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[April 1976]

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

DECISION

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Drug Abuse Legislation -- Pre-Trial Detention

In reviewing my memorandum of April 22 to you concerning the drug abuse message, you indicated that you wanted to include "permission to deny bail in certain circumstances" in your omnibus drug abuse bill. As you will recall, the Attorney General was opposed to advancing this proposal at this time and recommended instead that you simply express your concern about the adequacy of our pre-trial release system as it operates with regard to drug violators and direct the Department of Justice to develop recommendations in this area.

When I informed the Attorney General of your decision, he indicated that his opposition to advancing the pre-trial detention proposal at this time was based not on his personal opposition to the concept but on his belief that a better proposal than that suggested in my memorandum might be developed. He has suggested that we submit the bulk of your legislative package, including mandatory minimum prison sentences, this week but that we delay submission of the portion relating to pre-trial detention for "a week or two" to allow him time to develop a tougher bill. He asked that I raise this with you.

DECISION

_____ Approve

_____ Disapprove



(Gergen)

April 7, 1976

Mr. Cannon

REMARKS FOR LAW DAY, IRVING, TEXAS (April 9, 1976)



I want to thank you for your warm and generous welcome
and for this opportunity to speak before such a distinguished
audience.

It's always good to return to Texas.

Over the last few years, many of your finest sons and
daughters have come to Washington to serve our country -- George
Bush, Anne Armstrong, and John Conally -- the list could go on
and on. Texans make not only remarkably good public servants,
but very good ambassadors of the Lone Star State, for all of them
love to sing your praises.

Texas, they tell me, is number one in the country in many
important ways -- number one in cattle production, number one in
gas production, number one in cotton, and often number one in football.

RECEIVED
JUL 9 1976

CLERK H. F. H.

I'm delighted to see tonight that you're still number one in hospitality, too.

In observance of your law day celebrations in Irving, I thought it would be appropriate if I directed my remarks this evening to an increasingly serious problem here in Texas and elsewhere around the country -- a problem that must be aggressively attacked if we are to prevent it from becoming the number one social crisis in the United States.

As practitioners of the law, as leaders of your community and as loving parents, all of you must share my deepening concern about a new epidemic of drug abuse that is afflicting our nation.

Only a few short years ago, as you will recall, the Nation was faced with another such epidemic. Large doses of heroin were flowing

out of opium poppy fields in countries such as Turkey, from there through ports in France, and from there into the veins of young victims here in the United States.

This country mounted an active campaign against the drug threat, and with the cooperation of other law enforcement officials both here and abroad, we eventually broke the back of the "French Connection". There was good reason to be pleased, then, because it seemed we had not only turned the corner on drugs but we had also made significant inroads into street crime. For the first time in almost 20 years, the incidence of reported crime in the United States actually dropped -- an obvious result of the reduced availability of drugs.

Our success, however, did not last as long as any of us hoped.

As the illegal poppy fields disappeared in Turkey, they began reappearing



elsewhere and today there is a renewed and highly lethal flow of drug traffic back into this country.

The time has now come, I believe, for us to fight back again, sharpening the weapons in our arsenal and launching a new and more massive attack against this insidious enemy.

The cost of drug abuse to this nation today is staggering:

- More than 5,000 American citizens are thought to have died from drug-related causes last year, with most of those deaths concentrated among young people between the ages of 20 and 29.

- More than 170,000 injuries could be chalked up to drugs.

- Up to \$17 billion was spent.

- And significantly, the greatest bulk of the financial cost was money lost through crime. Law enforcement officials estimate that up to one-half of all robberies, muggings, burglaries and other

forms of property crimes are committed by addicts to support their expensive and debilitating habits.

These statistics -- as impressive as they are -- reflect only part of the tragic toll. For every teenager killed by a drug overdose, there are thousands of others who do not die but continue only the motions of living. They sit in classrooms without learning. They grow isolated from family and friends. When they should be preparing for the future, they can hardly cope with the present. And the disease is by no means limited to youth, to blacks or any other minority. Suburban housewives, workers on the assembly line, white collar professionals -- none are immune.

I pledge to you tonight that I shall spare no effort to crush the menace of drug abuse. We must be realistic. Drugs have been a part of man's culture since ancient times, and they will continue to be.

But we can and should isolate and contain their abuse, and I intend to do that.

Clearly our first defense must be directed at our own borders -- to clamp down on the flow of drugs from illegal foreign sources.

As you know, as much as 90 percent of heroin coming into the United States today comes across the border from Mexico.

The problem is not an easy one to cope with. There are as many as 15,000 small poppy fields hidden away in the mountainous terrains down along the Sierra Madre. Drug traffickers can try to smuggle their goods in any one of almost a million vehicles a week that cross through border checkpoints or aboard any one of 4000 aircrafts that illegally penetrated the border last year, or indeed, in the backpack of someone who illegally walks across the

border somewhere along its 1900 mile stretch.

Fortunately, the Mexican Government under the leadership of their fine President, Mr. Echeverria, has been increasingly responsive to our concerns and has cracked down hard on both the growers and the traffic.

With help provided by our government -- help that includes both personnel and advanced equipment -- the Mexicans are undertaking the biggest eradication program in history. An estimated _____ thousand fields will be wiped out in 1976. Many of these fields will be replanted, but for the first time, the Mexican government also plans to maintain a year-round enforcement program.

I have spoken and communicated with President Echeverria on several occasions, and members of my cabinet have been in touch

with their counterparts in Mexico. In just a few months, Mexico will have a new President, and I shall maintain active contact with him as well.

We believe and the Mexican leaders believe that if we seize this opportunity -- as we are doing -- we can break the back of the new drug invasion within ____ months. That is our goal.

But our efforts must not stop there. We must also accelerate our law enforcement efforts here in our own country.

Frankly, despite all the rhetoric of recent years, I do not believe that we have yet succeeded in making it tough enough for drug traffickers. As far as I am concerned, the people who traffick in drugs are nothing less than merchants of death and they should be put behind bars -- for a long, long time.

Yet Justice Department studies show that more than a quarter of those convicted of narcotics trafficking do not spend a single day in jail.

The extraordinary laxity that sometimes exists was illustrated just last month in Southern California when law enforcement officers arrested 31 people, most of whom were major violators responsible for heavy shipments of heroin into the U.S.

A Federal magistrate in San Bernardino let 19 of those violators out on \$500 personal recognizance bond for offenses worth 15 years in prison. All but two of the 19 had long arrest records, and one was on parole for a narcotics arrest. To his great credit, the new head of our Drug Enforcement Administration, Pete Bensinger -- who, incidentally, is off to a fine start -- intervened. Warrants were

re-issued for four of the nineteen, and bail was raised to \$10,000 for each of the others.

I believe that legal loopholes that permit traffickers to go free, preying once again on their victims, must be closed. Those who live off the misery of others must face certain misery of their own.

I have previously sent to the Congress legislation that would require mandatory minimum sentences for persons convicted of high-level trafficking in heroin and dangerous drugs. Sentences would be not less than three years for the first trafficking conviction and not less than six for the next. Moreover, judges would be empowered to deny bail to traffickers in many cases.

I regret that this legislation has become mired down in the great debate over S. 1 -- the bill that would overhaul our Federal penal code. Because we cannot afford continued delay, I am separating

out this mandatory minimum proposal and when the Congress returns from its current recess, I will resubmit it and press for urgent action.

~~Beyond the interdiction and domestic law enforcement efforts,~~

we must recognize that a third prong of our attack on drug abuse lies in prevention and treatment.

In recent years, we have made significant progress in the United States in creating a very large and strikingly successful treatment network. Today, some \$_____ million Federal funds is spent annually on treatment -- _____ more than 5 years ago. We can now treat as many as half a million drug addicts at any one time. In addition, recent studies show that the number of addicts who pick up the habit again after they have been treated has been dramatically cut -- from _____ percent to _____ percent since _____.

Encouraging progress has also been made in working with local leaders on programs of drug education and counseling. I know that the people of Dallas must take special pride in the highly innovative program that has been set up with Federal seed money and is now run by the Dallas Independent School District under Dr. Nolan Estes. This program, built on the philosophy that the drug problem is actually a people problem, has turned countless numbers away from drug abuse and has helped to rehabilitate many others. And what impresses me about this effort is that the leaders are not only concerned adults but young people themselves -- young people who have a mission in life: to save their classmates from a horrible fate. One young addict, I am told, was persuaded by his friends not only to give up drugs but to return to school and to reunite with his family. Today he is a sophomore in a local college, actively

involved in his community and dedicating his life to working with others. A small success, perhaps, but in this country let us never forget that every life is precious.

Looking over the wide range of drug efforts, it can be seen that the Federal Government must always play an essential role, mobilizing the enormous potential resources available in State and local law enforcement agencies, in State, local and private prevention efforts, and in rehabilitation services.

We are pursuing an active program now, and I plan to accelerate that program in the future. We shall step up our interdiction efforts. We shall step up our law enforcement efforts. We shall build upon a very successful study completed by my Domestic Council to strengthen and improve our overall fight against drugs. All of this and more we shall do.



But let me add this final note: in all that we do -- whether in combatting drugs, in solving the problems of our economy, or in regaining energy independence for America -- we must not rely solely upon Washington.

This country is great not because of what government has done for people, but what people have done for themselves.

I agree with the good people of this area that the drug problem is essentially a people problem. All of the resources that we devote to it in the government will be to little avail unless our people themselves rally and fight this within their own communities and especially within their own families.

History has shown many times that when there is a weakening or a tearing of the social fabric that binds together families and communities, people begin seeking alternative ways of living. There

is a flight from reality -- and one of those flights can be straight into drugs.

I am deeply concerned about the drug problem tonight because it can have such devastating and tragic consequences -- for individuals and for America. I believe that it demands of us not only our attention as a government but our compassion and our understanding as a people.

In my own family, one of my sons once tried marijuana and later he admitted it. Of course, Betty and I did not approve. But we also believed that instead of throwing him out of the house, it was our responsibility to work with him, to help him.

We have done that, just as I am sure many of you have done that with your own children.

The mysteries of growing up, of finding meaning in life are perhaps more baffling today than they were a few years ago. As adults, we cannot provide all of the answers -- but we can provide a loving and caring home, we can provide good counsel, we can build good communities in which to live, and we can show through our own example that life in these United States is still very meaningful and satisfying.

Those are high goals -- very high -- but we dare choose none other.

Thank you very much.



ASSISTANT SECRETARY

THE DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

April 9, 1976

MEMORANDUM FOR: Mr. James M. Cannon
Assistant to the President
for Domestic Affairs

Mr. Richard D. Parsons
Associate Director and Counsel
Domestic Council

FROM: David R. Macdonald
Assistant Secretary (Enforcement,
Operations, and Tariff Affairs)

SUBJECT: Briefing on "Operation Diamondback"

Attached as background for your briefing at 10:00 a.m., Monday, April 12, is Customs' summary of the proposed "Operation Diamondback." This Operation is intended to be covert, and, if it comes to the attention of the media, would probably be terminated. We believe that the Operation should proceed as scheduled.

Attachment

OS:EOTA:DRMacdonald:mln

File
Drugs
20
Falcon to Brownsville out in Gulf to Cooper Christie

MAJOR interdiction effort
to determine if narcotics come in 200 miles
150 miles
new marijuana harvest

MR 95-3, #146; Treasury Hq. 3/17/96
By [signature] NARA, Date 5/2/96

volume of contraband going out of U.S.

What kinds of narcotics were used
method

RECEIVED
JUL 29 1976
CENTRAL FILES

DECLASSIFIED
E.O. 12958 Sec. 3.6

The smuggling of narcotics and other contraband into the U.S. by land, sea and air has enveloped the entire southern border. In the past, the U.S. Customs Service has sponsored highly successful, concentrated interdiction efforts such as "Operation Star Trek" and "Operation Channelcat" to counter the smuggling threat. The latest effort, which has been under consideration for some months, is "Operation Diamondback" and will be conducted along the Rio Grande River from Falcon Dam to Brownsville, Texas. This operation will utilize the capabilities and expertise of virtually the entire federal law enforcement community.

The objectives of "Operation Diamondback" are not only to prevent the smuggling of narcotics and other contraband into the United States, but to identify smuggling routes and methods and also to prevent the illegal exportation of consumer goods, arms and monetary instruments to Mexico.

The air operation will consist of five (5) sensor (FLIR/RADAR) equipped interceptor aircraft, six (6) twin engine, three (3) single engine and one (1) helicopter support aircraft. Military (NORAD) and FAA radar will be supplemented by three Customs ground mobile radar units and one Coast Guard vessel mounted air search radar. Eighty-five (85) Customs pilots, air officers and radar operators will be dedicated to the operation. Coast Guard will supply twelve (12) radar operators. The air operation will utilize the complete Customs enforcement system in combatting illegal aircraft penetrations.

The normal Customs patrol officer force in the area of operation will be supplemented by a detail of forty (40) Customs Patrol Officers from other Customs regions. Ground sensors will be utilized to the maximum in known river crossing areas and in other locations to identify now unknown crossing points. All illegal aliens apprehended will be immediately turned over to the Immigration and Naturalization Service Border Patrol. All seized narcotics and narcotic offenders will be immediately referred to the Drug Enforcement Administration.

The sea operation will be a joint effort between the Coast Guard and Customs Patrol. The Coast Guard will move a high endurance vessel with air search radar into the Brownsville, Texas area, plus several smaller vessels and the regular three (3) boat patrol already on-site will be utilized.



Customs officers will be aboard all Coast Guard vessels as well as manning three (3) Customs vessels during the operation.

Secondary inspections at the ports of entry will be increased by detailing twenty (20) Customs Inspectors to the area, along with additional detector dogs. The increased secondary inspections will be conducted in a semi-covert manner and will in no way cause traffic backups nor impair primary inspection procedures.

It is proposed that this operation will commence on April 20, 1976 and will be conducted for a thirty (30) day period. ~~_____~~





DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

ASSISTANT SECRETARY

April 9, 1976

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Assistant to the President
for Domestic Affairs

Mr. Richard D. Parsons
Associate Director and Counsel
Domestic Council

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Assistant Secretary (Enforcement,
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DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 95-2, #66; Treasury Hr. 3/7/96
By *let* NARA, Date *5/3/96*

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THE WHITE HOUSE

WASHINGTON

April 23, 1976

NOTE TO THE PRESIDENT

FROM: JIM CAVANAUGH

Mr. President, the attached decision memorandum on drug abuse raises an issue on the revitalization of the Strategy Council on Drug Abuse, which the Attorney General strongly objects to. The Attorney General's position is described fully in the paper.

The Attorney General has indicated he would personally like to discuss this issue with you before a decision is made. We have tentatively blocked some time at 2:45 p.m. Monday afternoon if you desire to meet with the Attorney General.

After you have reviewed the paper and made your tentative decisions, you may just want to telephone the Attorney General in lieu of the Monday afternoon meeting.



MEMORANDUM

THE WHITE HOUSE
WASHINGTONDECISION

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Drug Abuse Message

This memorandum seeks your guidance on several items which have been suggested for inclusion in your special message to the Congress on drug abuse. In general, the message will build upon the analyses and recommendations contained in the White Paper on Drug Abuse, highlight some of the steps you have already taken to improve the Federal drug program, and announce several new initiatives to further improve the Federal response. The items for your attention are:

- I. Contents of Proposed Legislation.
- II. Program Coordination and Oversight.
- III. Mexican Proposal for "Twin" Commissions.
- IV. Revitalized IRS Enforcement Program Aimed at Narcotic Traffickers.

I. CONTENTS OF PROPOSED LEGISLATION

In your Crime Message of June 19, 1975, you recommended the establishment of mandatory minimum sentences of incarceration for persons committing Federal offenses involving the use of a weapon and for persons committing such extraordinarily serious crimes as kidnapping, hijacking or trafficking in hard drugs. The Administration's legislation implementing this recommendation was submitted to the Congress in the form of an amendment to S. 1, the Criminal Justice Reform Act of 1975. It now appears that S. 1 will not be acted upon by this Congress and, thus, the Administration's amendments will not receive Congressional attention this year.

In your recent speech in Irving, Texas, on drug abuse, you indicated your intention to separate the mandatory minimum sentence provisions dealing with narcotic trafficking from S. 1 and to submit them separately to the Congress. A number of other statutory improvements and modifications relating to controlling drug abuse have been

suggested for inclusion in this legislation. They are set forth below for your consideration.

A. Permission to Deny Bail in Certain Circumstances

A 1974 survey by the Drug Enforcement Administration of some 499 defendants charged with trafficking in hard drugs revealed that 47.5 per cent were implicated in subsequent drug trafficking activities while out on bail. Further, other studies show that a substantial portion (approximately one-fourth) of all bail-jumpers in drug cases are aliens, most of whom flee to their native countries upon posting bail. The unfortunate fact is that the profits from drugs are substantial enough to underwrite bail forfeiture for the fraction of alien couriers who are apprehended.

To cope with these problems, it has been suggested that you propose legislation which would authorize judges to deny bail in certain circumstances. This authority would apply to a defendant arrested for trafficking in heroin or other dangerous drugs if it is found that he or she: (1) has previously been convicted of a Federal drug felony; (2) is presently free on parole, probation or bail in connection with any other felony; (3) is a nonresident alien; (4) has been arrested in possession of a false or unlawfully altered passport; or (5) is a fugitive or has previously been convicted of being a fugitive.

This limited authority, which would be discretionary with the judge, would serve both to keep confirmed criminals off the streets and out of the drug trade and to keep alien couriers from jumping bail, returning to their homelands and showing their countrymen that our laws regarding drug smuggling are ineffective. On the other hand, civil libertarians have opposed pre-trial detention in the past and could be expected to register stiff opposition to this proposal, even though it is more limited than that proposed by any previous Administration.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdorf, OMB and I recommend you include such a proposal in your omnibus bill.

The Attorney General and the Counsel to the President oppose advancing this proposal at the current time. Instead, they

recommend that you express your concern about the adequacy of our pretrial release system as it operates with regard to drug violators and direct the Department of Justice to develop recommendations in this area.

DECISION

Option 1 -- Include proposal in omnibus bill.

_____ Approve _____ Disapprove

Option 2 -- Express concern and direct Justice to follow up.

_____ Approve _____ Disapprove

B. Expand Customs Search Authority to Include the Export of Monetary Instruments

Currently, the U. S. Customs Service has authority to search all persons and all goods entering the United States without a warrant. Customs also has the authority to search, without a warrant, persons and packages leaving the United States if it has reasonable cause to believe that munitions are being smuggled out of the country. With respect to all items other than munitions, however, Customs is required to obtain a search warrant before it may conduct a search for contraband being smuggled out of the country.

Customs has suggested that the Currency and Foreign Transactions Reporting Act be amended to authorize Customs to search for monetary instruments on the same legal basis as munitions.

Under the Currency and Foreign Transactions Reporting Act, persons transporting or causing to be transported monetary instruments (including cash) in excess of \$5,000 into or out of the United States must report such transactions to the Customs Service. Failure to report under the Act can result in seizure of the monetary instruments. We know that a substantial amount of cash derived from the sale of illicit drugs moves across our border every day (usually going into Mexico). Even where we have reason to believe that money is being unlawfully smuggled out of the country, however, we often do not have the time to obtain a warrant. By authorizing Customs to conduct warrantless searches for money being smuggled out of the country where it has "reasonable cause" to believe this is going on, we may improve our law enforcement efforts aimed at drug traffickers.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdorf, Counsel's office, OMB and I recommend you include this proposal in your omnibus bill.

The Attorney General opposes this proposal.

DECISION

Include proposal in omnibus bill.

_____ Approve _____ Disapprove

C. Increase the Monetary Limit for Administrative Forfeitures

Presently, where certain kinds of property, such as an automobile, is seized in connection with a drug-related criminal offense, the property is subject to forfeiture. The forfeiture may be concluded by administrative action if the value of the property is under \$2,500 or by judicial action if the property is worth over \$2,500. The Department of Justice has suggested raising the monetary limit for administrative forfeiture in drug-related cases to \$10,000. *

In support of its suggestions, Justice points out that the current level of \$2,500 was established in 1954. Since that time, inflation has rendered the administrative procedure almost totally useless. The result is that virtually all forfeitures must be concluded by court action. This induces lengthy delays and adds to already-crowded court calendars. Raising the ceiling to \$10,000 would reduce the volume of cases associated with judicial forfeiture and would facilitate more effective and expeditious law enforcement action against narcotic traffickers.

RECOMMENDATIONS

The Attorney General, Jack Marsh, Bob Hartmann, Max Friedersdorf, Counsel's office, OMB and I recommend you include this proposal in your omnibus bill.

DECISION

Include the proposal in omnibus bill.

_____ Approve _____ Disapprove

* Justice has already sent to the Congress a bill covering this point, but no action has been taken on it.

D. Authorize the Seizure of Money Used in Illegal Narcotic Transactions

As noted above, certain kinds of property used in connection with illegal drug transactions are subject to forfeiture. These forfeiture provisions do not apply, however, to cash found in the possession of the narcotics violator. Consequently, it has proven difficult to remove from circulation some of the money used to finance drug traffic.

Until recently, when a drug trafficker was arrested with cash in his possession, IRS would be notified, would terminate the trafficker's taxable year and then make a jeopardy assessment based on the amount of cash involved. In addition to being cumbersome and inefficient, however, this procedure is not appropriate for all cases.

To remedy this situation, the IRS has suggested legislation specifically providing for the forfeiture of cash and other personal property found in the possession of a narcotics violator and determined to have been used or intended for use in connection with an illegal drug transaction. The procedural safeguards applicable to all other seizures (i.e., administrative or judicial hearings, etc.) would, of course, apply to these seizures as well.

RECOMMENDATIONS

Jack Marsh, Max Friedersdorf, Counsel's office, OMB and I recommend you include this proposal in your omnibus bill. The Attorney General concurs in this principle. Bob Hartmann questions whether this meets the standard of due process.

DECISION

Include the proposal in omnibus bill.

_____ Approve _____ Disapprove

E. Require Vessels to Report Immediately to Customs on Arrival

Private yachts and pleasure vessels are frequently used to smuggle hard drugs. The existing law contributes to the difficulty of interdicting drugs smuggled in this fashion because it allows the masters of these vessels 24 hours in which to report their arrival to Customs. Thus, by the time Customs is notified of the arrival of the ship, any contraband will already have been removed. This has become a particularly

acute problem in Florida, where private yachts and pleasure vessels have easy access to nearby foreign islands which serve as transshipment points for drugs.

Customs has proposed legislation which would authorize the Secretary of the Treasury to require these vessels to report to Customs immediately upon arrival in the country. This requirement currently applies to commercial vessels.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdrof, Counsel's office, OMB and I recommend you include this proposal in your omnibus bill. The Attorney General has no objection to the proposal.

DECISION

Include the proposal in omnibus bill.

_____ Approve _____ Disapprove

II. PROGRAM COORDINATION AND OVERSIGHT

The Federal program to control drug abuse is as diverse as any in government, involving seven Cabinet departments and seventeen agencies. In order to provide overall policy guidance to, and coordination and oversight of, the total Federal drug program, while at the same time respecting the principle of strong Cabinet management, the White Paper on Drug Abuse recommended the revitalization of the Strategy Council on Drug Abuse. *

Specifically, the White Paper recommended that the Assistant to the President for Domestic Affairs be added to the Council and designated Chairman; that the Secretary of the Treasury be added to the Council,

* The Strategy Council on Drug Abuse was established by statute in 1972 to annually provide an assessment of the drug abuse problem in the United States, a plan for a comprehensive Federal response and an analysis of the effectiveness of major Federal drug programs. The membership of the Strategy Council included the Director of the Special Action Office for Drug Abuse Prevention (SAODAP) as Chairman, the Secretaries of State, Defense and Health, Education, and Welfare, the Attorney General and the Administrator of the Veterans Administration. When the legislative authority for SAODAP expired in June of 1975, the Council was left without a chairman or supporting staff and it simply ceased functioning. However, the Council is still responsible for preparing an annual report on or before June 30 of each year.

in view of the important roles played by the U. S. Customs Service and the Internal Revenue Service in the overall drug program; and that the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget be added to the Council. The White Paper also recommended that the responsibilities of the Council be expanded to include:

- offering a forum for policymakers which spans both drug abuse supply and demand activities in order to resolve major policy issues;
- providing coordination between supply and demand reduction programs and ensuring that resources are allocated in a manner which strikes the optimal balance between these complimentary aspects of the program;
- advising the President, the Vice President and other key personnel within the Executive Office of the President of the status of drug abuse in the United States; and
- monitoring progress in implementing the White Paper's recommendations and reporting progress to the President periodically.

The language of the law which created the Strategy Council would allow you to appoint new members and assign new responsibilities to the Council by administrative action.

The White Paper also recommended the establishment of a Cabinet Committee on Drug Abuse Prevention, to be chaired by the Secretary of Health, Education, and Welfare, to coordinate Federal efforts in the drug abuse prevention, treatment and rehabilitation area. Coordination among these agencies had been the responsibility of the Special Action Office for Drug Abuse Prevention (which expired in June 1975) and the recommendation to create a new Cabinet Committee to replace SAODAP was made (a) because of the real need to assure continued coordination, and (b) in an attempt to head off Congressional action to re-establish a special drug abuse office in the Executive Office of the President. * Although the White

* The matter of overall policy guidance and program coordination in this area is of major concern to the Congress as well as to us. As you know, last month Congress passed a measure re-establishing in the Executive Office of the President a special drug abuse office. While you signed the bill, you indicated that you would not seek funds for the new office because the office is unnecessary. Revitalization of the Strategy Council as suggested above would help us to resist the efforts by some members of Congress to secure funds for that office.

Paper did not recommend the creation of a specific coordinating mechanism for law enforcement activities, it did recognize the need for better coordination of these activities as well.

Rather than creating two new Cabinet Committees, a simpler, less cumbersome way of providing the required coordination would be to create two working-level subcommittees of the Strategy Council -- one for prevention, treatment and rehabilitation; the other for law enforcement. These subcommittees would be chaired by representatives of HEW and Justice, respectively, and would consist of sub-Cabinet representatives of the other departments and agencies.

This would provide you and your key advisers with a forum for developing and resolving major policy issues and providing coordination which spans the entire range of Federal activities in the drug abuse area -- treatment, law enforcement and international controls. By establishing working-level subcommittees, program coordination may be had without establishing cumbersome and duplicative Cabinet Committees. Finally, this will enable the Strategy Council to fulfill its continuing obligations under the law.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdorf, NSC, OMB and I recommend you revitalize the Strategy Council on Drug Abuse, as suggested above.

The Attorney General has expressed strong objection to the revitalization of the Strategy Council. If more formal coordination of the drug program is desirable, he prefers the creation of separate Cabinet committees. He believes that it would be inappropriate for the White House to be directly involved.

The full text of the Attorney General's position is at Tab A. He has indicated that he would like to discuss this with you personally before a decision is made.

DECISION

Option 1 -- Revitalize Strategy Council, with subcommittees.

_____ Approve _____ Disapprove

Option 2 -- Meet with Attorney General.

_____ Approve _____ Disapprove

III. MEXICAN PROPOSAL FOR "TWIN" COMMISSIONS

On January 16, 1976, Mexican President Luis Echeverria wrote you to propose the creation of twin national commissions which would provide overall coordination of the respective drug programs of Mexico and the United States (Echeverria letter attached at Tab B). Periodically, these commissions would meet jointly to share ideas and exchange views, probably through executive committees. President Echeverria announced in his letter that he was proceeding to establish the Mexican Commission, which would be comprised of officials of the Executive Branch responsible for narcotic law enforcement and drug abuse prevention, treatment and rehabilitation; members of the Legislative Branch; representatives of the media; and public members.

On February 6, 1976, you replied to President Echeverria's letter, stating that his "idea of parallel and similar organizations seemed appropriate to our mutual desire to increase the effectiveness of our cooperation." You also informed him that members of the White House staff would develop specific recommendations regarding this proposal for your consideration (your response is attached at Tab C).

Because of the importance President Echeverria places on this proposal, it is important for us to respond in a positive way which he can cite as substantial agreement with his idea. At the same time, however, we should be careful to avoid creating a new and unnecessary organization. These options have been suggested:

Option 1 -- Create a new commission, consisting of members of the Executive Branch, Members of the Congress, media representatives, and members of the public, to advise the President and the Congress on drug abuse.

PRO: This most resembles the Echeverria proposal and would be a highly visible action on the part of the President to demonstrate his concern about the problem of drug abuse.

CON: Except as noted above, such an advisory commission would seem totally unnecessary. It would also be costly and could, if not properly managed, whipsaw the Administration in policy matters.

Option 2 -- Assign the responsibility of interfacing with the Mexican Commission to the Strategy Council on Drug Abuse.

PRO: Assuming that you approve the White Paper recommendation to expand the membership and responsibilities of the Strategy Council, it would have policy development, coordination and oversight responsibilities for the entire range of Federal activities aimed at preventing and treating drug abuse and would consist of top-level personnel responsible for managing the Federal drug program. This option would not involve the creation of a new entity, with its attendant costs.

CON: Unlike the Mexican Commission, the Strategy Council would not have Congressional, media or public membership.

Option 3 -- Assign the responsibility of interfacing with the Mexican Commission to the Cabinet Committee on International Narcotics Control.

PRO: This option would not involve the creation of a new entity. Moreover, since this involves bilateral (international) discussions, arguably the State Department should have the lead.

CON: The CCINC has a narrow focus -- international narcotics control -- and therefore could not adequately represent the domestic law enforcement or treatment and prevention components of the Federal program. It would, moreover, be of a lesser stature than its Mexican counterpart, since it is run by the State Department, not the White House.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdorf, OMB, NSC, State (Ambassador Vance) and I recommend Option 2.

The Attorney General recommends Option 3.

DECISION

- _____ Option 1 (Create new Advisory Commission)
- _____ Option 2 (Assign to Strategy Council on Drug Abuse)
- _____ Option 3 (Assign to CCINC)

IV. REVITALIZED IRS ENFORCEMENT PROGRAM AIMED AT NARCOTIC TRAFFICKERS

Discussions concerning the advisability of starting a tax enforcement program aimed at drug traffickers were first undertaken in 1969, when surveys showed that among a group of suspected traffickers there was a high incidence of non-filing of income tax returns. As a result, in 1970, a decision was made to start a pilot antinarcotics tax program. It became national in scope in 1971.

During the course of the program, about 2,200 suspected mid- to upper-level drug traffickers were selected for audit. In these cases, \$231.4 million in added taxes and penalties were recommended, \$32 million in cash was seized by the IRS, and more than 250 persons were indicted on criminal tax charges.

Beginning in 1975, the IRS started to reduce its Narcotics Trafficking Program and to fold what remained into its overall tax enforcement efforts. * This was due, in part, to post-Watergate criticism of all IRS programs which had a focus broader than just revenue collection and, in part, to specific operational problems and abuses. Rather than targeting on a specific group of suspected criminals, the Service elected to maintain its narcotics tax enforcement program as merely an additional duty of its agent and auditing force. Essentially, this meant that IRS would pursue cases referred by other law enforcement agencies or developed by routine audit but would not focus specialized resources specifically on the narcotics area.

The problem with this approach is that a great many narcotic traffickers have so removed themselves from the actual narcotic transactions that they are virtually beyond the reach of most law enforcement agencies, so referrals are few. Moreover, since these people either do not file tax returns or do not report their drug-related income, they are not likely to be identified for audit by normal IRS procedures. Thus, these individuals violate the tax laws with virtual impunity.

* As a result of this shift in policy, \$20 million in resources dedicated to this effort were gradually blended into the overall IRS staff until only \$5 million remained. The remaining \$5 million was deleted from the IRS budget during the FY 1977 submission process because the program was nonfunctioning as a separate entity. OMB believes that it is probably unrealistic to expect IRS to resume activity in this area without receiving additional resources.

To remedy this situation, it has been suggested that IRS be directed to re-establish a separate and identifiable tax enforcement program directed at high-level drug traffickers. This program need not (indeed, should not) be identical to the previous program. The program should, however, recognize that there are a number of people who make a lot of money in drugs; these people do not pay taxes on this money; and only by giving special attention to their identification for investigation and audit will these tax law violators be apprehended. The details of the program could be worked out by Secretary Simon and IRS Commissioner Alexander, in consultation with the Attorney General and the Administrator of DEA.

RECOMMENDATIONS

Jack Marsh, Bob Hartmann, Max Friedersdorf, Counsel's office, OMB and I recommend that IRS be directed to re-establish a separate and identifiable tax enforcement program directed at high-level drug traffickers.

The Attorney General supports this recommendation.

DECISION

Direct re-establishment by IRS of tax enforcement
program directed at high-level drug traffickers.

_____ Approve

_____ Disapprove

POSITION OF ATTORNEY GENERAL

"The Department of Justice strongly objects to the proposal that a Strategic Council on Drug Abuse to be chaired by the Assistant to the President for Domestic Affairs be re-established and given expanded responsibility for coordinating drug abuse programs. Law enforcement is, of course, a major aspect of the Federal government's drug abuse program. In our view it is inappropriate to place -- or appear to place -- any of the responsibility for law enforcement decisions involving the Department of Justice in the White House or anywhere other than in the Department under the authority of the Attorney General. There is a rather long and dismal history of past violations of this principle in prior administrations -- and I feel very strongly about this.

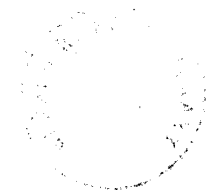
"While the proposal to revitalize the Strategic Council on Drug Abuse is contained in the White Paper, we believe it is inconsistent with its stated philosophy. The White Paper (particularly Chapter 5) notes the steady decrease in Executive Office involvement in the drug field and endorses the principle that responsibility should be vested in the appropriate Cabinet officers, who should, in turn, be held directly accountable for discharging their duties in this area. The present proposal is not compatible with this principle.

"If more formal coordination of the law enforcement aspect of the drug abuse problem is deemed desirable, the Department of Justice suggests that a Cabinet-level committee chaired by the Attorney General be established along the lines of the Cabinet Committee on International Narcotics Control, with the explicit understanding that this is to be a forum for communicating on matters of mutual concern rather than a reallocation of existing authority or responsibility for making law enforcement decisions. As suggested by the White Paper, a similar group chaired by the Secretary of HEW could be established for the organizations involved in drug abuse prevention."

* * *

NOTE: I believe the Attorney General has misinterpreted the thrust of our recommendation to revitalize the Strategy Council. The Council would serve to give overall policy guidance to, and provide a mechanism to coordinate the activities of, the seven Cabinet departments and seventeen agencies involved in the Federal drug program; not to run the Federal drug program or any component thereof. Surely, the Office of the President should be involved in this.

JMC



B

DEPARTMENT OF STATE
DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

LS NO. -53852
DT/BP
Spanish

LIMITED OFFICIAL USE

Mexico 00629
January 16, 1976
Fm Amembassy Mexico
To Secstate Wash DC

Subject: Letter to President Ford from President Echeverría on narcotics cooperation

1. Following is text of letter from President Echeverría for President Ford on Narcotics Cooperation.

2. Quote. Mr. President: Messrs. Lester L. Wolff and Benjamin A. Gilman, distinguished members of the House of Representatives of the United States of America, accompanied by His Excellency Joseph John Jova, your country's Ambassador to Mexico, paid me a visit last Wednesday, January 7, at which time we took up, among other subjects, the matter of the increase in drug abuse in the United States and in the illegal traffic in narcotics and psychotropic substances between our two countries.

3. In view of the importance and seriousness of the problem, I asked Messrs. Wolff and Gilman to meet with me again, which we did last Saturday, January 10, with the Attorney General of the Republic, the Secretaries of Foreign Affairs, Public Education, and Health and Welfare, as well as the Director of the Mexican Center of Drug Addiction Studies, who has charge of coordinating preventive, curative, and rehabilitation activities in that field.

DECLASSIFIED

E.O. 12356, Sec. 3.4.

LIMITED OFFICIAL USE

MR 95-4, A44 NSC 26 8/17/95

By KAH NARA, Date 8/23/95



4. As a result of those talks, it was possible to confirm the evident interaction that exists between supply and demand and the complexity of the problem and of its solution which takes in widely varying sociological aspects, involving educational factors--including those relating to mass communications media--health factors, and of course action directed toward the prosecution of crimes against health.

5. It was recognized also that in recent years, with strict respect for the sovereignty of each State, there has been effective cooperation between the two Governments which has made it possible to obtain excellent results in the struggle against the drug traffic and the use and abuse of illicit drugs. Nonetheless, it is necessary to increase our joint action in order to obtain still better results.

6. I put forward to the U.S. legislators the idea of creating twin national commissions, one in each of our countries, which would undertake a study of all aspects of this question and propose solutions that would enable our two Governments to embark on new lines of action and expand the coordination of their efforts.

7. In my opinion each national commission might be composed of officials of the Executive Branch responsible for the prosecution of crimes against health, the elimination of the illicit use of narcotics and other dangerous drugs, and the cure and rehabilitation of the victims of drug addiction. Members of the House of Representatives and the Senate of the respective Congresses, as well as representatives of family heads and of the mass communications media would also be invited to participate in the commissions.

8. Each national commission would study the problem and recommend actions, which would be discussed at meetings of the two commissions. The commissions should establish machinery that would ensure the efficacy and celerity of their work, possibly through executive committees. The frequency of their meetings would be agreed upon according to their work requirements.

9. For my part, I am proceeding to establish the Mexican Commission pursuant to the terms stated above, in the understanding that my Government will continue to act intensively in the fight against the traffic in narcotics and other aspects of this problem, maintaining, as it has done hitherto, the close coordination existing between the competent agencies and organs of our two Governments.

10. In view of the foregoing, I take pleasure in proposing that you consider the desirability of establishing a United States Commission for the purposes stated above, which would be in contact with the Mexican Commission on a standing basis.

11. Feeling certain, as I do, that this proposal on a matter of such extreme importance to mankind will merit your sympathetic response, I take this occasion to renew to you the assurance of my highest consideration and personal esteem. End quote.

Jova

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

I very much appreciate your letter concerning our mutual efforts to deal with the tragic problem of drug abuse which affects so many citizens of both our nations. I welcome your initiative and view it as a most important proposal.

I have directed the White House staff, in cooperation with other departments of government, to begin considering ways to collaborate closely with the commission and executive committee you are establishing in Mexico. Your idea of parallel organizations, in general similar to each other, seems appropriate to our mutual desire to increase the effectiveness of our cooperation.

As you suggest, the initiative should be understood as a development that can enhance the measures our governments are presently taking, both separately and together. Our short-term success in reducing the critical narcotics problem now confronting us depends in large part on the vigor with which we pursue efforts already underway. The effect of this new initiative will be felt over the longer term. Thus, I am heartened by reports of the intensive activities currently being carried out by your government and look forward to continuing progress.

For our part, I have formed a task force under the direction of the White House to improve our own effectiveness in dealing with the narcotics traffic coming into the United States from Mexico and the contraband moving from the United States into Mexico. These matters, it seems to me, might be subjects of mutual interest appropriate for our governments to take under continuing review in the context of your initiative.

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MR 95-4, #65 NEC ltr. 8/17/95

By KBH, NARA, Date 8/23/95

I am pleased that your initiative includes the prevention and rehabilitation, as well as law enforcement, aspects of the narcotics problem. As you know, the concept of a federal program that balances the effort to control the demand for drugs with an effort to control the supply of drugs is the cornerstone of our program to reduce drug abuse. You may be assured that our side, also, will include full representation of all aspects of the drug program.

In the near future I expect to have concrete proposals for action on our part to match the new effort you have begun. At that point it might be useful for my representatives to meet with yours to ensure we are both moving ahead in the coordinated manner contemplated in your letter.

Let me also use this opportunity to express gratitude for the cordiality and good will you and members of your government have consistently extended my representatives, Ambassador Jova and Ambassador Vance, and to Attorney General Levi in his recent meeting with Attorney General Ojeda Paullada. I hope, too, that we can keep in touch to maintain a close collaboration between our two countries on this problem.

Sincerely,

His Excellency
Luis Echeverria Alvarez
President of Mexico
Palacio Nacional
Mexico D.F.

THE WHITE HOUSE

WASHINGTON

April 26, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR *JEC*

SUBJECT:

Drug Abuse Message

The President reviewed your memorandum on the above subject (undated) and made the following decisions:

I. CONTENTS OF PROPOSED LEGISLATION

A. Permission to Deny Bail in Certain Circumstances

Option 1 -- Include proposal in omnibus bill.

B. Expand Customs Search Authority to Include the Export of Monetary Instruments

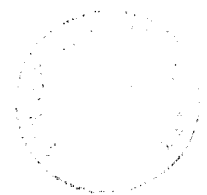
Include proposal in omnibus bill.

C. Increase the Monetary Limit for Administrative Forfeitures

Include the proposal in omnibus bill.

D. Require Vessels to Report Immediately to Customs on Arrival

Include the proposal in omnibus bill.



II. PROGRAM COORDINATION AND OVERSIGHT

The following notation was made concerning this subject:

"I support separate Cabinet Committees

1) Attorney General as Chairman

2) If necessary, the second chaired by Secretary, HEW"

III. MEXICAN PROPOSAL FOR "TWIN" COMMISSIONS

Option 3 -- Assign the responsibility of interfacing
with the Mexican Commission to the Cabinet
Committee on International Narcotics Control.

IV. REVITALIZED IRS ENFORCEMENT PROGRAM AIMED AT NARCOTIC TRAFFICKERS

Direct re-establishment by IRS of tax enforcement program
directed at high-level drug traffickers.

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE

WASHINGTON

May 5, 1976

MEMORANDUM FOR: DICK CHENEY
PHIL BUCHEN
ROBERT T. HARTMANN
JACK MARSH
MAX FRIEDERSDORF
ALAN GREENSPAN
JIM LYNN
BRENT SCOWCROFT
BILL SEIDMAN

FROM: JIM CANNON

SUBJECT: Drug Abuse Cabinet Committees
Follow-up Memoranda

The attached memoranda are self-explanatory. We would appreciate your review and comments by COB Thursday, May 6 in order that we may get them to the President by Friday.

Thank you.

Attachments



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Honorable Edward H. Levi
The Attorney General

SUBJECT: Cabinet Committee for Drug Law Enforcement

Drug abuse, particularly narcotics addiction, has reached crisis proportions in the United States. Current estimates are that as much as half of all street crime is committed by drug addicts to support their expensive and debilitating habits. The cumulative effect of drug abuse has been to diminish the quality and vitality of our community life and to weaken the fabric of our nation. It is imperative, therefore, that Federal law enforcement efforts aimed at those who are responsible for distributing illicit drugs in our communities be as effective as possible.

In my recent message to the Congress on drug abuse. I announced the establishment of a Cabinet Committee for Drug Law Enforcement, to have responsibility for oversight and coordination of all Federal drug law enforcement activities. You are to chair the Cabinet Committee, which is to include the Secretary of the Treasury and the Secretary of Transportation, and such others as in your judgment become necessary.

The Cabinet Committee should be supported by a Working Group composed of personnel from each Federal department and agency having drug law enforcement responsibilities and the Office of Management and Budget. The Executive Director of the Cabinet Committee and Chairman of the Working Group shall be the Administrator of the Drug Enforcement Administration.

The Cabinet Committee shall be responsible for the formulation and coordination of all policies and activities of the Federal government relating to domestic drug law enforcement. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.

More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug law enforcement;

- (2) assure proper coordination among Federal drug law enforcement programs, including the collection, analysis and dissemination of enforcement intelligence data;
- (3) assure that Federal enforcement resources are effectively utilized;
- (4) assure proper coordination between the enforcement and prosecutorial arms of the government;
- (5) provide liaison between the Executive Branch and Congress, State and local governments and the public;
- (6) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (7) evaluate and make recommendations to improve Federal drug law enforcement programs; and
- (8) report progress to me on July 1, 1976, and every three months thereafter.

In addition to the above on-going responsibilities, you, as Chairman of the Cabinet Committee, should work closely with the Secretary of Health, Education, and Welfare to develop plans for improving the coordination of law enforcement activities and drug abuse prevention, treatment and rehabilitation programs.

cc: The Honorable William E. Simon
Secretary of the Treasury
The Honorable William T. Coleman
Secretary of Transportation

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Honorable F. David Mathews
Secretary of Health, Education, and Welfare

SUBJECT: Cabinet Committee on Drug Abuse Prevention,
Treatment and Rehabilitation

The need to provide humane and effective drug abuse prevention, treatment and rehabilitation services, to balance our law enforcement efforts aimed at drug traffickers, has been clearly established. Given the magnitude of the drug abuse problem and its impact on the health and well-being of our nation, it is vitally important that the efforts of the various departments and agencies of the Federal government responsible for providing these services be integrated into an effective overall program.

In my recent message to the Congress on drug abuse, I announced the establishment of a Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation, to have responsibility for oversight and coordination of all Federal activities in this area. You are to chair the Cabinet Committee, which will include as members the Secretary of Defense, the Secretary of Labor, the Administrator of the Veterans Administration, and such others as in your judgment become necessary.

The Cabinet Committee should be supported by a Working Group composed of personnel from each Federal department and agency having drug abuse prevention, treatment or rehabilitation responsibility and the Office of Management and Budget. The Executive Director of the Cabinet Committee and Chairman of the Working Group shall be the Director of the National Institute on Drug Abuse.

The Cabinet Committee shall be responsible for the formulation and coordination of all policies of the Federal government relating to the drug abuse prevention, treatment and rehabilitation services, as well as related research activities. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.

More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug treatment, rehabilitation, prevention and research;

- (2) assure proper coordination among Federal drug treatment and rehabilitation programs, including the collection, analysis and dissemination of information;
- (3) assure that Federal prevention, treatment and rehabilitation resources are effectively utilized;
- (4) provide liaison between the Executive Branch and Congress, state and local governments and the public;
- (5) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (6) develop and monitor a plan for improving job opportunities for former addicts;
- (7) evaluate and make recommendations to improve Federal drug treatment and rehabilitation programs; and
- (8) report progress to me on July 1, 1976, and every three months thereafter.

In addition to the above on-going responsibilities, you, as Chairman of the Cabinet Committee, should work closely with the Attorney General to develop plans for improving the coordination of law enforcement activities and drug abuse prevention, treatment and rehabilitation programs.

cc: The Honorable Donald Rumsfeld
Secretary of Defense
The Honorable William J. Usery, Jr.
Secretary of Labor
The Honorable Richard L. Roudebush
Administrator, Veterans Administration

APRIL 27, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

I address this message to the Congress on a matter which strikes at the very heart of our national well-being -- drug abuse.

The cost of drug abuse to this Nation is staggering. More than 5,000 Americans die each year from the improper use of drugs. Law enforcement officials estimate that as much as one half of all "street crime" -- robberies, muggings, burglaries -- are committed by drug addicts to support their expensive and debilitating habits. In simple dollar terms, drug abuse costs us up to \$17 billion a year.

But these statistics -- ominous as they are -- reflect only a part of the tragic toll which drug abuse exacts. For every young person who dies of a drug overdose, there are thousands who do not die but who are merely going through the motions of living. They sit in classrooms without learning. They grow increasingly isolated from family and friends. At a time when they should be preparing for the future, they are "copping out" on the present.

The problem, moreover, is not limited to youth or to the disadvantaged. It extends to citizens of all ages and all walks of life -- from the housewife to the college professor. The cumulative effect is to diminish the quality and vitality of our community life; to weaken the fabric of our Nation.

When this problem exploded into the national consciousness in the late 1960's, the response of the Federal Government was swift and vigorous. Federal spending on a comprehensive program to control drug abuse grew from less than \$100 million in 1969 to over three-quarters of a billion in 1974; specialized agencies like the Drug Enforcement Administration and the National Institute on Drug Abuse were created; and international diplomatic efforts to mobilize the assistance of foreign governments in a world-wide attack on drug trafficking were intensified.

With the help of State and local governments, community groups and our international allies in the battle against narcotics, we were able to make impressive progress in combatting the drug menace. So much so that by mid-1973 many were convinced that we had "turned the corner" on the drug abuse problem.

Unfortunately, while we had won an important victory, we had not won the war on drugs. By 1975, it was clear that drug use was increasing, that the gains of prior years were being lost, that in human terms, narcotics had become a national tragedy. Today, drug abuse constitutes a clear and present threat to the health and future of our Nation.

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The time has come to launch a new and more aggressive campaign to reverse the trend of increasing drug abuse in America. And this time we must be prepared to stick with the task for as long as necessary.

Because of my deep concern about this problem and my personal commitment to do something about it, last year I directed the Domestic Council to undertake a thorough review and assessment of the adequacy of the Federal drug program. That review, which culminated in the publication of the White Paper on Drug Abuse, has helped tremendously to refocus and revitalize the Federal effort. We have made substantial progress in implementing the many sound recommendations contained in the White Paper, but more needs to be done.

And more will be done. The first need for stronger action is against the criminal drug trafficker. These merchants of death, who profit from the misery and suffering of others, deserve the full measure of national revulsion. They should be the principal focus of our law enforcement activities -- at the Federal, State and local level. In this regard, I am pleased to note that arrests by Federal law enforcement officers of major drug traffickers are up substantially over previous years. However, the progress we have made in improving our ability to apprehend these traffickers will be lost unless major changes are made in the way our criminal justice system deals with drug traffickers after arrest.

Justice Department statistics show that one out of every four persons convicted of trafficking in heroin received no prison sentence at all. One out of every three received a sentence of less than three years. And since convicted traffickers are eligible for parole upon the completion of one-third of their sentence, even those who received longer sentences rarely served more than a few years.

I believe this is wrong. It is wrong for the criminals who profit by selling drugs, it is wrong for the victims of drugs, and it is wrong for our system of justice. Laws which permit traffickers to go free to prey again on society should be changed. These criminals must know with certainty that, if convicted, they will go to jail for a substantial period of time. Only then will the risk of apprehension be a deterrent rather than just another cost of doing business.

Accordingly, I will submit to the Congress this week legislation which will require mandatory minimum prison sentences for persons convicted of trafficking in heroin and similar narcotic drugs. Sentences under this legislation would be at least three years for a first offense and at least six years for subsequent offenses or for selling to a minor.

I want to emphasize that the purpose of this proposal is not to impose vindictive punishment but to protect society from those who prey upon it and to deter others who might be tempted to sell drugs. Considering the terrible human toll that drug addiction takes and the extent to which it contributes to more and more crime, it is a matter of high priority that Congress make our laws more effective in curbing drug traffic.

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Another serious problem with current Federal law is that even the most notorious drug traffickers are usually released on bail soon after arrest. The bail is often small and the profits from drug trafficking are large, so raising and then forfeiting the bail is just another cost of doing business. A 1974 Justice Department study shows that 48 percent -- nearly one out of two -- of a sample of individuals arrested for trafficking in narcotics were implicated in post-arrest drug trafficking while out on bail. Other studies show that approximately one-fourth of all bail-jumpers in drug cases are aliens who were caught smuggling drugs into the country. These offenders simply flee to their homelands upon posting bail. There, they serve as walking advertisements for international traffickers attempting to recruit other couriers.

This, too, is wrong. Therefore, in addition to asking Congress to establish mandatory minimum sentences, I shall submit to Congress legislation that would enable judges to deny bail if a defendant arrested for trafficking heroin or dangerous drugs is found (1) to have previously been convicted of a drug felony; (2) to be presently free on parole; (3) to be a non-resident alien; (4) to have been arrested in possession of a false passport; or (5) to be a fugitive or previously convicted of having been a fugitive.

Next, the Federal government must act to take the easy profits out of drug selling.

We know that tremendous amounts of money are illegally taken out of the country each day, either to purchase drugs or to transfer profits made by selling drugs to safe and secret bank accounts abroad. To prevent this money from being smuggled out of the country, I will ask Congress to grant to the U.S. Customs Service the authority to search persons suspected of smuggling money out of the country as Customs now has the authority to search for contraband entering the country.

I shall ask Congress to pass legislation requiring the forfeiture of cash or other personal property found in the possession of a narcotics violator -- where it is determined that it was used or was intended for use in connection with an illegal drug transaction.

I shall ask Congress to change provisions of the law which allow the seizure of vehicles, boats and aircraft used to smuggle drugs. At present, these may be seized by administrative action only if the value of the property is less than \$2,500; otherwise action by a Federal judge is necessary.

This \$2,500 limitation is out of date and must be changed. Therefore, I shall ask Congress to raise to \$10,000 the ceiling for administrative forfeitures. This will not only make law enforcement against traffickers more swift and more effective but it will also help to relieve court congestion.

I shall ask Congress to tighten the provisions of the law relating to small privately owned boats reporting to Customs after their arrival. At present, the masters of these vessels have 24 hours to report their arrival to Customs -- and that is ample time to unload contraband. I shall ask Congress to pass legislation requiring such vessels to report to Customs immediately upon their arrival.

more



I call on Congress also to ratify an existing treaty for the international control of synthetic drugs.

Over the past fifty years the major nations of the world have worked out treaty arrangements for the international control of drugs with a natural base, such as opiates and cocaine. But no similar arrangements exist for the control of synthetic drugs -- such as barbiturates, amphetamines and tranquilizers; and the abuse of these synthetic drugs is a growing problem which is now almost as serious as the abuse of heroin in the United States.

Five years ago the United States played a major role in the preparation of the 1971 Convention on Psychotropic Substances, a treaty to deal with international traffic in synthetic drugs. But the Senate has not yet ratified this treaty, and Congress has not yet passed the enabling legislation.

The delay in U.S. ratification of the Convention has been an embarrassment to us. Moreover, it has made it extremely difficult for us to urge other countries to tighten controls on natural-based narcotic substances, when we appear unwilling to extend international controls to amphetamines, barbiturates and other psychotropic drugs which are produced here in the United States.

So far, I have emphasized the need for additional legislation and Congressional action.

But there are Executive actions which I can take and I am today doing so.

The Federal program to control drug abuse is as diverse as any in government, involving some seven Cabinet departments and seventeen agencies. It is vitally important that the efforts of these departments and agencies be integrated into an effective overall program but that responsibility for specific program management rest with the appropriate departments and agencies.

Accordingly, I am today establishing two new Cabinet committees -- one for drug law enforcement and the other for drug abuse prevention, treatment and rehabilitation.

The Cabinet Committee for Drug Law Enforcement will consist of the Attorney General as chairman and the Secretaries of the Treasury and Transportation. The Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation will consist of the Secretary of Health, Education, and Welfare as chairman, the Secretary of Defense, the Secretary of Labor and the Administrator of the Veterans Administration. I charge the Attorney General and the Secretary of HEW, as chairmen of these committees, with responsibility for oversight and coordination at all Federal activities within their respective areas.

In carrying out his responsibilities as Chairman of the new Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation, the Secretary of HEW should give particular attention to developing expanded vocational rehabilitation opportunities for drug addicts. Experience has shown that treatment alone is not enough. Unless something is done to alter the fundamental conditions which led the individual to seek escape through drug use, a relapse is likely. A job,

more

with the dignity and self-esteem it brings, is essential to help the individual re-enter the mainstream of American life. Further, the Secretary of HEW and the Attorney General will work together to develop plans for improving the coordination between the drug abuse treatment system and the criminal justice system.

I am directing the Secretary of the Treasury to work with the Commissioner of the Internal Revenue, in consultation with the Attorney General and the Administrator of the Drug Abuse Enforcement Administration, to develop a tax enforcement program aimed at high-level drug traffickers. We know that many of the biggest drug dealers do not pay income taxes on the enormous profits they make on this criminal activity. I am confident that a responsible program can be designed which will promote effective enforcement of the tax laws against these individuals who are currently violating these laws with impunity.

No matter how hard we fight the problem of drug abuse at home, we cannot make really significant progress without the continued cooperation of foreign governments. This is because most dangerous narcotics are produced in foreign countries. Thus, our capability to deal with supplies of drugs available in the United States depends largely on the interest and capability of foreign governments in controlling the production and shipment of illicit drugs.

Many countries still see drug abuse as primarily an American problem and are unaware of the extent to which the problem is truly global in scope. Poorer nations find it difficult to justify the allocation of scarce resources to deal with drug abuse in the face of many other pressing needs. Also, some opium producing countries lack effective control over, or access to, growing areas within their boundaries and, thus, their efforts in drug control programs are made more difficult.

Still, we have been reasonably successful in enlisting the cooperation of foreign governments. We must now intensify diplomatic efforts at all levels in order to encourage the greatest possible commitment from other governments to this international problem. We must continue to provide technical and equipment assistance through cooperative enforcement efforts with U.S. agents stationed overseas, all aimed at strengthening drug control organizations within foreign countries. And we must continue to participate in building institutions and a system of international treaties which can provide a legal framework for an international response to this international problem.

I have spoken personally to Presidents Echeverria of Mexico and Lopez-Michelsen of Colombia and with Prime Minister Demirel of Turkey in an effort to strengthen cooperation among all nations involved in the fight against illicit drug traffic. I intend to continue to urge foreign leaders to increase their efforts in this area. Attorney General Levi has recently discussed drug control problems with the Attorney General of Mexico and Secretary of State Kissinger has discussed narcotic control efforts with senior officials in Latin America on his recent trip there. I have asked both of them, as well as our Ambassador to the United Nations, William Scranton, to continue to expand these important discussions.

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The reactions of the governments which we have approached have been positive -- there is a genuine and healthy air of mutual concern and cooperation between our countries and I am confident that our joint efforts will bring about a real reduction in drug trafficking into the United States.

One recent example of the new awareness and commitment of foreign governments to this struggle deserves special mention. President Echeverria has written to inform me of his intention to set up a cabinet level commission to coordinate all law enforcement and drug treatment programs within Mexico and to suggest that his commission might periodically exchange information and ideas with a counterpart here. This proposal, which was the result of discussions between President Echeverria and concerned members of the United States Congress, stands as a clear signal that the Mexican government recognizes the need to build a coordinated response to the problem of drug abuse. I believe the periodic exchange of views on this matter between our two nations would be helpful. Accordingly, I am assigning responsibility for liaison with the Mexican Commission to the Cabinet Committee on International Narcotic Control and I am directing the Secretary of State, as Chairman of the CCINC to immediately form an executive committee to meet with its Mexican counterpart to discuss ways in which our government can collaborate more effectively. We shall of course consult with concerned members of Congress as these efforts are carried on.

Drug abuse is a national problem. Our national well-being is at stake. The Federal Government -- the Congress, the Executive Branch and the Judicial Branch -- State and local governments, and the private sector must work together in a new and far more aggressive attack against drugs.

I pledge that the Federal Government will maintain the high priority which it has given this problem. We will strengthen our law enforcement efforts and improve our treatment and rehabilitation programs. With Congress' help, we will close loopholes in our laws which permit traffickers to prey on our young; and we shall expect the courts to do their part.

All of this will be of little use, however, unless the American people rally and fight the scourge of drug abuse within their own communities and their own families. We cannot provide all the answers to young people in search of themselves, but we can provide a loving and a caring home; we can provide good counsel; and we can provide good communities in which to live. We can show through our own example that life in the United States is still very meaningful and very satisfying and very worthwhile.

Americans have always stood united and strong against all enemies. Drug abuse is an enemy we can control but there must be a personal and a national dedication and commitment to the goal.

If we try, we can be successful in the long run. I am convinced we can -- and that we will.

GERALD R. FORD

THE WHITE HOUSE,

April 27, 1976.

#

THE WHITE HOUSE

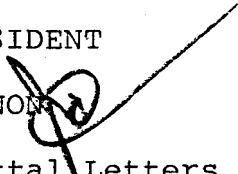
ACTION

WASHINGTON

April 29, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON 

SUBJECT:

Transmittal Letters for Drug Abuse
Legislation

Attached for your signature are letters to the President of the Senate and the Speaker of the House transmitting the legislation to implement the recommendations contained in your special Message to the Congress on drug abuse.

The letters have been cleared by OMB (O'Neill) and Max Friedersdorf. The text has been approved by Doug Smith.

RECOMMENDATION

I recommend that you sign both letters so that they may be sent to the Congress on Friday, April 30, 1976.

RECEIVED
JUL 1 1976
CENTRAL FILES

THE WHITE HOUSE

WASHINGTON

April 30, 1976

Dear Mr. Speaker:

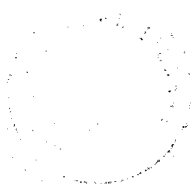
There is transmitted herewith a bill containing the Administration's proposals for increasing the effectiveness of the criminal justice system in protecting the American people from trafficking in heroin and other narcotic drugs.

This legislation, which implements the recommendations contained in my special message to the Congress on drug abuse, would, if enacted, improve our ability to put the traffickers of hard drugs into prison. It would also improve our ability to take the easy profits out of drug trafficking as well as our capacity to detect and apprehend drug smugglers.

Considering the terrible toll that narcotic addiction takes, it is a matter of high priority that our laws be made more effective in curbing the narcotic traffic. If the law does not act as a deterrent, the risk of arrest and seizures becomes merely a cost of doing business for the narcotic traffickers. Unless there exists a reasonable certainty of punishment after conviction, traffickers have little reason to get out of the trafficking business. I therefore respectfully urge that these proposals receive consideration this session.

Sincerely,

The Honorable
The Speaker
U. S. House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE

WASHINGTON

April 30, 1976

Dear Mr. President:

There is transmitted herewith a bill containing the Administration's proposals for increasing the effectiveness of the criminal justice system in protecting the American people from trafficking in heroin and other narcotic drugs.

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Sincerely,

The Honorable Nelson A. Rockefeller
President of the Senate
Washington, D. C. 20510

FOR IMMEDIATE RELEASE

APRIL 30, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE

April 30, 1976

Dear Mr. Speaker: (Dear Mr. President:)

There is transmitted herewith a bill containing the Administration's proposals for increasing the effectiveness of the criminal justice system in protecting the American people from trafficking in heroin and other narcotic drugs.

This legislation, which implements the recommendations contained in my special message to the Congress on drug abuse, would, if enacted, improve our ability to put the traffickers of hard drugs into prison. It would also improve our ability to take the easy profits out of drug trafficking as well as our capacity to detect and apprehend drug smugglers.

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Sincerely,

GERALD R. FORD

#

File
Drug Abuse



THE WHITE HOUSE
WASHINGTON

1/30/76 Cannon FYI
DEX TO TERRY O'DONNELL
IN TEXAS, WITH COPIES
TO: RON NESSEN, DICK
CHENEY, JOHN CARLSON.

April 30, 1976

MEMORANDUM FOR: TERRY O'DONNELL
COPIES TO: RON NESSEN
DICK CHENEY
JOHN CARLSON
FROM: JIM CAVANAUGH
SUBJECT: Q&A on Mandatory Sentences for Drug
Dealers

Drug

Attached is a Q&A which should straighten out an
erroneous Baltimore Sun story on mandatory sentences
in the President's Drug Message.

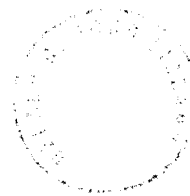
Attachments 2



Q. A recent news story indicated that your recent proposal to impose mandatory sentences on drug dealers is different than that you recommended last year. Specifically, the story indicated that the sentences you have just called for are shorter than those you recommended in your Crime Message. Is this true?

A. No, this is not true, and the report to which you refer was absolutely incorrect. The bill that I have sent to Congress this week is virtually identical to the measure I submitted to the Congress last July in regard to mandatory sentences for drug traffickers. That is, it would require the imposition of a sentence of at least three years for first offenders and at least six years for second offenders or persons selling drugs to minors.

I do note that the report to which you refer indicated that the sentences I have recommended are less severe than those which are contained in S. 1, the Criminal Justice Reform Act. This is not correct. The mandatory minimums contained in S. 1 are "fake." That is, while the judge would have to impose a sentence of five or ten years, the defendant could be released on parole after only six months. Under my bill, persons convicted of selling hard drugs would not be eligible for parole but would go to jail for at least three years for a first conviction or six years for a second conviction or a conviction for selling to a minor.



Balt. Sun
April 28, 1976, p. A-2

Ford, in error, contradicts own plan to jail drug dealers

Washington Bureau of The Sun
Washington -- President Ford, calling for "stronger action" against drug traffickers, yesterday inadvertently recommended mandatory minimum sentences for heroin sellers shorter than the ones his administration has been sponsoring for the past year.

While the President himself was campaigning in Texas, the White House released a special message to Congress on drug abuse in which the President calls for a mandatory minimum sentence of three years for a first offense in heroin trafficking and a minimum of six years for subsequent offenses or for sales to minors.

The White House apparently did not realize that the massive administration-backed revision of the criminal code known as Senate Bill 1, still pending on Capitol Hill, provides for minimum sentences of 5 years for first offenses and 10 years for subsequent offenses or sales to minors.

When advised last night of this disparity, Richard D. Parsons, associate director of the White House Domestic Council,

who helped prepare the drug abuse message, commented, "If that be the case, that be the case."

"I hadn't done an exhaustive job on S.1," Mr. Parsons conceded. "I may have gotten a misconstruction [sic] from the Justice Department."

In releasing the message, administration spokesmen said they were aware that the President has been on record in support of the general concept of mandatory minimum sentences for heroin traffickers since his crime message of June 19, 1975.

They said the new message was prepared because Congress has not yet acted on the proposals, and in order to give the idea renewed emphasis.

In his message, the President called for tougher action against drug traffickers so that they will "know with certainty that, if convicted, they will go to jail for a substantial period of time. Only then will the risk of apprehension be a deterrent rather than just another cost of doing business."

In the message, the President also called for legislation

to permit judges to deny bail to several kinds of drug traffickers, and to permit the U.S. Customs Service to search suspected drug traffickers when they leave the country, forfeiting the currency or property they seize.

Administration spokesmen said the President has previously recommended changes in the Bail Reform Act such as the one called for yesterday, but has never specifically recommended denying bail in heroin trafficking cases. The recommended changes in customs procedures are new, the spokesmen said.

The concept of mandatory minimum sentences has gained increasing currency in recent years, and has been endorsed even by liberals such as Senator Edward M. Kennedy (D., Mass.)

One Justice Department official familiar both with S.1 and the President's drug message said that all mandatory-minimum proposals being considered include some form of "escape hatch," allowing either some discretion to the sentencing judge or early eligibility for parole.

May 1976

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

SIGNATURE

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon *Jim*
SUBJECT: Drug Abuse Cabinet Committees

Attached for your signature are memoranda to Attorney General Levi and HEW Secretary Mathews relating to the establishment of Cabinet Committees for Drug Law Enforcement and Drug Abuse Prevention, Treatment and Rehabilitation.

Attorney General Levi, Secretary Mathews, Jack Marsh, Phil Buchen, Max Friedersdorf, Bill Seidman and I recommend you sign the memoranda.

Attachments



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Honorable Edward H. Levi
The Attorney General

SUBJECT: Cabinet Committee for Drug Law Enforcement

Drug abuse, particularly narcotics addiction, has reached crisis proportions in the United States. Current estimates are that as much as half of all street crime is committed by drug addicts to support their expensive and debilitating habits. The cumulative effect of drug abuse has been to diminish the quality and vitality of our community life and to weaken the fabric of our nation. It is imperative, therefore, that Federal law enforcement efforts aimed at those who are responsible for distributing illicit drugs in our communities be as effective as possible.

In my recent message to the Congress on drug abuse, I announced the establishment of a Cabinet Committee for Drug Law Enforcement, to have responsibility for oversight and coordination of all Federal drug law enforcement activities. You are to chair the Cabinet Committee, which is to include the Secretary of the Treasury and the Secretary of Transportation, and such others as in your judgment become necessary.

The Cabinet Committee should be supported by a Working Group composed of personnel from each Federal department and agency having drug law enforcement responsibilities and the Office of Management and Budget. The Attorney General shall designate an Executive Director of the Cabinet Committee, who shall be Chairman of the Working Group.

The Cabinet Committee shall be responsible for the coordination of all policies and activities of the Federal government relating to domestic drug law enforcement. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.

More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug law enforcement;



- (2) assure proper coordination among Federal drug law enforcement programs, including the collection, analysis and dissemination of enforcement intelligence data;
- (3) assure that Federal enforcement resources are effectively utilized;
- (4) assure proper coordination between the investigative and prosecutorial arms of the government;
- (5) provide liaison between the Executive Branch and Congress, State and local governments and the public;
- (6) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (7) evaluate and make recommendations to improve Federal drug law enforcement programs; and
- (8) report progress to me on October 1, 1976, and periodically thereafter.

In addition to the above on-going responsibilities, you, as Chairman of the Cabinet Committee, should work closely with the Secretary of Health, Education, and Welfare to develop plans for improving the coordination between law enforcement and drug abuse prevention, treatment and rehabilitation programs.

cc: The Honorable William E. Simon
Secretary of the Treasury
The Honorable William T. Coleman
Secretary of Transportation



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Honorable F. David Mathews
Secretary of Health, Education, and Welfare

SUBJECT: Cabinet Committee on Drug Abuse Prevention,
Treatment and Rehabilitation

The need to provide humane and effective drug abuse prevention, treatment and rehabilitation services, to balance our law enforcement efforts aimed at drug traffickers, has been clearly established. Given the magnitude of the drug abuse problem and its impact on the health and well-being of our nation, it is vitally important that the efforts of the various departments and agencies of the Federal government responsible for providing these services be integrated into an effective overall program.

In my recent message to the Congress on drug abuse, I announced the establishment of a Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation, to have responsibility for oversight and coordination of all Federal activities in this area. You are to chair the Cabinet Committee, which will include as members the Secretary of Defense, the Secretary of Labor, the Administrator of the Veterans Administration, and such others as in your judgment become necessary.

The Cabinet Committee should be supported by a Working Group composed of personnel from each Federal department and agency having drug abuse prevention, treatment or rehabilitation responsibility and the Office of Management and Budget. The Secretary of Health, Education, and Welfare shall designate an Executive Director of the Cabinet Committee, who shall be Chairman of the Working Group.

The Cabinet Committee shall be responsible for the coordination of all policies of the Federal government relating to the drug abuse prevention, treatment and rehabilitation services, as well as related research activities. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.

More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug treatment, rehabilitation, prevention and research;
- (2) assure proper coordination among Federal drug treatment and rehabilitation programs, including the collection, analysis and dissemination of information;
- (3) assure that Federal prevention, treatment and rehabilitation resources are effectively utilized;
- (4) provide liaison between the Executive Branch and Congress, State and local governments and the public;
- (5) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (6) develop and monitor a plan for improving job opportunities for former addicts;
- (7) evaluate and make recommendations to improve Federal drug treatment and rehabilitation programs; and
- (8) report progress to me on October 1, 1976, and periodically thereafter.

In addition to the above on-going responsibilities, you, as Chairman of the Cabinet Committee, should work closely with the Attorney General to develop plans for improving the coordination between law enforcement and drug abuse prevention, treatment and rehabilitation programs.

cc: The Honorable Donald Rumsfeld
Secretary of Defense
The Honorable Willie J. Utery, Jr.
Secretary of Labor
The Honorable Richard L. Roudebush
Administrator, Veterans Administration

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 4, 1976

MEMORANDUM FOR: Jim Cannon
FROM: Dick Parsons
SUBJECT: Drug Abuse Cabinet Committees --
Follow-up Memoranda

The attached memoranda are self-explanatory. If they meet your approval, I suggest we circulate them to senior staff for comment by c.o.b. Thursday, May 6. This would enable us to get them to the President on Friday.

I have already sent copies to the Attorney General and the Secretary of HEW for their review and comment.

THE WHITE HOUSE

WASHINGTON

May 10, 1976

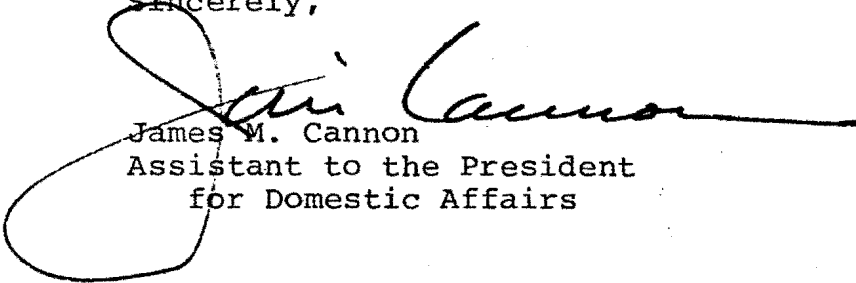
Dear General Brooksher:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to thank you again for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,



James M. Cannon
Assistant to the President
for Domestic Affairs

Brig. General Daniel A. Brooksher, USAF
Chief of Staff
U.S. Taiwan Defense Command
Box 24
APO San Francisco 96263

Enclosure



THE WHITE HOUSE

WASHINGTON

May 10, 1976

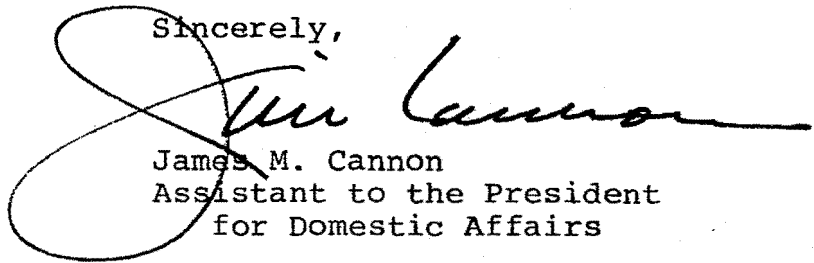
Dear Bob:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to thank you again for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "Jim Cannon". The signature is written over the typed name and title.

James M. Cannon
Assistant to the President
for Domestic Affairs

Mr. Robert W. Rust
300 Ainsley Building
14 Northeast First Avenue
Miami, Florida 33132

Enclosure

THE WHITE HOUSE

WASHINGTON

May 10, 1976

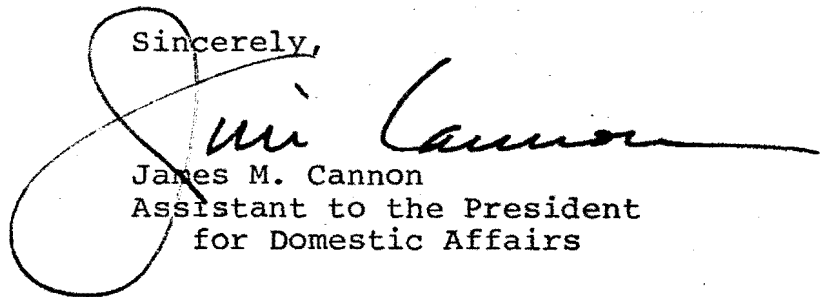
Dear Admiral Wagner:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to again thank you for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "Jim Cannon". The signature is written over the typed name and title.

James M. Cannon
Assistant to the President
for Domestic Affairs

Rear Admiral Austin C. Wagner, USCG
Commander
Seventh Coast Guard District
51 Southwest First Avenue
Miami, Florida 33130

Enclosure

THE WHITE HOUSE

WASHINGTON

May 10, 1976

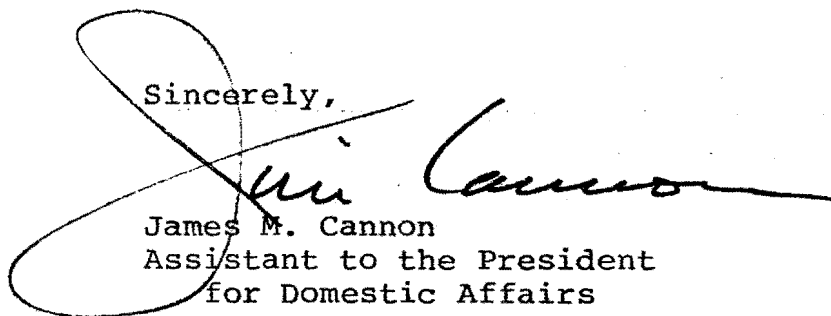
Dear Don:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to again thank you for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jim Cannon", is written over the typed name and title.

James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Don Henderson
Mayor of El Paso
500 East San Antonio Avenue
El Paso, Texas 79901

Enclosure

THE WHITE HOUSE

WASHINGTON

May 10, 1976

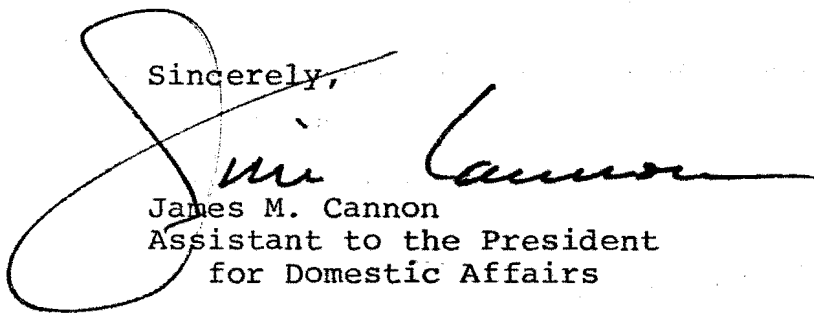
Dear Rocky:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to again thank you for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jim Cannon". The signature is written over the typed name and title.

James M. Cannon
Assistant to the President
for Domestic Affairs

Mr. Rocky Pommerance
Chief of Police
120 Meridian Avenue
Miami Beach, Florida 33139

Enclosure

THE WHITE HOUSE

WASHINGTON

May 10, 1976

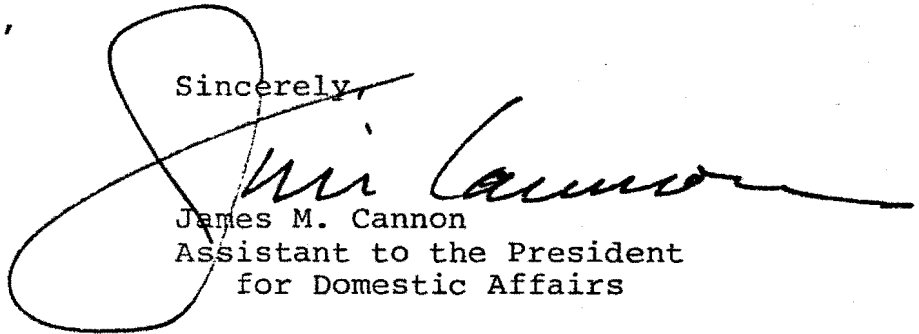
Dear Bud:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to again thank you for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jim Cannon". The signature is written over the typed name and title.

James M. Cannon
Assistant to the President
for Domestic Affairs

Mr. E. Wilson Purdy
Director
Dade County Public Safety Department
1320 Northwest Fourteenth Street
Miami, Florida 33125

Enclosure

THE WHITE HOUSE

WASHINGTON

May 10, 1976

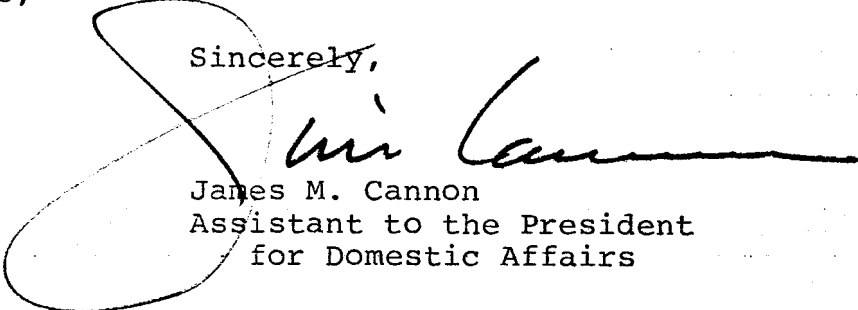
Dear Garland:

I thought you would be interested in the full text of the President's recent message to the Congress on drug abuse, so I am enclosing a copy for your review.

I want to again thank you for your thoughts and suggestions on how we can improve our overall ability to combat drug abuse and for your support of the President's efforts in this regard.

With best wishes,

Sincerely,



James M. Cannon
Assistant to the President
for Domestic Affairs

Mr. Garland Watkins
Chief of Police
1145 Northwest Eleventh Street
Miami, Florida 33136

Enclosure

APRIL 27, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

I address this message to the Congress on a matter which strikes at the very heart of our national well-being -- drug abuse.

The cost of drug abuse to this Nation is staggering. More than 5,000 Americans die each year from the improper use of drugs. Law enforcement officials estimate that as much as one half of all "street crime" -- robberies, muggings, burglaries -- are committed by drug addicts to support their expensive and debilitating habits. In simple dollar terms, drug abuse costs us up to \$17 billion a year.

But these statistics -- ominous as they are -- reflect only a part of the tragic toll which drug abuse exacts. For every young person who dies of a drug overdose, there are thousands who do not die but who are merely going through the motions of living. They sit in classrooms without learning. They grow increasingly isolated from family and friends. At a time when they should be preparing for the future, they are "copping out" on the present.

The problem, moreover, is not limited to youth or to the disadvantaged. It extends to citizens of all ages and all walks of life -- from the housewife to the college professor. The cumulative effect is to diminish the quality and vitality of our community life; to weaken the fabric of our Nation.

When this problem exploded into the national consciousness in the late 1960's, the response of the Federal Government was swift and vigorous. Federal spending on a comprehensive program to control drug abuse grew from less than \$100 million in 1969 to over three-quarters of a billion in 1974; specialized agencies like the Drug Enforcement Administration and the National Institute on Drug Abuse were created; and international diplomatic efforts to mobilize the assistance of foreign governments in a world-wide attack on drug trafficking were intensified.

With the help of State and local governments, community groups and our international allies in the battle against narcotics, we were able to make impressive progress in combatting the drug menace. So much so that by mid-1973 many were convinced that we had "turned the corner" on the drug abuse problem.

Unfortunately, while we had won an important victory, we had not won the war on drugs. By 1975, it was clear that drug use was increasing, that the gains of prior years were being lost, that in human terms, narcotics had become a national tragedy. Today, drug abuse constitutes a clear and present threat to the health and future of our Nation.

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(OVER)



The time has come to launch a new and more aggressive campaign to reverse the trend of increasing drug abuse in America. And this time we must be prepared to stick with the task for as long as necessary.

Because of my deep concern about this problem and my personal commitment to do something about it, last year I directed the Domestic Council to undertake a thorough review and assessment of the adequacy of the Federal drug program. That review, which culminated in the publication of the White Paper on Drug Abuse, has helped tremendously to refocus and revitalize the Federal effort. We have made substantial progress in implementing the many sound recommendations contained in the White Paper, but more needs to be done.

And more will be done. The first need for stronger action is against the criminal drug trafficker. These merchants of death, who profit from the misery and suffering of others, deserve the full measure of national revulsion. They should be the principal focus of our law enforcement activities -- at the Federal, State and local level. In this regard, I am pleased to note that arrests by Federal law enforcement officers of major drug traffickers are up substantially over previous years. However, the progress we have made in improving our ability to apprehend these traffickers will be lost unless major changes are made in the way our criminal justice system deals with drug traffickers after arrest.

Justice Department statistics show that one out of every four persons convicted of trafficking in heroin received no prison sentence at all. One out of every three received a sentence of less than three years. And since convicted traffickers are eligible for parole upon the completion of one-third of their sentence, even those who received longer sentences rarely served more than a few years.

I believe this is wrong. It is wrong for the criminals who profit by selling drugs, it is wrong for the victims of drugs, and it is wrong for our system of justice. Laws which permit traffickers to go free to prey again on society should be changed. These criminals must know with certainty that, if convicted, they will go to jail for a substantial period of time. Only then will the risk of apprehension be a deterrent rather than just another cost of doing business.

Accordingly, I will submit to the Congress this week legislation which will require mandatory minimum prison sentences for persons convicted of trafficking in heroin and similar narcotic drugs. Sentences under this legislation would be at least three years for a first offense and at least six years for subsequent offenses or for selling to a minor.

I want to emphasize that the purpose of this proposal is not to impose vindictive punishment but to protect society from those who prey upon it and to deter others who might be tempted to sell drugs. Considering the terrible human toll that drug addiction takes and the extent to which it contributes to more and more crime, it is a matter of high priority that Congress make our laws more effective in curbing drug traffic.

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Another serious problem with current Federal law is that even the most notorious drug traffickers are usually released on bail soon after arrest. The bail is often small and the profits from drug trafficking are large, so raising and then forfeiting the bail is just another cost of doing business. A 1974 Justice Department study shows that 48 percent -- nearly one out of two -- of a sample of individuals arrested for trafficking in narcotics were implicated in post-arrest drug trafficking while out on bail. Other studies show that approximately one-fourth of all bail-jumpers in drug cases are aliens who were caught smuggling drugs into the country. These offenders simply flee to their homelands upon posting bail. There, they serve as walking advertisements for international traffickers attempting to recruit other couriers.

This, too, is wrong. Therefore, in addition to asking Congress to establish mandatory minimum sentences, I shall submit to Congress legislation that would enable judges to deny bail if a defendant arrested for trafficking heroin or dangerous drugs is found (1) to have previously been convicted of a drug felony; (2) to be presently free on parole; (3) to be a non-resident alien; (4) to have been arrested in possession of a false passport; or (5) to be a fugitive or previously convicted of having been a fugitive.

Next, the Federal government must act to take the easy profits out of drug selling.

We know that tremendous amounts of money are illegally taken out of the country each day, either to purchase drugs or to transfer profits made by selling drugs to safe and secret bank accounts abroad. To prevent this money from being smuggled out of the country, I will ask Congress to grant to the U.S. Customs Service the authority to search persons suspected of smuggling money out of the country as Customs now has the authority to search for contraband entering the country.

I shall ask Congress to pass legislation requiring the forfeiture of cash or other personal property found in the possession of a narcotics violator -- where it is determined that it was used or was intended for use in connection with an illegal drug transaction.

I shall ask Congress to change provisions of the law which allow the seizure of vehicles, boats and aircraft used to smuggle drugs. At present, these may be seized by administrative action only if the value of the property is less than \$2,500; otherwise action by a Federal judge is necessary.

This \$2,500 limitation is out of date and must be changed. Therefore, I shall ask Congress to raise to \$10,000 the ceiling for administrative forfeitures. This will not only make law enforcement against traffickers more swift and more effective but it will also help to relieve court congestion.

I shall ask Congress to tighten the provisions of the law relating to small privately owned boats reporting to Customs after their arrival. At present, the masters of these vessels have 24 hours to report their arrival to Customs -- and that is ample time to unload contraband. I shall ask Congress to pass legislation requiring such vessels to report to Customs immediately upon their arrival.

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I call on Congress also to ratify an existing treaty for the international control of synthetic drugs.

Over the past fifty years the major nations of the world have worked out treaty arrangements for the international control of drugs with a natural base, such as opiates and cocaine. But no similar arrangements exist for the control of synthetic drugs -- such as barbiturates, amphetamines and tranquilizers; and the abuse of these synthetic drugs is a growing problem which is now almost as serious as the abuse of heroin in the United States.

Five years ago the United States played a major role in the preparation of the 1971 Convention on Psychotropic Substances, a treaty to deal with international traffic in synthetic drugs. But the Senate has not yet ratified this treaty, and Congress has not yet passed the enabling legislation.

The delay in U.S. ratification of the Convention has been an embarrassment to us. Moreover, it has made it extremely difficult for us to urge other countries to tighten controls on natural-based narcotic substances, when we appear unwilling to extend international controls to amphetamines, barbiturates and other psychotropic drugs which are produced here in the United States.

So far, I have emphasized the need for additional legislation and Congressional action.

But there are Executive actions which I can take and I am today doing so.

The Federal program to control drug abuse is as diverse as any in government, involving some seven Cabinet departments and seventeen agencies. It is vitally important that the efforts of these departments and agencies be integrated into an effective overall program but that responsibility for specific program management rest with the appropriate departments and agencies.

Accordingly, I am today establishing two new Cabinet committees -- one for drug law enforcement and the other for drug abuse prevention, treatment and rehabilitation.

The Cabinet Committee for Drug Law Enforcement will consist of the Attorney General as chairman and the Secretaries of the Treasury and Transportation. The Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation will consist of the Secretary of Health, Education, and Welfare as chairman, the Secretary of Defense, the Secretary of Labor and the Administrator of the Veterans Administration. I charge the Attorney General and the Secretary of HEW, as chairmen of these committees, with responsibility for oversight and coordination at all Federal activities within their respective areas.

In carrying out his responsibilities as Chairman of the new Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation, the Secretary of HEW should give particular attention to developing expanded vocational rehabilitation opportunities for drug addicts. Experience has shown that treatment alone is not enough. Unless something is done to alter the fundamental conditions which led the individual to seek escape through drug use, a relapse is likely. A job,

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with the dignity and self-esteem it brings, is essential to help the individual re-enter the mainstream of American life. Further, the Secretary of HEW and the Attorney General will work together to develop plans for improving the coordination between the drug abuse treatment system and the criminal justice system.

I am directing the Secretary of the Treasury to work with the Commissioner of the Internal Revenue, in consultation with the Attorney General and the Administrator of the Drug Abuse Enforcement Administration, to develop a tax enforcement program aimed at high-level drug traffickers. We know that many of the biggest drug dealers do not pay income taxes on the enormous profits they make on this criminal activity. I am confident that a responsible program can be designed which will promote effective enforcement of the tax laws against these individuals who are currently violating these laws with impunity.

No matter how hard we fight the problem of drug abuse at home, we cannot make really significant progress without the continued cooperation of foreign governments. This is because most dangerous narcotics are produced in foreign countries. Thus, our capability to deal with supplies of drugs available in the United States depends largely on the interest and capability of foreign governments in controlling the production and shipment of illicit drugs.

Many countries still see drug abuse as primarily an American problem and are unaware of the extent to which the problem is truly global in scope. Poorer nations find it difficult to justify the allocation of scarce resources to deal with drug abuse in the face of many other pressing needs. Also, some opium producing countries lack effective control over, or access to, growing areas within their boundaries and, thus, their efforts in drug control programs are made more difficult.

Still, we have been reasonably successful in enlisting the cooperation of foreign governments. We must now intensify diplomatic efforts at all levels in order to encourage the greatest possible commitment from other governments to this international problem. We must continue to provide technical and equipment assistance through cooperative enforcement efforts with U.S. agents stationed overseas, all aimed at strengthening drug control organizations within foreign countries. And we must continue to participate in building institutions and a system of international treaties which can provide a legal framework for an international response to this international problem.

I have spoken personally to Presidents Echeverria of Mexico and Lopez-Michelsen of Colombia and with Prime Minister Demirel of Turkey in an effort to strengthen cooperation among all nations involved in the fight against illicit drug traffic. I intend to continue to urge foreign leaders to increase their efforts in this area. Attorney General Levi has recently discussed drug control problems with the Attorney General of Mexico and Secretary of State Kissinger has discussed narcotic control efforts with senior officials in Latin America on his recent trip there. I have asked both of them, as well as our Ambassador to the United Nations, William Scranton, to continue to expand these important discussions.

The reactions of the governments which we have approached have been positive -- there is a genuine and healthy air of mutual concern and cooperation between our countries and I am confident that our joint efforts will bring about a real reduction in drug trafficking into the United States.

One recent example of the new awareness and commitment of foreign governments to this struggle deserves special mention. President Echeverria has written to inform me of his intention to set up a cabinet level commission to coordinate all law enforcement and drug treatment programs within Mexico and to suggest that his commission might periodically exchange information and ideas with a counterpart here. This proposal, which was the result of discussions between President Echeverria and concerned members of the United States Congress, stands as a clear signal that the Mexican government recognizes the need to build a coordinated response to the problem of drug abuse. I believe the periodic exchange of views on this matter between our two nations would be helpful. Accordingly, I am assigning responsibility for liaison with the Mexican Commission to the Cabinet Committee on International Narcotic Control and I am directing the Secretary of State, as Chairman of the CCINC to immediately form an executive committee to meet with its Mexican counterpart to discuss ways in which our government can collaborate more effectively. We shall of course consult with concerned members of Congress as these efforts are carried on.

Drug abuse is a national problem. Our national well-being is at stake. The Federal Government -- the Congress, the Executive Branch and the Judicial Branch -- State and local governments, and the private sector must work together in a new and far more aggressive attack against drugs.

I pledge that the Federal Government will maintain the high priority which it has given this problem. We will strengthen our law enforcement efforts and improve our treatment and rehabilitation programs. With Congress' help, we will close loopholes in our laws which permit traffickers to prey on our young; and we shall expect the courts to do their part.

All of this will be of little use, however, unless the American people rally and fight the scourge of drug abuse within their own communities and their own families. We cannot provide all the answers to young people in search of themselves, but we can provide a loving and a caring home; we can provide good counsel; and we can provide good communities in which to live. We can show through our own example that life in the United States is still very meaningful and very satisfying and very worthwhile.

Americans have always stood united and strong against all enemies. Drug abuse is an enemy we can control but there must be a personal and a national dedication and commitment to the goal.

If we try, we can be successful in the long run. I am convinced we can -- and that we will.

GERALD R. FORD

THE WHITE HOUSE,

April 27, 1976.

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THE WHITE HOUSE
WASHINGTON

ACTION

May 11, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *J. Cannon*

SUBJECT:

Drug Abuse Cabinet Committees

Attached for your consideration are proposed memorandums to the members of the Cabinet Committee for Drug Law Enforcement and the Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation regarding establishment of the Committees.

Attorney General Levi, Secretary Mathews, Jack Marsh, Counsel's Office (Lazarus), Max Friedersdorf and I recommend that you sign the memorandums which have been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign the memorandums at Tabs A and B.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Secretary of the Treasury
The Attorney General
The Secretary of Transportation

SUBJECT:

Cabinet Committee for Drug Law
Enforcement

Drug abuse, particularly narcotics addiction, has reached crisis proportions in the United States. Current estimates are that as much as half of all street crime is committed by drug addicts to support their expensive and debilitating habits. The cumulative effect of drug abuse has been to diminish the quality and vitality of our community life and to weaken the fabric of our nation. It is imperative, therefore, that Federal law enforcement efforts aimed at those who are responsible for distributing illicit drugs in our communities be as effective as possible.

In my recent message to the Congress on drug abuse, I announced the establishment of a Cabinet Committee for Drug Law Enforcement, to have responsibility for oversight and coordination of all Federal drug law enforcement activities. You are hereby appointed members of the Cabinet Committee, along with such other members as I may appoint from time to time. The Attorney General shall serve as Chairman of the Cabinet Committee.

The Cabinet Committee shall be supported by a Working Group composed of personnel from each Federal department and agency having drug law enforcement responsibilities and the Office of Management and Budget. The Attorney General shall designate an Executive Director of the Cabinet Committee, who shall be Chairman of the Working Group.

The Cabinet Committee shall be responsible for the coordination of all policies and activities of the Federal government relating to domestic drug law enforcement. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.



More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug law enforcement;
- (2) assure proper coordination among Federal drug law enforcement programs, including the collection, analysis and dissemination of enforcement intelligence data;
- (3) assure that Federal enforcement resources are effectively utilized;
- (4) assure proper coordination between the investigative and prosecutorial arms of the government;
- (5) provide liaison between the Executive Branch and Congress, State and local governments and the public;
- (6) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (7) evaluate and make recommendations to improve Federal drug law enforcement programs; and
- (8) report progress to me on October 1, 1976, and periodically thereafter.

In addition to the above on-going responsibilities, the Chairman of the Cabinet Committee, shall work closely with the Secretary of Health, Education, and Welfare to develop plans for improving the coordination between law enforcement and drug abuse prevention, treatment and rehabilitation programs.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

The Secretary of Defense
The Secretary of Labor
The Secretary of Health, Education,
and Welfare
The Administrator of Veterans' Affairs

SUBJECT:

Cabinet Committee on Drug Abuse Prevention,
Treatment and Rehabilitation

The need to provide humane and effective drug abuse prevention, treatment and rehabilitation services, to balance our law enforcement efforts aimed at drug traffickers, has been clearly established. Given the magnitude of the drug abuse problem and its impact on the health and well-being of our nation, it is vitally important that the efforts of the various departments and agencies of the Federal government responsible for providing these services be integrated into an effective overall program.

In my recent message to the Congress on drug abuse, I announced the establishment of a Cabinet Committee on Drug Abuse Prevention, Treatment and Rehabilitation, to have responsibility for oversight and coordination of all Federal activities in this area. You are hereby appointed members of the Cabinet Committee, along with such other members as I may appoint from time to time. The Secretary of Health, Education, and Welfare will serve as Chairman of the Cabinet Committee.

The Cabinet Committee shall be supported by a Working Group composed of personnel from each Federal department and agency having drug abuse prevention, treatment or rehabilitation responsibility and the Office of Management and Budget. The Secretary of Health, Education, and Welfare shall designate an Executive Director of the Cabinet Committee, who shall be Chairman of the Working Group.

The Cabinet Committee shall be responsible for the coordination of all policies of the Federal government relating to the drug abuse prevention, treatment and rehabilitation services, as well as related research activities. To the maximum extent permitted by law, Federal departments, agencies and offices shall cooperate with the Cabinet Committee in carrying out its responsibilities.

More specifically, the Cabinet Committee shall:

- (1) develop and implement the Federal strategy with respect to drug treatment, rehabilitation, prevention and research;
- (2) assure proper coordination among Federal drug treatment and rehabilitation programs, including the collection, analysis and dissemination of information;
- (3) assure that Federal prevention, treatment and rehabilitation resources are effectively utilized;
- (4) provide liaison between the Executive Branch and Congress, State and local governments and the public;
- (5) assure implementation of relevant recommendations contained in the Domestic Council's White Paper on Drug Abuse;
- (6) develop and monitor a plan for improving job opportunities for former addicts;
- (7) evaluate and make recommendations to improve Federal drug treatment and rehabilitation programs; and
- (8) report progress to me on October 1, 1976, and periodically thereafter.

In addition to the above on-going responsibilities, the Chairman of the Cabinet Committee, shall work closely with the Attorney General to develop plans for improving the coordination between law enforcement and drug abuse prevention, treatment and rehabilitation programs.