; Apr.: 120-121, 124, 126, 128, 130, 132.

LRS89-13526

Continuing series of articles by editors Tom Kelly, Deborah Whistler, and Patricia McCullough describes for operators of trucking firms the new Federal Highway Administration regulations regarding drug testing of drivers, the controversies surrounding both random and post-accident testing, tips for organizing and administering a testing program, and the growing push for alcohol testing.

Frieden, Joyce.

Drug testing: time marches on. Business & health, v. 9, June 1991: 70, 72-74.

LRS91-4940

"Testing employees for substance abuse has become old hat at many companies. But are more employers signing on? And what new tests and testing strategies are being used?"

Kyres, Catherine A.

A "cracked" image of my mother/myself? The need for a legislative directive proscribing maternal drug abuse. New England law review, v. 25, summer 1991: 1325-1361.

LRS91-5182

"This Note presents and discusses legislation which, if enacted, would specifically address the problem of maternal drug abuse."

McCallion, Gail.

Drug-testing in the workplace: an overview of private sector employee and employer interests. Apr. 24, 1992. Washington, Congressional Research Service, 1992. 11 p. 92-389 E

Increasing numbers of private sector employers have instituted employee drug-testing programs in recent years. Employers contend testing is necessary to control employee drug-abuse and its deleterious effects on workplace productivity, safety, and security. The role of Congress in private sector drug-testing has also increased with passage of legislation mandating drug-and alcohol-testing of all safety-sensitive transportation workers.

Petersen, Donald J. Massengill, Douglas.

Employer response to the Drug-Free Workplace Act of 1988: a preliminary look. Labor law journal, v. 42, Mar. 1991: 144-151.

LRS91-4250

Provides a "preliminary account of contractor reactions to the Act," based upon 181 responses to a questionnaire mailed to a random sample of firms.

Robbins, Anne.

Employment discrimination against substance abusers: the Federal response. Boston College law review, v. 33, Dec. 1991: 155-209.

LRS91-13613

"This [comment] will discuss the problem of substance abuse in employment and will explore the protections from employment discrimination available to substance abusers under both the Rehabilitation Act and the ADA."

U.S. Congress. House. Committee on Education and Labor.

Anti-Drug Education Act of 1990; report together with additional views to accompany H.R. 5124 including cost estimate of the Congressional Budget Office. Washington, G.P.O. 1990. 20 p. (Report, House, 101st Congress, 2nd session, no. 101-573)

LRS90-11087

Drug Abuse Resistance Education Act of 1990; report together with additional views to accompany H.R. 5064 including cost estimate of the Congressional Budget Office. Washington, G.P.O. 1990. 7 p. (Report, House, 101st Congress, 2nd session, no. 101-572)

LRS90-11088

U.S. Congress. House. Committee on Merchant Marine and Fisheries.

Maritime and offshore drilling industry drug testing. Hearing, 101st Congress, 2nd session on recent drug testing regulations adopted by the Department of Transportation for the maritime and offshore industry. June 26, 1990. Washington, G.P.O., 1990. 121 p. K27.M434 1990e

"Serial no. 101-101"

- U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice.
Federal Prison Substance Abuse Treatment Availability Act of 1991.
Hearing, 102nd Congress, 1st session on H.R. 548. June 6, 1991.
Washington, G.P.O., 1991. 128 p. LRS91-9043
"Serial no. 7"
- U.S. Congress. Senate. Committee on Commerce, Science, and Transportation.
Transit Employee Testing Act of 1990; report on S. 2434. Washington, G.P.O., 1990. 16 p. (Report, Senate, 101st Congress, 2nd session, no. 101-374) LRS90-9890
- U.S. Congress. Senate. Select Committee on Indian Affairs.
Indian Anti-Drug Abuse Amendments of 1991. Hearing, 102nd Congress, 1st session. May 23, 1991. Washington, G.P.O., 1991. 301 p. (Hearing, Senate, 102nd Congress, 1st session, S. Hrg. 102-212) LRS91-9082
- U.S. General Accounting Office.
ADMS block grant: drug treatment services could be improved by new accountability program; report to the chairman, Select Committee on Narcotics Abuse and Control, House of Representatives. Oct. 17, 1991. Washington, G.A.O., 1991. 18 p. LRS91-9569
"GAO/HRD-92-27, B-242828"
Reviews "(1) how states have implemented the 1988 legislative requirement to assess the quality and appropriateness of drug treatment services supported by the Alcohol, Drug Abuse and Mental Health Services (ADMS) Block Grant as specified in the Anti-Drug Abuse Act of 1988; (2) whether states are providing pertinent information for the Congress to know the effect of the federal investment in drug treatment services; and (3) how the Department of Health and Human Services's (HHS) plans to hold states more accountable for the use of ADMS funds."

III. SUPPLY CONTROL

Bryant, Leroy C.

The Posse Comitatus Act, the military, and drug interdiction: just how far can we go? Army lawyer, no. 216, Dec. 1990: 3-12. LRS90-11996

Article concludes that the Posse Comitatus Act "does not restrict the military's direct participation in civilian law enforcement outside of United States territory. Specifically, military operations to apprehend indicted drug smugglers are legal under United States law. Regular military drug interdiction operations, however, could create foreign relations problems."

Cavanagh, Suzanne.

Crime control: the Federal response; issue brief. Washington, Congressional Research Service. Updated regularly. IB90078

Congress has passed three omnibus crime control bills in the last decade. Among crime control bills pending in the 102d Congress are a number which would (1) revise Federal criminal procedures pertaining to the death penalty, habeas corpus, and the exclusionary rule; (2) impose further restrictions on firearm commerce and possession; and (3) further revise and expand programs dealing with drug control.

Crime, drug, and gun control: summary of S. 1241 (102nd Congress) as passed by the Senate. Government Division. American Law Division. July 31, 1991. Washington, Congressional Research Service, 1991. 32 p. 91-581 GOV

The report summarizes provisions of the omnibus (49 titles) crime, drug, and gun control bill passed by the Senate on July 11, 1991.

Cronin, R. Barry.

Military support to civilian law enforcement agencies. FBI law enforcement bulletin, v. 60, June 1991: 24-26. LRS91-6951

"This article provides an overview of the type of military support available to civilian law enforcement agencies. It then describes briefly the procedures for requesting military assistance, depending on the type and amount of support desired."

Dorsey, Jack.

Dramatic strides have been taken, but it is a long way from being won. Sea power, v. 35, Jan. 1992: 66-69, 72-73. LRS92-1681

"The General Accounting Office (GAO), the investigative arm of Congress, concluded in September that the military's costly drug-interdiction effort was not fazing a high-tech cocaine-smuggling industry that is driven by enormous profits. DOD has made an 'impressive' commitment to the drug war since it became the lead agency in 1989 of all federal efforts to detect and monitor drugs smuggled by air

and sea. But the cocaine supply has not been reduced, and no amount of effort by the Pentagon will bring success, the report said."

Hanchett, Karen M.

The role of the Federal Aviation Administration in the control of aviation drug-trafficking. *Journal of air law and commerce*, v. 56, summer 1991: 999-1025. LRS91-13931

"This article takes the position that the Aviation Drug-Trafficking Control Act (1984 Drug Act) and the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 (1988 Drug Act), if properly implemented, will make it more difficult and costly for drug traffickers to continue using general aviation aircraft in their operations. Ultimately, a determination of whether the legislation in and of itself produces a decline in drug smuggling may be impossible. Even if the legislation alone does not reduce the criminal activity, the administrative burdens imposed by the acts are justified. The legislation provides law enforcement agencies with an additional investigatory tool and may deter otherwise law-abiding pilots for engaging in one-shot drug smuggling flight for quick profits."

Hogan, Harry.

Crime and drug control: comparison of pending Senate and House Bills (S. 618 and H.R. 1400/S. 635). Congressional Research Service. May 17, 1991. Washington, 1991. 52 p. 91-433 GOV

The report compares provisions of two omnibus crime and drug control bills pending in the 102nd Congress: H.R. 1400/S. 635, an Administration bill, and S. 618, introduced by Senator Biden.

Crime Control Act of 1990 (P.L. 101-647): summary. Coordinated by Harry Hogan. Washington, Congressional Research Service, Jan. 11, 1991. Washington, Congressional Research Service, 1991. 25 p. 91-69 GOV

The report summarizes, title by title, the provisions of an end of the 101st Congress.

Crime, drug, and gun control: comparison of major omnibus bills of the 102nd Congress. American Law Division. Government Division. Coordinated by Harry Hogan. Revised Nov. 15, 1991. Washington, Congressional Research Service, 1991. 132 p. 91-737 GOV

The report compares significant provisions of crime, drug, and gun control legislation under consideration by the 102nd Congress. Bills included in this comparison are: S. 1241 as passed by the Senate (July 11, 1991); H.R. 3371 as passed by the House (October 22, 1991); and an Administration bill (introduced in the House as H.R. 1400 and in the Senate as S. 635).

 Crime, drug, and gun control: highlights of conference agreement on H.R. 3371, 102d Congress. Government Division. American Law Division. Coordinated by Harry Hogan, Government Division. Feb. 12, 1992. Washington, Congressional Research Service, 1992. 5 p.

92-156 GOV

On November 21, 1991, the House approved a conference agreement on H.R. 3371, an omnibus bill for crime, drug, and gun control; failure to pass a cloture motion kept the agreement pending in the Senate, where it could be called up again during the second session. This report provides brief descriptions of the highlight provisions of the agreement and identifies their provenance.

Julian, Jessica W.

Noriega: the capture of a State leader and its implications on domestic law. Air force law review, v. 34, 1991: 153-190. LRS91-7590

"This article deals with several, but not all, of the legal issues involved in the capture and trial of Noriega: the first issue is the ability of the United States to define as criminal under American law, conduct committed outside its territorial borders by a nonresident alien; the second issue is the legality of the United States using its military to execute its laws; the third issue is whether the fourth and fifth amendments apply to alien defendants captured extraterritorially."

Kallenbach, Charles.

Plomo o plata: irregular rendition as a means of gaining jurisdiction over Colombian drug kingpins. New York University journal of international law, v. 23, fall 1990: 169-216. LRS90-14441

"The war on drugs in the United States consists of two different battle plans. Some advocate use of 'supply-side' measures to inhibit the flow of drugs into the United States, while others call for 'demand-side' measures to reduce the consumption of drugs in this country. This Note will concentrate on one aspect of the supply-side attack on drugs: irregular rendition, the process of obtaining jurisdiction over drug kingpins through methods other than extradition."

Perl, Raphael F.

International narcotics control and foreign assistance certification: requirements, procedures, timetables and guidelines. Feb. 11, 1988. Washington, Congressional Research Service, 1988. 33 p. 88-130 F

Congress recently established a new procedure which links cooperation on international narcotics control by major illicit drug producing countries with their eligibility for U.S. foreign aid and, under certain circumstances, U.S. trade benefits. This process, commonly referred to as "certification," requires the President to withhold 50 percent of U.S. foreign assistance at the start of each fiscal year (October 1st) pending a determination of certification on, or after, March 1st. This report describes the process by which the President issues his determination and sets out the timetable for congressional action.

Stokdyk, Steven B.

Airborne drug trafficking deterrence: can a shutdown policy fly? UCLA law review, v. 38, June 1991: 1287-1324. LRS91-13932

"This Comment concludes that it might be possible to enact a shutdown statute that would be effective against traffickers, would conform to the requirements of domestic and international law, and would address the practical and political issues. However, the Comment will also show that objections based on the necessity, legality, and feasibility of such a statute would greatly outweigh any benefits gained from allowing the military to use force against aircraft carrying illegal drugs."

U.S. Congress. House. Committee on Public Works and Transportation. Subcommittee on Aviation.

Implementation of the FAA Drug Enforcement Assistance Act of 1988.

Hearing, 102nd Congress, 1st session. Nov. 19, 1991. Washington, G.P.O., 1992. 116 p. LRS92-3867

"102-37"

U.S. Congress. House. Committee on the Judiciary.

Omnibus Crime Control Act of 1991; report on H.R. 3371 together with additional, dissenting, and additional dissenting views including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1991. 2 v. (406, 8 p.) (Report, House, 102nd Congress, 1st session, no. 102-242, part 1-2) LRS91-12749

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice.

Use of minors in drug crimes. Hearing, 101st Congress, 1st session on H.R. 1305. July 13, 1989. Washington, G.P.O., 1990. 40 p.

KF27.J858 1989c

"Serial no. 56"

U.S. Congress. House. Committee on Merchant Marine and Fisheries.

Subcommittee on Coast Guard and Navigation.

Airborne Drug Trafficking Deterrence Act. Hearing, 101st Congress, 2nd session on H.R. 1343 and H.R. 5301. Oct. 2, 1990. Washington, G.P.O., 1991. 131 p. KF27.M434 1990f

"Serial no. 101-121"

U.S. Congress. House. Select Committee on Narcotics Abuse and Control.

Federal drug interdiction efforts. Hearing, 102nd Congress, 1st session.

June 20, 1991. Washington, G.P.O., 1991. 133 p. KF27.5.N3 1991a

"SCNAC-102-1-6"

U.S. Congress. House. Select Committee on Narcotics Abuse and Control.

Narcotic and dangerous drug control: penalties under the Controlled Substances Act and the Federal statutes. Prepared by Congressional

Research Service for the House Select Committee on Narcotics Abuse and Control; report. Washington, G.P.O., 1990. 17 p. LRS90-8296

"SNAC-101-3"

At head of title: 101st Congress, 2nd session, committee print.

"The report presents three tables outlining penalties for violation of the Controlled Substances Act and its companion statute, the Controlled Substances Import and Export Act. Additionally, it contains summaries of antidrug penalties under other statutes--including the Racketeer Influenced and Corrupt Organization provisions of the Federal criminal code.

U.S. General Accounting Office.

Drug control: implementation of the Chemical Diversion and Trafficking Act of 1988; briefing report to the Honorable Edward M. Kennedy, U.S. Senate. Apr. 3, 1991. Washington, G.A.O., 1991. 24 p. LRS91-6035

"GAO/GGD-91-56BR, B-243007"

"GAO discusses the following roles the Drug Enforcement [Administration] has assumed under the act: (1) identifying chemical companies subject to the act, (2) establishing threshold quantities that trigger the act's record-keeping and reporting requirements, (3) identifying transactions for investigation, and (4) addressing the need for international controls over chemicals used in making illegal drugs."

IV. PENALTIES

Bennett, Matthew L.

Time for a new battle plan: HUD and the drug war in public housing.
Journal of law & politics, v. 7, summer 1991: 847-878. LRS91-10144

Comment examines the Department of Housing and Urban Development's Forfeiture Project for evicting suspected drug offenders from public housing, concluding "that it is bad law and bad public policy: it is not only constitutionally suspect, it is also an unpopular and ineffective means of battling the users and dealers in the housing projects."

Booth, Frank R.

Public record and other information on hidden assets. Washington, Bureau of Justice Assistance, 1992. 22 p. (Asset forfeiture, no. 2) LRS92-3570

"As major offenders use . . . professionals and associates to oversee their investments, law enforcement agencies face major barriers in detecting and identifying the real ownership and sources of investment. There are, however, methods and sources of information available to the investigator which, if applied diligently and explored fully, can reveal these assets and investments and at least partially remove the veil of secrecy that surrounds these transactions For the purpose of this paper we will limit the nature of the hidden asset to those of real estate investment and investment in a business enterprise."

Bryant, Wanda G.

Disclosing hidden assets: plea bargains and use of the polygraph.
Washington, Bureau of Justice Assistance, 1992. 48 p. (Asset forfeiture, no. 5) LRS92-3567

"As the number of criminals involved in drug trafficking and racketeering enterprises grows, and as illegal profits and assets multiply, investigators look for additional ways to deal with the increasingly sophisticated means by which those profits and assets are concealed The essence of using the polygraph in asset plea bargaining is to establish the existence of assets through an additional means of investigation."

Doyle, Charles.

Equitable distribution and adoptive forfeiture. Nov. 5, 1990.
Washington, Congressional Research Service, 1990. 11 p. 90-538 A

Adoptive forfeiture is the procedure available in drug cases whereby Federal authorities "adopt" a State generated confiscation, use Federal procedures to forfeit the property, and transfer the confiscated property to the State or local law enforcement agency that originated the case as part of an equitable distribution. Those who favor the practice see it as

a stimulant for improved Federal-State law enforcement cooperation and an effective tool to combat the traffic in illicit drugs. Critics consider it circumvention of State law and subversion of State policy.

Gallagher, G. Patrick.

The management and disposition of seized assets. Washington, Bureau of Justice Assistance, 1992. 9 p. (Asset forfeiture, no. 3) LRS92-3569

"From March to May, 1987, the Police Executive Research Forum surveyed seven law enforcement agencies on how they manage and dispose of seized assets, and the liability issues involved in asset seizure and forfeiture."

Goldsmith, Michael.

Civil forfeiture: tracing the proceeds of narcotics trafficking.

Washington, Bureau of Justice Assistance, 1992. 29 p. (Asset forfeiture, no. 1) LRS92-3571

"This paper will provide an overview of the legal principles that must be considered in achieving successful proceeds forfeitures. It consists of four sections. Section I will review the advantages of civil forfeiture in a tracing context. Section II will review federal standards and procedures, and contrast them with selected state statutes. Section III will set forth common evidentiary factors in tracing litigation. Finally, Section IV summarizes pertinent considerations derived from net worth litigation."

Lenck, William.

Tracking drug proceeds: Bank Secrecy Act reports. Washington, Bureau of Justice Assistance, 1992. 28 p. (Asset forfeiture, no. 11)

LRS92-3561

"When large amounts of cash--whether legally earned or not--are taken to financial institutions, transactions over specified dollar levels must be recorded on government reporting forms. Federal reporting may also be triggered when large amounts of cash or monetary instruments are carried or sent into or out of the United States. Completed reporting forms are forwarded to a special program operated by the U.S. Department of the Treasury. Information from the forms is entered in a computerized data base, and can be retrieved by law enforcement personnel and others (e.g., regulatory officials) who are authorized to access it."

Maroldy, Laura M. L.

Recordkeeping and reporting in an attempt to stop the money laundering cycle: why blanket recording and reporting of wire and electronic funds transfers is not the answer. Notre Dame law review, v. 66, no. 3, 1991: 863-892. LRS91-4422

Comment argues "that the money laundering business is bigger than ever. This means that drug traffickers and other criminals still have access to their recycled and disguised profits." Includes discussion of La Mina, a drug-money laundering operation that thrived from 1986-1989.

Concludes that "the answer to the money laundering problem lies not with more blanket recording and reporting requirements, but with 'smarter,' targeted regulations, and with the encouragement of 'know your customer' policies."

Meltzer, Peter E.

Keeping money from reaching the wash cycle: a guide to the Bank Secrecy Act. Banking law journal, v. 108, May-June 1991: 230-255.

LRS91-3406

"The author describes the reporting obligations of a financial institution under the Bank Secrecy Act of 1970. He refers to the latest cases, regulations, and administrative rulings as well as to affiliated statutes such as the Money Laundering Control Act of 1986 and the Anti-Drug Abuse Act of 1988. Civil and criminal penalties for bank noncompliance are discussed as well as the issue of personal liability."

Murphy, M. Maureen.

Money laundering: Federal law and current legislative proposals. Mar. 22, 1990. Washington, Congressional Research Service, 1990. 22 p.

90-157 A

This report describes what money laundering is, what Federal efforts have been directed against it, and what current proposals Congress is considering with respect to combating it.

Schneider, Andrew. Flaherty, Mary Pat.

Presumed guilty: the law's victims in the war on drugs. Pittsburgh, Pittsburgh Press, 1991. 42 p. LRS91-12435

Reprint of a six-part series appearing daily in the Pittsburgh Press, Aug. 11-16, 1991. "A 10-month study of The Pittsburgh Press shows the Federal drug [forfeiture] law has run amok. In their zeal to curb drugs and sometimes to fill their coffers with the proceeds of what they take, local cops, federal agents and the courts have curbed innocent Americans' civil rights. From Maine to Hawaii, people who are never charged with a crime have had cars, boats, money and homes taken away. In fact, 80 percent of the people who lost property to the federal government were never charged But those goods generated \$2 billion for the police departments that took them."

Stolker, Richard S.

Financial search warrants. Washington, Bureau of Justice Assistance, 1992. 40 p. (Asset forfeiture, no. 4) LRS92-3568

"A very basic and valuable tool is available by which investigators can frequently generate the type of evidence needed to make a case against drug kingpins and heads of other criminal groups: the search warrant, and more specifically, the financial search warrant."

U.S. Congress. House. Committee on Banking, Finance and Urban Affairs. Subcommittee on Financial Institutions Supervision, Regulation and Insurance.

Money Laundering Enforcement Amendments of 1991 (H.R. 26).
Hearing, 102nd Congress, 1st session. Feb. 19, 1991. Washington,
G.P.O., 1991. 82 p. LRS91-2354
"Serial no. 102-4"

U.S. Congress. House. Committee on Banking, Finance and Urban Affairs.
Subcommittee on Financial Institutions Supervision, Regulation and
Insurance.
Money laundering legislation. Hearing, 101st Congress, 2nd session.
Mar. 8, 1990. Washington, G.P.O., 1990. 161 p. LRS90-4066
"Serial no. 101-88"

U.S. Congress. House. Select Committee on Narcotics Abuse and Control.
Narcotic and dangerous drug control: penalties under the Controlled
Substances Act and the Federal statutes. Prepared by Congressional
Research Service for the House Select Committee on Narcotics Abuse
and Control; report. Washington, G.P.O., 1990. 17 p. LRS90-8296
"SNAC-101-2-3"

A head of title: 101st Congress, 2nd sessions, committee print.

"The report presents three tables outlining penalties for violation of
the Controlled Substances Act and its companion statute, the Controlled
Substances Import and Export Act. Additionally, it contains summaries
of antidrug penalties under other statutes--including the Racketeer
Influenced and Corrupt Organization provisions of the Federal criminal
code, the Travel.

U.S. Congress. Senate. Committee on Governmental Affairs. Permanent
Subcommittee on Investigations.
Current trends in money laundering. Hearing, 102nd Congress, 2nd
session. Feb. 27, 1992. Washington, G.P.O., 1992. 461 p. (Hearing,
Senate, 102nd Congress, 2nd session, S. Hrg. 102-579) LRS92-3857

U.S. General Accounting Office.
Money laundering: the U.S. Government is responding to the problem;
report to the Chairman, Subcommittee on Terrorism, Narcotics and
International Operations, Committee on Foreign Relations, U.S. Senate.
May 16, 1991. Washington, G.A.O., 1991. 64 p. LRS91-6317
"GAO/NSIAD-91-130, B-243120"

"Progress appears to have been made in federal efforts to fight drug
laundering, although 'hard' data to prove this conclusively is lacking.
Important legislation has been enacted, resources allocated to the effort
have been increased, reporting of currency transactions has increased,
and international negotiations are leading to significant agreements.
Some problems remain, especially with regard to the resources devoted
to the fight against money laundering."

Weil, Lisa.

Drug-related evictions in public housing: Congress' addiction to a quick
fix. Yale law and policy review, v. 9, no. 1, 1991: 161-189. LRS91-4609

"Section I of this [comment] reviews the extent of the drug and crime problems plaguing public housing complexes, and traces recent congressional and administrative action to combat these problems. Section II analyzes the legal and policy shortcomings of the current drug eviction policy, focusing on the problems of standardless enforcement, vicarious liability, and excessive punishment with respect to evictions of drug dealers, drug users, and of their families." Includes discussion of the Anti-Drug Abuse Act of 1988, where "Congress enacted a provision (the 'drug-related eviction provision') requiring Public Housing Authorities (PHAs) to include in their leases a condition that explicitly makes any drug-related activity--use, possession, or trafficking--grounds for eviction."