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U.S. AIR INTERDICTION EFFORTS IN SOUTH AMERICA AFTER THE PERU INCIDENT

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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U.S. AIR INTERDICTION EFFORTS IN SOUTH AMERICA AFTER THE PERU INCIDENT

TUESDAY, MAY 1, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:30 p.m., in room 2154, Rayburn House Office Building, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder, Burton, Mica, Jo Ann Davis of Virginia, Platts, Cummings, and Schakowsky.

Staff present: Chris Donesa, staff director; Sharon Pinkerton, chief counsel; Charley Diaz, congressional fellow; Roland Foster, professional staff member; Conn Carroll, clerk; Tony Haywood, minority counsel; Denise Wilson, minority professional staff member; and Lorran Garrison, minority staff assistant.

Mr. SOUDER. The Subcommittee on Criminal Justice, Drug Policy and Human Resources is called to order. Thank you all for coming this afternoon. Just a little over a week ago, a terrible tragedy occurred that broke the heart of every American when, through a preventable mistake, a missionary, whose life had been committed to serving others on behalf of God, was killed along with her little girl. The innocent pilot was also wounded.

God's grace is flowing over her husband and son. Roni and Charity Bowers now wait to be united in a much happier place. God's promise is that all things work together for those who live the Lord. The entire Nation has been able to hear of the tremendous faith and confidence of this family.

But, from a public policy standpoint, where is the U.S. Government to head? What will the U.S.' antidrug efforts in South America be after the Peru incident? The errors in this particular case already seem pretty clear. An investigative team is in Peru today, headed by Randy Beers of the State Department, to verify the facts and propose solutions. We are looking forward to a speedy presentation to Congress and the general public of those findings.

The shoot-down policy support by the U.S. Government was proposed by President Clinton in 1994. It passed the Democrat-controlled House and the Democrat-controlled Senate in 1994. Though this was a Clinton initiative supported by a totally controlled Democratic Congress, Republicans generally supported President Clinton's policy as well. This policy was not a partisan policy then, nor should it be now. President Clinton stated that the Peruvian

Government had adequate checks in place to assure that a tragedy such as this would not occur.

In President Clinton's statement to Congress he included, "The use of weapons against any such aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade the suspect aircraft to land at a controlled airfield had been exhausted." Guidelines also specified requirements on flight plans, multiple radio contacts, visual contact, confirmation of the aircraft's identification and registry, and the firing of warning shots first. Clearly, these guidelines were not followed.

Some will try to maintain that it was inevitable that such an incident would occur. I disagree. It is not inevitable that in one flight there would be a mix-up of flight plans, language problems, failure to identify tail numbers, failure to make radio contact, failure to fire warning shots, or at least make them aware of such an effort.

On top of that, the plane was headed toward the airfield in Iquitos where, according to guidelines, the force-down should have occurred. The plane was not using evasive techniques and was headed away from the Colombian border where it was not in danger of escaping. Any plan that can allow this many errors has a design flaw. At a bare minimum, not enough double-checks and training.

After the Exxon Valdez oil spill in Alaska, many actions were taken to avoid another oil spill, such as adding a second pilot, having tug escorts, and having spill teams ready to contain another accident, to name just a few. But around the world, we have not just given up and said, no more oil. We will work to avoid a repeat.

But this is certain. This policy will never be reinstalled unless President Bush, Secretary Powell, Congress and, ultimately, the American people, believe that such a tragedy as this is not likely to be repeated because new safeguards have not been added.

At today's hearing, we will first hear from Congressman Pete Hoekstra of Michigan who represents Muskegon, MI, the hometown of the Bowers family, and Congressman Curt Weldon of Pennsylvania, who represents the injured pilot, Kevin Donaldson. On the third panel we will hear from several groups opposed to this policy and one who favors it. The second panel will discuss the larger question: can the drug war in South America be successful? Did this shoot-down policy have any impact on reducing drugs? What is likely to happen without such a policy in place? What other efforts can be undertaken to reduce the flow of illegal drugs into our home towns?

It is important to note to all of the members, those in attendance and those watching, none of the agencies in attendance today were part of the tragic mistake in any way. DEA, Customs, ONDCP, the Department of State and JIATF East were not involved. The CIA was invited to testify today. They chose not to attend.

I, as chairman of this subcommittee, in fact, have received repeated requests not to hold today's hearing, but I strongly believe that this policy should not just be debated behind closed doors. Information should not just come from selected leaks to favored media outlets.

Unfortunately, many people in America are becoming convinced, falsely, that the war on drugs has not worked. Secret hearings, hoping this will blow over, will not help the American people understand the difficulty of fighting illegal drugs. They have been swayed by Hollywood screenwriters more than facts. They have been influenced more by propaganda from a few rich drug legalizers than by the hard work of thousands of dedicated law enforcement officers, anti-drug counselors, teachers and parents who have rescued the lives of tens of thousands of Americans.

Many Americans also do not understand the tremendous sacrifices the people of Peru as well as Colombia, Bolivia, Ecuador and others have made in trying to solve America's and Europe's drug problem. We need to thank them for their efforts more often. Only through open discussions to the degree possible of our actions can we build popular support for these needed programs. A common view, one perhaps some will make today, is that the solution is to drop interdiction and concentrate solely on demand reduction. Obviously, demand reduction is a key component of any antidrug strategy. No effort can possibly succeed without prevention and treatment programs.

The Federal Government already spends far more on prevention and treatment than interdiction. Local and State governments, of course, spend nothing on interdiction, but millions more on prevention and treatment, but it is still not enough.

This week in the Education Committee we will be reauthorizing the Safe and Drug-Free Schools Act. For 2 years, I and others have been working on legislation to make this program more effective. Over the last few years, I have been a lead sponsor on the Drug-Free Workplace bill, the Drug-Free Communities Act, and an advocate for increased funding for drug courts. I support legislation to expand drug treatment coverage. My legislation to hold students who receive student loans accountable if they get convicted of a drug crime has been in the news lately. One of the charges I constantly hear in south and central America is that we don't do enough here in America, especially from students who studied on U.S. college campuses.

But I have noticed something interesting in the 6 years I have been in Congress. Many critics of drug interdiction programs also don't seem to be advocates of tough prevention programs either. No drug testing, no losing of any benefits, no clear anti-drug message; after all, marijuana may be medicinal.

We are either serious about the war on drugs or we are not. Over 200,000 Americans have died from the effects of illegal drugs, and 34,000 were killed in Korea and 47,000 in battle in Vietnam. Are we serious about the drug war or not?

What is the alternative of those who oppose the war on drugs? Having more weed-wacked, meth-wasted, heroin-junkie crackheads driving a car headed in your direction or prowling your neighborhood or, perhaps even more painfully, coming home to beat you or our child?

The facts are simple. When this country focuses on the war on drugs, we make progress. The witnesses here today from the various agencies will make that clear. What we lack is a steady commitment.

Drugs, like other dirty crimes, good and decent people don't like to think about, like child abuse, spouse abuse, rape, will never be eliminated. Sin will always exist, but we can never just abandon a battered spouse or child. We must do what we can to spare as many as possible the agony and the pain. We may not eliminate our social ills, but with dedication, they can, in fact, be controlled.

I now yield to the distinguished ranking member, Mr. Cummings of Maryland.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement
Chairman Mark Souder

U.S. Air Interdiction Efforts in South America After the Peru Incident

Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform

May 1, 2001

Good afternoon and thank you all for coming. Just a little over a week ago a terrible tragedy occurred that tugged at the heartstrings of every American. Through a preventable mistake a missionary, whose life had been committed to serving others on behalf of God, was killed along with her little girl. The innocent pilot was also wounded.

God's grace is flowing over her husband and son. Roni and Charity Bowers now wait to be united with them in a much happier place. God's promise is that all things work together for those that love the Lord. The entire nation has learned of the tremendous faith and confidence of this family.

From a public policy standpoint, where is the United States government to head now? What will be our anti-drug efforts in South America after the Peru incident? Our drug interdiction efforts are critical. Countless more American lives and families are at stake every day from illegal drugs.

Many of the errors in this particular case already seem pretty clear from news reports. An investigative team is in Peru today, headed by Rand Beers of the State Department, to determine and verify the facts and

propose solutions. We are looking forward to a speedy presentation of their findings to Congress and the general public.

The shoot-down policy in Peru currently supported by the United States Government is a bipartisan one. It was first proposed and enacted by President Clinton in 1994. It passed the Democratic-controlled House and the Democratic-controlled Senate in 1994. Republicans generally supported this policy, which was not partisan then nor should it be now.

President Clinton at that time signed and issued a written Presidential Directive finding that the Peruvian Government had adequate checks in place to assure that a tragedy would not occur. The President's Memorandum of Justification stated that:

> The use of weapons against [trafficking] aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade the suspect aircraft to land at a controlled airfield have been exhausted.

It also contained specific requirements with respect to flight plans, multiple radio contacts, visual contact, confirmation of the aircraft's identification and registry, and the firing of warning shots. Clearly these guidelines were not followed a week ago in Peru.

Some will try to maintain that it was inevitable that such an incident would occur. I disagree. It is not inevitable that in one flight there would be a mix-up of flight plans, language problems, failure to identify tail numbers, failure to make radio contact, failure to fire warning shots or otherwise warn a suspect plane of imminent danger. On top of that, the aircraft in this case was headed toward the airfield in Iquitos where -- according to guidelines -- it should have been <u>forced</u> down without loss of life. Furthermore, the plane was not attempting to evade pursuit and was headed <u>away</u> from the Colombian border -- and thus was not in danger of escaping. Any plan that can allow this many errors in execution is flawed. At a bare minimum, the incident suggests the need for more double checks and more training.

After the Exxon Valdez oil spill in Alaska, a number of remedial actions were taken to avoid another spill. These included adding a second pilot, having tug escorts, and having spill teams ready to contain another accident. What we did not do is just give up and say "no more oil". We worked to avoid a repeat. But this is certain: the policy will never be reinstated unless President Bush, Secretary Powell, Congress, and ultimately the American people believe that safeguards are in place to ensure that a tragedy such as this cannot be repeated.

At today's hearing, we will first hear from Congressman Pete Hoekstra of Michigan, who represents Muskegon, the hometown of the Bowers family. We will also hear from Congressman Curt Weldon of Pennsylvania, who represents the injured pilot, Kevin Donaldson. On the third panel, we will hear from groups who both have concerns about this policy and who favor it.

The second panel will discuss the larger question: Can our drug interdiction efforts in South America be successful? What impact has the shoot-down policy had on reducing the flow of drugs into the United States? What is the current status of our efforts? What is likely to happen without such a policy in place? What other efforts can be taken to stop illegal narcotics from coming into our hometowns?

It is important to note to all of the members and the public -- those in attendance and those watching -- that none of the agencies in attendance today were operationally involved in the tragic mistake in Peru. DEA, Customs, ONDCP, the Department of State, and JIATF-East were not participants in Peru. The CIA was invited to testify today and chose not to attend. As Chairman of this Subcommittee, I in fact have received repeated requests not to hold this hearing. But I strongly believe that this policy should not just be debated behind closed doors. Information should not come to the public simply by selected leaks to favored media outlets.

Unfortunately, many people in America are becoming convinced - falsely - that the "war on drugs" has not worked. Secret hearings founded on the hope that this issue will "blow over" will not help the American people understand the difficulty, the challenge, and the reality of fighting illegal drugs. They have been swayed by Hollywood screenwriters more than

facts. They have been influenced more by propaganda from a few rich drug legalizers than by the hard work of thousands of dedicated law enforcement officers, drug counselors, teachers and parents who have rescued the lives of tens of thousands of Americans.

Many Americans also do not understand the tremendous sacrifices the people of Peru -- as well as Colombia, Bolivia, Mexico, Ecuador and others - have made in trying to help solve America's and Europe's drug problem. We need to thank them for the efforts more often.

Only through open discussion of our actions can we build popular support for programs that are vitally needed. A common view -- an argument that some perhaps will make today -- is that the solution to the problem is to drop interdiction and concentrate solely on demand reduction. Obviously, demand reduction is a key component of any anti-drug strategy and a cornerstone of our national policy. No effort can succeed without prevention and treatment programs. But the federal government already spends 84% of the national drug control budget on demand reduction and law enforcement, and just 16% on international programs and interdiction. State and local governments and private sector groups, of course, spend millions more on prevention and treatment. But even that is not enough.

This week in the Education Committee we will reauthorize the Safe and Drug Free Schools program. For two years, I and others have been working on legislation to make this program more effective. Over the last few years I have been a lead sponsor and strong supporter of the Drug Free Workplace bill, the Drug Free Communities Act, and an advocate for increased funding for Drug Courts. I support legislation to expand coverage for drug treatment. And my legislation to hold students who receive federal student loans accountable if they are convicted of a drug crime has been in the news lately. Still, one of the charges I constantly hear in South and Central America is that we don't do enough to stop the problem here in the United States -- most often from students who studied in American colleges.

But I've noticed something interesting about this part of the debate in the six years I have been in Congress. Critics of drug interdiction programs don't seem to be advocates of tough prevention programs, either. No drug

testing, no losing of any benefits, no clear anti-drug message. (After all, they say that marijuana may be "medicinal".)

We are either serious about the fight against drugs or we are not. In the past decade, over 200,000 Americans have died from the effects of illicit drugs. 47,000 were killed in battle in the Vietnam War. Are we serious, or are we not?

And what is the alternative of those who oppose the war on drugs? Having more weed-wacked, meth-wasted, heroin-junkie, crackheads driving the car headed in your direction? Or prowling your neighborhood? Or perhaps, even more painfully, coming home to abuse their families and children?

The facts are simple. When this country focuses on the war on drugs, we make progress. The witnesses today will make that clear. What we lack is a steady commitment.

Drugs -- like other dirty crimes that good and decent people don't like to think or talk about -- will never be eliminated. Sin will always exist. But just as we can never abandon a battered spouse or child, we must always do what we can to spare as many as possible the agony and pain. We may not eliminate our social ills, but with dedication they can, and must, be controlled.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I first want to welcome my colleague and friend, Representative Janice Schakowsky of Illinois to our committee.

Mr. Chairman, we are all deeply saddened and concerned by the tragic incident in Peru that claimed the innocent life of Roni and Charity Bowers and seriously injured pilot Kevin Donaldson. My serious condolences go out to the families and loved ones of the deceased. Our thoughts and prayers go out to John and Cory Bowers who survived the air assault relatively unharmed thanks to the heroic flying and water landing managed by Mr. Donaldson.

I think it is safe to say that there is one thing that unites all of the members of this panel: ensuring that what happened on April 21st never happens again.

As the ranking member of this subcommittee, it is critical that we ascertain all the facts surrounding this incident. I am happy to hear that the Bush administration has dispatched an interagency investigative team to Lima, Peru to learn the truth in the various conflicting claims and reports. I hope that we will soon have an accurate, definitive account of what happened.

What seems clear based upon what we know is that no one involved desired this tragic result; namely, the taking of innocent American lives. What also seems clear, though, is that the incident was avoidable. Clearly, the danger to innocent lives was contemplated when Congress and President Clinton decided to go along with the shoot-down policy adopted by Peru in 1994. Obviously, somewhere along the way, procedural safeguards broke down in this case.

The Washington Post has characterized as meticulous Peru's adherence to these procedures for intercepting suspect aircraft under the 1995 U.S.-Peru Air Surveillance and Information-Sharing Agreement. But the record has not been perfect. In 1997, the Peruvian Air Force deviated from the procedures when it shot down a suspect plane without warning or contact. Because the lives taken in that incident turned out to be those of South American drug smugglers, the target of the shoot-down policy, there was not a controversy that surrounds the recent incident.

Nevertheless, in the wake of the 1997 shoot-down, the U.S. Government took steps to ensure that all Peruvian officials involved in the air interdiction program became well versed in the procedures. Clearly, another refresher course may be in order. But is that all?

Mr. Chairman, this incident opens up a range of questions relating to our air interdiction efforts, including the nuts and bolts questions about the cooperation, communication and accountability between and among the various United States and Peruvian agencies involved. I hope my colleagues and the administration will also take this occasion to consider the broader questions of accountability and due process that are inherent in a program that makes the United States complicit in a policy that permits, indeed promotes, the killing of individuals merely suspected of drug smuggling.

Due process is at the heart of the notion of human rights, embodied in the American justice system, a system that we hold up as a model to developing democracies and aspiring democratic movements around the globe. The Peruvian shoot-down policy would never be permitted as a domestic U.S. policy precisely be-

cause it goes against one of our most sacred, due process principles; namely, that all persons are presumed innocent until proven guilty.

The same due process ideal informs international law prohibiting the shooting down of any civilian aircraft not engaged in military attack. Under the U.S.-endorsed shoot-down policy, civilian pilots and passengers in foreign lands are excepted from that fundamental protection. Guilt or innocence is determined by military pilots who also man the firing line. As the recent incident demonstrates, there is a real danger to all civilian air travelers in areas where the shoot-down policy is in effect.

As for accountability, news reports suggest that the 1995 U.S.-Peru agreement was designed to avoid U.S. accountability. The agreement is intentionally silent on the question of whether U.S. officials have decisionmaking authority in shoot-down scenarios. Because as one official was quoted as saying, "We didn't want to assume responsibility when somebody made a decision to shoot down an airplane."

According to at least one article, a Defense Department spokesman immediately distanced the Department from the controversy. The DOD spokesman vigorously noted that, in this case, the U.S. surveillance plane was not a Defense Department asset. DOD, Customs Service, and other U.S. Government assets are nevertheless readily employed in South America air interdiction program. As our colleague and newest subcommittee member, Congresswoman Janice Schakowsky, stressed in an April 24 letter to you, Mr. Chairman, the CIA's use of private contract employees, including in this case, further clouds the accountability issue, perhaps by design. All of this begs the important question: just where does the buck stop?

Mr. Chairman, few, if any, are more aware than I am of the immense and tragic toll that illicit drugs take on innocent American lives in communities across this Nation. Certainly Roni and Charity Bowers are not the first innocent victims of the war on drugs. It is a policy that also sacrifices core American values, a prudent and acceptable course to follow.

Unfortunately, we will not hear from the CIA today, but I look forward to hearing the testimony of all of our witnesses who will appear before us today. I thank the chairman for allowing my request to hear from Pete West of the National Business Aviation Association and Adam Isacson of the Center for International Policy, who will appear on panel 3, and Phil Boyer of the Aircraft Owners and Pilots Association, who has submitted a statement for the record.

I agree with you, Mr. Chairman. We should have hearings in the open so that the public can fully understand and fully appreciate what all of us go through in all of our—those people fighting this war on drugs go through and sacrifice. With that, Mr. Chairman, I thank you.

Mr. SOUDER. I thank you.

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman. I thank you for holding this open affair and probing hearing. I think it is important that this particular issue be aired before the Congress and before this subcommittee with jurisdiction.

The innocent death of a mother and a baby is almost impossible to comprehend. Our hearts, our sympathy go out to the Bowers family. Unfortunately, we are engaged in a silent war in which there are tens of thousands, even millions of victims across the United States and across the world. I think today, as a result of this hearing, it would be horrible to compound one great tragedy and a loss to a family by developing policies that would create an even greater tragedy.

It is very difficult to get a handle on the illegal narcotics problem. I have worked with the chairman, the current chairman; I served as chairman of this subcommittee, I have worked with Mr. Cummings and others, and I think we have well-intended people. Mr. Cummings told you the result of illegal narcotics in his district, where there were over 300 people dying per year last year. Through his intervention, we have it under 300 for the first time.

But just to comprehend the scope of this problem, over 60,000 Americans lost their lives last year, or in the last recorded year, 1999, to drug-related deaths, overdose and other deaths. For the first time in the history of this Nation, those deaths exceeded homicides, and then if we include homicides, probably half of the homicides were drug-related. The question is, what do we do? Do we continue this policy of information-sharing?

I think it was applied by our responsible agencies and individuals in a responsible fashion, as we intended the law. Has it had an effect? Yes, it has had an effect. Since 1995, in Peru, cocaine production is down 68 percent since 1995, and Bolivia production is down 82 percent. I visited Peru, and I know others on this panel have, too, when it was in turmoil, when there was disruption when terrorist activities were being financed by drug activities. It has been difficult to bring that under control, but the Peruvians have done their best. I think that we have to learn from this tragedy. We have to find out what went wrong, institute further safeguards, make certain that it does not happen again.

What is at fault here we must remember are people who are dealing in death and destruction and illegal narcotics, drug dealers, and that is what we should be targeting, our best way to go after these people. I strongly advocate continuing this information-sharing program. I strongly support the Peruvians in their antinarcotics efforts. I also strongly support inclusion of safeguards to make certain that we do not have another tragedy like this, but we also prevent the tragedies that occur to the extent of having three Columbines a day in this country with our young people.

So Mr. Chairman, again, I thank you, and I hope that this can be a productive meeting and result in positive changes.

Mr. SOUDER. Thank you. I now yield to Congresswoman Schakowsky for an opening statement.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. I am really pleased to be at least considered for membership on this subcommittee, once again. I ask unanimous consent to revise and extend my remarks and to enter into the record questions for witnesses and other materials.

Mr. SOUDER. I am going to do a procedural matter where we allow all written statements, but unless there is objection, so ordered.

Ms. SCHAKOWSKY. Thank you. I am pleased that the subcommittee has convened today to hear testimony on the U.S. policy of intelligence-sharing and participation in air interdiction operations in South America. I am sorry that it has taken the loss of two innocent U.S. civilians, and possibly others, to raise the visibility of this questionable policy.

In March, when the subcommittee heard testimony on U.S. policy toward Colombia, I raised several questions and concerns about the use of private contractors by the United States in the Andean region. I said, the privatization of our military and police assistance raises important oversight questions as we get drawn deeper into Colombia's civil war. The most obvious question is, why do we need to outsource and privatize our efforts? The American taxpayers already pay $300 billion per year to fund the world's most powerful military.

Why should they have to pay a second time in order to privatize our operations? Are we outsourcing in order to avoid public scrutiny, controversy or embarrassment? Is it to hide body bags from the media and thus shield them from public opinion? Or is it to provide deniability because these private contractors are not covered by the same rules as active duty U.S. persons? How is the public to know what their tax dollars are being used for? Is there a potential for a privatized Gulf of Tonkin incident? The American people deserve to have a full and open debate before this policy goes any further.

That is what I said in March. Since then, I have introduced H.R. 1591, legislation that would prohibit U.S. funds from being used to contract with private military companies in the Andean region.

The U.S. taxpayers are unwittingly funding a private war with private soldiers. This is a shoot-first-and-ask-questions-later policy encouraged by the United States in its war on drugs. Shooting down unarmed civilian aircraft, even those thought to be carrying drugs, is contrary to fundamental U.S. law enforcement policy. I don't think that any of my colleagues would support U.S. law enforcement officials in this country shooting down planes or blowing up vans based simply on the suspicion, or even the conviction that drugs are present. We believe in due process which should be no less respected in other countries than it is in our own.

The kind of action we saw in Peru last week amounts to an extrajudicial killing, and we in this country now have innocent blood on our hands because of it. Those are the facts, and they were proven on April 20th, the day the actions of the CIA contractors resulted in the death of Veronica and Charity Bowers.

This is what the American public is reading about this failed policy. In the Miami Herald it said, Peru's Air Force, with U.S. assistance, committed an unforgivable error. In the wake of last week's shooting, the Bush administration should reconsider the merits of the interdiction effort. In the Chicago Tribune where I am from: Given U.S.-led counternarcotics strategies in the region since 1994, this tragedy was bound to happen. Wherever the culpability lies in this incident, the larger issue is whether the U.S. strategy to use military interdiction in Peru, Colombia and other Andean nations, while demand for cocaine still flourishes in America, amounts to a fool's errand. The Peru incident should set off alarms in the Bush

administration about what could happen in Colombia as the United States becomes more involved. This is an opportunity to rethink the whole strategy.

The Atlanta Journal Constitution said in their headline, deaths in Peru symbolize danger, futility of drug war. The Bush administration acted quickly, it says, to freeze antidrug surveillance flights in Peru, but President Bush should have taken the opportunity to ask for a broad review of the longtime Washington policy of assisting drug interdiction in foreign policies. Can anyone point to data that shows that shooting down planes over Peru has done anything to stop even one addict in this country from using drugs? This is a war we cannot win.

Finally, the Chicago Sun Times said, their headline was, "Only Losers in the War That We Can't Win." They say, "the Bowers are just one example of how the U.S. war on drugs, as virtuous as its intent may be, has had consequences serious enough to call into question our ineffective approach to America's appetite for illegal substances."

We are here today to reevaluate our policy, to try to pick up the pieces and move on. I know some of those with us today would like to put this tragedy behind us and get back to the business of the drug war. However, there are so many questionable aspects of our policy and so many unanswered questions. Why do we have to hire private contractors to do our work in Andean countries? How much of the public's money has been spent to hire what some have referred to as mercenaries? Where is the accountability? Who exactly are they? Do they even speak Spanish? From what I do know, outsourcing in the Andean region is a way to avoid congressional oversight and public scrutiny. The use of private military contractors risks drawing into regional conflicts and civil war. It is clear to me that this practice must stop.

I realize that there are those who are willing to risk another incident like this, but I am not. We have spent billions of taxpayer dollars, employed personnel from numerous agencies around the world, and the drugs continue to flow into the United States. Are the Bowers acceptable collateral damage in this war on drugs?

We need a new approach. I agree with Secretary of Defense Don Rumsfeld when he said, "I am one who believes that the drug problem is probably overwhelmingly a demand problem, and that it is going to find, if the demand persists, it is going to find ways to get what it wants, and if it isn't from Colombia, it will be from somebody else."

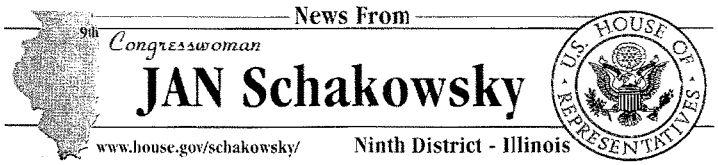
The administration should rethink its budget request for the Andean region, but immediately we should go beyond the suspension of surveillance flights in Peru and to suspend all U.S. contracts with private military firms in the Andean region. The audio and videotapes and other materials related to this and other shootdowns in the Andean region should also be shared with the Congress and the public.

Finally, the Bush administration's proposed nomination of John Walters as the next drug czar raises troubling implications for the future of this tragic policy. An outspoken advocate of the shootdown policy, he has even been criticized by General Barry

MacCaffrey on Meet the Press for being too focused on interdiction. That was a quote.

I want to thank and welcome our distinguished witnesses for being here today, and I look forward to their testimony.

[The prepared statement of Hon. Janice D. Schakowsky follows:]



FOR IMMEDIATE RELEASE
MAY 1, 2001

CONTACT: NADEAM ELSHAMI
202/226-6903

SCHAKOWSKY DEMANDS ANSWERS FROM ADMINISTRATION ON AIR INTERDICTION POLICY IN ANDEAN REGION AND USE OF PRIVATE MILITARY FIRMS

WASHINGTON, D.C. –U.S. Representative Jan Schakowsky (D-IL), author of the Andean Region Contractor Accountability Act (ARCAA), H.R. 1591, today demanded answers once again from Administration officials on the role of federally-funded private soldiers in Latin America. ARCAA would prohibit the federal government from funding private armies in the Andean region.

Schakowsky questioned officials during a hearing of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources on U.S. air interdiction policies in the Andean Region that resulted in the murder of an American missionary and her daughter. Information provided to the Peruvian government by CIA contractors resulted in the shooting of a plane carrying American missionaries and the death of Roni and Charity Bowers.

Below is Schakowsky's statement:

"Mr. Chairman, I am pleased that the Subcommittee has convened today to hear testimony on the U.S. policy of intelligence sharing and participation in air interdiction operations in South America. I am sorry that it has taken the loss of two innocent U.S. civilians and possibly others to raise the visibility of this questionable policy.

"In March, when this Subcommittee heard testimony on U.S. policy toward Colombia, I raised several concerns about the use of private contractors by the U.S. in the Andean region. I said, '*The privatization of our military and police assistance ...raises important oversight questions as we get drawn deeper into Colombia's civil war...The most obvious question is why do we need to outsource and privatize our efforts...? The American taxpayers already pay $300 billion per year to fund the world's most powerful military. Why should they have to pay a second time in order to privatize our operations? Are we outsourcing to in order avoid public scrutiny, controversy or embarrassment? Is it to hide body bags from the media and thus shield them from public opinion?...Or is it to provide deniability because these private* contractors are not covered by the same rules *as active duty US service persons....? How is the public to know what their tax dollars are being used for? If there is a potential for a privatized Gulf of Tonkin incident, then the American people deserve to have a full and open debate before this policy goes any farther.*

"Since then, I have introduced H.R. 1591, legislation that would prohibit U.S. funds from being used to contract with private military companies in the Andean region. The U.S. taxpayers are unwittingly funding a private war with private soldiers. This is a "**shoot first and ask question later**" policy encouraged by the U.S. in its war on drugs.

--MORE--

"Shooting down unarmed civilian aircraft-even those thought to be carrying drugs-is contrary to fundamental U.S. law enforcement policy. I don't think that any of my colleagues would support U.S. law enforcement officials in this country shooting down planes or blowing up vans based simply on the suspicion or even the conviction that drugs are present. We believe in due process which should be no less respected in the other countries than it is in our own. The kind of action we saw in Peru last week, amounts to an extra-judicial killing and we in this country now have innocent blood on our hands because of it.

"Those are the facts and they were proven on April 20th, the day the actions of CIA contractors resulted in the deaths of Veronica and Charity Bowers. This is what the American public is reading about this failed policy.

The Miami Herald, April 25th
"...Peru's Air Force, with U.S. assistance, committed an unforgivable error...In the wake of last week's shooting, the Bush Administration should reconsider the merits of the interdiction effort."

Chicago Tribune, April 24th
"...Given U.S.-led counternarcotics strategy in the region since 1994....this kind of tragedy was bound to happen...Wherever the culpability lies in this incident, the larger issue is whether the U.S. strategy to use military interdiction in Peru, Colombia, and other Andean nations-while demand for cocaine still flourishes in America-amounts to a fool's errand...The Peru incident should set off alarms in the Bush Administration about what could happen in Colombia as the U.S. becomes more involved...This is an opportunity to rethink the whole strategy."

The Atlanta Journal-Constitution, April 25th "Deaths in Peru Symbolize Danger, Futility of Drug War"
"The Bush Administration acted quickly to freeze anti-drug surveillance flights in Peru...but President Bush should have taken the opportunity to ask for a broad review of the longtime Washington policy of assisting drug interdiction in foreign countries...Can anyone point to data that shows that shooting down planes over Peru has done anything to stop even one addict in this country from using drugs?...This is a war we cannot win."

Chicago Sun-Times, April 24th "Only Losers in the War That We Can't Win"

"The Bowers are just one recent example of how the U.S. war on drugs, as virtuous as its intent may be, has had consequences serious enough to call into question our ineffective approach to America's appetite for illegal substances."

"We are here today to re-evaluate our policy, *to* try to pick up the pieces and move on. I know some of those with us today just want to put this tragedy behind us and get back to the business of the drug war.

--MORE--

"However, there are so many questionable aspects of our policy and so many unanswered questions. Why do we have to hire private contractors to do our work in Andean countries? How much of the public's money has been spent to hire what some have referred to as mercenaries? Where is the accountability? Who exactly are they? DO they even speak Spanish? From what I do know, outsourcing in the Andean region is a way to avoid congressional oversight and public scrutiny. The use of private military contractors risks drawing the U.S. into regional conflicts and civil war. It's clear to me that this practice must stop.

"I realize there are those who are willing to accept the risk of another incident like this one, but I am not.

"We have spent billions of taxpayer dollars, employed personnel from numerous agencies and around the world, and drugs continue to flow into the U.S. at untold rates. The Bowers and others are an undeniable symbol of the disaster that has become of our anti-drug efforts.

"We need a new approach. I agree with the Secretary of State and the Secretary of Defense that our strategy needs include more emphasis for treatment and prevention. The Administration should rethink its budget request for the Andean region. But immediately, we should go beyond the suspension of surveillance flights in Peru and suspend all U.S. contracts with private military firms in the Andean region. The audio and videotapes and any other materials related to this and other shootdowns in the Andean region should also be shared with the Congress and the public.

"Finally, the Bush Administration's proposed nomination of John Walters as the next Drug Czar raises troubling implications for the future of this tragic policy. An outspoken advocate of the shootdown policy, he has even been criticized by General Barry McCaffrey on Meet the Press for being "too focused on interdiction".

"I want to thank and welcome our distinguished witnesses for being here today and look forward to their testimony."

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Mr. SOUDER. Congresswoman Davis.

Mrs. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman. I would just like to say thank you for calling this hearing, and I thank the panelists and witnesses for coming. I do have a written statement I would like entered into the record.

[The prepared statement of Hon. Jo Ann Davis follows:]

Jo Ann Davis, Virginia's First District

Opening Remarks

"U.S. Air Interdiction Efforts in South America After the Peru Incident"

Subcommittee on Criminal Justice, Drug Policy and Human Resources
May 1, 2001

Mr. Chairman, I would like to take this opportunity to thank you for bringing this critical matter before our subcommittee. It is my hope that we can today begin to better understand exactly what occurred on April 20th and how we can, in the future, avoid the loss of innocent civilian life.

First, let me say I wish to express my deepest sympathy and regrets to the families of Roni and Charity Bowers. I also wish to commend Kevin Donaldson for his heroism in maintaining control of their aircraft and bringing it to the ground with out further loss of life. Both Roni, her husband James, and Kevin should be commended for their efforts to bring hope to a troubled world. They should not be forgotten.

As for the recent incident in Peru, as I have stated in the past, the American public demands that the expenditures of their tax dollars be held to strictest scrutiny. And therefore, I hope to learn that we are accomplishing our many goals with drug interdiction efforts. Plan Columbia, and the soon to be marked-up Andean Counter Drug Initiative, remain a strong and effective tool in our ongoing drug interdiction efforts. But we must ensure that the United States does not support measures that threaten or harm innocent civilians.

I believe that America has a strong leadership role to play in protecting and promoting democracy in our hemisphere. We have lived under the principles of the Monroe Doctrine for over 150 years, and we should as a nation continue to pursue measures that preserve and protect our deeply held democratic principles at home.

The current drug culture works to undermine our vast achievements and our very way of life. We have taken bold steps with "Plan Columbia," without strong support from our European allies, and we are under international scrutiny. For these reasons, Mr. Chairman, I am grateful that you are holding this hearing. I look forward to hearing from our guests and more about were we stand.

Mr. SOUDER. I thank the gentlewoman.

Congressman Ose was here earlier. He has been down with us to South and Central America, and we will have a number of Members coming in and out today as we are coming back into session later this afternoon.

Before proceeding I would like to take care of some procedural matters. First, I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record and that any answers to written questions provided by the witnesses also be included into record.

Without objection, it is so ordered.

Second, I ask unanimous consent that the gentleman from Pennsylvania, Mr. Platts and the gentlewoman from Illinois, Ms. Schakowsky who are both members of the full committee, be permitted to participate in the hearing and to question witnesses under the 5 minute rule in each round after all of the members of the subcommittee have completed their questioning.

As you have heard, Ms. Schakowsky has been added to the committee, but it hasn't been cleared through, but it will be in our next full meeting. Without objection, it is so ordered.

We will now begin with our first panel who is made up of both Members of Congress, both long-time friends of mine whose constituents were involved in the incident of Peru. We welcome both of you. It is standard practice of our subcommittee to do a swearing in. We do not do it for Members of Congress because when we take the oath of office, that is the same as we do for witnesses here.

So Congressman Hoekstra, you are now recognized.

STATEMENT OF HON. PETE HOEKSTRA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. HOEKSTRA. Thank you, Mr. Chairman and members of the committee, for inviting me to testify this afternoon. As many of you now realize, the Bowers family was from Muskegon, MI, in my congressional district. Over the past several days I have been deeply involved in this matter. I appreciate this opportunity to speak publicly about the impact of the downing of that missionary plane in Peru. I would also like to take this opportunity to thank my colleague, Curt Weldon, for working in a partnership over the last 10 days in dealing with a whole range of issues that I do not think either one of us have ever dealt with before and hope that we never have to deal with again.

The events of April 20, once again, show that the policies we implement and/or support as a Congress have real consequences. For the Bowers family, Jim, Roni and their children, Cory and Charity, those consequences have forever changed their lives. The same is true for the seriously injured pilot, Kevin Donaldson and his family.

The events of that day are well-known to all of you. As your subcommittee and others take a closer look at the tragedy in Peru that took the lives of two innocent people, I would ask you to remember what the real cost of this event has been. A young woman, Roni Bowers, a daughter, a wife, a mother, a friend, and a woman dedicated to sharing her faith with the people of Peru, along with her young, adopted daughter, Charity was killed, senselessly and need-

lessly. There was no reason, there was no purpose, there was no gain. There is only the devastation laid on the doorstep of a family whose life was devoted to sharing the message of God, a message that has been amplified and one that has helped sustain them during these last horrible days. I will mention more about that in just a moment.

As you look at the actual events, the policy that led up to those events and the reasons the policy contributed to these deaths, please do not forget that we are talking about real people. Roni and Charity had a profound effect on the lives that they touched. They were missionaries, living a lifestyle of sacrifice, so that they might be able to minister to the people in that region.

I would like to thank the many agencies, both in the United States and in Peru, which, in the hours and the days after this tragedy, worked to help the victims and assist my office in separating fact from rumor. Their help ensured that I was equipped to help the Bowers family in the most effective way possible. I acknowledge the State Department, particularly our counsel general office in Lima, the Central Intelligence Agency, with special thanks to Director Tenet, the Drug Enforcement Agency and the Peruvian Government for their efforts to expedite the return of both the survivors and those killed on that fateful morning. The private sector, including Northwest Airlines and Continental Airlines, also stepped up to the plate to make sure this difficult time was made more manageable.

When a family is visited by such enormous grief, there is almost always understandable outrage. But while the Bowers family has been deeply and permanently hurt, their attitude has not been accusatory, but rather conciliatory. When many of us would have withdrawn from the fresh and painful memory of this horrible incident, the Bowers talked about the all too short, but miraculous lives, of their beloved Roni and Charity and expressed their steadfast belief that this incident was part of a larger plan.

The awesome power of God has been demonstrated through this event in ways no man could devise. Over the last few months, Roni had been praying the prayer of Jabez. This prayer calls for God to expand the territories that someone might influence for the Lord. Over the last 10 days, the ministry of the Bowers and the Donaldsons has been seen and experienced by millions of people throughout the United States and around the world. Seeing the family and their friends and coworkers handle this tragedy has been truly inspiring. They have demonstrated a quiet, yet strong confidence that they gained through their knowledge of Jesus Christ. I am thankful that these families knew Jesus and that Jesus has helped them through these difficult days as he supported them in their earlier ministry.

Now, it is up to us to make sure this never happens again. As a government, I hope we make public all the relevant information regarding this event. The families and the American people deserve to know how this happened. I know there are certain pieces of this complex puzzle that we will never be able to explain, but there should be no part that we keep hidden. As we make this information public, I want it released in such a way that it is considerate to the families and victims. The families must be given the choice

of reviewing such information before they see it on the evening news.

We must also review the history of this program. I have learned that there have been concerns about certain actions of the Peruvian Air Force in the past, the kind of concerns that could have been a red flag warning that tragedies such as this could occur. We need to review those in more detail. But the question is clear: Did the United States have any indication or warning that a tragic mistake like this could happen? As we consider the lives lost and forever altered by this event, we must consider the policy that led to the involvement of the United States.

As a Congress, we must weigh our desire to stop the flow of drugs into this country against the need to keep innocent people, no matter what their country of origin, safe. We must carefully consider whether we should continue to embrace a policy that can and has resulted in unnecessary, unwarranted, and totally unacceptable loss of life.

Finally, we must reflect on whether we, through our actions here today and elsewhere, could ensure that this never happens again. We owe that to Roni and Charity, we owe it to Jim and Cory. We owe it to Kevin Donaldson and his family, friends and coworkers.

Mr. Chairman, I would also like to submit for the record two newspaper articles that I think are very pertinent. The first is from this morning's Washington Post that does a fine job of showing the power of the Bowers faith and ministry called divine intervention. The second is an editorial in Sunday's Grand Rapids Press by John Douglas entitled, "The Real Killers in Peru, U.S. Drug Users." I hope you will have time to read both of them.

Mr. Chairman, thank you for inviting me to testify today.

Mr. SOUDER. Without objection, both articles will be inserted into the record.

[The information referred to follows:]

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Divine Intervention

In a Flash, Missionary Jim Bowers Lost His Wife and Child. But Not His Faith.

By David Montgomery
Washington Post Staff Writer
Tuesday, May 1, 2001; Page C01

Jim Bowers believes his wife's missionary work did not end when Roni and daughter, Charity, were killed in Peru. Jim sees providence in the single bullet that killed them both. He and his son, Cory, survived. (Family Photo via AFP)

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FRUITPORT, Mich.

The missionary is home from Peru, in the church of his parents and grandparents, to preach the good news about the bullet that was fired by God at his wife and baby.

Standing at the pulpit, he pulls out a list of evidence pointing to God's hand at work. Actually it's only half the list. There's no time for the whole thing, says Jim Bowers.

"You tell me if this was God or not," he says to the congregation of 1,200.

He is all tautness and understatement. Imagine a younger Joe Friday preaching. Just the facts, ma'am, pointing to the identity of the Gunman. At the front of the church, a single white casket contains the bodies.

Bowers transports the congregation back with him to the cockpit of the Cessna 185 float plane, high above the green jungle and the brown river.

Gunfire is spraying the plane from behind. The pilot is screaming into the radio: "They're killing us!" Bowers's son, Cory, 6, is unscathed, and very quiet, as pilot Kevin Donaldson executes an emergency dive to the river.

"Of the many bullets that penetrated the aircraft," Bowers tells the congregation, "not one of them hit Cory or me despite the fact that one of the first made a big hole in the windshield in front of my head. None of them incapacitated Kevin completely."

He lists detail after detail of the miraculous landing on the water, the miraculous rescue. It sure seems Someone was watching over them.

Yet Veronica "Roni" Bowers, 35, and the couple's 7-month-old daughter, Charity, lay dead in the back seat, killed instantly by one round. Didn't God care about them?

"Would you say that was a stray bullet?" Bowers asks.

No matter what the

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The church is absolutely still. This is the question the people have been wrestling with. It's one of those deceptively simple queries, with a trapdoor covering bottomless depths of why-are-we-here fear and trembling. Think of possible explanations for the bullet: bad luck, official incompetence, the Devil's marksmanship. Camus would say it proves the absurdity of the universe.

Bowers's voice gets so low that people strain forward to hear.

"That was a *sovereign bullet*."

Fired by the King.

There is quiet weeping in the church. Not tears of grief, tears of joy. Yes! This is what they hoped -- needed -- to hear the missionary say.

The State Department may not be ready for the findings of this spiritual investigation, but here they are: God pulled the trigger. And it was good.

Bowers reports he and Cory feel "an inexplicable peace." And he asks one more question.

"How could something so terrible be good?"

Confusion to Compassion

Bowers crawled out of the Amazon and into the middle of an international incident that U.S. and Peruvian diplomats are still sorting out. The Cessna was mistaken for a drug courier and shot down April 20 by a Peruvian air force jet, after an American surveillance team hired by the CIA located the small plane. The Americans say the Peruvians ignored warnings that the plane appeared innocent. The Peruvians say they followed proper procedures.

For a day or two, Bowers, 38, couldn't make sense of the bullet, and the hole it ripped in his family. Then he began to understand.

Skeptics may discern in the scene at the church an elaborate, collective coping mechanism. They won't understand how the missionary can so quickly say he forgives the Peruvians. "How could I not," Bowers replies, "when God has forgiven me so much?" Roni forgives them, too, he says.

Perhaps the skeptics have never journeyed to a town like this one in western Michigan, dominated by a yellow water tower with a smiley face, where apples no longer are shipped by inland waterway to Lake Michigan but acres of blueberries still are grown. For generations, another significant export has been missionaries, special-delivered all around the world.

They come from the churches that seem to be planted every few blocks. Many of these are what their members call "Bible centered" churches. The words of the Scriptures are literally true. The theory of evolution is false. Anyone who has not accepted Jesus Christ as his personal savior is going to Hell -- including villagers living in grass huts along the Amazon. If no one told them about Jesus -- tough luck. This is why these churches believe the stakes are so high in missionary work.

"In west Michigan, this is the Bible Belt and we're just inundated with this

stuff," says Eric Strattan, associate pastor of Calvary Church, the independent Baptist congregation that sent the Bowerses to Peru. He means inundated in the best sense -- that the flood of believers can flow to other areas that are spiritually dry. A missionary need not go all the way to the Amazon to find work. He could go to New York or Massachusetts.

So the sovereign-bullet theory isn't a coping mechanism. Here, it's the truth. During the ordeal, something interesting and unexpected has happened. The missionaries -- a stock type as old as the Apostle Paul -- were revealed to be human. They feel loneliness and self-doubt, even as the people back home hail them as death-defying heroes. This revelation has given their message more power.

For 10 straight days television trucks have camped outside the churches of the missionaries and their families, in Fruitport as well as Pensacola, Fla., near where Roni's parents live and where mother and daughter were buried Sunday. While Bowers has not granted interviews, his fellow congregants have used the story, with the sincere and shrewd promotional savvy of, well, missionaries. They lovingly embrace reporters as another inscrutable yet promising tribe. And God has responded: The story went around the world.

In life, Roni Bowers was an obscure example of the estimated 420,000 Christian missionaries worldwide. In death, her friends and pastors believe, she may achieve her greatest accomplishment.

"God," says the Rev. Terry Fulk, missions pastor at Calvary, "is going to capitalize on this."

Twin Passions to Preach

He asked her on a date to go roller-skating.

As a freshman at Piedmont Bible College in Winston-Salem, N.C., Roni had resolved to date only those men who shared her aspiration to become a missionary. That life became her dream at 13, soon after her peripatetic family settled in Poquoson, Va., and began attending church regularly. She crammed all her courses at Poquoson High into three years so she could graduate and get to Bible college as quickly as possible.

Jim Bowers met her criterion. He grew up on the Amazon, in Brazil, the son of missionaries who had been sent by Calvary Church in 1963. He wanted to return.

"They had a strong sense they wanted to share the Gospel abroad," says Todd Rexford, a friend and member of Calvary. "Roni felt an urgency to get in the mission field."

After three years, Jim ran out of money for college and joined the Army to take advantage of the GI Bill. Roni also left school, and they were married in 1985. After Jim's Army stint, they returned to Piedmont, holding down jobs while they studied, and graduating in 1993.

Since early in their marriage, they were puzzled why Roni never became pregnant. After graduation, they became members of Calvary. They also began to see fertility specialists, who told them Roni couldn't have children.

They started the adoption process as they laid plans to become missionaries.

Calvary agreed to pay 25 percent of the $40,000 a year they would live on in Peru. Visiting other potential supporters, they would unfurl a map of Peru they had drawn on a piece of cloth the size of a blackboard, showing the 200-mile section of the Amazon where they hoped to work.

It was understood that Roni would assume a supporting role in the mission, as they believed the Bible prescribes for women. Nevertheless they came off as a team, with Jim looking to Roni for advice.

"Jim had vision and passion, and Roni put on the finishing touches," Fulk says. "Jim was more reserved, Roni was very get-up-and-go. She was quite bubbly. Not ditsy, but energetic."

The members of Calvary became enchanted with the Bowerses' quest. They helped them build a houseboat in a barn owned by Bill Rexford, Todd's father. Roni and Jim wanted a houseboat because they intended this to be a family mission. They were sure they would have children, somehow, and they would travel the river together.

"After many years of waiting, our dreams were finally coming true," Roni wrote later in a personal testimony used by a Baptist missionary group. "Now we only lacked children in the home with whom to share those dreams.

Cory was born to a teenage mother in Michigan in the fall of 1994, and a few weeks later, Roni and Jim adopted him.

After more preparations, they were getting ready to launch the houseboat on the Amazon in the summer of 1997 when Roni felt unusually tired. She took a test and discovered she was pregnant. God was answering her prayers again. She bought a pile of maternity clothes.

Ten weeks later her water broke. After an agonizing labor whose pain she knew would be for naught, she lost the baby. She felt her faith seriously shaken.

Eventually she recovered. She figured that this had been the great trial of her life, giving her an inspiring testimony to share with other Christians, perhaps even the Peruvians. This is when she sat down and wrote the testimony. It became available to a wide audience when the Association of Baptists for World Evangelism put it on the Internet (www.abwe.org/family/roni_story1.htm) after her death.

"I couldn't understand all the emotions, the deep depression I was feeling," Roni wrote. "What kind of a Christian was I? After months of struggles, I realized I was putting the baby I wanted before my relationship with God. I finally realized what I was doing and begged God to forgive me. More than anything, I wanted my relationship with Him back. God has not taken away the desire for the baby, but He has helped me put my priorities in order."

Days in the Wilderness

A famous description of missionary work was written by Paul.

"Three times I was beaten with rods, once I was stoned, three times I was shipwrecked, I spent a night and a day in the open sea, I have been constantly on the move. I have been in danger from rivers, in danger from bandits, in danger from my own countrymen, in danger from Gentiles." (II

Corinthians 11:25-26)

That's the romantic, swashbuckling-for-Christ image still conjured by folks back home. For most missionaries, the reality is different.

Inside the houseboat, if you didn't look out the windows, you might have thought you were in a neat little home in Michigan. There were family photographs on the walls, fluffy pillows on the couch, a quilt in the master bedroom, a children's room with a bunk bed, a kitchen area with stove and refrigerator, a television.

Outside was the river and the jungle. The air was thick and wet. There were piranhas in the water and poisonous snakes on the land. To supply the shower and the washing machine, they would motor up a tributary, where the water was less brown. A pump sucked it up to a tank on the roof. They drank rainwater.

Roni often cooked American food -- pancakes for breakfast, chicken Parmesan for the main midday meal, egg salad sandwiches for dinner. But they acquired a taste for local cuisine as well. Yuca could be fried into something like french fries.

Visitors from Michigan would ask Roni if she felt safe, and she replied: "It is safer to be in the Lord's will rather than somewhere else not in his will."

Painted white, with a flat roof and riding on pontoons, the houseboat would chug 200 miles downstream from the city of Iquitos, Peru, and back. Jim and Roni had a huge file on board, with one index card for every villager they knew along that section of the river.

They would pull up to a village of huts with thatched roofs. The villagers were subsistence farmers and fishermen. Children would cluster around the boat. Jim might play soccer in the afternoon with the men and boys, while Roni taught the children games and listened to confidences from the women. In several villages, Jim and Roni helped with the construction of churches and a Bible institute.

In the evenings, Jim would go door-to-door, inviting everyone to church. Services would be held in a large common building. He would bring a generator to power a light bulb, and sometimes he'd bring the television set ashore to show an inspirational video.

Many of the towns have little churches, along with village leaders who serve as pastors. The Bowerses' goal was to help the local congregations become self-sustaining, with no need for missionaries.

"They were very much interested in training people and moving on," said Dan Enck, a member of Calvary who also visited the houseboat.

Roni would point to the villages along the river and tell her visitors, "This is why we're here." But there were also moments of doubt, tests of faith.

Two hundred miles of river, with 56 villages to keep in touch with, and more to discover, turned out to be a huge territory. The physical and medical needs of some of the poorest villages seemed so great.

The Rev. Dave Buckley, associate pastor of a Michigan church, shot some

videotape of his visit. Most of it includes amusing or uplifting scenes of frontier spirituality. But at one point Jim tells the camera of his concern about being spread so thin that they are not accomplishing enough.

Roni wonders if sometimes the women come to her as much for Tylenol as for Bible study.

'God's Letter to Her'

Charity was born to another Michigan teenager last September. By December, the blond, pudgy girl was a hit among the women of the Amazon.

Roni saw God's hand at work, and she duly noted it in her Bible.

Covered in blue leather with her name stamped in gold on the front, the worn volume is a record of her life, a chronicle of answered prayers and daily challenges. She scribbled notes in blue ink in the margins, or on the blank pages in the front. The Rev. Bill Rudd, Calvary's pastor, photocopied the pages in preparation for his eulogy, and in an interview he provided a detailed exegesis.

"She read the Bible as if it were God's letter to her," Rudd says.

In the 23rd Psalm, Roni circled the words "He restores my soul." She drew a line from the circle to a phrase she wrote in the margin: "Answered with Charity."

Next to a verse in Psalm 113 -- "He settles the barren woman in her home as a happy mother of children" -- Roni wrote, "A promise He kept to me."

In the front she pasted a note from Jim, which says: "Honey, One of the things I appreciate most about you is you always want to do the right thing no matter what! Thanks for the example! Everybody should be married to someone like you. Love, Jim."

There's a page in the front to list special events. The only thing recorded is a trip to Toronto with Jim to see "The Phantom of the Opera." That was during a recent furlough from the mission.

On a blank page she wrote bits of her own proverbs. "The 'why's' and the trials happen so God can be glorified. Then people turn to him."

She made a list of things to do this year. One is to memorize Philippians, a work of that old missionary Paul, the theme of which is "joy in trials," according to Rudd.

First on the list is: "Continue to have regular quality personal devotional time, despite the distractions of the new baby and people from the village constantly coming to the boat."

Also: "Exercise three times per week apart from my usual active lifestyle. Drink more fluids and less caffeine and sweets."

And: "Work on applying the fruits of the spirit more consistently in my life."

Rudd is incredulous about that one. "Most people look at her life and say,

'Wow, the fruits of the spirit are already there consistently.' "

The last item: "Keep my sanity!!!"

The Lord's Work Goes On

Now Roni and Charity are in the white casket, and Jim Bowers sees the work of God, as Roni saw the work of God in bringing Charity into their lives. Cory is in the front row, sometimes with his head bowed, sometimes looking up at his dad.

"I believe God directly intervened to spare Cory and me because he still has some sort for work for us to accomplish," says the missionary. He confesses he doesn't know if he is equipped for the work, but says that is when God's influence is strongest.

Two days later, at Sunday morning services, the congregation prays for two other missionary families. One will leave for Togo, the other for Kenya.

Up in the church's sound booth, a videotape from the Amazon is spooling with the sound off. The 28 minutes of images have been playing nearly nonstop all weekend on big screens in the church, a visual accompaniment to the proceedings.

Now Roni is on the screen, addressing the camera. She's dressed the way she often is in the jungle -- skirt and blouse, hair pulled back -- as if she could be in west Michigan.

This scene was shot three weeks before her death. Roni has just been asked if there's anything church members back home can pray for. Her lips are moving. If the sound were turned up, the congregation would hear:

"From a wife and mother's point of view, my main concern is always our health and our safety. The Lord's been very good. We've been healthy and safe. We continue to pray for that."

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From the pages of VOGUE and W.

The real killers in Peru: U.S. drug users

Sunday, April 29, 2001

COLUMN

John Douglas

It should make every decent citizen in American as mad as can be.

I'm talking about the incident in Peru that robbed a Fruitport missionary man of his wife and infant daughter.

Oh sure, I'm upset about the Peruvian Air Force that would shoot down an unarmed plane on a whim or more precisely on the notion that it might be carrying drugs. I hope that our country doesn't take this action lightly in its dealings with Peru.

But my real anger is not directed toward that country and its backward air force (or at least its backward pilot). My anger is directed towards the real killers of Veronica Bowers and Charity Bowers.

Who are they?

They are all the people in this nation who have the idiotic notion that the taking of illegal drugs is a proper thing to do. I blame every American who smokes pot, sniffs cocaine, smokes crack or indulges in any of the many illegal drugs. I blame them for the deaths of these two innocents from the West Michigan community.

Fruitport lost two citizens in a violent confrontation with people involved in the anti-drug war in Peru. These two people died because there are so many weak-minded people in this county who must have their supply of illegal drugs. These people are ultimately responsible for the deaths of those two human beings.

Drug users are responsible for all of the violence that

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goes on in the dark world of drug trafficking, and there is plenty of it. Not only are their murders and executions of all kinds of people in the areas where the drugs originate like Columbia and Peru, but there is violence galore in our cities where people scramble to get rich dealing out this vile product.

And why is all this being done?

So that lamebrains in America can have their drugs.

It is time to quit being forgiving over those people who befoul our country with their drug activity. It is time to cease feeling sorry for those who chose to use illegal drugs, an activity which causes death and destruction.

It is time to get over this notion that smoking marijuana is a cute and harmless activity. It is time to forget about this idea that drug users are poor unfortunates. People make the decision to use drugs in the face of an educational effort unlike any other in the world. Everyone knows that drugs are bad for you. If they missed that message, they at least know that drugs are illegal.

I think we need stiff punishment for drug users. Any that surface in our courts must face these penalties, including jail time, before they can take advantage of any kind of rehabilitation program.

It is time to look at drug users for what they are: major causes of violent and lesser crimes in our country and in other countries and a major drain on the nation's resources.

Let us help the children of our nation who are victims of the drug trade, but I also say let's deal with the adults in a way that reflects the major crime that drug use is.

If we want to legalize drugs, that is all right with me. Legalize them but don't make me pay for rehabilitation through taxes or higher insurance rates. In the meantime, let's not forget the deaths of two innocent people in our community and let's think of them when we heard of someone who is using illegal drugs.

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Mr. SOUDER. Congressman Weldon.

STATEMENT OF HON. CURT WELDON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. WELDON. Thank you, Mr. Chairman. Let me begin by thanking you and the distinguished ranking member and the other members of the subcommittee for responding so quickly to the letter that our colleague and I sent to you the day after this incident occurred asking for congressional inquiry into this outrageous and brutal murder of two American citizens in Peru. The Peruvian Government needs to be held accountable for this action and so does the American government and its agencies.

Let me start out by saying I am a supporter of our drug policy in South America. I have traveled there this year, and am planning a second trip to spend time understanding the role of Plan Colombia and its activities and relationships on neighboring countries, including Peru. I am also a strong supporter of the military. I have been on the Committee on Armed Services for eight terms. I chair the Readiness Subcommittee, which oversees $110 billion of defense spending, and I will let you be assured that our committee is equally concerned about this incident and what we can do to get to the bottom of it.

But I think your committee is in a unique position, because you can come in as an outsider and look at both the Intelligence Committee activities and actions and our Department of Defense actions. We are asking the Department of Defense for and have received classified briefings, and that is why my comments today will be based on public records, so that I don't, in fact, cross that line. But I think there are questions that this committee, in particular, can get to the bottom of through your subpoena power and through a necessary action to understand what really occurred, and the involvement of both the Peruvian Air Force and our military.

I am going to make my comments rather short, because I did have a constituent family involved, but I think my colleague has expressed the condolences that both of us share with that family and with their loved ones during the days following the incident.

I want to focus on some basic questions that we need to get answered. These need to be answered publicly, because the factors around these questions have been raised publicly. But up until now, we have seen the agencies hem and haw and not want to go into depth about the answer to these questions, which I think lie at the bottom of the investigation that your committee is about to undertake. I would encourage you to use your subpoena power, because no agency of the Federal Government, including the CIA or Defense Intelligence, is above the oversight of this Congress, and we have an obligation to make sure that they are abiding by our laws and our regulations. In fact, our defense authorization bill several years ago dealt with the policies that are in play in this particular incident.

So let me proceed with the questions which I would ask your committee to raise and to get answers to during this hearing and follow on investigative work with the various agencies of our government.

First of all, why was this plane brutally fired upon because it was identified or asked to descend? A common understanding would be, if you see a plane in an area, you would, first of all, ask to identify that plane and certainly instruct it to descend. There are mixed signals in the public arena about whether or not these directions were given, or whether or not these questions were asked. We need to know the factual answer to that question.

No. 2. State Department spokesman Richard Boucher acknowledged after the incident, "There are certainly indications that our folks on the plane were trying to hold the Peruvians back from taking action in this case." Well, this committee needs to find out what were those indications? Mr. Boucher was not to the point. He didn't give us the detailed information that now can be known from the tape recordings that were on that plane. We need to know what those indications were that Mr. Boucher was referring to that indicate that our folks on the plane were trying to hold the Peruvians back on this incident. I have my doubts until the very end of the actions by our own people.

No. 3. There is referral in the media that the plane was flying straight and level which would indicate there was no effort to evade the Peruvian military. The videotape, which is available to this committee, either through subpoena or through voluntary compliance, shows that the Peruvians omitted or "truncated" various parts of the procedure that are designed to avoid the downing of a civilian aircraft. This quote was made by a U.S. official who reviewed the videotape but did not want his name used. I would ask this committee to find that individual or to review that videotape itself and allow the committee to make a determination about the truncation of the various parts of a procedure which our government and the Peruvian Government had agreed upon prior to this action in terms of these kinds of planes.

No. 4. Were strict procedures followed? The previous question said there was an allusion by an American official to a truncation of the process. Well, let's review what the strict procedures are that were established by our government and the Peruvian Government when a suspect plane could be shot down. U.S. monitors patrolling the border zone first had to establish reasonable suspicion that the aircraft is primarily engaged in illicit drug trafficking, according to our National Defense Authorization Act of 1995. That is a bill that my committee prepared and all of us supported with overwhelming numbers. That was the criteria in our legislation. Flying without a flight plan in a high-traffic drug zone is considered grounds for reasonable suspicion. Once U.S. officials tipped the Peruvian military about a suspicious airplane, the Peruvians must try to identify the plane by its markings, make radio contact, and order it to land for inspection.

If radio contact is not possible, the Peruvian pilot making the intercept must make visual contact with the suspect aircraft and direct it to land at a secure airfield. If the orders are ignored, the Peruvian attack plane must get permission from superiors to fire warning shots at the suspicious aircraft first. If the warning shots are ignored, the military plane may shoot to disable the aircraft. Only if all of that fails may the pilot shoot down the aircraft.

Mr. Chairman, through the procedures that our government and the Peruvian Government agreed upon, I am convinced they were totally violated in this action, and two people were brutally massacred because of the violations of that established and agreed-upon procedure. We need to have this committee get to the bottom of why the procedure was not fully followed.

No. 5 is also an important point that has to be raised, and it is somewhat of a difficult point, with the pilot who happens to be from my district. Was there a flight plan filed? Mr. Chairman, there are reports by the organization that sponsored this plane, the aviation director for the Association of Baptists for World Evangelism, Hank Scheltema, that his group's plane had contacted the Iquitos Airport 45 minutes after it took off, or about 15 to 20 minutes before the attack. Now, Mario Husto, the civil aviation chief at that airport, said the tower received no communication from the plane until moments before it was downed.

Mr. Chairman, obviously, someone is not being factually correct. We need to know if that plane filed a flight plan and if it did, and if it was filed 45 minutes before it was to land, then that airport knew that plane was en route, and also was tracking the CIA operated plane as well.

No. 6, why was there not more aggressive and decisive action taken by the American crew on board that chaser plane? Why did that crew not more decisively attempt to abort the mission if they suspected the target aircraft was not involved in drug trafficking? Mr. Chairman, I submit to you, and I am using all unclassified material, there is significant classified material for you to make that determination. You can request and should demand those tapes; you should review them, because this committee needs to make a fair and independent assessment as to whether or not our employees on that plane took clear and decisive action. I will let this committee make that judgment in its wisdom after reviewing those materials.

Finally, was the Iquitos Airport contacted in advance, a question you need to ask and get a specific response from the Peruvian Government.

Mr. Chairman, these questions are very difficult for all of us, but the fact is that two Americans are dead today because, in my opinion, not just the Peruvian Government, but our government, failed two of our citizens. This should not have taken place. This is not about whether or not the drug war needs to be continually fought. It does. In fact, I agree with the comments made by our colleagues that much of the battle needs to be fought in the States. We must stop glorifying the use of drugs, as we hear every night on the TV set in our media, and start to go after those people who caused the problem in the first place, which is the demand, which causes farmers in Colombia and Peru and Ecuador to sell drugs because of the huge profits that are being made by those in America who want to use those very drugs.

One final point, and this follows up on the comments of Ms. Schakowsky, and that is relative to the use of civilian contractors. I am not going to go as far as my colleague has gone, and I respect her tremendously for her leadership in this area, in saying we should never use contractors, because there are times, I think,

where that case may be able to be made, but I can tell you that this committee needs to look at the contractors that our intelligence community utilizes. Why do I say that? Not just because of this incident.

A decade ago, I lost a nephew, a young nephew who was sucked out of the Air Force by a recruiter for a CIA contractor promising him lucrative dollars to fly missions into Angola. None of us in the family knew that my nephew, Robbie, was flying on a former CIA contract in Angola. He was shot down and killed. The plane was demolished. To this day, I have never been satisfied with the response that I got from our intelligence community about whether or not that contractor was still involved with missions of intelligence and whether or not my nephew was killed in vain.

Mr. Chairman, we owe it to all Americans to let them know that their government is monitoring our agencies. No agency of this government is above the law. I applaud you for your leadership, I applaud my colleagues for their interest, and I look forward to working with you as a senior member of the Committee on Armed Services to get the answers we all need.

Mr. SOUDER. I thank both gentlemen for their statements, and let me, for the record, first acknowledge that Congresswoman Schakowsky has, in fact, asked us to look at the contractor question. We are looking at the best way to approach that, and we will not be cowed. I appreciate that the Congressman from Michigan is on the Intelligence Committee, and the Congressman from Pennsylvania has been a long-time leader on these issues on intelligence, and just so I can reiterate the point, this is a bipartisan concern. The original legislation, ironically, was introduced by then Congressman Schumer and Congressman Sensenbrenner to do this bill, and then the House bill was a similar variation on the Peru question was introduced by Mr. Torricelli, and Mr. Lantos and Mr. McCandless.

As you mentioned, Mr. Weldon, you were on the committee in support of this effort. But all of us, in a bipartisan way, want to make sure it is being implemented the way Congress passed it. There is no way that Congressman Lantos or Senator Schumer and the others would support what happened here either.

Nobody is above the law. Chairman Burton and I discussed over the last few days the possibility of a subpoena on this hearing for the CIA. At this point we decided not to issue a subpoena for today's hearing. There is an investigation going on right now in Peru. As I said in my opening statement, we want to make sure that is released, and I am more than willing to let other committees, including the Intelligence Committee, go ahead. I understand there are many other operations that have to be worked through. But the American public has a right to know what we are doing regarding learning the facts about this.

As Congressman Hoekstra said, he didn't want to see the audio and videotapes released before the families could see them, which is a very reasonable request. But at some point here, once we see quotes and comments in the media by apparently a few selected members of the media being able to see this, yet we do not know whether we have seen the whole tape or heard the audiotape, once you have partial release, this is now in public domain, and it is en-

dangering all drug efforts because people assume this kind of stuff goes on all the time.

There has to be some sunshine on this, because I want to point out again, this is a bipartisan concern for many times different reasons, but a general concern about what has happened here and how, if this policy is ever reinstituted and other policies, whether it is contracting out or the clearance and how not to have—because we can't make these kinds of decisions, but what kind of checks can we have and balances that are even more tight when we deal with other nations, not just in the air surveillance, but as we are going to hear in many different areas.

I would like to now yield to Congressman Platts of Pennsylvania who represents the district where the Association is based, for an opening statement.

Mr. PLATTS. Thank you, Mr. Chairman. I have submitted a copy of my opening statement for inclusion in the written record and won't share all of the aspects of that, and much of it dovetails with our panel participants.

I just thank you for the scrutiny you are bringing to this issue. The Association of Baptists for World Evangelism is located in York County, PA, in my congressional district. We certainly, as a Nation, need to do our utmost to take a tremendous personal tragedy of the Bowers family and turn it into a public good to ensure that no future citizen is an innocent victim of their life being taken and, in this case, a mother and wife, a sister, a daughter to Ronald Bowers that we don't allow this to occur. Again, your efforts as chairman of the committee will play a very important role in ensuring that we guard against this occurrence in the future.

I think there are a lot of unanswered questions. Mr. Weldon and Mr. Hoekstra have raised some very important issues that you are pursuing, and any way that I can assist as a member of the full Government Reform Committee, I look forward to doing so. We need to get to the bottom of this and not allow this tragedy to go unlearned from for the future. Thank you, Mr. Chairman.

[The prepared statement of Hon. Todd Russell Platts follows:]

Statement of the Honorable Todd R. Platts

Before

The Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources

May 1, 2001

I want to thank Chairman Souder for convening this important hearing and for granting me the opportunity to participate.

As we all are well aware, on the morning of April 20th a Peruvian Air Force fighter jet erroneously shot down a single engine Cessna owned and operated by the Association of Baptists for World Evangelism based in York County, Pennsylvania and located in my District. In so doing, one American missionary was severely injured and two were tragically killed.

I want to express my profound sympathy to James Bowers and his son Cory upon the tragic and untimely loss of their wife and mother, Veronica "Roni" Bowers and seven-month-old daughter Charity. I also want to express my sincere gratitude to the pilot of the plane Kevin Donaldson, who despite severely injuring both legs was able to land safely in the Amazon River.

In addition, I want to urge the Association of Baptists for World Evangelism (ABWE) to continue to pursue their critical outreach efforts in the Amazon region and around the world. As a matter of background, the ABWE supports 1,300 missionaries in 65 countries worldwide. The missionary group has worked in Peru since 1939 establishing Baptist churches, schools, camps, and centers for pregnant women, as well as providing medical care throughout the Peruvian Amazon. More than 8,000 churches in the U.S. and Canada contribute money to support the mission of the ABWE. But what makes ABWE's mission so successful are the countless American men, women, and families from all walks of life who willingly sacrifice their precious time and effort, and unfortunately sometimes their lives, to do Gods work.

The untimely death of Roni and Charity Bowers has brought to the forefront a significant, but little known operation that takes place as part of our overall anti-drug policy. Since the mid 1980's, the Department of Defense has led an inter-agency air interdiction effort to close the "air bridge" between coca fields in the Andean region of Peru and Bolivia and the production facilities in Columbia. The idea was that the United States would provide intelligence and other assets to the host nations for the detection and elimination of drug smuggling operations, while staying out of the host nation's respective internal affairs and chain of command. Although an innovative approach to drug policy, this helping-hand policy is in obvious need of review, especially with respect to Peru.

As you know, Section 1012 of the 1995 Defense Authorization Act requires that U.S. intelligence and related assets can only be used if the President determines whether drug smuggling comprise a "extraordinary threat to the national security of" the foreign country and that "that country has the appropriate procedures in place to protect against the innocent loss of life… which shall at a minimum include effective means to identify and warn an aircraft before the use of force" is authorized. After temporarily suspending air interdiction flights in early 1994, former President Clinton made the determination that Peru fulfilled Section 1012 requirements based on a serious deterioration of their national security at the hands of drug traffickers, as well as a comprehensive set of air interdiction procedures Peru adopted to protect against the innocent lose of life.

These straight-forward procedures include checking the flight plan of the observed aircraft, establishing radio communications, making visual contact to check the aircraft's registry and to give it visual instructions to land, getting permission to fire warning shots, then disabling shots and finally, when all else fails and the aircraft refuses to comply, then and only then can permission be granted to shoot down a civilian aircraft.

All reports indicate that on that fateful Friday morning, over the strenuous objection of U.S. personnel, Peruvian officials either moved too quickly through these procedures, or did not implement them fully. The result was that a bullet fired from a Peruvian Sukhoi – 25 jet fighter passed through the fuselage of the tiny missionary plane, through the heart of Roni Bowers and into the head of baby Charity, killing both instantly. As I am sure this hearing will reveal, the air interdiction effort in Peru and the overall policy itself is mired in questions.

President Bush has requested $882 million for his Andean Regional Initiative in next year's budget. This program will substantially increase the investment in drug interdiction and eradication efforts in Peru and surrounding countries. Before Congress appropriates another dollar toward counter drug efforts in Peru, I believe it is imperative for us to review and rethink our interdiction policy. I urge the Committee to look into tightening intercept procedures in drug trafficking areas, as well as strengthening the important role they have in the oversight of our drug policy.

The United States should not expend taxpayer dollars to provide intelligence to a country that apparently violates straight-forward, internationally recognized interception procedures. Every effort must be made in our interdiction policies and procedures to ensure against the innocent loss of life. We cannot undo the horrific personal tragedy that James and Cory Bowers have endured with the loss of their wife and daughter, mother and sister. We can, however, do our utmost as a nation to ensure that through procedural reforms of the interdiction program, this private tragedy is transformed into a public good, so that no other family will suffer a similar heartache and loss in the future.

Thank you Mr. Chairman.

Mr. SOUDER. Mr. Hoekstra or Mr. Weldon, did you have any additional comments? Thank you very much for coming today. We will move ahead now to our second panel, if you could all come forward.

Our second panel consists of representatives of the Federal agencies who are most directly involved in our interdiction efforts on a day-to-day basis. I want to personally thank all of you for appearing today on very short notice on this critical issue. Again, I would like to note that the subcommittee invited CIA Director Tenet or a representative of the Central Intelligence Agency and that the agency did not respond to our request. With us today from the Office of National Drug Policy is Bob Brown, the Acting Deputy Director for Supply Reduction, who will give us an overview of the background of the overall interdiction program; from the Drug Enforcement Administration, Administrator Donnie Marshall; from the U.S. Customs Service; Acting Commissioner Chuck Winwood; and from the State Department, we have John Crow, the Director of Latin American and Caribbean Programs from the Bureau of International Narcotics and Law Enforcement Affairs; and finally, to give us an operational and big-picture perspective, we have Rear Admiral David Belz, U.S. Coast Guard, Director of the Joint Interagency Task Force East.

As an oversight committee, if you will all stand up again, it is our standard practice to ask our witnesses to testify under oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses have all answered in the affirmative.

We will now recognize the witnesses for their opening statements. We will ask you to summarize your testimony in 5 minutes and include any fuller statements you may wish to make in the record.

Mr. Brown, do you have an opening statement?

STATEMENTS OF BOB BROWN, ACTING DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY; DONNIE R. MARSHALL, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION; CHUCK WINWOOD, ACTING COMMISSIONER, U.S. CUSTOMS SERVICE; JOHN M. CROW, DIRECTOR, LATIN AMERICAN AND CARIBBEAN PROGRAMS, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, DEPARTMENT OF STATE; AND REAR ADMIRAL DAVID BELZ, U.S. COAST GUARD, DIRECTOR, JOINT INTERAGENCY TASK FORCE EAST

Mr. BROWN. Chairman Souder, Mr. Cummings, committee members, thank you for the opportunity to testify before the subcommittee. We at ONDCP appreciate your involvement and oversight of all aspects of our drug policy.

At the outset, let me also express condolences to the family and friends of the Bowers for their tragic loss. We also very much regret the injuries suffered by Mr. Donaldson, the pilot, and wish him a full and speedy recovery. Also with regard to this incident, I would underscore that a joint Peruvian and American fact-finding effort began yesterday in Peru to determine the causes of this terrible accident. All U.S. Government activities which directly sup-

port the air interdiction programs involved in Colombia and Peru were immediately suspended after the incident on Friday, April 20, pending a thorough investigation and review.

While it would be inappropriate for me to discuss the particular details of this tragedy, given the ongoing investigation, I think it would be useful to summarize how our air interdiction program fits into our overall international drug control strategy. Cocaine remains the Nation's principal drug concern, with more than 3 million chronic addicts spending more than $37 billion per year at the retail level.

Although the number of monthly cocaine consumers is down 70 percent from its peak in 1985, cocaine still wreaks devastation on families and communities across our Nation. Because cocaine is the most damaging drug, it is therefore our first priority for supply reduction efforts.

If I could, please direct your attention to chart No. 1, and I believe there are copies of these charts provided to the committee members. Here in chart No. 1, we see that cocaine is produced entirely within the Andean region, that is, Colombia, Peru and Bolivia. As you see in the insert bar graph and referred to earlier, the overall cocaine production potential has dropped 68 percent in Peru and 82 percent in Bolivia between the years 1995 and 2000. Even considering the expansion of coca production in Colombia during this period, there has been an overall reduction of 17 percent in cocaine production capacity or potential in the Andean region.

Turning to the second chart regarding air interdiction in Peru, you see how traffickers reacted to enhanced U.S. supported air interdiction beginning in 1995. On the left of the chart in the early part of 1990's coca-based flights in that day—at that time Peru was the dominant coca producer in the Andean countries—these coca-based flights flew directly north to finishing labs in Colombia.

After interdiction became more effective, and pilots, criminal pilots, if you will, were convinced of the risk of flying, drug traffic flights became extraordinarily expensive to the traffickers and diverted further and further into the east, as noted there on the chart.

And finally with the third chart, here you see how successful air interdiction affected the price that Peruvian growers could get for coca in Peru and how that caused coca production to fall over time. In 1994, U.S. assistance was suspended and by the beginning of 1995, prices reached record levels. In March 1995, as referred to earlier in our first panel and earlier commentary, U.S. assistance resumed and the impact was immediate. Pilots wouldn't fly into central Peru to pick up a load of drugs. Coca farmers couldn't sell the crop and began abandoning their fields. Over the last 3 years, prices have recovered, but for a greatly reduced volume of coca, again, approximately one quarter of what it was at the early part of this period.

Let me make two final points. We must continue to support the Andean region if we are to reduce the supply of illegal drugs in a meaningful way. The Andes are at the core of the U.S. drug supply threat. This is why the administration has launched a comprehensive Andean regional initiative with assistance, not just for Colombia, but for all the Nations of the Andean region. As this sub-

committee well knows, drug trafficking and drug abuse continue to exact a considerable toll on our country. We estimate that the United States suffers more than 50,000 drug-related deaths annually. Drug abuse costs our Nation about $110 billion a year from disease, lost productivity, and crime. Our national drug control strategy supports effective international cooperation, law enforcement, and demand reduction programs. This multi-faceted approach over time has reduced the impact of drugs on the United States.

Finally, I would reiterate our condolences to the Bowers family regarding this terrible tragedy, and of course would be happy to respond to any questions that the committee wishes to offer. Thank you.

[The prepared statement of Mr. Brown follows:]

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

Statement by Robert E. Brown, Jr.
Acting Deputy Director for Supply Reduction
Office of National Drug Control Policy
Before the House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
On U.S. Air Interdiction Efforts in South America after the Peru Incident
May 1, 2001

Introduction

Good afternoon. Chairman Souder, Ranking Member Cummings, and distinguished members of the Subcommittee, all of us at the Office of National Drug Control Policy (ONDCP) appreciate your longstanding support and interest in all aspects of drug control policy, as well as the guidance and leadership of the House Committee on Government Reform. A terrible tragedy has occurred, and we extend our condolences to James Bowers and all of the family and friends of Roni and Charity Bowers . We also express our concern for the health of Kevin Donaldson, who piloted the plane and saved the lives of the other passengers on board.

This tragedy occurred within the context of what has been a remarkably successful U.S.--supported international drug control program. Clearly, when implemented, all parties believed that the established procedures would protect against loss of innocent life both in the air and on the ground. Now, after this tragedy, we need to take a close look to see whether the policies or their implementation need to be adjusted. The Administration has suspended U.S. participation in air interdiction programs in Colombia and Peru until it determines what went tragically awry in this incident. We should withhold discussion on the particular facts surrounding this tragic accident until ongoing investigations and program reviews are complete. With this in mind, I would like to focus my testimony today on the strategic purposes that have led three Administrations to provide support to Colombian and Andean air interdiction programs and to briefly outline the accomplishments of these programs to date.

The Strategic Context for Drug Control.

Illegal drugs exact a staggering cost on American society, accounting for about 50,000 drug-related deaths a year and an estimated $110 billion annually in social costs. Cocaine inflicts most drug related damage to American society, enslaving over 3 million hard core addicts and sending more than 160,000 Americans to hospital emergency rooms annually. In producer countries such as Colombia and Peru, illegal drug production puts money and power into the hands of criminal elements and illegal armed groups. Drug trafficking exacerbates corruption, generates violence against civil society, causes environmental degradation, and

promotes political and economic instability. It constitutes a threat to the national security of the United States and other involved countries.

Our National Drug Control Strategy is a balanced plan to reduce the demand for illegal drugs through prevention and treatment, reduce drug-related crime and violence through law enforcement, and to reduce the supply of illegal drugs domestically and abroad. Within the Office of National Drug Control Policy, I lead the Office of Supply Reduction. My office is responsible for developing U.S. international drug control strategy and coordinating the efforts of U.S. departments and agencies involved in international drug control.

International Supply Reduction and the National Drug Control Strategy

Although reducing the demand for illegal drugs is the centerpiece of the National Drug Control Strategy, supply reduction is an essential component of a well-balanced strategic approach to drug control. Cheap and readily available drugs undercut the effectiveness of demand reduction programs because they draw in new users and increase the population of potential addicts. Restricted availability and higher prices: hold down the number of first-time users; prevent aggressive marketing of illegal drugs to the most at-risk population by criminal drug organizations; and reduce the human, social, and economic costs of drug abuse. Supply reduction enforcement programs also provide a strong prevention message that controlled drugs are harmful.

Internationally, supply reduction includes coordinated investigations; interdiction; drug crop eradication; control of precursors; anti-money-laundering initiatives; alternative development linked to eradication; strengthening of public institutions; foreign assistance; and reinforcement of political will. These programs are implemented through bilateral, regional, and global accords. They not only reduce the volume of illegal drugs that reach the U.S., they also attack the power and pocketbook of international criminal organizations which threaten our national security, strengthen democratic institutions in allied nations under attack from illegal drug trafficking and consumption, and honor our international commitments to cooperate against illegal drugs.

The Andean Regional Initiative -- the Vital Role of Interdiction

The illicit industry that cultivates coca and produces, transports, and markets cocaine is vulnerable to effective law enforcement action. Coca, the raw material for cocaine, is produced exclusively in the Andean region of South America. U.S. intelligence knows precisely the geographic coordinates of the growing areas. Trafficking routes must link to these growing areas to move precursor chemicals into cocaine labs and cocaine products out towards the market. Coca cultivation and production is labor intensive and requires sufficient infrastructure to feed and house the labor force and provide sufficient transportation to support the production process and move product to market. The industry can only thrive in geographic areas devoid of effective law enforcement control.

Air interdiction can play a vital role in the establishment of effective law enforcement control over coca cultivation and production regions. Source country interdiction supports our

international drug control strategy in two ways. Directly, interdiction assures that the illegal drugs captured or destroyed will do no further harm. Indirectly, and more powerfully, interdiction fundamentally disrupts illegal drug production when it eliminates a link in the production chain.

The recent history of drug control in Peru shows the potential of the program. In 1995, over 60 percent of the world's coca was grown in Peru. Local Peruvian farmers converted the coca leaf into cocaine base, an intermediate product much less bulky than coca leaf. The cocaine base was then transported by light aircraft to Colombia, where it would be further processed into cocaine hydrochloride and transported on to the world market. Prior to 1995, an average of 600 drug trafficking flights transited along the Peru-to-Colombia air bridge each year. This air transport link from Peru to Colombia was vulnerable to disruption.

U.S. support to Peruvian air interdiction dates back to the early 1990's. Although there were some early successes in the program, it failed to achieve major disruptions in the illicit cocaine industry. The program was suspended in 1994 when it was determined that U.S. government officials could be prosecuted under U.S. law if they provided intelligence information used to force down civilian aircraft in flight.

Later that year, Congress passed a new law that permitted U.S. officials to assist other nations in the interdiction of drug trafficking aircraft. In the National Defense Authorization Act for FY 1995, Congress provided a procedure for allowing U.S. government employees to assist foreign nations in the interdiction of aircraft when there is "reasonable suspicion" that the aircraft is primarily engaged in illicit drug trafficking. This law provided for this activity in cases where (1) the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking, and (2) the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with such interdiction, which at a minimum shall include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The United States began providing assistance to Peruvian air interdiction programs again in March 1995. The results were immediate and dramatic. Between March 1995 and the end of 1996, the Government of Peru had forced down or seized on the ground many aircraft. Drug trafficking pilots were no longer willing to fly into the central growing regions. Coca farmers could no longer move their coca products to market. The price for coca leaf and cocaine base in Peru collapsed. Coca farmers could not feed their families. By the summer of 1996, the U.S. embassy in Lima was reporting widespread hunger in the coca growing regions. Coca farmers began abandoning their illicit crops, clamored for U.S. alternative development assistance, and welcomed the presence of the Peruvian governmental institutions necessary to deliver aid. USAID rapidly established a $25 million alternative development program for the region that provided the coca farmers immediate relief and speeded their transition to licit sources of income. At the same time, the power and reach of Peruvian law enforcement institutions expanded into these growing areas and began eradicating illicit coca from public lands. By the

end of 1997, the coca crop had been reduced in Peru by 40 percent. Dramatic reductions have continued; by the end of 2000, coca cultivation was about one-quarter of its 1995 totals.

The cocaine industry in Peru has suffered long-term disruption due to the successful implementation of a synchronized, coordinated, multifaceted U.S.--supported Peruvian drug control campaign that included interdiction, alternative development, eradication, and expanded law enforcement programs. The air interdiction program achieved the first, vital disruption of the industry; depressed prices received by coca farmers, and established conditions for successful alternative development and law enforcement programs. By first destroying the profitability of coca, long-term drug control successes were achieved in Peru without risk of violent confrontation with the coca labor force.

It is noteworthy as well that law enforcement and interdiction programs are mutually reinforcing. Intelligence developed by monitoring routes and supporting interdiction programs is useful for the sort of investigations undertaken by the DEA. Route information can also often be obtained or amplified through law enforcement cases.

Source Country Interdiction Programs Today

The Andean Region nations face considerable challenges today. Democracy is under pressure there, in large measure because of funds derived from narcotics production and trafficking available to well-armed anti-democratic groups. Illegal armed groups at both ends of the political spectrum control almost all Colombian coca growing and production areas and derive a significant proportion of their total income from supporting this outlaw industry. U.S. support to Plan Colombia envisions establishing a Colombian version of the multifaceted drug control campaign that has proven so effective in Peru and Bolivia. In Colombia, as in Peru, the goal of U.S. support to interdiction is to assist the host government in isolating the coca-growing region, to keep precursor chemicals out, and to prevent the coca farmers from moving their crops to market. As the Government of Colombia, with substantial U.S. assistance, begins to make inroads against the massive increase in coca production in areas under illegal armed group control, drug traffickers will look for new sources of coca supply.

Since mid-1998 coca leaf prices in Peru and Bolivia have nearly quadrupled, although the governments in those two nations have done an excellent job of keeping the amount of coca production low. In Peru, rebounding prices indicate that some traffickers have successfully adapted to the airbridge interdiction program and have found new ways to move reduced amounts of product to market. Traffickers are now substituting land and river transportation for air routes. Drug trafficking aircraft avoid long flight times over Peruvian territory and usually limit their flights to short cross border flights to pick up drugs from Peruvian staging areas near the border. In addition, there is evidence that smugglers have recently attempted illegal flights south over Bolivia and Brazil to bring cocaine to market through more indirect routes.

With the current price incentive, it will be necessary to support Peru and Bolivia, as well as Ecuador and other regional countries, to assure that coca production does not migrate as a result of pressure being exerted in Colombia. The Administration has requested $882 million in non-DOD funds in the FY-2002 budget for the Andean Regional Initiative to be applied in

Bolivia, Brazil, Colombia, Ecuador, Panama, Peru, and Venezuela. About half of the assistance is for Colombia's neighbors, while the remainder is for sustaining ongoing programs in Colombia. The assistance is nearly evenly split between promotion of democracy and law enforcement and security assistance.

Reviewing Processes and Procedures

Clearly, something went tragically awry to cause the incident on April 20, 2001. The United States has suspended its support for air interdiction programs in Peru and Colombia pending the outcome of program reviews in both countries and a joint investigation begun April 30, 2001 in Peru. The United States is well-represented by an experienced interagency team led by the Assistant Secretary of State for International Narcotics and Law Enforcement, Rand Beers. After all of the facts have been gathered, we will be in a better position to make determinations about what issues need to be addressed and how to proceed. We will keep the Congress informed as we move ahead in this process. For now, our thoughts remain with the family and friends of Roni and Charity Bowers, and we hope for the speedy recovery of Kevin Donaldson.

Conclusion

On April 21, 2001, at the Summit of the Americas, President Bush said:

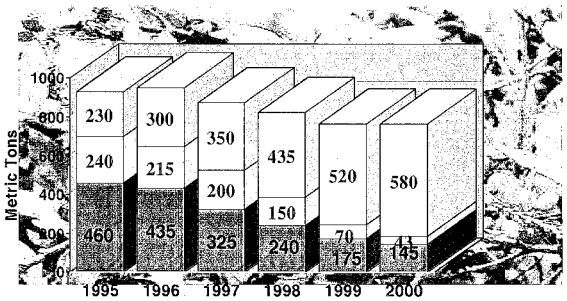
" Too many people in our hemisphere grow, sell, and use illegal drugs. The United States is responsible to fight its own demand for drugs. And we will expand our efforts to work with producer and transit countries to fortify their democratic institutions, promote sustainable development, and fight the supply of drugs at the source."

The U.S. counter-drug strategy is multi-faceted and long term in response to a problem that has similar characteristics. A crucial element in the strategy is reduction of the supply of drugs and a key part of supply reduction has been disruption of the illegal drug production and marketing process. By breaking the link between coca fields and cocaine laboratories U.S.—supported Andean programs caused a collapse of the coca market in Peru and Bolivia that has had major long-term consequences. U.S.- supported international drug control programs have reduced the global potential supply of cocaine by seventeen per cent since 1995. As the government of Colombia moves against coca production in its territory it will be increasingly important to assure that drug traffickers are not easily able to find new growing areas in Peru and Bolivia.

As we seek the most appropriate and effective way to reduce drug supply it is important to thoroughly examine our programs and their implementation. We must assure ourselves that whatever action we take is effective, that risks are appropriately balanced against rewards, and that every precaution is taken to assure that programs are implemented to make them as safe as they can be in an often dangerous environment.

Source Zone Strategy is Working in Bolivia and Peru

Source: DCI Crime and Narcotics Center imagery-based drug crop estimates

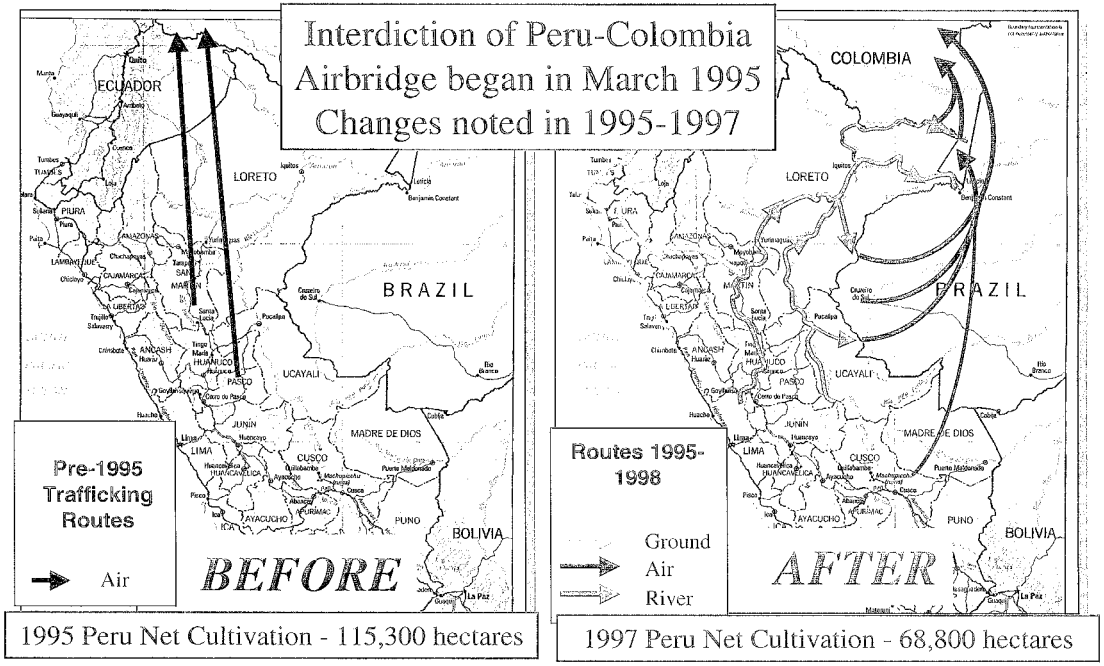


■ Peru □ Bolivia □ Colombia

Effect of eradication, interdiction and alternative development evident

- ✓ In Peru cocaine production is down 68 percent since 1995
- ✓ In Bolivia production is down 82 percent since 1995
- ✓ Overall Andean production is down 17 percent since 1995

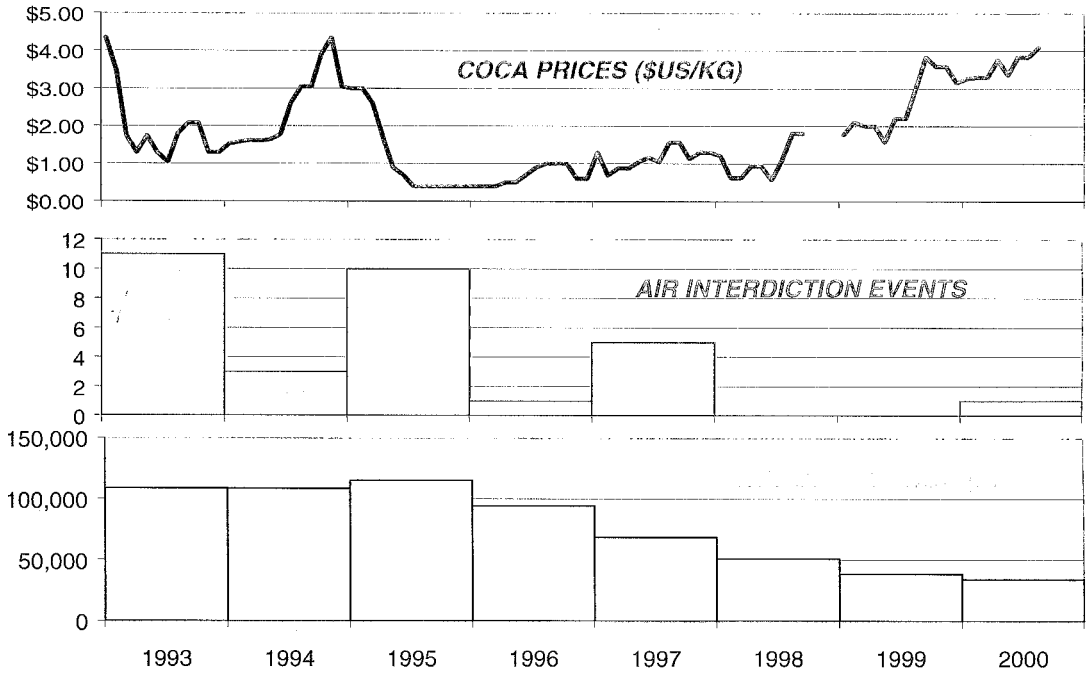
Interdiction Disrupts the Cocaine Industry: Peru 1995-97



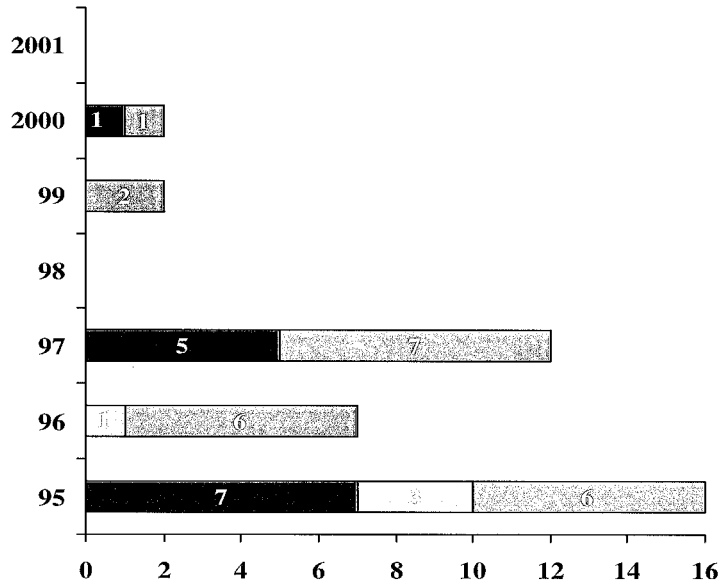
1995 Peru Net Cultivation - 115,300 hectares

1997 Peru Net Cultivation - 68,800 hectares

Impact of Interdiction on Production and Price



Results of Drug Trafficker Interdictions in Peru
1995-2001



Aircraft Shootdown (13)

Aircraft Forcedown (4)

Aircraft on Ground: Seized/Destroyed (22)

TERMS OF REFERENCE:

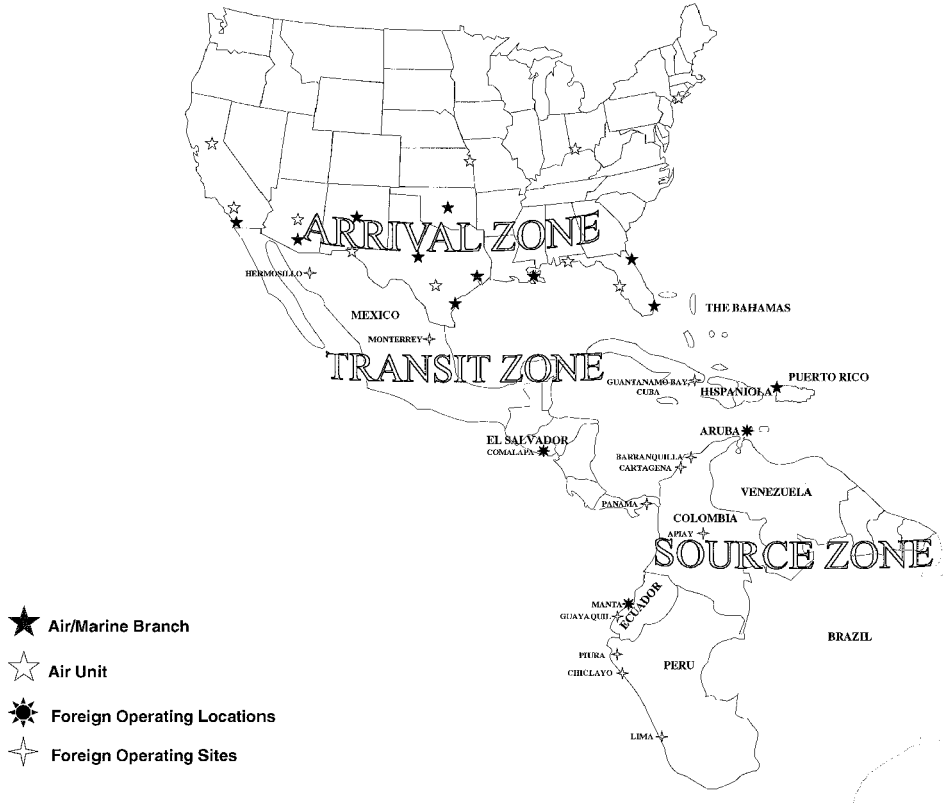
On ground = some or no air involvement

Forcedown = air-to-air encounter resulting in trafficker landing

Shootdown = air-to-air engagement (deadly force)

Source: ONDCP/April 24, 2001

CUSTOMS AIR AND MARINE OPERATIONAL AREAS



Mr. SOUDER. I thank the gentleman. Mr. Marshall, do you have an opening statement.

Mr. MARSHALL. Yes, I do. Good afternoon, Mr. Chairman and Ranking Member Cummings and the other distinguished members of the subcommittee. I want to thank you for the opportunity to be here today to discuss what I think is a very important and timely topic of our air interdictions in South America. The loss of lives and the injuries that we saw in the April 20th incident in Peru is indeed very, very tragic. And I want to join all of you in honoring the memories of those that perished. I also extend my deepest condolences to the families and the friends of those that lost their lives, and I have remembered all of them in my prayers as well. I know that they are indeed struggling through some very difficult times in the aftermath of this incident.

And finally, sir, on behalf of everyone in DEA, I want to thank this entire committee for your support of our agency and for all of drug law enforcement. We're present, DEA is present in over 300 U.S. cities and 512 foreign countries. We have general aviation aircraft assigned to several of our overseas offices. In Peru, for example, there are two civilian type turbo prop aircraft. The pilots of those aircraft are DEA special agents and the aircraft bear U.S. registration numbers. They operate there with the full knowledge of the U.S. Embassy and host country officials and our DEA pilots follow host nation aviation regulations. The DEA aircraft that we have assigned in Peru do not participate directly in air interdiction operations. Rather, their missions normally include the transportation of special agents, host country police, prosecutors and equipment that are all needed to conduct criminal investigations. DEA aircraft are also used to pinpoint the exact location of clandestine laboratories, drug storage sites and illegal airstrips. There are other components of the U.S. Government who conduct joint operations with the government of Peru in an air interdiction program. This program is designed to identify and track suspect drug planes used in the transportation of cocaine hydrochloride and base from Peru to and neighboring countries. DEA does not conduct operations in direct support of that initiative. DEA has supported that program by supplying law enforcement information on clandestine airstrips, suspect aircraft and the movement of drugs and money by major criminal organizations.

DEA's primary mission is not interdiction, per se, rather it is the dismantling of drug trafficking organizations through the investigation, indictment and imprisonment of the leaders of those criminal groups. Now, that process involves an approach that allows criminal investigations, law enforcement intelligence, and interdiction activities to complement each other and create a cycle that benefits the overall drug law enforcement efforts. DEA's primary goal in that process is not the interdiction of illegal drugs, per se; rather, it is to permanently remove those ruthless and predatory criminal organizations that produce and distribute those drugs.

And we see that those criminals market their poison to weak and vulnerable people in our society. They degrade the quality of life in communities all across America, they contribute to crime and violence and death in this country. They destroy the future of many of our youth. And they rob many people even of their basic human

dignity. And I believe that all of us have a brave and profound responsibility to protect the countless victims of drug criminals, and at the same time to do everything humanly possible to prevent the loss of innocent lives as we so tragically saw in this April 20th incident.

Mr. Chairman and committee members, again, I want to thank you for the opportunity to appear today. And I'll be happy to answer any questions you have at the appropriate time.

Mr. SOUDER. Thank you.

[The prepared statement of Mr. Marshall follows:]

Remarks
Donnie R. Marshall
Administrator
Drug Enforcement Administration
Before the
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy,
and Human Resources
May 1, 2001

Good Afternoon, Chairman Souder and distinguished members of the Subcommittee. Thank you for the opportunity to appear before the Subcommittee today to discuss the very timely and important topic of U.S. Air Interdiction Efforts in South America. The loss of life resulting from the April 20th incident in Peru is indeed tragic, and I join all of you in honoring the memories of those that perished. I extend my deepest condolences to the families and friends of those that lost their lives, as they are undoubtedly struggling through some very difficult times in the aftermath of this incident. Like many of our domestic and foreign law enforcement counterparts, the courageous men and women of the Drug Enforcement Administration (DEA) work 24 hours a day, seven days a week to combat global drug trafficking. On behalf of everyone in DEA, I would like to express my appreciation to the Subcommittee for your consistent support of our agency, and for all of drug law enforcement.

I would like to talk to you today about three topics concerning our nation's overall drug interdiction efforts. First, it is important to specify that DEA carries out its primary function as an *Investigative* law enforcement agency to confront and dismantle the world's most sophisticated drug trafficking organizations. Second, I will provide an account of how we at the DEA attempt to use a seamless cycle of investigations, law enforcement intelligence, and interdiction in order to dismantle these criminal syndicates. And third, I will explain how DEA's efforts relate to the specific function of drug interdiction, which is a critical component of putting these criminals out of business.

In DEA, we have crafted our Strategic Plan to enhance our ability to conduct investigations that serve to provide maximum impact with respect to disrupting and dismantling major drug trafficking organizations. Clearly, drug trafficking is an international business that affects each and every one of us on a daily basis. Decisions made in Bogota or Mexico City have a direct and immediate impact on what occurs in our major cities across the United States.

The international drug syndicates who control drug trafficking today from the source zone, through the transit zones, and into the United States, are intricately interconnected. The Caribbean corridor, including Haiti, the Dominican Republic, Puerto Rico, and the Bahamas, has long been a favorite smuggling route used by the Colombian based crime groups. These traffickers, with their vast resources, often have access to

highly sophisticated technology. They use sophisticated cellular phone cloning technology. They steal numbers that are already assigned to legitimate users, use them for a short period of time—usually less than a week--then move on to new numbers. The sophisticated operations of these traffickers show that, without question, they comprise vast, highly coordinated, international enterprises.

This brings me to my second point-- how the DEA builds cases against these criminals. In short, we employ a coordinated and international approach, just as the drug traffickers themselves are doing. As I mentioned earlier, this process involves the implementation of a seamless cycle that allows investigative, law enforcement intelligence, and interdiction functions to feed off of each other, creating a synergistic effect that benefits our overall drug law enforcement efforts. This process is not linear in nature, and does not have as its primary end product the interdiction of shipments of illegal drugs, rather we focus on permanently removing the organizations that produce and distribute these drugs.

Operation Journey provides us with an outstanding example highlighting the value of the seamless integration of law enforcement intelligence information leading to interdiction, arrests, and prosecutions. Operation Journey targeted Ivan De La Vega from Baranquilla, Colombia. The De La Vega organization transported multi-ton shipments of Colombian cocaine overland into Venezuela, where it was stored until loaded on ocean-going merchant vessels. DEA law enforcement intelligence was vital in providing leads to JIATF-East interdiction assets about suspect merchant ships, resulting in the seizure of more than 12 tons of cocaine. Using the full array of evidence derived from these seizures, federal criminal indictments were obtained in Miami, Florida for De La Vega and his organization. De la Vega and more than forty others were arrested throughout Colombia, Venezuela, Europe, and the United States. De La Vega was ultimately expelled from Venezuela to Miami to face charges against him there.

The bottom line is that, by targeting the syndicates' communications and infrastructure with our investigative efforts, we frequently acquire quality law enforcement intelligence about their workings. Through the hard work and dedication of DEA employees worldwide, and other police investigators and prosecutors with whom we work, we find out the who, what, where, when, and how of illicit drug businesses whose activities ultimately impact upon communities across our nation. This information is used to target and ultimately neutralize major drug trafficking organizations—regardless of where they are-- that erode the quality of life here in the United States.

In order to accomplish this objective, we compile the law enforcement intelligence into a threat assessment that gives us a more detailed picture of the situation. The next step is to use this information to support the interdiction of drug shipments, which is traditionally handled by U.S. Customs, the U.S. Coast Guard, and selected support components of the Department of Defense. These seizures then feed into our investigations and law enforcement intelligence initiatives, allowing us to indict and arrest these criminals pursuant to domestic prosecutions.

As you are aware, DEA operations are both comprehensive and global in scope. I would like to first address *DEA Airwing* operations overseas, as this topic is most relevant to the focus of today's hearing. The *DEA Airwing* has general aviation aircraft permanently assigned at many overseas offices. In Peru, for example, there are two assigned aircraft, a Beechcraft KingAir 350 and a Beechcraft 1900. The pilots are DEA Special Agents and the aircraft bear a U.S. registration number. These aircraft are in country with the full knowledge of the U.S. Embassy and host country officials. In addition, DEA pilots follow host nation aviation regulations, such as the filing of flight plans.

Aircraft from the DEA Airwing support operational missions as required by the DEA Country Attaché and the Ambassador. The missions include the transportation from city to city of Special Agents, host country police, prosecutors, and equipment needed to conduct investigations and operations. On occasion, aircraft are used to pinpoint the exact location of clandestine laboratories, drug storage sites, and illegal airstrips.

During the course of these missions, photographs of suspect sites may be taken using hand-held 35mm cameras. The DEA Airwing has one aircraft specially designed to take overhead large format photographic imagery. However, this aircraft is U.S.-based, and not outfitted with classified or sensitive equipment.

Pursuant to international drug control efforts, some components of the U.S. Government conduct joint coordinated operations with a Government of Peru air interdiction program involving the Peruvian Police (PNP) and Peruvian Air Force (FAP). The program is designed to identify and track suspect drug planes used in the transport of cocaine HCl and base from Peru to neighboring border countries of Bolivia, Brazil and Colombia. DEA does not conduct operations in direct support of this initiative. That said, elements of the American Embassy Country Team, including the DEA Lima Country Office, have indirectly supported this program by supplying law enforcement intelligence and coordinating *land based* enforcement efforts, such as roadblocks and truckstops to intercept precursor chemicals, during joint enforcement operations in the jungle regions of Peru.

There are several other programs in which DEA agents participate in a coordinating and/or advisory capacity. The *Riverine Program* is a U.S. sponsored multi-agency effort initiated in late 1997. The program is designed to develop a Peruvian law enforcement force (Peruvian National Police and Peruvian Coast Guard) capable of efficient control and interdiction on Peru's rivers and waterways. Participating U.S. agencies from within the U.S. Embassy in Lima include the Military Assistance and Advisory Group (MAAG), the Narcotic Affairs Section (NAS) and DEA. In summary, the MAAG and NAS units are responsible for training, equipment, and infrastructure support. DEA personnel are responsible for assisting in the collection of law enforcement intelligence, and serve as observers and/or advisors during the execution of operations and investigations.

In support of this program, the DEA Lima Country Office, on a consistent basis, deploys agents to both Iquitos and Pucallpa, the two main "hubs" of the Riverine Program. While on temporary duty, DEA agents work hand-in-hand with their PNP counterparts in the collection of information, recruitment and development of sources, and the planning and execution of operations designed to interdict drugs and arrest violators. Additional duties include the coordination and liaison activities with representatives of the other participating U.S. agencies in matters of equipment and/or training.

In addition to the Airbridge and Riverine interdiction programs, DEA personnel participate in *Operation Paradox*, which is a Lima Country Team initiative designed to focus both USG and GOP resources (personnel, equipment and funding) in the coca growing zones, specifically the Huallaga and Apurimac/Ene Valleys. To maximize success, the plan calls for the integrated efforts of interdiction, eradication, alternative development, and public information to attack cocaine trafficking at its source. Again, DEA's role and focus remain on the law enforcement investigative side of these efforts.

DEA personnel in Peru also participate in *Operation Excess Baggage* and *Operation Stand By*, which are programs designed to interdict drugs being transported by commercial air or maritime vessels. The airport program focuses on passengers and cargo, while the seaport program concentrates on commercial shipments of cargo. These actions are performed by both the Peruvian Customs and the Peruvian National Police, with DEA providing financial, training, equipment and law enforcement intelligence support. DEA becomes involved in international investigations stemming from these programs in order to develop these cases to their full potential. Consequently, the scope, strength, and magnitude of drug trafficking prosecutions in the United States are greatly enhanced.

In addition to our international programs, activities in domestic DEA offices also enhance overall interdiction efforts. *Operation Emerald Clipper* (EC) is a special enforcement program initiated by the DEA Phoenix Division in 1991. The program focuses exclusively on disrupting the air transportation capabilities of major drug trafficking groups in Latin America. DEA seeks to disrupt the infrastructure of these organizations by denying the traffickers' access by use of asset forfeiture and other efforts to one of their most vital tools – aircraft.

EC monitors brokers and companies that cater to trafficker needs, monitors suspect sales and seizes aircraft for forfeiture prior to export, reports trends in the use of preferred narco-aircraft, coordinates investigations with foreign DEA offices and their host nation counterparts to identify owners of seized or suspect aircraft, and deploys teams to source countries to conduct training and assist in on-site inspections of suspect aircraft.

EC investigations have resulted in the identification of numerous sham aviation companies, aircraft, and individuals involved in the cocaine industry in Latin America. To date, this program has led to the seizure for forfeiture of approximately 160 planes

valued at over $200 million that were owned or otherwise used by major drug organizations in Colombia, Mexico, Peru, and Venezuela. EC has significantly denied Colombian trafficking organizations access to the U.S. aircraft market; no turboprop aircraft have been exported to Colombia from the U.S. in over three years. Most significantly, EC actions have caused law enforcement agencies in Latin America to focus more attention on the essential role that aircraft play in the Andean cocaine industry and international transportation of cocaine.

The seizures that are effected during interdiction efforts like the ones previously described not only result in the arrest of criminals and the seizure of drug evidence. These efforts also generate new law enforcement intelligence, and increase the timeliness and comprehensive quality of existing investigations. This is arguably the most important step of the entire process because the documents, electronic records, and telecommunications information seized during interdiction operations are subsequently analyzed by the DEA, and ultimately provide invaluable data on the structure and function of a given criminal organization. We can weave this information—even from seemingly unconnected seizures--together and turn it into more interdictions, more investigations, and more arrests and imprisonments. The ultimate effect is that together with our domestic and foreign law enforcement counterparts, we are systematically working to remove the leadership and to destroy organizational cohesion of these major drug trafficking groups. Consequently, the impact of every foreign and international interdiction and investigative effort reverberates directly back to the heartland of America in the form of enhanced investigative, law enforcement intelligence, and interdiction capabilities.

In some ways the process that I have discussed is similar to a jigsaw puzzle. In the end, however, that analogy breaks down, because once you complete a jigsaw puzzle, the picture never changes. In the drug trade, it changes all the time. Drug traffickers are adaptable, reacting to our interdiction successes by shifting routes, changing modes of transportation, or even the type of drug. Our job is to keep up with the changing picture, and we do that job by continuously feeding the seamless process of investigative, law enforcement intelligence, and interdiction activities that constitute the conceptual basis for DEA's role as the world's premier drug law enforcement agency. Each of these elements is a vital component in our effort to combat the scourge of the drug trade that plagues our nation. Through our international and domestic programs, the brave men and women of DEA will use every available law enforcement tool to confront and neutralize drug traffickers across the globe. The ultimate beneficiaries of our efforts are the American people, in the towns and cities across the United States, who deserve nothing less.

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee today. I would be happy to answer any questions that you or other members of the Subcommittee may have at the appropriate time.

Mr. SOUDER. Mr. Winwood, do you have an opening statement?

Mr. WINWOOD. Yes, Mr. Chairman.

Mr. WINWOOD. Chairman Souder, Congressman Cummings and members of the subcommittee, I thank you for the opportunity to testify on U.S. Customs air operations in South America. Joining my colleagues and before I begin my statement, I also want to join in expressing my deepest condolences and sympathies to the Bowers family for the tragedy they have endured, and I also want to extend my best wishes to Kevin Donaldson and his family for his full and speedy recovery.

The mission of the Customs air and marine interdiction division is to protect the Nation's borders and the American people from the narcotics smuggling. Customs contributes its air and marine assets and personnel to joint operations throughout the source, transit and arrival zones. As a key link in the frontline of U.S. defense against drug traffickers, Custom's air and marine division plays a critical role in the Nation's counterdrug strategy. Customs authority to conduct air enforcement missions outside the United States arises out of numerous laws and Presidential directives. In addition to these provisions, the U.S. Government has international agreements and arrangements that facilitate our mission overseas.

In 1989, Customs began to support interdiction operations under the control of the U.S. Southern Command [SOUTHCOM], with the deployment of air assets to Howard Air Force Base in Panama. In 1990, Customs was formally integrated into the Southern Command's planning structure by memorandum of understanding. Subsequent to that, MOU Customs aircraft and personnel were deployed to strategic locations throughout SOUTHCOM's area of responsibility. And under Presidential Decision Directive 14 issued in 1993, counterdrug strategy shifted the focus toward the source zone.

Customs responded by flying routine missions over Colombia and began to pooling their assets at forward operating sites and locations throughout the region. Our P–3 AEW and Slick aircraft with detections systems designed explicitly for drug interdiction have become the mainstay of source zone detection and monitoring. We also utilize C 550 jets for close tracking.

As the efforts to expand interdiction beyond U.S. borders have increased, so has the need for Customs presence in the source zone. Customs is now responsible for the vast majority of detection and monitoring flights conducted in the source zone. The last fiscal year approximately 90 percent of those missions were flown by customs assets.

All Customs air operations in the source zone are under the tactical command of SOUTHCOM as a sign to the Joint Interagency Task Force East. Customs detection and monitoring flights are conducted as coordinated assistance to host countries under the terms of special bilateral agreements. Thanks to this cooperative framework, Customs has traditionally enjoyed very good relations with our host country partners enhancing the effectiveness of our mission.

We have a longstanding policy that all Customs aviation missions must be conducted in accordance with strict, standard operating procedures. Working with our host Nation partners Customs,

air and marine personnel have developed a series of detailed operating procedures specifically for South American missions.

We are presently conducting a thorough review of those procedures. We go to great lengths with our host Nation partners to ensure that all standard operating procedures are followed to letter. The complexity of the assets we deploy, the advanced technologies we bring to bear, and the larger P–3 crews involved in these missions all demand an extremely high degree of coordination. We are also continuing our efforts to modernize our air program. From a mission perspective, modernization will supplement the safety measures and standard operating procedures already in place. Over the next year, we will be taking delivery of six new P–3 aircraft.

Mr. Chairman, the Customs service is firmly committed to a strong and active presence in the source zone. The smuggling threat in this region is pervasive. The drug cartels who operate these are flush with resources and ready and able to exploit any situation to their advantage. We have a responsibility to ensure that the most rigorous of procedural standards are applied to this sensitive mission. But the smugglers should not mistake our thorough concern for the safe and effective operation of flights as a lack of resolve. From a Customs standpoint, we will continue to do everything necessary to guarantee the safety and integrity of our mission in the region while curtailing the flow of drugs to America. I again want to thank the committee, Mr. Chairman, for the opportunity to testify and for your constant support for Customs law enforcement activities. Thank you.

[The prepared statement of Mr. Winwood follows:]

Statement of Acting Commissioner of U.S. Customs Charles Winwood Before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources
May 1, 2001

Chairmen Souder and Burton, Congressman Cummings, members of the Subcommittee, thank you for this opportunity to testify on U.S. Customs' Air Operations in South America.

Before I begin my statement, I want to join with my colleagues in expressing my deepest condolences and sympathies to the Bowers family for the tragedy they have endured. I also want to extend my very best wishes to Kevin Donaldson and his family for his full and speedy recovery.

The mission of the Customs Air and Marine Interdiction Division is to protect the nation's borders and the American people from narcotics smuggling. Customs contributes its air and marine assets and personnel to joint operations throughout the Source, Transit, and Arrival Zones. As a key link in the frontline of U.S. defense against drug traffickers, Customs' Air and Marine division plays a critical role in our national counter-drug strategy.

Customs' authority to conduct air enforcement missions outside the United States arises out of numerous laws and presidential directives. In addition to these provisions, the United States government has international agreements and arrangements that facilitate our mission overseas.

In 1989, Customs began to support interdiction operations under the control of the U.S. Southern Command, or SOUTHCOM, with the deployment of air assets to Howard Air Force Base in Panama. In 1990, Customs was formally integrated into the Southern Command's planning structure by Memorandum of Understanding. Subsequent to that

MOU, Customs aircraft and personnel were deployed to strategic locations throughout Southcom's area of responsibility.

Under Presidential Decision Directive 14, issued in 1993, counterdrug strategy shifted focus towards the Source Zone. Customs responded by flying routine missions over Colombia and began deploying air assets at forward operating sites and locations throughout the region.

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As the efforts to expand interdiction beyond U.S. borders have increased, so has the need for Customs' presence in the source zone. Customs is now responsible for the vast majority of detection and monitoring flights conducted in the Source Zone. In the last fiscal year, approximately ninety percent of these missions were flown by Customs assets.

All Customs air operations in the source zone are under the tactical command of Southcom, as assigned through the Joint Interagency Task Force, East. Customs' detection and monitoring flights are conducted as coordinated assistance to host countries under the terms of special bilateral agreements. Thanks to this cooperative framework, Customs has traditionally enjoyed very good relations with our host country partners, enhancing the effectiveness of our mission.

We have a longstanding policy that all Customs aviation missions must be conducted in accordance with strict, standard operating procedures. Working with our host nation partners, Customs air and marine personnel have developed a series of detailed operating procedures specifically for South American missions. We are presently conducting a thorough review of those procedures.

We go to great lengths with our host nation partners to ensure that all standard operating procedures are followed to the letter. The complexity of the assets we deploy, the advanced technologies we bring to bear, and the larger P-3 crews involved in these missions all demand an extremely high degree of coordination.

We are also continuing our efforts to modernize our air program. From a mission perspective, modernization will supplement the safety measures and standard operating procedures already in place. Over the next year, we will be taking deliver of six new P-3 aircraft.

Mr. Chairman, the Customs Service is firmly committed to a strong and active presence in the Source Zone. The smuggling threat in the region is pervasive. The drug cartels who operate there are flush with resources, and ready and able to exploit any situation to their advantage.

We have a responsibility to ensure that the most rigorous of procedural standards are applied to this sensitive mission. But the smugglers should not mistake our thorough concern for the safe and effective operation of flights as a lack of resolve. From Customs' standpoint, we will continue to do everything necessary to guarantee the safety and integrity of our mission in the region, while curtailing the flow of drugs to America.

I want to thank the committee again for this opportunity to testify and for your constant support of Customs' law enforcement activities. I would be happy to answer any questions you might have.

Mr. SOUDER. Thank you. Mr. Crow do you have an opening statement?

Mr. CROW. Yes, thank you very much, Mr. Chairman, distinguished members.

Mr. SOUDER. Mr. Crow, could you see if your microphone is turned on.

Mr. CROW. Thank you. I would like to, first of all, add one more voice to the many voices when I say that our hearts very much go out to the family, to the Bowers family at this time. And our wishes equally are extended to Mr. Donaldson as he undertakes what we hope will become a speedy and sure recovery. Regardless of the outcome of the inquiry that's been initiated this week and will go on, and in view of Mr. Brown's very complete historical account of interdiction in Peru, I would simply add that we view air interdiction in Peru as having been the single most contributing factor to the dramatic drop in cultivation of coca, the area of coca under cultivation in Peru that we've steadily seen since 1996, 1 year after the institution, that of the air intercept program.

We also believe that air interdiction is essential to sustaining the success of Peru's counternarcotics strategy, integrating strategy which combines interdiction with eradication and alternative development. Thank you.

Mr. SOUDER. Thank you. And your full statement will be inserted in the record.

[The prepared statement of Mr. Crow follows:]

Statement of
John M. Crow
Director of Latin American and Caribbean Programs
Bureau for International Narcotics and Law Enforcement Affairs
Department of State

before the
Criminal Justice, Drug Policy and Human Resources Subcommittee
of the
House Committee on Government Reform

May 1, 2001

Mr. Chairman and Members of the Committee:

I want to thank you for this opportunity to speak to you today about U.S. air interdiction efforts in South America after the tragedy that occurred in Peru on April 20. Once again I would like to express my condolences and heartfelt sympathy to the Bowers family, and my best wishes for the speedy recovery of Kevin Donaldson.

Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Rand Beers left for Peru last weekend as head of a U.S. government investigative team to try to determine exactly what happened on April 20, what went wrong, and what we can do to ensure that such a tragedy never happens again. He will be working with the Peruvian government team led by Major General Gustavo Gutierrez Agnelli in a joint investigation. As soon as the investigation is complete we will of course share the results with the Congress. In the meantime, please let me take the opportunity to explain briefly the history of the air interdiction program in Peru.

In 1995 Peru was the world's largest producer of coca with over 115,000 hectares of coca under cultivation. Farmers who grew the coca would pick the leaves and process them into a crude paste, then sell it primarily to Colombia narcotrafficking organizations who would fly down from Colombia, purchase the paste from the farmer, and then fly it back to Colombia as paste (or further refined into cocaine base) for refinement into

the end product, cocaine hydrochloride. Because the coca growing area of Peru is located in the central part of the country, these flights from Colombia to Peru and back, known as the "air bridge," could take up to four hours each way. In 1994 the U.S. and Peru undertook to attempt to deny narcotraffickers access to this air bridge by identifying flights that were carrying illicit narcotics and forcing them to land, disabling and/or seizing the plane, arresting the criminals, and seizing the illicit drugs. If the pilots of these aircraft refused to land, they would be forced to do so. Peru already had passed a law allowing the use of arms against narcotics trafficking civil aircraft under very restricted conditions.

In 1994 the U.S. Congress passed a law allowing U.S. government employees to assist foreign nations in the interdiction of aircraft when there is "reasonable suspicion" that the aircraft is primarily engaged in illicit drug trafficking. The law provides that this can be done if (1) the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and (2) the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft. President Clinton issued the requisite determination regarding Peru on December 8, 1994.

Since 1995 many narcotrafficking aircraft have been forced down in Peru. Once intercepted by the Peruvian Air Force (FAP), some were seized or destroyed on the ground. Some were shot down. A few complied with FAP instructions to land. Once narcotraffickers, and especially pilots, understood that Peru was serious about stopping these flights, the amount pilots charged to fly drugs skyrocketed, and finally the pilots refused to fly at all. As a result, the traffickers could not easily and cheaply obtain Peruvian coca paste, and they went elsewhere to make their purchases. The price of coca leaf at the farmgate dropped below the break-even point. Legitimate Peruvian farmers had no one to whom to sell their coca, so they simply abandoned the coca bushes and began planting licit crops. In 1998 and 1999 no planes were shot down or forced down, but the mere threat of that possibility appears to have kept narcotraffickers from making the long trip from Colombia, and coca cultivation in Peru continued to decline. In

2000 two aircraft were intercepted and forced down, and prior to April 20 of this year one plane was identified and forced down.

For calendar year 2000 only a little over 34,000 hectares of coca were under cultivation in Peru – a 70% reduction since 1995. The combination of the eradication of illicit coca crops and the air bridge denial program ultimately produced the unprecedented removal of coca as the premiere cash crop, causing farmers to abandon coca in favor of legitimate crops and paving the way for a program of alternative development which had theretofore been out of reach.

Mr. SOUDER. Admiral Belz do you have an opening statement?

Admiral BELZ. A very brief one, Mr. Chairman. Good afternoon, Mr. Chairman, distinguished members of the subcommittee. I appreciate the opportunity to appear before you today to discuss counterdrug operations conducted and supported by Joint Interagency Task Force East. We join others here today in expressing our condolences to the Bowers family, and our hope for a speedy recovery for Mr. Donaldson. With your permission, I would like my full statement to become a part of the record and also Mr. Chairman in the interest of time, I will forfeit my remaining time and look forward to answering any questions.

[The prepared statement of Mr. Belz follows:]

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CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES SUBCOMMITTEE

STATEMENT OF

REAR ADMIRAL DAVID S. BELZ, UNITED STATES COAST GUARD

DIRECTOR, JOINT INTERAGENCY TASK FORCE EAST

BEFORE THE HOUSE GOVERNMENT REFORM
CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES SUBCOMMITTEE

MAY 1, 2001

UNCLASSIFIED
FOR OFFICIAL USE ONLY UNTIL RELEASED BY THE HOUSE GOVERNMENT REFORM
CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES SUBCOMMITTEE

Chairman Souder, Ranking Member Cummings, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you to discuss Joint Interagency Task Force (JIATF) East's support to counterdrug activities in the United States Southern Command's (USSOUTHCOM) area of responsibility (AOR). All of us at JIATF East join the other members of this panel in extending our condolences to James Bowers and all of the family and friends of Roni and Charity Bowers. Our thoughts and prayers are with Kevin Donaldson and we wish him a full recovery. As you know, a U.S. Government (USG) interagency team is currently reviewing those procedures as part of a larger joint U.S./Peru investigation into this tragedy. In line with the Administration's decision, JIATF East has suspended our participation in the air interdiction programs in Peru and Colombia until otherwise directed.
I request that further information pertaining to the facts of the tragedy are discussed after the interagency team has fully assessed the incident and presented its findings.

The international illicit drug industry threatens regional stability, strong democratic institutions, and free market economies throughout our hemisphere by corrupting public institutions, promoting criminal activity, undermining legitimate economies, and disrupting social order. The violence and corruption associated with the illicit drug industry not only threatens our neighbors to the south, but also pose a national security threat to the American homeland.

JIATF East's activities directly support our National Drug Control Strategy's goal 4 to shield America's air, land and sea frontiers from the drug threat and goal 5 to break foreign and domestic drug sources of supply. While reducing the demand for illicit drugs must be our nation's primary consideration, attacking the drug supply in the Source and Transit Zones complements our demand reduction efforts at home.

The Drug Trafficking Organizations (DTOs), particularly in the Andean Ridge, have shown considerable skill in adapting to U.S. and partner-nation eradication and interdiction efforts. As the successful implementation of Plan Colombia disrupts the drug traffickers' cultivation and production infrastructure, we should anticipate a migration of the drug trade to points of least resistance. The Peruvian national counterdrug effort has been focused on first, interdicting the flow of HCl, cocaine base, and essential chemicals; and second, continued manual eradication in the valleys of Peru.

JIATF EAST COUNTERDRUG OPERATING AUTHORITY

In 1989, Congress designated DoD as the "lead agency" for the detection, monitoring and tracking (DM&T) of aerial and maritime traffickers. In 1994, the National Interdiction Command and Control Plan (NICCP) was published to consolidate interagency drug interdiction efforts into a more cohesive command and control structure. The NICCP thus established joint interagency task forces to achieve such interagency unity of effort.

There has been some evolution and consolidation of JIATFs since, but basically the responsibilities and missions have remained unchanged since 1994. The task forces designated in the plan, one of which is JIATF East, were designed as "national" task forces, and not department or agency task forces. The responsibility for command, control, and tasking authority for the JIATFs is exercised by DoD through the respective unified combatant commanders (CINCs); in JIATF East's case, USSOUTHCOM.

There are other standing legal tenets that have a direct bearing on responsibilities and constraints under which we operate. The Presidential Decision Directive 14 of November 3, 1993, describes a shift in focus of the United States' effort from the transit zone (primarily those waters surrounding the Central American landmass) to the source zone (the primary cultivation and production countries in South America).

Two Presidential Determinations, number 95-7 of December 1, 1994 (for Colombia) and 95-9 of December 8, 1994 (for Peru), allow the resumption of U.S. drug interdiction assistance to these two critical source-zone countries. These were issued pursuant to Public Law 103-337 (section 1012 of the National Defense Authorization Act of 1995) which has since been codified in 22 United States Code 2291-4. This law permits U.S. officials to assist other nations in the interdiction of drug trafficking aircraft. Specifically, in cases where (1) the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking, and (2) the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with such interdiction, which at a minimum shall include effective means to identify and warn an aircraft before the use of force is directed against the aircraft. In the National Defense Authorization Act for FY 1995, Congress provided a procedure for allowing USG employees to assist foreign nations in the interdiction of aircraft when there is "reasonable

suspicion" that the aircraft is an "aircraft reasonably suspected to be primarily engaged in illicit drug trafficking." This statute reflects customary international law as embodied in the Chicago and Montreal conventions on actions allowed against civil aircraft.

INTERDICTION - ROLE OF JIATF EAST

JIATF East is the primary center for DM&T, sorting and handoff of suspect air and maritime drug trafficking events in the USSOUTHCOM AOR: specifically the Pacific Ocean (east of 092 degrees west), the Gulf of Mexico, Caribbean Sea, Central America and surrounding seas, the Atlantic Ocean (west of 030 degrees west) and the South American continental landmass. In executing this mission, JIATF East is tasked to support participating nation initiatives and the handoff of suspect drug targets to U.S. participating nation law enforcement agencies (LEAs).

With the legal backdrop and mission established, I will describe the procedure we use at JIATF East to accomplish the air interdiction mission. These procedures are designed to take advantage of the unique capabilities of the assets we employ and the significant amount of electronic information that we have access to. JIATF East detects, monitors (tracks), sorts, and hands off an air target of interest to a participating nation using procedures very similar to those used to hand off drug trafficking air targets to our own U.S. LEAs. In particular, I will focus on Peru and Colombia since these are the only countries that currently have a declared use of force policy against aircraft reasonably suspected of primarily engaging in illicit drug trafficking. This policy demands that participating U.S. forces and LEAs take extra precautions when handing off air targets of interest to these nations.

DETECTING AN AIR TARGET OF INTEREST (ATOI)

Once an aircraft is detected by any of the sensors or aircraft under JIATF East control, a deliberate process begins to identify the aircraft and determine a suitable course of action. This sorting process relies primarily on two methods of identification--visual and electronic information gathered from flight-monitoring sources.

Identification of the track allows JIATF East to determine if the aircraft in question is displaying characteristics that are common indicators for an aircraft reasonably suspected of

engaging in illicit drug trafficking. The aircraft is then classified as an ATOI if it meets specific altitude, air speed, direction, and country criteria.

Depending on observation of the ATOIs flight behavior and additional information gathered from flight-monitoring sources, the ATOI may be further categorized as friendly, unknown assumed suspect, suspect or unknown. Subsequent action, including potential intercept by a partner-nation aircraft, is based on how the air track is designated.

Under international and U.S. law (18 United States Code 32), U.S. units may not use force against civil aircraft--except in self-defense.

In the event a foreign country has a declared use of force policy against civil aircraft or has used force against aircraft, real-time information about ATOIs can only be passed if the President of the United States has approved the recipient country's official use-of-force policy. This approval is premised upon the country implementing procedural safeguards to protect against the innocent loss of life in the air and on the ground in connection with an interdiction.

As a matter of policy, JIATF East personnel may not pass information to countries with official "shootdown" policies unless the ATOIs have met JIATF East criteria to be declared "unknown assumed suspect" or "suspect." Peru and Colombia are the only two countries in the JIATF East AOR with such official "shootdown" policies. Both countries received the required Presidential approval in 1994. Hence, JIATF East personnel may pass suspect ATOI information to these countries.

When all criteria have been satisfied, and the JIATF East 7X24 watch declares an aircraft "unknown assumed suspect" or "suspect," the air track may then be passed to the participating nation. At this point, the active portion of JIATF East's DM&T ceases with regard to that particular track. That is, the law enforcement or potential law enforcement action against the ATOI is beyond the legal scope of responsibility of JIATF East.

AIR INTERDICTION PROGRAMS IN PERU AND COLOMBIA

As stated previously, the USG air interdiction programs with Peru and Colombia are currently in abeyance.

On Friday, April 20, 2001, at approximately 1830 EDT, following a phone call from Department of State/INL, JIATF East ceased passing any counterdrug air track information to Peru. There were no air missions scheduled for JIATF East controlled platforms in Peru during

the month of April 2001. The last air interdiction operation supported by JIATF East in Peru was conducted in December 2000.

On Monday, April 23, 2001, at approximately 1030 EDT, following a conversation with U.S. Country Team personnel in Colombia, JIATF East ceased flying any DM&T missions supporting Colombia's air interdiction program and ceased passing any air track information. This remains the current program status in Peru and Colombia.

CONCLUSION

In closing, I would like to express my sorrow for the tragedy that occurred. I am confident that all questions surrounding this tragedy will be answered once the interagency team has completed its assessment. The JIATF East team awaits the findings of the assessment and stands ready to continue the program or institute changes in policy or procedures as deemed appropriate.

Thanks to the hard work of this Committee and the bipartisan support of Congress, we are making progress against the illicit drug industry and the fight for democracy in this region. Thank you for the opportunity to appear before the Committee and I look forward to answering your questions.

Mr. SOUDER. I thank you and I want to thank you for clearing your schedule to come up today. I know that JIATF operations are based down in Florida, and there are many different things going on and we appreciate the sacrifice. We felt it was important to get on the record this whole debate in context because we certainly will have followup hearings as well. I'll start the questioning, I'm sure we'll go at least two rounds. So I will start with Mr. Brown. If we could put the second one of your charts up that showed how the traffic and Peru has changed. General McCaffrey has said that if this air bridge is down, I believe I think he said 180 days, if we have the policy changed we'll see shifts. Could you explain a little bit more of that chart how it has moved and what you may think may happen short term.

Mr. BROWN. What happened over this entire period of time, Mr. Chairman, I'm going to defer, or at least would offer Mr. Crow perhaps to amend this, because for a good bit of this time, he was, at that time, assigned to our Embassy in Lima. But generally, what you see is the trafficking aircraft here appearing as northern bound red arrows actually were Colombian aircraft, about 600 per year or so, a dozen or 15 per week. I hope the math works there, but it was something of that volume at the outset.

As the interdiction efforts began and this particular air connection with Colombia was a particularly vulnerable aspect of the drug cocaine production system at that time, those flights dramatically dropped in number. The prices that the trafficking cartels in Colombia had to pay for those pilots escalated dramatically. I'll defer to Mr. Marshall perhaps for some numbers. And they, as you see geographically went further and further to the east. Trafficking then tried—if you can see there on the third chart perhaps, to adjust over time and still is attempting to adjust by going to surface movements to the west, to the Peruvian coast and by movements further south in Peru across Bolivia and Brazil, and out through more indirect routes.

So I hope, Mr. Chairman, I've generally responded, but the number of flights dropped, the price went up, the risk was surely there. And I guess the bottom line point to where you're headed, perhaps, is the coca production enterprise—then essentially coca "campesinos" cultivating coca—that essentially collapsed over the next several years. There was widespread dislocation, there was an aggressive engagement in our Embassy and the Peruvian Government Alternative Development and Assistance Programs. So you see the price really was quite low.

And then, I think the bottom line is, the total cultivation capacity steadily, as Mr. Crow I think earlier mentioned, declined from that point until today.

Mr. SOUDER. Mr. Crow, as someone who both at INL and on the ground in Peru, maybe you could elaborate on the last point that Mr. Brown just made, and that is, that in Pucallpa and Iquitos, as well as meeting with INL people on the ground and talking with people who have been in cultivation over, I think, I have been there now four or five times, what's clear is I saw the pattern change of the willingness to join in the alternative crop program because when they had higher costs going through the rivering side they, in fact, offered less payments to the most poor. And when they of-

fered the less payments to the most poor, all of a sudden alternative products seemed to make a difference. One of the questions, if you can elaborate on that point, and then also now that they have invested in the rivering, will they move back and how long will they wait to see what the U.S. Government is going to do?

Mr. CROW. Thank you, Mr. Chairman. First of all, the pressure put on by cutting off access to the air bridge, thereby making it more difficult and even impossible for the traffickers to get their end final refined product or cocaine base out of the country led as part of a ripple effect to what we never would have imagined possible. Coca, the price of the coca leaf at the farm gate dropped to below the break-even point. So that literally, for the first time ever, coca was removed from the marketplace as the premier cash crop.

And that set in motion for farmers who were predominantly noncriminal, that the opportunity to get to alternative development which for years we had held and believed was the only way for a given country to get a leg up and to loosen itself from the grip of trafficking. But at some point even though the alternative development is a lot more than simple crop substitution, we couldn't get there because coca always provided the best return, never mind the farmer, in quotes, who's essentially a trafficker employee. The honest farmer would say, yeah, I'd like to help you, but you know I can make more money with coca than I can with cacao. That changed. It has never before been something that was realizable we figured.

Mr. SOUDER. On the rivering question.

Mr. CROW. Rivering. OK. Air will always be the preferred way to move drugs. But Peru has 8,000 kilometers more or less of riverway. And the rivering program is an important adjunct. But air will always be the preferred way.

Mr. SOUDER. How much cheaper would you say it is to move by air than by the river network, say, going through the Amazon basin? And do they have to go out through Venezuela or French Guyana?

Mr. CROW. It's certainly cheaper in terms of time expended and in terms of eliminating a lot of the danger of being apprehended. It's fast, it's cheap, in that regard, and relatively threat free.

Mr. SOUDER. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Just Mr. Brown and Mr. Crow. What was our—what was the situation in Peru prior to the shoot-down policy.

Mr. BROWN. You had a rapidly growing coca cultivation circumstance. The hectare—and we have to refer to the maps—but I think you see they were perhaps as much as 60 percent of the total Andean capacity for coca cultivation was then occurring in central Peru. You had an active Colombian presence in Peru. Most all of the production of cocaine base essentially, or going back early in the 1990's was coca paste, went on to Colombia for final processing, and then marketing. It was essentially managed by the Colombian cartels of that day. So if I'm on track with your question, Mr. Cummings, that's essentially what it was, it was a raw product input function for an Andean cocaine system managed by the Colombian criminal group.

Mr. CUMMINGS. Mr. Crow.

Mr. CROW. I did my first tour again in counternarcotics side in the 1980's, in 1984 to 1987 in Peru. And at that time, light aircraft were literally flying into the Huallaga Valley with money, dropping off the money and picking up drugs. It was absolutely wide open. And again, the dramatic change that occurred when the pressure was put on to deny access to the air bridge between Peru and Colombia resulted in a night-to-day change. There is no question about it, and made possible for legitimate communities to sign up to alternatives, which, in fact, produced more revenue for them.

Now, having said that, this success, many people have viewed that and have written Peru off as a success. It's very fragile. It is very much an imminent success that needs to be nurtured. Because if any part of the equation falls off, terrorism comes back, the price goes up, the air bridge breaks down, then have you the potential very clearly to go back to the way it was before.

Mr. CUMMINGS. So right now when you talk about it being fragile, right now with the suspension going on, do you anticipate that we will have an increase in these flights, these direct flights situation that you talked about a little bit earlier?

Mr. CROW. There is a clear potential for that, yes.

Mr. CUMMINGS. Have you seen any indication of that already?

Mr. CROW. I can't cite anything specific, but logic tells me that it's the potential is there. The price has gone up, the price of coca. Now it is back up, not across the board but it's gone up. It's probably much less than coincidental that Plan Colombia may have generated some of that. But the inability to control the skies as well as you might want to could add to that potential for the trend to continue and reverse itself.

Mr. CUMMINGS. You know, gentlemen, when I listen to Congressman Weldon and when he laid out the various procedures that you have to go through before you can shoot down a plane, it seemed to me that if one were to do that, to do all those things, you would—it would prior—whoever was flying the plane would almost subject themselves being presumed guilty because there is so much—there are so many steps there. And I'm just wondering, do you all see this as a—that is the shooting down of aircraft as a necessary evil of this whole process?

Mr. CROW. Well, I see whether they need to be shot down or merely intercepted or made to land, I see the control factor as an integral need, yes. Because otherwise, again, the airway, the air part being preferred and being fast and easy, you just couldn't keep up with them otherwise.

Mr. BROWN. I would add, if I may, the policy, this use of force policy focused on here for Peru, but in many ways applicable to discussions of Colombia as well, those are sovereign initiatives by those countries.

So what we're faced with, then, in this common goal that we have, I would suggest that it's an increasing one to do what we can demand and supply side both in the hemisphere to address the problem is to deal with the issue of will we assist with our information or not. And if we elect to do that, then what would the conditions be? This has gotten us into the whole process of the mid 1990's of certifying that indeed drug trafficking presents a national security threat to both Peru and Colombia.

And second then, assuring ourselves that the government's procedures that you referred to we find to be acceptable. It's an interagency process, or was, at that time in our government, to guard against the loss of innocent life. Clearly we're here today because that didn't work on April 20th.

Mr. CUMMINGS. Just one other question, one more if I might. Do you all, any of you all, think that there should be another step or two in those safeguards that we talked about just now?

Mr. BROWN. I would suggest that we could hardly have fielded a more qualified capable investigation team than we just sent down Sunday. John Crow's boss, Assistant Secretary Beers, people that work for Admiral Belz, various skilled people, our U.S. interdiction coordinator, a very skilled team—they will engage with a like-qualified Peruvian team, and I am confident will make a near term and accurate report on just what went on during that incident and the failures with regard to the procedures on or the implementation of those procedures that occurred. So I hope nothing I say prejudges that, but I'm confident that we've got a skilled capable team in the field.

Mr. CUMMINGS. Thank you.

Mr. SOUDER. We've been joined by chairman of the full Government Reform Committee and ex officio member of this subcommittee, Congressman Dan Burton.

Mr. BURTON. Thank you, Mr. Chairman. We appreciate you're being here. I'm a little troubled because, and I apologize for being late, but I just talked to some staff and they said most of the witnesses have said that they're waiting for a report from the people who have gone down there to investigate this before they make a statement on what actually happened. I understand from talking to Congressman Weldon that a lot of the procedures weren't followed, warning shots weren't fired and so forth. But so far nobody on this panel really seems to be prepared to answer whether or not that is case.

And I guess my question is when Americans are killed like this and it's a tragedy, why does it take so long? I know it has been 10 days, but this government can move pretty speedily when it wants to. When did the people get down there who are doing the investigation and why weren't they down there the next day or two or 3 days afterwards so that the coverage of the United States could be made aware and the American people could be made aware of what happened?

Mr. Crow, you want to answer that?

Mr. CROW. I think they wanted to be very certain that the mix of people who went down was the correct one.

Mr. BURTON. The mix of people that went down was the correct one?

Mr. CROW. Yeah.

Mr. BURTON. What do you mean by the mix?

Mr. CROW. Well, a broad enough cross-section to look at various aspects. I'm conjecturing to a degree because I was not involved in that.

Mr. BURTON. Well, it seems to me, as a person who's been here for almost 20 years, that within 5 minutes I could say I want to send somebody from the CIA, DEA and State Department down

there and you cover the bases pretty well. And then you buy an airline ticket or send them down on U.S. Air Force jet and get them down there to find out what in the heck happened. And here we are 10 days later, and the appearance to me is that you know, Mr. Souder moved as expeditiously as possible to have this hearing at the request of other members as well, and it appears to me that maybe the agencies of our government want to kind of just let this thing go until it kind of slides past and there's not any more hearings.

But I assure you, if we don't get some answers, we will have more hearings. Mr. Souder wants more. He wants more information. And we don't like to send subpoenas out, but if we have to, we can write pretty fast here and we can do it. We want to know as quickly as possible why innocent civilians were shot down, missionaries down there and why it is taking so long for the various agencies of government to give a report to the Congress.

Mr. CROW. I understand what you're saying, Congressman Burton, and I'm sure that you, the people that went down, want to come up with these same answers, what happened, what went wrong, and how to avoid it in the future. I think the time went to select not only the right mix, but the right people in that mix to do this job. And I am confident that it's a very good team. It's a good mixture and they are deadly serious about following through and coming up with the answers.

Mr. BURTON. But I won't belabor the questioning, Mr. Chairman, by taking any more time. I'm just saying that we and this committee, and especially the subcommittee chairman, will want a complete report as quickly as possible and if it's necessary, we'll have another hearing. I'm sure Mr. Souder will be willing to do that. And if necessary, we'll send subpoenas out to get whatever information that is not being given to us as quickly as possible.

Thank you, Mr. Souder.

Mr. SOUDER. Thank you, Mr. Chairman.

Ms. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. Gentlemen, I'd like to ask you if, in fact, that plane had been drug traffickers, and had been shot down, would that mission not have been considered a great success? Anybody.

Mr. BROWN. I think it refers to the purpose of the use of force policy that we support by the Government of Peru and is that effective. I think we have indicated, in our view, retrospectively it certainly has been. It would have been successful. But the procedures, and I don't want to speak for the letter of the procedures, but I think generally the procedures that are operative have been discussed here are designed not to cause that to happen. They're designed to bring those sorts of flights to justice.

Ms. SCHAKOWSKY. But would there have been any inquires as to whether or not procedures were followed? Would anybody really care in missions like that? Is there any investigation after the fact? For example, what if everyone on board had been killed and it had been unclear exactly what had happened because we did not have eye witnesses to that. What kind of an investigation follows a shoot-down?

Mr. BROWN. I will defer to Admiral Belz to discuss after action reports, but I would suggest to you here two things: No. 1, I know and have been around in the policy circles since the beginning of this period of time, I know of no incident, save the one the tragedy of the 20th where it's alleged that sort of mistake has been made.

Ms. SCHAKOWSKY. How do we know—I'd like to know maybe, it's for Admiral Belz, if there is such an investigation that goes on and we try and find out exactly the circumstances and if procedures were followed.

Admiral BELZ. Madam, with regard to successful events, I would say that each and every one of these events that take place we get information as to the type of event that it turned out to be, was it legitimate drug traffickers with drugs on board or not?

Ms. SCHAKOWSKY. So that's our only consideration is if in fact—so the answer is yes, that had they been drug traffickers, then that would have been viewed as a successful mission?

Admiral BELZ. Barring some other abrogation of procedures that we would know. We can monitor that. We know what is set out and required by U.S. endorsement of those procedures and we watch for compliance with those. We are involved with JIATF East in detecting, monitoring and tracking drug trafficking aircraft and vessels. Those vessels, once they are determined to be suspect vessels, are then turned over to either U.S. or, in this case, partner nation law enforcement.

Ms. SCHAKOWSKY. Let me ask you this: If this kind of procedure is effective in reducing the use of drugs, why then don't we use it in the United States, have private contractors who finger aircraft or vans that are owned by drug traffickers and then say it is all right if certain warnings are given to just blow these out of the sky or blow up a van?

Mr. BROWN. Ma'am, I would suggest to you that in the United States, this sort of aerial movement of drugs is not a threat. In the case of Peru, it is a national security threat. I would add Colombia to that. This sort of large scale movement of contraband of drugs feeding the criminal groups, the aberrations to the local economy that occur, it is assessed and therefore they propose these use of force initiatives.

Ms. SCHAKOWSKY. Are you suggesting that drugs are not flown in the United States, I mean to neighborhoods in Chicago or Baltimore or wherever?

Mr. BROWN. Yes, that's what I'm suggesting. There is not the aerial movement of drugs. And I'm not saying there is not absolutely one flight, but essentially that violation of our sovereign air space does not occur. We have a much broader law enforcement structure, we have communications with our air fields, airstrips. We have a law enforcement presence that does not exist in Peru or in the southern area of Colombia.

Ms. SCHAKOWSKY. But we certainly have all seen air busts and raids. But are you suggesting that if that's how it traveled or even if vans, why don't we blow up vans in the United States? If our goal here is to stop drug use in the United States, and we can finger those who are actually suspected of it, or in fact conducting that activity, why is it that we don't adopt a similar policy? Which to me—I mean, I would like to answer that question because that

is not our law in the United States. It would be an outrage to the American public if without due process we were blowing planes out of the sky or blowing up vans of people who are carrying drugs. And I guess I'm just perplexed that we would contract out for this kind of service.

And by the way, I'm sorry the CIA isn't here when I called to find out who are those private contractors, who is the contractor responsible for this, I was told as a Member of Congress that I was not privy to that information, to even know who it was that is executing U.S. policy in Peru. Thank you.

Mr. SOUDER. I wanted to clarify one question, Admiral Belz. Is there not a check-off that any of our pilots would show that whether the procedures have been followed?

Admiral BELZ. Yes, sir. There are published procedures for, in particular, the detection, monitoring and tracking aspects of the mission. Of course, I believe the people who are doing this are monitoring the compliance of those same procedures by the intercepting air traffic. This is a different and distinct function as we move to the law enforcement part of that role. And certainly, that was evident from what I have been able to also read in the media about the compliance of that checklist in this particular event. And it was not executed. And I think that's where you see the indications of the crew attempting to intervene.

Mr. SOUDER. Because certainly that would be something that the Congress and general public would expect to be in addition in a clarification to be able to analyze is whether or not the check-offs that were in the legislation were, in fact, followed by the host nation?

Admiral BELZ. That is correct, sir.

Mr. CROW. I would also add that the value of intelligence is very great. The more intelligence driven a given operation is a greater chance for success. We would certainly pursue and have in the United States aircraft or vehicles that we believe are worthy of being pursued. Whether we shoot them down or make them land or follow them, as we have through the years, is up to the individual situation. But intelligence is key. It keeps you from patrolling the skies until you run out of fuel.

Mr. SOUDER. Congresswoman Davis.

Mrs. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman. First I want to make sure that I understood everything clearly. The CIA flight that provided the information was piloted by a private contractor. Is that what I am understanding?

Mr. CROW. I can't give you that answer with certainty. I don't know.

Mrs. JO ANN DAVIS OF VIRGINIA. Do you know if that CIA flight that provided that information that led to the shoot-down, were they under the control of the State Department or American Embassy?

Mr. CROW. I'm sorry, I didn't here your question.

Mrs. JO ANN DAVIS OF VIRGINIA. The CIA flight that provided the information that led to the shooting down of the missionary plane, was that CIA flight under the control of the State Department, the American Embassy, or who controlled it?

Mr. CROW. I can't give you that answer either. If it came out of the Embassy, obviously ultimately the Ambassador would have potentially known of it or been involved. But I don't have the particulars of that program. It's not a program that we run.

Mr. BROWN. Let me try to give you perhaps a partial structural answer to it. We have a national interdiction command and control plan and architecture administered by our Defense Department. And in this particular South America or hemispheric region, it really is operated by Admiral Belz and his Joint Interagency Task Force, JIATF East. There are then with Customs aircraft, or any of our other aircraft, a number of intelligence or end game assistance sorts of efforts involving aircraft and other operatives, if you will. These all work under the purview of our Ambassador in whatever particular country and with his country team there.

Mrs. JO ANN DAVIS OF VIRGINIA. As I understood it, I guess I'm getting confused on this now, there was a CIA flight that provided the information that led to shooting down the missionary plane. Who did that guy work for, that plane?

Mr. BROWN. He worked for the Ambassador; whoever that pilot and whoever that crew was, worked for the Ambassador.

Mrs. JO ANN DAVIS OF VIRGINIA. Rear Admiral, Mr. Brown was saying he was under you.

Mr. BROWN. No, I didn't say that, or I didn't intend to say that. Pardon me if I did. I'm saying that the command and control structure for air interdiction of the aerial or maritime movement of drugs—better said the detection and monitoring function were air and air maritime movement in the hemisphere as a whole, is managed by Admiral Belz. Now, specific Customs aircraft or other aircraft that are supporting our cooperative supply reduction programs in any one of those countries fall under that particular country team and that specific Ambassador. In this case, Ambassador Hamilton in Lima.

Mr. SOUDER. Would the gentlelady yield?

Mrs. JO ANN DAVIS OF VIRGINIA. Yes, be happy to, Mr. Chairman.

Mr. SOUDER. My understanding is that generally the flights, for example, the Customs flights would be reporting through SOUTHCOM, of which Admiral Belz is the coordinator of JIATF. So the information is moving generally through you. But this particular case, when it is a CIA contractor, does not; is that correct?

Admiral BELZ. That is correct, sir.

Mr. SOUDER. That whether it's a Customs plane or a CIA plane, they are nominally under the control of the Ambassador; is that correct, Mr. Brown?

Mr. BROWN. Correct.

Mr. SOUDER. As a practical matter, when it's a contractor, they have to follow the guidelines, but they are, generally speaking, more directly under the control of the CIA on a day-to-day basis other than in general mission under the Ambassador; is that correct?

Mr. BROWN. Yes, sir.

Mr. SOUDER. Is that fair to say, Mr. Crow? Does that fairly—in other words, each mission isn't necessarily micromanaged by the Ambassador. He——

Mr. CROW. That's correct. Although ultimately everybody in the country working in and around answers to the Ambassador.

Mr. SOUDER. Including the DEA.

Mr. CROW. That's correct.

Mr. SOUDER. And those are supposed to be coordinated, that our concept of ONDCP is to have a general person watching the drug aspect because the Ambassador has far more than just antinarcotics; is that correct?

Mr. CROW. Well, we have the whole counternarcotics country team at an Embassy.

Mr. SOUDER. That's just a subpart of the Ambassador's overall mission?

Mr. CROW. Yes.

Mr. SOUDER. Do you have any other? I tried to clarify that a little bit.

Mrs. JO ANN DAVIS OF VIRGINIA. It didn't clarify that particular——

Mr. SOUDER. That particular flight, my understanding is nominally under the control of the Ambassador. None of the other agencies had any input into it and on a day-to-day basis, would have been indirectly under the control of the CIA, but they contracted it out.

Mrs. JO ANN DAVIS OF VIRGINIA. OK.

Mr. SOUDER. Does anybody disagree with that statement?

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman. Maybe a first, a followup on that very point. Understanding that the day-to-day oversight is not with the Ambassador it's with the CIA. But we're now 10, 11 days after the event, and is it accurate that at this point still, the Department of State's position is that the Ambassador, even though this flight was under his purview was statement, you really don't have any specifics about this flight, as Congresswoman Davis is——

Mr. BROWN. I don't think there is any doubt that the Ambassador would know that flight or any other supporting flight from Customs or wherever it might be, or even the logistics aircraft Mr. Marshall mentioned were under his purview. There would be no question. I would suggest as evasive as it no doubt will sound, that the specific command and control relationships and the procedures following the aircraft involved in the April 20th incident ought to await this investigation that's ongoing now. It will clarify, and I'm sure will be made available to the subcommittee and to the Congress at large to give you a clearer feel for that particular relationship within Peru.

Mr. PLATTS. And I appreciate that, and my purpose here is to learn more about the program in total, and as that more specific information becomes available, to learn of that. But it seems, I guess, to the chairman's point, Chairman Burton's point that we are 11 days in, and we don't have some of the basics in hand to be shared with this subcommittee and with the Congress through this subcommittee. And understanding that some of the specifics need to be further investigated, but some of the basic questions that have been addressed here have not been able to be answered. And especially, I guess, for the Department of State, if the Ambas-

sador is the one ultimately who has got purview over this flight, that we don't have some of those basic questions in hand, you know, or answers in hand today.

So the followup on that issue is, and Mr. Crow, maybe to you specifically, when is the best guesstimate you can give us on a timeframe for their ongoing investigation to be concluded that you will be back before us with some specifics?

Mr. CROW. This could change, but I believe that Randy Beers' goal was to have this first phase, what may be a first phase or not, done this very week. Maybe 3 to 5 days. And I don't want to speak for him, but that is the idea. Whether there is any followup or not, that needs to be done before it's all completed. The goal was this week to have the largest part of it underway and through.

Mr. PLATTS. That's encouraging to hear that timeframe is what's being discussed. I'm certain Chairman Souder will be anxious to have that information made available to the committee as soon as it is concluded, that first phase, or perhaps first phase.

Mr. Brown, can you give maybe a quick background on, again, as one trying to educate myself when we see the numbers, which make a pretty strong case of the success of the interdiction efforts in Peru and Bolivia, 68 percent reduction, 82 percent reduction, but overall, the Andean production is only down 17 percent. And you look at the chart and can see where the increase is: Colombia. What is your best suggestion, what we're doing so right in Peru and Bolivia and not doing well enough in Colombia, or is it more internal with the interactions with the Colombian Government where the difficulty lies?

Mr. BROWN. Well, I think one of the obvious lessons here I think with regard to this massive cocaine production criminal enterprise is that it will seek out those areas not controlled by sovereign governments. And in this Andean region, as perhaps many of you have experienced yourselves, this is very much or hinterland, little infrastructure, no law enforcement presence to speak of by the Colombians. So I think the answer is that the criminal enterprises, which throughout this period, were dominated by the Colombians, and, in fact, is many ways still are, sought out a more assured source of their coca product of their cultivation, and it then began to expand, reacting to the threats that were posed in part by the air bridge and other actions as well. And you see the expansion in Colombia.

We're heartened that the overall production capacity declined over that period. But surely the criminal enterprises, the cartels, if you would, sought out places where they could basically dominate the environment.

Now, you have added complexity in the case of Colombia because there are significant armed groups there, as perhaps you're familiar, that themselves have exploited the growing cocaine production circumstance to their own ends. I might add, and I did not earlier to Mr. Cummings question, there was in the mid 1990's, a terrorist or an illegal armed group, a "SenderoLuminoso" movement. And in the early 1990's, it was also influential with regard to the security of these coca cultivation areas of Peru at this time. That would be my response.

Mr. PLATTS. It seems that from the chart, the success we've enjoyed being specific by nation is how to have that be a comprehen-

sive regionwide success, and perhaps Plan Colombia will help us to achieve that. Because if you look at the tremendous reduction over 500 metric tons in Bolivia and Peru, but you see an increase of 250 metric tons in Colombia and at that same time, as you say the patterns are shifting as much as being won in a great fashion.

Mr. BROWN. The cocaine production problem and the demand problem, which is a problem for these countries as well, is increasingly seen by all of the leaders to be a common hemispheric problem. The cocaine situation I refer to, I think accurately, is indeed a regional problem and ought to be addressed regionally. And I think you saw in our recent submission here the administration proposed an Andean Regional Initiative that would continue these initiatives for the drug issue and for other issues in Colombia, but would expand that to the other Andean countries to include Panama and Brazil. The nature of the assistance would be evenly, generally evenly, divided between, if you'll allow interdiction, but it's basically a broader side of law enforcement and supply reduction assistance, as well as alternative development and related sorts of assistance in that area.

Mr. MARSHALL. May I add something, sir, in response to your question? You asked what were we doing right in Colombia as well. I think we're doing a lot right throughout the region and particularly in Colombia. U.S. law enforcement, along with Colombian law enforcement over the past 7 to 10 years, have destroyed the Medellin cartel, the Cali cartel, and we've seen a mutation of the ways these Colombian organizations operate. We've had great successes against their cells operating in the United States against in partnership with Colombian law enforcement who have been really nothing short of heroic. And what we see now is that we really, I think, have had an impact on the growth of the cocaine market in the United States. It appears to me that that market has stabilized in the United States. It's no longer growing at the rate that it once did. And we see the Colombian organizations, what's left of them turning more and more of their attention to increasing their markets in Europe and other parts of the world rather than focusing on increasing the U.S. markets.

So we have done a lot right both in the United States and in Colombia and throughout the region. And I think we have to continue that.

Mr. SOUDER. We're going to go to second round.

Mr. PLATTS. Thank you, Mr. Chairman. If I could make a final statement, is that I appreciate the efforts on the front lines of those men and women who are trying to serve our Nation through the interdiction. I think it's just incumbent upon us because of the tragic loss of Roni and Charity Bowers that we renew our commitment from doing it right from top to bottom. I appreciate your efforts in trying to make that the case, and Mr. Chairman, in holding this hearing and moving the process along.

Mr. SOUDER. Thank you. Let me say, first, for the record that a 17 percent reduction on the interdiction is far more success than we've seen in prevention programs and treatment programs. 17 percent reduction isn't as great as what has happened in Bolivia and Peru. Bolivia has used a totally different method from the powers of pulling out the crop. There are different ways that different

countries have done it, but as we move Plan Colombia, and my question, if you can start me up, Mr. Marshall, is while we've seen success in the region, we saw some of the overwhelming success in Peru and Bolivia move over to Colombia.

Now, as we pursue aggressively Plan Colombia, maybe you can briefly comment again on the eradication effort on the coca, and as we move to the heroin poppy, there is a danger that is going to move back into Peru, and Peru is again at risk.

Mr. MARSHALL. Certainly you see that danger. And I've heard in my travels and my talks with host country law enforcement agencies, particularly from Peru and Bolivia, that we must not think that their problem is solved and forget about them because they're concerned about the very issue that you raised. And again, that, I think, is an indicator of the importance of regional programs to address the problem on a widespread basis.

Mr. SOUDER. I also wanted to elaborate on a point that you said, or ask you to elaborate on. You said the primary goal in DEA is to get to the cartel level. Obviously, that is better done if the drug dealers are alive. Would DEA not rather prefer, if possible, to have a force down than a shoot down?

Mr. MARSHALL. Oh, absolutely. We would rather have an end game, as we call it, where we could have access to the aircraft, where we could have access to the evidence that we seized, get in the data base of the aircraft navigation system, interview the witnesses, the people that were arrested, and hopefully gain even more intelligence information about who the cartels are, who their leaders are, how they operate, what their weaknesses are, and ultimately then, as I said in my statement, look to investigate, indict and imprison, bring to justice, as it were, the leaders of these organizations. It would be far preferable to accomplish all of that behind each and every one of these incidents.

Mr. SOUDER. When I was in Iquitos they have air and rivering but terrible highways. It takes forever to try to go over land. If there had been a force-down, had this been a drug plane, can DEA respond to that? Can we move resources around or do we need additional resources if, in fact, we want more aggressive approach?

Mr. MARSHALL. We try to respond to as many as we possibly can, but frankly there are, because of the problems that you outline, it's not possible to respond to all of them. On those that we have been able to respond to and get to on the ground, we have gained some significant intelligence that led us to further criminal investigations out of several of those incidents.

Mr. SOUDER. Do we cross-check information in this system before the process is implemented? Was DEA asked, in any clearance mechanism when they checked the control tower, whether you had any information on this plane?

Mr. MARSHALL. I'm sorry, I didn't hear your question.

Mr. SOUDER. In other words, how involved is DEA. In other words, while we hear that the final phase is this, according to public record, we're a matter of seconds, as they jump phases clearly, there was an extended period where they were following the plane. Supposedly, this videotape is 45 minutes. In that process in the intelligence gathering, is DEA contacted at any point? And did you have any information on this plane had they contacted you?

Mr. MARSHALL. We were not contacted in this instant nor are we normally contacted in this interdiction operation.

Mr. SOUDER. Mr. Winwood, Customs clearly is also flying surveillance in the zone. Do you have source country people on the plane? I believe you have Peruvians as well in any of your surveillance?

Mr. WINWOOD. We operate our own P–3's in the source country under the command and control of JIATF East. On the aircraft we have what we call a host nation liaison officer on all P–3 flights, and in most cases, we have a JIATF East coordinator that is bilingual on our flights. So we're operating in the source zone. We have those individuals helping us monitor the air traffic and also to monitor the conversations that might occur.

Mr. SOUDER. Admiral Belz, you have source country people at your base as well?

Admiral BELZ. Yes, sir. We have at JIATF East, we have both Peruvian and Colombian host nation or liaison officers. In the case of Colombia, both from the air side and the naval side. In the case of Peru, an Air Force, Peruvian Air Force liaison officer.

Mr. SOUDER. Mr. Winwood, could you describe the procedures you have on board before you would get into the phase where there is a shoot-down if Customs provided the information?

Mr. WINWOOD. As I mentioned earlier, Mr. Chairman, we have very stringent operating procedures how we operate in the source zone. First of all, there is quarterly meetings as to what assets would be available and we coordinate with JIATF East and let them though what assets we have available. They coordinate and set up the area of operations where they want their missions to be flown. The detail that was laid out by the first panel as to the steps needed to be taken are a part of our standard operating procedures. We monitor those very stringently. When we detect a potential target, and ascertain that it is a possible target, we make sure that the host nation liaison officer that is on the aircraft follows those procedures, because once we detect and——

Mr. SOUDER. Describe what "make sure" means?

Mr. WINWOOD. Through monitoring the coverages we listen to what is being said. We make sure the checklist goes through. We make sure our crews follow the checklist of all the actions that we have taken. The very first one that is done is to visually identify the tail number and then we have computers on board our P–3s, then we can ascertain whether or not it's an aircraft of concern to us. Because we have not only access to the registered tail numbers of U.S. aircraft, but also information on tail numbers of foreign registered aircraft.

Mr. SOUDER. What happens if they don't follow that procedure?

Mr. WINWOOD. Pardon me, sir?

Mr. SOUDER. What happens if, as you are monitoring them, they are not following the procedure? Would you prohibit them from going ahead with the shoot-down?

Mr. WINWOOD. Well, I can't conjecture on what could happen. We have never had an incident where there has not been standard operating procedures followed to the letter, not one. We don't plan on having any. We do constant training with our host nation liaisons, we do constant training with the officers and the people involved in the source country. We just had an updated training in the lat-

ter part of this past September. We have never had an incident where that would occur.

If such a thing might occur, we immediately would report to our control, command and control through secure conversations to JIATF East and notify them immediately that there seems to be a deviation from the norm. But we have never had such an incident.

Mr. SOUDER. If I can ask, what you are saying is, while it is in process, if you saw it not being followed, in addition you would contact JIATF East to warn them because they would also have Peruvians there?

Mr. WINWOOD. Right. What we have, Mr. Chairman, on our policy is that while we are involved in the detection and monitoring of an aircraft, there are three basic procedures to make sure our crew strictly follow. We monitor all activities associated with that particular engagement, we record everything that is occurring during that particular engagement, and we report everything that occurred as a followup. In addition to that, there is a debrief of all of our crews once the plane returns as to any incident that we were engaged with.

So that is constantly a part of our standard operating procedures.

Mr. SOUDER. Thank you.

Mr. Cummings.

Mr. CUMMINGS. Can somebody tell me how many airplanes have been shot down since 1995? Shoot-downs and force-downs?

Mr. CROW. We were not able to come up with one, or agree on the same figure. The figures which I, for example, heard was given from post show—we don't have one figure that we all agree on.

Mr. SOUDER. Excuse me, Mr. Crow. If you could just pull the mic toward you a little bit. I think you turned it back off, too.

Mr. CROW. Sorry.

Mr. SOUDER. You are on.

Mr. CROW. Sorry. We were just talking about that earlier. We don't have one figure that we agree on, but there are figures which show that starting in 1995, aircraft were not all shot down, some forced down, but through a combination figure of some 50 aircraft, and that is not precise.

Mr. CUMMINGS. All right. Well, I mean, I am sure you have a great answer to this question. Why is that an issue? Why can't you tell me that? I mean, is that—in other words, we are talking about shooting down people, like dead, I mean and we are talking about using—I mean this is some serious stuff. I am trying to figure out, if I was just a regular citizen just sitting here looking at this and I have some of my top flight people in the drug war talking about how they don't know how many shoot-downs or force-downs, I would be a little bit concerned about what is going on.

Mr. CROW. Well, I understand, and I think that the time that has passed since the incident, maybe hasn't gotten us to the point where we have one specific number. But I am confident that the team that is down there now as a part of its work will be able to give the precise answer that is required.

Mr. MARSHALL. Mr. Cummings, if I may, I can give you some figures on DEA's involvement, the ones that we were involved in. Since 1995, we have provided intelligence in 46 separate events, in-

telligence on suspect aircraft that we believe were operating up there. Out of those 46 pieces of information that we provided, there have been 18 events that resulted in force-down or shoot-down, and out of those 18 events, almost 3 metric tons of cocaine were recovered.

Mr. CUMMINGS. OK.

Mr. BROWN. May I add as well?

Mr. CUMMINGS. Yes.

Mr. BROWN. We provided a background chart.

Mr. CUMMINGS. Yes, I have that here.

Mr. BROWN. If I may, just add to that, I think what you see is different perspectives of something that is inherently Peruvian in its development. We have ongoing right now an incident-by-incident review of the data base related to all of these incidents during all of these years. It is not available today, and in the appropriate setting and in the near term, it would be made available to the committee members. But I think what you see is different agencies within our government, not to mention what the Peruvians themselves would say about incidents that they are familiar with that perhaps we only partly know or don't know about at all. So resolving that quantitative understanding is underway now and should be made available to you soon.

Mr. CUMMINGS. Do you know whether the task force, the group that has gone over to Peru to do the investigation, do you know whether they are looking into—and this is why I ask the question. I wanted to know how many shoot-downs and I wanted to know how many planes have been shot down, but do you know whether they would be making a comparison to those situations where they were able to force a plane down as opposed to shooting it down? Do you understand the question?

Mr. CROW. Yes. I would presume also that information is available. In other words, the number of aircraft that were actually shot down as opposed to made to land or forced down.

Mr. CUMMINGS. I am talking about what happened. Somebody said something about debriefing, and I guess I am just looking at what did it take for us to get—and I know all of the circumstances are different, but there may be some common threads running through those things, and I was just wondering if there is a situation where they are looking into an X amount of flights, we were able to force them down, and this is what we did. Language was not a barrier, or whatever. Things that may have—that clearly show that there was a pattern with the force-down in maybe a certain region, I don't know. But I was just wondering, is that a part of it? Because it seems—I mean, I keep—I want to come back to what we are concerned about here, and that is innocent people being hurt and innocent people being killed. So here we have a situation where the pilot was at least able to get the plane down so that there were some survivors, but the plane had been shot at, and 2 people killed.

So I am trying to figure out where—I mean does this investigation entail that, and if it does not, I want to make sure it does.

Rear Admiral, were you about to say something?

Admiral BELZ. I was going to refer to Mr. Crow to answer the specific question, but I certainly think that the trend has been cer-

tainly more recently to have more force-downs or ground activity than in the shoot-down category.

Mr. CUMMINGS. Do you know why that is?

Admiral BELZ. I think I would be premature to speculate. I have only been at the command for 7 or 8 months myself, but I think that several things have happened: the drug traffickers know about this program, so they tend to go to the depths when they are illegitimate drug traffickers, and in general, there is also a process in place that is very, very meticulous. The efforts that we have talked about heretofore are the procedures that take place after the interdiction. There is also a considerable amount of effort that goes on to identify a suspect or a potential suspect aircraft that precedes that.

Mr. SOUDER. The Admiral's modesty is commendable. He also headed JIATF West, but it had a different jurisdiction, but he has the unique distinction of having headed both divisions, which gives him a great perspective on this.

Chairman Burton.

Mr. BURTON. As I understand it right now, there are three agencies that are involved in intercepts and that is Defense, Customs and CIA, is that correct, that is involved in intercepts? Are there other agencies involved, or just those three?

Mr. BROWN. The Coast Guard could be, although not applicable down in these areas.

Mr. BURTON. Coast Guard, though, that is——

Mr. BROWN. Broader, yes, sir.

Mr. BURTON. That is not in the air, is it?

Mr. BROWN. The Coast Guard could be involved in the transit zone, could be, yes, sir.

Mr. BURTON. Coast Guard has planes that do that too, as well?

Mr. BROWN. Yes, sir, but so as not to confuse the issue, it is not applicable in the interior source countries.

Mr. BURTON. OK.

Mr. MARSHALL. Mr. Chairman, DEA is involved in intercept operations in the Bahamas, but we are not involved in Peru or any other countries.

Mr. BURTON. Well, one of the problems that we have is that CIA has been reluctant to give information or testimony before the committee and I think we are going to talk to them, when is it, Mr. Chairman, tomorrow sometime or in the near future?

Mr. SOUDER. Yes.

Mr. BURTON. And it seems to me that there ought to be one agency, maybe two at the most, that are involved in the intercepts and enforcement of law that could report to Congress in the event that we have some kind of a problem in a fairly expeditious manner, and we don't involve—I mean I don't understand what is so secret about this, that we can't get the information and get it very quickly. I mean, a plane was shot down, Americans are in the plane.

We need to know, Americans need to know why it was shot down, what needs to be done to make sure it never happens again, and who was responsible. It is not that difficult. And yet, it seems like we are kind of pulling teeth to get that.

So I guess the question I have is, would it be possible for Customs, let's say for instance, to take over the intercept and enforcement of law in this, or would it be another agency that could do it and consolidate it all into one agency, instead of having, you know, four or five agencies doing it. One in particular that is involved in secret covert operations that cannot really publicly tell us what is going on.

Mr. BROWN. The structure, if I may, in part——

Mr. BURTON. Can you pull the mic a little closer and turn it up?

Mr. BROWN. Yes, sir, indeed. The interdiction command and control structure is a Department of Defense-led effort for detection and monitoring of aerial and maritime movement of drugs toward the United States.

Mr. BURTON. So it is a Defense Department——

Mr. BROWN. This is expressed through the Defense Department and through the JIATF that Admiral Belz represents.

Mr. BURTON. So the Defense Department has the primary responsibility, then?

Mr. BROWN. For detection and monitoring, yes, sir.

Mr. BURTON. Well, could Customs handle that? I mean is this thing—I mean, do we have several agencies that take various parts of the overflights to make sure that they are monitoring possible illegal transportation of drugs by air?

Mr. BROWN. The defense—the requirement to adequately manage this sort of geographic far-flung command and control structure is almost, it is almost essential that be the Defense Department.

Mr. BURTON. Do you parse out the planes that are doing this and the agencies that are doing this? Do you put that out into different agencies as far as areas of responsibility?

Mr. BROWN. Admiral Belz can perhaps walk you through the tasking structure and the forecast requirements. Customs and other participants commit their aircraft over time.

Mr. BURTON. Well, Customs, can you tell us, why is it we just cannot have one agency doing this so that we have one agency that is accountable so that we can get answers and get them in a quick and efficient way?

Mr. WINWOOD. I have to borrow a mic, sir. This one is not working.

Mr. Chairman, if I may, I will answer it this way: right now, we supply the information to JIATF East, which is under the command of the southern command the assets that we have available. That is to ensure that there is uniform standard coordination of all air activities in the source zone. So we meet quarterly, we lay out what assets we have available, what our flying hours are, what crew commitment we have and we supply the information to southern command via JIATF East, JIATF East then to have a central command coordinates the missions and notifies us where they want those crews to be and when, and as long as the aircraft are operative and we have the crews available, we fly those missions.

Mr. BURTON. If you had enough assets, I presume you could do the job in its entirety though, right?

Mr. WINWOOD. If I may answer it this way, Mr. Chairman. Any organization—yes, if we have sufficient assets, one organization could supply the necessary flight hours and equipment to allow for

the coordination out of the southern command to cover the missions necessary to give the air coverage and the radar coverage for this detecting and monitoring operation.

Mr. BURTON. I guess what I don't understand is why that isn't done. Why do we have the CIA doing part of it, the Defense Department doing part of it, Customs doing part of it and DEA. I mean it just looks like to me you have too many different agencies involved in something that should be a relatively simple operation. You know you are going to monitor the flights of planes that may be carrying illegal drugs. I mean, you guys are all here and willing to testify today, we have another agency that says, oh, we can't, we have to do these things in a private setting, and it is very confusing not only to Congress, but to the people out there who are paying attention to what is going on.

Why is it that this is not consolidated and streamlined like you would in a business to make sure that you are running it efficiently and running it in a way that can be accountable?

Mr. WINWOOD. Well, Mr. Chairman, I would just say this. That I think from the standpoint of command and control, and working out of the U.S. Southern Command through JIATF East, the coordination of the activity for at least our assets is coordinated under one command. To answer your question about the CIA, I can't respond.

Mr. BURTON. Maybe you should answer the question, then, of why is there several different agencies involved in this? One command is fine, but why do we have several different agencies that have different rules and regulations on whether or not they can give information to the Congress of the United States?

Admiral BELZ. Sir, I would suggest that the role of the Department of Defense in this mission is detection, monitoring, and tracking of both air and maritime assets. It is important to recognize that there is a broader set of the AOR than this particular incident. There are also, as was already mentioned, other assets in each of our countries that are not normally working within the regional framework that is our focus, because they are, in essence, country assets. And, as was already mentioned, those can be of a variety of agencies, including State Department assets perhaps involved in eradication. They can be, in fact, DEA assets, as Mr. Marshal indicated, doing some things.

Mr. BURTON. Or CIA?

Admiral BELZ. DEA, sir?

Mr. BURTON. Or CIA?

Admiral BELZ. Or CIA, yes, sir. And generally speaking, the assets that we have under our purview are U.S. Customs, U.S. Coast Guard and Department of Defense, both air and sea assets, and there are also radar infrastructures. So that is the piece that we bring to this mission. And with regard to other assets, some of those are doing country-specific operations.

Mr. BURTON. If they are under one—I don't want to belabor this, Mr. Chairman, but if they are under one command and control, it seems like that command and control organization, Defense or whatever it is, ought to be able to get answers for the Congress in the event of a tragedy like this and come up here in a fairly short period of time and give us an update on why it happened and how

it happened and why it shouldn't happen again. In this particular case, the chairman and other members of the committee can't get those answers expeditiously, they have to kind of get it in pieces.

Admiral BELZ. Yes, sir, I would agree, but with regard to the specifics of the incident that we are speaking of today, I do think that what we know is what we know. We know what the procedures are and what they should have been.

Mr. BURTON. Well, who was in control of this particular mission?

Mr. CROW. It is Randy Beers. Randy Beers is leading the team.

Mr. BURTON. Who was in control of the operation when this plane was shot down? Who was in control of the plane that was down there.

Mr. CROW. The Peruvians control the operation.

Mr. BURTON. Wasn't there a CIA or a DEA—a plane that was monitoring those flights as well?

Mr. CROW. I understand there was, yes, but——

Mr. BURTON. And who was in charge of that?

Mr. CROW. Again, as we said earlier, that would have to be the Embassy, or the Ambassador, ultimately, since that is an asset that would be——

Mr. BURTON. So it is the State Department?

Mr. CROW. Sorry?

Mr. BURTON. It was the Ambassador, you say?

Mr. CROW. The Ambassador, the chief of missions.

Mr. BURTON. So the State Department Ambassador, he is a part of the State Department?

Mr. CROW. That is correct. He is in charge of Embassy, which is——

Mr. BURTON. If the Defense Department is in charge of the overall operation that State can place down there, if they are the one that is coordinating all of this, why is it that we have difficulty finding out what happened if the CIA was the plane that was involved, ordered by the Ambassador to be up there?

Mr. CROW. Well, as Admiral Belz mentioned, there are regional assets and country assets.

Mr. BURTON. I understand, but somebody is in charge, somebody is in control of that operation.

Mr. CROW. But again I submit, that is precisely why this carefully picked, high-level team went down, to come up with these answers. I can conjecture, I have been stationed there, but I can't possibly take the place of somebody who went down deliberately to be able to satisfy questions like this. I can assure you that they are taking it most seriously.

Mr. BURTON. Thank you, Mr. Chairman.

Mr. SOUDER. I want to again reiterate for the record that we invited the CIA to testify today. We had earlier asked for a briefing, did not receive it. They were willing to do a briefing yesterday, but having gone through in the Government Reform Committee with other classified information, that I feared at this point that, in fact, we would be told the things that were in the public record would were, in fact, classified and we would not be able to ask questions or sort some of these things through, it was better to do a classified hearing after this hearing, because of our past experience.

Clearly, we want some answers. Clearly, this is very difficult, because as was carefully stated, the CIA has other missions other than just what they were doing, and how to untangle a trust from the American public that, in fact, we are being told the whole story regarding the drug mission without trying to deal with other things that are, in fact, classified is a very difficult process.

But the American people want to know what the whole truth was so we can have confidence that if this is repeated, much like what we heard today, that we have not—and if I may just take a second before I yield to Ms. Schakowsky, my understanding is that even though JIATF East has, in Colombia and in Peru, coordination of assets that can be involved in the shoot-down policies and Customs has assets in those areas, there has been no shoot-down that you have provided information on; the goal has been force-down, but no shoot-down where anybody has even made the allegation that the procedures were not followed; is that correct?

Admiral BELZ. That is correct, sir. This is a historical over the history of the program. Certainly, since the new procedures were put in place, there has not been anything that has been alleged to have been that kind of mistake.

Mr. SOUDER. And that is true for Customs as well?

Mr. WINWOOD. Right.

Mr. SOUDER. Ms. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

Let me just ask, gentlemen, if you would be willing to respond to written questions, because I doubt that all of the questions that I am going to ask are going to be able to be answered now. Does anybody object to that? Thank you.

I thank Chairman Burton for pointing out the kind of confusion that I—and frustration that I am feeling right now as well, just our inability somehow to land on what was really going on in Peru and what exactly the U.S. involvement is.

Am I correct in my understanding that there were no contract employees working for any of the agencies or direct personnel working for any of the agencies represented here that were involved in this incident, in gathering intelligence or sharing it? Am I correct?

Mr. MARSHALL. With regard to my agency, DEA, you are correct, there were no contract employees working for DEA that were involved in this incident?

Admiral BELZ. That is correct, for JIATF East as well, ma'am.

Ms. SCHAKOWSKY. So then given the response to the chairman's question that, in fact, it was the CIA, if I subtract correctly, the agencies that are involved in this kind of surveillance, that it had to be the CIA, because I can't even get that confirmed when I call the CIA, if they were the agency involved. Would anybody care to dispute that these were CIA contractors, or CIA personnel, whatever? You look like, Mr. Winwood, you want to say something?

Mr. WINWOOD. No.

Ms. SCHAKOWSKY. I wonder if anybody wants a lifeline, make a phone call.

Mr. WINWOOD. I can only confirm to you, Congresswoman, that the U.S. Customs Service was not involved in this incident at all.

Ms. SCHAKOWSKY. Well, let me ask you, Mr. Winwood——

Mr. SOUDER. May I clarify one thing for the record? My understanding is they can't give a direct answer to your question because it is classified.

Ms. SCHAKOWSKY. OK. Thank you. And I am certainly not, Mr. Chairman, trying to get—let me ask you, Mr. Winwood, does Customs contract out at all?

Mr. WINWOOD. The only thing we contract for is, in some cases, maintenance of our aircraft when they are on the ground. We have no contract employees that pilot our aircraft, no enforcement officers in the Customs Service that are contract. They are all law enforcement officers employed by the Customs Service.

Ms. SCHAKOWSKY. Was there a reason for that? Did you make a particular decision? I am trying to figure out why other—why anyone contracts out. Was there a reason why you would not?

Mr. WINWOOD. Well, I can only go from the standpoint of our philosophy in the Customs Service. We are a law enforcement agency. We feel that we should have accountability and responsibility within our agency, that the people that work within this type of area should be law enforcement officers under the control and command of the agency, and that is just our philosophy.

Ms. SCHAKOWSKY. So would you say that there is some sacrifice in accountability when we do contract out?

Mr. WINWOOD. No, ma'am, that is not what I am saying. I simply said that we feel that having the proper accountability for the actions we take as law enforcement officers, that we feel that they should be employees of the Customs Service and that is what we tend to do.

Ms. SCHAKOWSKY. And the others?

Mr. BROWN. I would add that it is—my personal view is that contract employees do not equal some suspicion of lack of control, or that it is inappropriate or just an ineffective way to do it. In fact, State Department's eradication programs, and I defer to Mr. Crow to give you the details, but those are, in large majority, conducted by contracted pilots, contracted support. So I think that there are a number—if the issue is broader use of contractors by U.S. departments and agencies involved in the drug effort in South America, then there would be other areas where contractors would be involved.

Ms. SCHAKOWSKY. I understand. I am asking specifically about surveillance flights that could lead to shoot-downs or force-downs.

Admiral Belz, let me ask you this. Don't we have U.S. personnel who are capable of providing these services? Why are we contracting—why might we contract out?

Admiral BELZ. I can't answer that question specifically, because it does not apply to our agency. Ma'am, JIATF East is made up of a composite of many organizations, certainly all of those represented at this table, and in some cases, I would concur with Mr. Brown's statement with regard to contractor use. I can say that for our part, generally speaking, the more operational the event is, then the greater the tendency is to see agency employees directly involved.

Ms. SCHAKOWSKY. It was stated categorically that all of the shoot-downs and force-downs that we know about that, as far as we know, all procedures have been followed. Is there available to us,

either through subpoenas or just through unclassified information, evidence that we have, in fact, asked that those procedures be followed?

Mr. Winwood, it sounds as if you do that with Customs and that we could track how in each case where there is surveillance done that procedures were followed. Do we know that? Or someone said there were just no allegations that procedures were not followed.

Do we proactively assure ourselves that procedures are followed, and can we as a committee look at that and assure ourselves?

Admiral BELZ. With regard to each air mission, each mission is thoroughly briefed and thoroughly debriefed. With regard to vessel assets at sea, certainly there are significant efforts that go forward to get ready for these deployments, depending on the length of them, and there certainly is routine reporting at the end of that, sometimes rather significant in length, and certainly any events that come up of interest, good and bad, we would get immediate feedback during the course of that. But each mission, each mission is, in fact, debriefed.

Ms. SCHAKOWSKY. Thank you.

Mr. Chairman, I would just like to second what Mr. Weldon said, that I hope that we will continue these hearings and that we will use our subpoena power to get at the bottom of the many questions that remain unanswered. I appreciate your willingness to answer some questions that I am going to submit in writing. Thank you very much.

Mr. SOUDER. Thank you.

Chairman Burton, did you have another question?

Mr. BURTON. I just have one or two real quick questions.

Now, the State Department plane wasn't the one that shot, that were involved in this operation, Customs wasn't involved, DEA wasn't involved, and yet nobody can tell us CIA was involved, because it is classified. Why is that? Why is it classified? A plane was shot down, Americans were killed, it was a plane that was a civilian aircraft. Why is that classified? I don't understand that. This is not a national security issue. Why is that classified? Why is it you guys can't tell us that? Speak to me.

Mr. MARSHALL. I think you would have to ask the CIA if, indeed, it was their operation, why that is classified.

Mr. BURTON. So if the CIA says, OK, it was our plane that shot this private plane down, and you guys are testifying from the other agencies and CIA says, this is classified, you guys can't say, it wasn't us, it was the CIA? You can't even say that? I tell you.

Mr. MARSHALL. My understanding, sir, is that we cannot reveal classified information from another agency, only that——

Mr. BURTON. Well, we are going to find out why CIA says this is classified. This is crazy.

Mr. SOUDER. Mr. Chairman, will you yield for a second?

Mr. BURTON. This is crazy.

Mr. SOUDER. Mr. Crow, can I ask you a different question that has been troubling a lot of us. Clearly, much of this has gotten into the media. Could you explain briefly to us in a crisis like this, or at least a crisis of confidence, it is history, but the American public now is having doubts combined with other things about all of our antidrug efforts, which is totally unfair. How does the declassifica-

tion process work in a situation where the State Department would say, there is a general public interest in this, and how did the information get into the media if it is classified?

Mr. CROW. I don't know how it got in, but certainly what happened in Peru became immediately known because of the interest of the evangelical organization, obvious interest and concern in the event, and that catapulted it out into the open. I mean, it went from there. But again, Randy Beers is down there to find out what happened, what went wrong, and what can be done to ensure that it won't happen again. I mean if there is to be any kind of a positive end from a very tragic situation, that would be it. It is in all of our interests to come up with these answers.

Mr. SOUDER. I think we have made it clear, and I am sure you will take back, that there is going to have to be a pretty compelling case why that report would be classified. And it is in all of our interests in trying to work through both fairness and those of us who work so hard to support the different efforts, it is very difficult for us to carry the ball here when we, in fact, have people asking difficult questions, mostly the majority of the questions today were coming from conservative Republicans who have been steadfast supporters of these efforts.

Mr. CROW. I understand, and I want to clarify so that there is no doubt that these operations, whether they are in Colombia or Peru or another country are under the control of the host nation. No American aircraft shoots down or forces down other aircraft, and that is important, just to reiterate.

Mr. SOUDER. We provided the information, but we did not pull the triggers and would not allow our——

Mr. CROW. There are many ways that information is provided, I suppose most of them classified, but again, Intel-driven ops or maneuvers are the best way to avoid wasting your time.

Mr. SOUDER. Well, we know that you have all been here several hours, we very much appreciate it. This was a difficult hearing for you all to come to, and I appreciate that very much. Some additional written questions may come, and I want to say also for the record, the reason this illustrates part of the reason in the command and control why we created the Office of National Drug Control Policy, it is also why that was moved up to cabinet level position, which hopefully it will stay, if I can put in a commercial, because, in fact, we have so many different agencies working with us, that somebody needs to be focused on a responsible effort to try to coordinate. Each of you have multiple missions in multiple places, and there needs to be one agency that at least is providing direct oversight of the drug issue.

So thank you again for coming. If you have any additional statements you want to put in the record, you may, and we will have some additional questions for you.

Panel 2 is now dismissed. If we could move to panel 3.

Our third panel consists of private citizens who represent groups with an important interest in this issue. From the Center for International Policy we have Adam Isacson; from the National Business Aviation Association, we have Pete West; and from the National Defense Council Foundation we have Andy Messing. I welcome all

of you here. You can remain standing, so that I may administer the oath.

[Witnesses sworn.]

Mr. SOUDER. Thank you for your patience. It has been a long afternoon. We will now start with Mr. Isacson.

STATEMENTS OF ADAM ISACSON, CENTER FOR INTERNATIONAL POLICY; PETE WEST, NATIONAL BUSINESS AVIATION ASSOCIATION; AND ANDY MESSING, NATIONAL DEFENSE COUNCIL FOUNDATION

Mr. ISACSON. Chairman Souder and members of the subcommittee, it is a pleasure to appear before you today to testify about this important issue. Thank you for inviting me.

For 5 years I have coordinated a program at the Center for International Policy that monitors the United States' relationship with the militaries of Latin America and the Caribbean. Arms transfers, the training of over 13,000 military and police each year, exercises and exchanges, bases, deployments.

I have to admit that among all of these programs, the "air bridge denial" operation in Peru and Colombia was not getting much of our attention. It seemed less controversial. It was going after big-time drug criminals, not the peasants growing coca just to survive. It carried little risk of sucking us into an armed conflict. There was little risk of massive human rights violations, or so we thought, because we had been assured for years that strict rules of engagement were in place.

So I was shocked and dismayed when I turned on the news a week ago Friday and saw what had happened to innocent civilians. I wish now that we researched this policy more, explored the risks more closely and tried to increase transparency over the way it was being carried out. We could have had a debate about this a long time ago.

In the tragedy's aftermath, I must admit I have been disturbed by the U.S. Government's rush to place all of the blame on Peru. In the end the details might reveal that U.S. personnel objected to the use of deadly force that day. But the United States nonetheless shares the blame. While the Peruvian pilot pulled the trigger, he pulled the trigger of a gun provided by the United States while flying a plane provided by the United States. He was trained in these operations by the United States, and he was alerted to his target by intelligence provided by the United States.

I might add, just to cite the New York Times, at least to get some sort of answers to the questions of the last panel, congressional officials say they are examining the role played by CIA contract employees who worked for the aviation development corporation of Montgomery, AL, just so it is in the record. That is last Saturday's Times.

Peru was following a policy put in place by the United States as well. Over the years, Washington has handsomely rewarded Peru for pursuing its shoot-down policy with extreme zeal. Peru's regime and its military received aid, base upgrades and, perhaps just as important, political support from the United States. U.S. officials always mentioned the Peruvians' success, not just at hearings like

this one, but in public appearances with officials in Peru, repeating the number of planes shot down like it was a wartime body count.

But accidental shoot-downs are only one of the risks that this policy carries. What we are doing in the Andes deserves a lot more scrutiny than it is getting.

First, our single-minded focus on drugs can severely distort these countries' political development. Peru is a perfect example. The United States worked very closely with the Alberto Fujimori in Peru, simply because it was a loyal partner in supply reduction efforts. The regime's cooperation earned it many open shows of U.S. support and quieted U.S. criticism of many abuses which created a lot of political space for President Fujimori and his sinister intelligence chief, Vladimiro Montesinos. I bet that if they had not been shooting down planes so enthusiastically, Fujimori would have long become a Japanese citizen and Montesinos a fugitive a long time before.

As the Washington Post reported 2 days ago, "The agreement that established U.S. cooperation with the Peruvian government was negotiated directly with Vladimiro Montesinos." The same Montesinos who cracked down on Peru's free press, who spied on Congress people, civic leaders, human rights activists and opposition parties, and who helped fill jails with political prisoners, while enriching himself enormously. The same Montesinos who worked throughout the 1980's as a lawyer defending large narcotraffickers. The same Montesinos who helped arrange arms transfers to Colombia's FARC guerillas.

"Montesinos used the drug interdiction agreement as a political weapon," the Post reports. "He occasionally threatened to suspend the partnership when it appeared the U.S. Government was putting too much pressure on Fujimori's government." Even when Fujimori stole an electric outright, Washington swallowed hard, quieted its cruelest criticism and went ahead. The U.S. Ambassador attended Fujimori's inauguration last July.

We ignored what should be a basic rule of counterdrug strategy. That if a partner nation is flouting the rule of law, then it is not going to be a reliable partner for long, no matter how many planes they shoot down or how many bases they allow us to use.

A weak rule of law fosters corruption, a second policy risk. Again, we need look no further than Peru, where last month we saw the arrest of General Nicolas Hermoza, who had headed the armed forces from 1992 to 1998. General Hermoza is being charged with aiding and abetting drug traffickers, and he reportedly has $14.5 million in Swiss bank accounts. This reminds me of the celebrated case of General Gutierrez Rebollo, Mexico's drug czar who, it turns out, was cooperating with our efforts against one drug cartel while helping another cartel. To what extent has the United States been unwittingly helping corrupt officials in other countries?

Beyond corruption, warning signs about the reliability of Peru's military have long been evident for anyone willing to look. The Peruvian armed forces' respect for democratic rule has been questionable at best, and it has serious problems with corruption and human rights abuse. For years, Peru's generals have been above the law. Why, then, should we expect them to strictly follow aircraft interdiction procedures?

Third, U.S. anti-drug activities in the region are being carried out in a way that avoids scrutiny and oversight, as we have seen. While some secrecy is needed to protect U.S. personnel and to keep from alerting traffickers to activities, we need more information in order to be able to gauge the policy's effectiveness, to be alerted to the risks involved, to guarantee an informative debate and, let's face it, to prevent incidents like last Friday's shoot down from occurring ever began.

Right now, we cannot say with confidence how much the United States is spending on its interdiction program in the Andes. We don't know how many U.S. military personnel and contractors are working in the region. We do know, though, that the U.S. military presence goes well beyond what most Americans would imagine. I have included a map in my written testimony indicating the many radar sites, forward operating locations, air facilities, training locations and other U.S. presences. I am sure it is incomplete, but it is remarkable how spread out our forces are, including some sites where illegal armed groups are quite active with little public discussion or knowledge. And this is the U.S. involvement we know about. There are entire agencies, especially intelligence agencies, whose operations and budgets are obscured by an informational black hole.

Another information void surrounds what appears to be a large and rapidly growing role played by private contractors. Contractors were involved in the Peru incident, but this phenomenon has gotten more attention in Colombia. There you have at least six private U.S. corporations performing services that include flying drug-crop fumigation aircraft, ferrying battalions into combat, serving as mechanics and logistics personnel, performing bottom-up reviews of the armed forces, and gathering aerial intelligence. Some of these are rather delicate missions.

In Colombia, three spray-plane pilots have died in crashes since 1997 and, in February of this year, contractor personnel working for the Virginia company DynCorp found themselves in a fire fight with FARC guerillas while performing a search-and-rescue mission in the Caqueta department.

Again, we know little more about the contractors. What companies are involved? What other roles are they playing? Are they taking on missions considered too dangerous for U.S. personnel? Are they getting too close to shooting wars in other countries? Are they bound by the same human rights standards that apply to military aid in the foreign aid budget? Are they consistently operating in line with U.S. policy goals? Who is making sure?

These are very serious questions, but I can't come close to answering them today because contractor operations are taking place with almost no transparency. There is no annual report to Congress on contractor activities, and even some good investigative reporters have been able to uncover very little.

This leads to lack of effective oversight. Lack of effective oversight leads to bizarre policy choices and incomprehensible decisions; for instance, putting contractors who don't speak Spanish on surveillance planes in Peru.

Beyond all of these risks, perhaps the most tragic thing about the current policy is that the ends don't even justify the means. We

hear all the time about how air bridge denial has reduced coca cultivation in Peru and Bolivia. But the gross amount of coca grown in the Andes hasn't budged at all. Coca cultivation in Colombia has made up the difference, and Colombia has lots of room to grow. I know the aggregate amount looks like it is decreasing since 1995, but if you measure from 1990, the amount of hecterage grown has hardly budged, and it has gone down less since 1995, and demand for cocaine has gone down in the United States.

The shoot-down policy has succeeded only in inconveniencing drug traffickers, annoying them a bit, forcing them to use routes other than air to get their product out. We haven't found anything approaching a defense against short-hop transshipment flights, and the use of rivers and oceans to move drugs.

Moving coca cultivation elsewhere, enforcing traffickers to use other shipments methods are not policy successes. And they certainly don't justify a large military presence, a risky shoot-down policy, and close relations with corrupt and abusive governments. Let's hope that the April 20th incident signals the beginning of a change in our policy. There are many new directions we must urgently take.

First, nobody thinks that narco traffickers have a right to fly illegal drugs around at will. But the shoot-down policy can be less aggressive without sacrificing much effectiveness. Since the policy already skirts the edges of international law and ignores due process, it makes sense to err on the side of caution.

Mr. SOUDER. Mr. Isacson, you are a couple of minutes over, so if you can just summarize. I know you are almost done. We will put your whole statement in the record.

Mr. ISACSON. Second, let's put some limits on the use of contractors. Third, let's be more careful about who we are working with in the drug war. Fourth, let's focus much more on demand, on the need for treatment. Drug treatment has nowhere near been met in the United States. Finally, let's pay more attention to the reasons why poor people in the Andes are growing drug crops to begin with.

I look forward to your questions.

Mr. SOUDER. Thank you.

[The prepared statement of Mr. Isacson follows:]

Testimony of Adam Isacson, Senior Associate, Center for International Policy
Before the House Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources
May 1, 2001

Chairman Souder and members of the subcommittee, it is a pleasure to appear before you today to testify about this important issue. Thank you for inviting me to participate in this very important debate.

For five years I have coordinated a program at the Center for International Policy that monitors the United States' relationship with the militaries of Latin America and the Caribbean. Even though this relationship has strong implications for human rights, democratization, and all of our relations with the hemisphere, it gets little oversight and it's often difficult to get information about current policies and strategies.

The U.S. military relationship with the region includes arms transfers, training of over 13,000 Latin American military and police each year, exercises and exchanges, bases, hundreds of deployments of U.S. personnel, and a wide variety of engagement activities.

I have to admit that among all these activities, the "air bridge denial" program in Colombia and Peru was not getting much of our attention. This program was going after the criminals high up on the drug-production chain, not the peasants growing coca just to survive. It carried little risk of sucking us into an armed conflict, like our current strategy on the ground in Colombia. There was little risk of massive human rights violations – or so we thought, because we'd been assured that strict rules of engagement were in place. Besides, the GAO reported in late 1999 that "there has been little or no U.S. airborne intelligence or surveillance of air traffic routes between Peru and Colombia since 1997."

So I was shocked and dismayed when I turned on the news a week and a half ago and saw what was done to innocent civilians in the area. I wish now that we had investigated this policy more, explored the risks more closely, and tried to increase transparency over the way it was being carried out. We could have had a debate about the shootdown policy's merits a long time ago.

One thing that has disturbed me during the last week and a half is the United States government's rush to blame Peru for the incident, washing its hands of responsibility. The details might reveal that U.S. personnel objected strenuously to the use of deadly force that day. But the United States nonetheless shares the blame. While a Peruvian pilot pulled the trigger, he pulled the trigger of a gun provided by the United States while flying a plane provided by the United States. He was trained in these operations by the United States. And he was alerted to his target by intelligence provided by the United States.

And Peru was following a policy put in place by the United States. Over the years, the United States has given Peru strong incentives to pursue its shootdown policy with extreme zeal. Peru was rewarded handsomely for carrying it out. Peru's military received aid, base upgrades, and – perhaps just as important – *political* support. During the yearly drug certification process, U.S. officials and documents always hold up the shootdowns as a shining example of successful

cooperation with the United States. U.S. officials always mentioned the Peruvians' success not just at hearings like this one, but in public appearances with officials in Peru, repeating the number of planes shot down like a wartime body count. Colombia has been urged to follow suit; I have heard U.S. officials disparage Colombia's tendency to force planes down and strafe them on the ground because it lets the traffickers get away.

The risks

Accidental shootdowns are only one of the risks that this policy carries. What we're doing in the Andes is risky and deserves a lot more scrutiny than it's getting.

Democracy

First, our single-minded focus on drugs can severely distort these countries' political development. Peru is a perfect example. The United States worked very closely with the Alberto Fujimori regime in Peru simply because it was a loyal partner in supply reduction efforts. Open shows of U.S. support and muted criticism of abuses created a lot of political space for President Fujimori and his sinister intelligence chief, Vladimiro Montesinos. If they had not been shooting down planes so enthusiastically, Fujimori would have become a Japanese citizen and Montesinos a fugitive a long time ago.

As the *Washington Post* reported two days ago, "The agreement that established U.S. cooperation with the Peruvian government was negotiated directly with Vladimiro Montesinos." The same Montesinos who cracked down on Peru's free press, who spied on congresspeople, civic leaders, human rights activists and opposition parties, and who helped fill jails with political prisoners while enriching himself enormously. The same Montesinos who worked throughout the 1980s as a lawyer defending large narcotraffickers.

"Montesinos used the [drug interdiction] agreement as a political weapon," the *Post* reports. "He occasionally threatened to suspend the partnership when it appeared the U.S. government was putting too much pressure on Fujimori's authoritarian government." Even when Fujimori stole an election outright, the United States' criticism was surprisingly muted. The U.S. even attended Fujimori's inauguration last July.

Merely because Peru's leaders cooperated with our anti-drug efforts, the United States government swallowed hard, quieted its criticism and worked with them. We ignored what should be a basic rule of counter-drug strategy: that if a partner nation is flouting the rule of law, then it is not going to be a reliable partner no matter how many planes they shoot down or bases they allow us to use. By offering political support to Fujimori and Montesinos, we were reinforcing the impunity that made the Peruvian military such a questionable anti-drug partner. We should have been pressing to end this impunity.

Corruption

This climate of impunity fosters corruption, a second policy risk. Again, we need look no further than Peru, where last month we saw the arrest of Gen. Nicolás Hermoza, who headed the armed

forces from 1992 to 1998. Gen. Hermoza is being charged with aiding and abetting drug traffickers, and he reportedly has $14.5 million dollars in Swiss bank accounts. The *Washington Post* also told us the other day that over the past few years, "U.S. officials repeatedly have uncovered evidence of Peruvian pilots and military officers conspiring with drug traffickers." This reminds me of the celebrated case of Gen. Gutiérrez Rebollo in Mexico, the "drug czar" who it turns out was cooperating with our efforts against one drug cartel while helping another cartel. To what extent has the United States been unwittingly helping corrupt officials in other countries bust one cartel while strengthening another?

Beyond corruption, warning signs about the reliability of Peru's military have long been evident for anyone willing to look. The Peruvian armed forces' respect for democratic rule has been questionable at best, and it has serious problems with corruption and human rights abuse. For years, Peru's generals have been above the law. Why, then, should we be surprised when they violate aircraft interdiction procedures?

Military roles

Third, our anti-drug cooperation in South America is encouraging militaries to take on roles that would be illegal for our own military to perform in the United States. Drug interdiction is an internal law-enforcement role that requires frequent contact with civilians. Here in America, our military is focused on external threats to national security. In much of Latin America, militaries have played internal roles, focused on internal enemies, with devastating consequences for human rights and civil-military relations. In much of the region, the post-cold-war period has been a time for building democracy, and one of the most difficult steps has been to get the military back in the barracks. These new counter-drug roles give the regions' armies a powerful reason to remain outside the barracks.

Oversight

Fourth, U.S. anti-drug activities in the region are being carried out in a way that avoids scrutiny and oversight. While some secrecy is needed to protect U.S. personnel and to keep from alerting traffickers, we need more information in order to gauge the policy's effectiveness, to be more alerted to the risks involved, to guarantee an informed debate, and – let's face it – to prevent incidents like last Friday's shootdown from occurring again in the future.

Right now, we cannot say with confidence how much the United States is spending on its interdiction program in the Andes. We don't know how many U.S. military personnel and contractors are working in the region. We do know, however, that the U.S. military presence goes well beyond what most Americans would imagine. I have included a map in my written testimony indicating the locations of radar sites, forward operating locations, air facilities, training locations, and other sites in the region. I'm sure it's incomplete. But it's remarkable how spread out our forces are – including some sites where illegal armed groups are quite active – with little public discussion or knowledge.

And this is the U.S. involvement we know about. There are entire agencies whose operations are obscured by an informational black hole. The fact is, U.S. citizens can't get information about

what their government is doing in a key nearby part of the world.

Contractors

Another informational void surrounds what appears to be a large and rapidly growing role played by private contractors. Contractors were involved in the Peru incident, but this phenomenon has gotten more attention in Colombia. There, at least six private U.S. corporations are performing services that include flying drug-crop fumigation aircraft, ferrying battalions into combat, serving as mechanics and logistics personnel, performing bottom-up reviews of the armed forces, and gathering aerial intelligence. Some of these are rather delicate missions. In Colombia, three spray-plane pilots have died in crashes since 1997, and in February of this year, contractor personnel working for the Virginia company DynCorp found themselves in a firefight with FARC guerrillas while performing a search and rescue mission in Caquetá department.

Again, little more is known about the contractors: the names of companies, other roles they may be playing, how much U.S. money is going to them, why they are being used instead of U.S. government or host-country personnel, and to what extent their lives are in danger.

Are contractors taking on missions that are considered too dangerous for U.S. personnel? Are they getting too close to participating in shooting wars in other countries? Are they bound by the same human rights standards that apply to military aid in the foreign aid budget? Are they consistently operating in line with U.S. policy goals? Who is making sure?

These are very serious questions, but I can't come close to answering them because contractor operations are taking place with almost no transparency. There is no annual report to Congress on contractor activities, and even some good investigative reporters have been able to uncover little.

This leads to a lack of effective oversight over contractors. Lack of effective oversight leads to bizarre policy choices and incomprehensible decisions – such as including non-Spanish speakers on surveillance planes in Peru.

Means and ends

Beyond all of these risks, perhaps the most tragic thing about the current policy is that the ends don't even justify the chosen means. We hear all the time about how air bridge denial has reduced coca cultivation in Peru and Bolivia. But the gross amount of coca grown in the Andes hasn't budged at all – coca cultivation in Colombia has made up the difference, and Colombia has lots of room to grow. Meanwhile, street prices and purities in the United States haven't been affected at all.

The shootdown policy has succeeded only in inconveniencing drug traffickers, forcing them to use routes other than air to get their product out. We haven't found anything approaching a defense against short-hop transshipment flights, the use of rivers and, increasingly, transport via oceans.

Moving coca cultivation elsewhere and forcing traffickers to use other shipment methods are not policy successes. And they certainly don't justify a large military presence, a risky shootdown policy, and being forced to work with corrupt and abusive governments.

Recommendations

Let's hope that the April 20 incident in Peru signals the beginning of a change in our policy. There are many new directions we must urgently take.

First, nobody thinks that narcotraffickers have a right to fly illegal drugs around at will. But the shootdown policy can be less aggressive without sacrificing much effectiveness. Since the policy already skirts the edges of international law and ignores due process, it makes sense to err on the side of caution. Lets hope new rules of engagement reflect this in the future. The United States should also play a more active role in discouraging questionable decisions to fire upon aircraft.

Some might argue that a less aggressive shootdown policy might allow more drugs to travel by air. If that happens, though, our experience so far would indicate that less drugs will travel by water or land as a result.

Second, we need to put some limits on our use of contractors. This trend appears to be going too far. Congresswoman Schakowsky has the right idea with her recently introduced bill to cut funding for contractors working with security forces in the Andean Ridge. I hope that the bill inspires a lot of debate and questioning about the contractors, because Congress needs to take a good, long look at this.

Third, let's be more careful about our choice of drug-war partners in the region. We need to develop stricter standards to govern who we're working with, what we're giving them, what we're training them to do, and how we're empowering them in their own countries. A zealous drug-war ally who ignores the rule of law at home is not likely to be an ally for very long. Sacrificing democratization and human rights for short-term drug goals threatens these same goals later on.

Fourth, it's been said a million times but we need to focus more on reducing demand at home. I'm sure you've all heard about the 1994 RAND Corporation study that found a dollar spent on drug treatment to be as effective as 23 dollars spent on source-zone interdiction. We need to make it easier for our addicts at home to get off drugs. There has been a little progress – treatment funding has risen 41 percent since 1994. But overseas interdiction funding rose by 175 percent in the same period.

Finally, we need to pay more attention to the reasons why poor people in the Andes produce drugs in the first place. In almost all cases, peasants produce coca or poppy because they have no other economic choices. They've come to a place where land is available, but their government never followed them, building roads and maintaining the rule of law. In Putumayo or the Huallaga Valley, you cannot break even with legal crops. We have to address this with infrastructure-building, state strengthening and alternative development programs that are agreed with local communities. If we keep on fumigating without improving conditions, drug crops will

keep moving around. There's a lot of places for them to move to in the Amazon basin.

We can only resolve our drug crisis when we make it easier to get off drugs at home and make it easier to make a legal living in Latin America. These are not dramatic solutions offering quick results. But unlike the current policy, they *will* offer results eventually. The political cost not as high as one might think. Emphasizing treatment and economic development isn't "soft on drugs." The biggest challenge will be forcing some agencies to endure reduced budgets.

I echo many observers' sentiment that a military response is inadequate to drugs, which are a social and economic problem. I repeat the warning of Caspar Weinberger, who wrote thirteen years ago that using military force against drugs makes for "hot and exciting rhetoric, but would make for terrible national security policy, poor politics and guaranteed failure in the campaign against drugs."

I hope that last week's terrible tragedy may wake us up and start the re-evaluation process. I look forward to your questions.

Mr. SOUDER. Mr. West.

Mr. WEST. Thank you, Mr. Chairman. I thank Ms. Schakowsky and Chairman Burton. Thanks for asking me to testify and represent NBAA here.

The National Business Aviation Association represents over 6,400 member companies nationwide and some around the country, but mainly in this country, operating or involved with 8,700 general aviation aircraft that are used for business transportation. NBAA member companies earn annual revenues collectively in excess of $5 trillion, about half the gross domestic product, and employ more than 19 million people worldwide. The Association's vision is to be a recognized effective force for enhancing safety, efficiency and acceptance of business aviation. Our mission is to serve the needs of the NBA member companies and the broader business aviation community. Clearly, safety is the first and foremost element of our vision and the most important need of our members and the broader community. This is true for all of aviation, and aviation safety is my focus in the context of today's deliberations.

As much as this committee is to be commended for holding this hearing, it is unfortunate that we are compelled to gather here today because of the terrible tragedy experienced by the Bower family and Mr. Donaldson on Friday, April 21st. I am here simply to reassert the most important argument NBAA and others familiar with the dynamics of civil aviation made in the past and continue to make against the dangerous shoot-down approach to drug interdiction, the serious risk to innocent lives.

Again, unfortunately, this argument was validated by the incident in Peru last month. At this point, on behalf of everyone associated with NBAA, and personally as a husband with an 8-year-old son and a 1-year-old baby daughter, I want Mr. Bowers and his son, Cory, as well as Mr. Donaldson, to know that our hearts and thoughts are with them.

The fact that this matter is under intense investigation should be and is respected. It is comforting that the U.S. air interdiction efforts have reportedly been suspended in much, if not all of the region, and that related policies are being reexamined. Hopefully, that reexamination will allow this situation to be addressed in the context of what is rational and relevant to available technology, which I do not present myself as having any expertise in.

Specifically, this panel is correct in exploring issues such as filing and verifying flight plans, especially in trafficking areas; suspect aircraft evaluation procedures, communications with suspect aircraft procedures and radio frequencies involved with that, and deadly force conditions. It seems absolutely essential that there be a review of overall management coordination of the program to ensure that there is thoughtful planning and strategy that incorporates appropriate and accountable safeguards, domestically and internationally. We would also encourage further review of the important rationale supporting the position of ICAO with regard to this issue and the civil aviation.

NBAA commends those involved in the global fight against drugs for their commitment to this challenging and vital endeavor. However, this is a tragedy that could and should have been avoided. It could have been experienced by any other innocent people finding

themselves in harm's way because of a policy that allows those involved in drug interdiction, albeit blinded by the bright light of good intentions, to ignore the need for caution and patience. It is especially sad when considering the differences between the capabilities of the military aircraft used in interdiction efforts and some of the small civilian aircraft being monitored and "evaluated."

There is at least the capability to communicate by radio and, failing that, the ability to send clear messages visually with certain standard procedures.

A colleague of mine, the Honorable Jeff Shane, former State Department and Transportation Department official, now a partner with Hogan & Hartson, recently shared some relevant information with me in an e-mail. He wrote, "Sadly, precedent language can be found throughout the statements issued in opposition to the 1994 change in the U.S. law that facilitated the restoration of U.S. cooperation with Peru and Colombia, despite their newly adopted shoot-down policies. He provided the following: Senator Nancy Kasselbaum, September 14, 1994. "to sanction the use of deadly force against civilian aircraft as this legislation does is beyond ill-conceived. In a deadly game of chance, this legislation lets the United States help foreign governments shoot down civilian planes based on little more than an educated guess."

Senator Malcolm Wallop, September 14, 1994, "I believe that abandoning our unconditional opposition to shooting down civil aircraft sends a very bad message, even if the rationale interdicting the flow of illicit drugs is a worthy one. By passing this law, we will encourage Colombia and Peru to become more aggressive in implementing their shoot-down policies. Accidents happen all too often without American engagement."

Airline Pilots Association President Randy Babbitt, and AFL–CIO the president, Lane Kirkland, in a letter to Secretary of State Warren Christopher, July 15, 1994, "U.S. airlines operate in the vicinity of countries whose government's commitments to the rule of international law is suspect. We do not want such governments to be provided an opportunity to justify actions destructive to international civil aviation by citing a U.S. Government policy that legitimizes violence against civilian aircraft."

Mr. SOUDER. Mr. West, you are over time by about 2 minutes. You can summarize.

Mr. WEST. I will summarize by saying, I won't give you any more quotes, I will just give you one last quote, the president of NBAA who said on June 30, 1994, "the potential for tragic error resulting in the loss of innocent lives is too great to warrant the support for the shoot-down approach for drug interdiction. We are ready to help you all help all of us."

[The prepared statement of Mr. West follows:]

Statement
of

Pete West
Senior Vice President, Government & Public Affairs
National Business Aviation Association

Before
the

Subcommittee on Criminal Justice, Drug Policy & Human Resources
Committee on Governmental Reform
U.S. House of Representatives

Hearing
on

"U.S. Air Interdiction Efforts in South America after the Peru Incident"

May 1, 2001
Washington, DC

Chairman Souder, Ranking Member Cummings, other members of the Subcommittee, thank you for asking me to testify today. I am Pete West, Senior Vice President, Government & Public Affairs, for the National Business Aviation Association. NBAA represents the aviation interests of over 6,400 companies which own or operate approximately 8,700 general aviation aircraft as an aid to the conduct of their business, or are involved with business aviation. NBAA Member Companies earn annual revenues approaching $5 trillion – a number that is about half the gross domestic product – and employ more than 19 million people worldwide. The NBAA Annual Meeting & Convention is the world's largest display of civil aviation products and services.

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The fact that this matter is under intense investigation should be and is respected. It is comforting that "U.S. air interdiction efforts have reportedly been suspended in much if not all of the region" and that related policies are being reexamined. Hopefully, that reexamination will allow this situation to be addressed in the context of what is rational and relevant to available technology, which I do not present myself as having any expertise in. Specifically, this panel is correct in exploring issues such as filing and verifying flight plans (especially in trafficking areas), "suspect" aircraft evaluation procedures, communications with suspect aircraft (procedures and radio frequencies), and "deadly force" conditions. And, it seems absolutely essential that there be a review of "overall management and coordination of the program" to ensure that there is thoughtful planning and strategy that incorporates appropriate and accountable safeguards (domestically and internationally). We would also encourage further review of the important rationale supporting the position of ICAO with regard to this issue and civil aviation.

NBAA commends those involved in the global fight against drugs for their commitment to this challenging and vital endeavor. However, this is a tragedy that could and should have been avoided. And, it could have been experienced by any other innocent people finding themselves in harms way because of a policy that allows those involved in drug interdiction, albeit blinded by the bright light of good intentions, to ignore the need for caution and patience. It is especially sad when considering the differences between the capabilities of the military aircraft used in the interdiction efforts and some of the small civilian aircraft being monitored and "evaluated." There is, at least, the capability to communicate by radio and, failing that, the ability to send a clear message visually.

A colleague of mine, the Honorable Jeff Shane (former State Department senior official / now a Partner with Hogan & Hartson), recently shared some relevant information with me in an e-mail. He wrote, "Sadly prescient language can be found throughout the statements issued in opposition to the 1994 change in the U.S. law that facilitated the restoration of U.S. cooperation with Peru and Colombia despite their newly adopted shoot-down policies." He provided the following:

Senator Nancy Kassebaum (September 14, 1994): "To sanction the use of deadly force against civilian aircraft, as this legislation does, is beyond ill-conceived … In a deadly game of chance, this legislation lets the United States help foreign governments shoot down civilian planes based on little more than an educated guess."

Senator Malcolm Wallop (September 12, 1994): "I believe that abandoning our unconditional opposition to shooting down civil aircraft sends a very bad message, even if the rationale -- interdicting the flow of illicit drugs – is a worthy one." … "By passing this law, we will encourage Colombia and Peru to become more aggressive in implementing their shoot-down policies. Accidents happen all too often without American engagement."

Phil Boyer, AOPA President (letter of June 30, 1994 to Assistant Secretary of State for International Narcotics Affairs Robert Gelbard): "How can anyone feel assured that a twin engine Cessna carrying Members of Congress on an oversees fact-finding mission will never be mistaken for an identical twin engine Cessna full of drug smugglers?"

Air Line Pilots Association President Randy Babbitt and AFL-CIO President Lane Kirkland letter to Secretary of State Warren Christopher (July 15, 1994): "U.S. airlines operate in the vicinity of countries whose governments' commitments to the rule of international law is suspect. We do not want such governments to be provided an opportunity to justify actions destructive to international civil aviation by citing a U.S. government policy that legitimizes violence against civilian aircraft."

DOT General Counsel (and Chief Judge Advocate of the Coast Guard) Phil Brady (October 2, 1990) "For many years, we have opposed, for both legal and safety reasons, other countries' occasionally announced intentions to shoot at civil aircraft. Once such a practice begins, it could have dangerous and widespread consequences that could affect the safety of people worldwide."

And,

NBAA President Jack Olcott (June 30, 1994): "The potential for tragic error resulting in the loss of innocent lives is too great to warrant support for the 'shoot-down' approach to drug interdiction."

On behalf of NBAA President Jack Olcott, the Association stands ready to assist this Subcommittee, and others involved in the reexamination of the "shoot-down" policy. Our mutual goal should be the assurance of aviation safety as the important fight against illicit drugs continues. And, we must ensure that the innocent lives affected by the tragedy in Peru are honored by our dedication to this goal.

Thank you.

Mr. SOUDER. Thank you. Major Messing.

Major MESSING. Mr. Chairman, I would first like to begin by thanking you and this esteemed committee for convening this hearing at an extremely important time. In recent years, support for the war on drugs has been dwindling and skepticism pervasive. Misinformation, fear and confusion is increasing to the point that people are reaching for unrealistic solutions like stopping or limiting supply side efforts, or legalization without understanding the harsh ramifications. For the first time in history, drug-induced deaths outnumber homicide in this country starting in 1998. This is not the time to cease U.S. efforts. This most recent misfortune involving missionaries over Peru is a tragic accident, but cannot be allowed to stop what has been an effective component of counter drug policy for the United States. As a result of United States and indigenous aerial interdiction programs over both Peru and Colombia, the narco trafficking air bridge has been significantly reduced. Breaking down this air bridge is just one part of this comprehensive counterdrug strategy, countertrafficking strategy.

The other components include restricting the land bridge, the river bridges and the ocean bridge. These factors have been addressed by indigenous ground, air, Navy forces in the region with select U.S. military aid, like U.S. Army special forces, Marines, U.S. Coast Guard, and U.S. Navy working alongside them.

I have just returned from my 15th fact-finding mission to Colombia since 1985 and the 30th such trip in the Andean region concentrating on Peru. While on this trip, I met with the director of DANTI, the anti-narcotics police in Colombia. According to him, the narcos are now being given the green light to empty the store houses and move the coca base by aircraft into Colombia. Given this, there has never been a greater urgency for continuation of U.S. aid to aerial interdiction programs.

Since 1985, when the U.S. Congress approved the start of these programs, the Peruvian Air Force has positively identified and shot down 30 airplanes engaged in drug smuggling. Additionally, over a dozen planes have been seized while on the ground thanks to U.S. help. Moreover, U.S. intelligence in counternarcotics trafficking has helped the Colombian forces. The Colombian Air Force chief, General Hector Velasco states, "About 20 of 48 suspected drug trafficking planes destroyed by the Colombian Air Force in their territory and air space during the past 3 years were flights first detected by U.S. authorities." U.S. efforts in Peru and Colombia alone have brought down nearly 100 aircraft shipping drugs that would have undoubtedly wound up on America's streets poisoning our children.

It seems important to point out to the distinguished members of this committee that each ton of cocaine brought into the United States cost us approximately $1 billion of direct and indirect costs associated with health care, losses in business, crime in judicial systems costs, to name some of the problems. We are not even talking about the human costs, which are so very tragic.

The United States must simultaneously help our neighbors to the south get a handle on supply side part of the equation while capitalizing on this reduced supply to gain tracks on the demand side effort in this country. So long as our streets are inundated with

massive quantities of low-priced, highly purified drugs, the war on drugs will undoubtedly be hopeless. We can never win the war on drugs, but we can reduce it to its lowest manageable level. Less product means less use, less use means less devastation, and therefore, America's supply side efforts are important.

Since 1995, the same year that this program was put into effect, cultivation of coca in both Peru and Bolivia has declined by approximately 70 percent. Some of this can be directly attributed to reducing the air bridge that we are discussing. This most recent incident in Peru, though, was simply a tragic accident. We will not know all the facts for some time, yet preliminary reports show that CIA contractors in the surveillance aircraft urged the Peruvians to slow down. Whatever the failure, the program of aerial interdiction has brought mainly praise from American agencies engaged in combating the drug trade and had tangible reductions in drug trafficking and cultivation. It is the failure of implementation, not policy, per se. As such, it is necessary that a proper investigation be conducted regarding this incident and finding out what went wrong, and surveillance flights must be continued as soon as possible.

Last, I want to convey my condolences to the Bowers family and the family of the crew chief killed on a USC 130 aircraft that was also destroyed by the Peruvian Air Force a couple of years ago. I hope this doesn't reflect a sinister pattern by possibly malevolent elements in the Peruvian Government bent on reversing the present modus operandi. Our investigation will hopefully dispel this lingering notion. Thank you.

[The prepared statement of Mr. Messing follows:]

Prepared Statement of Major F. Andy Messing, Jr.
USAR (Ret.), Special Forces
Executive Director, National Defense Council Foundation

House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources

1 May 2001

Mr. Chairman, I would first like to begin by thanking you and this Committee for convening this hearing at an extremely important time. In recent years, support for the "War on Drugs" has been dwindling and skepticism pervasive. Misinformation, fear, and confusion is increasing to the point that people are reaching for unrealistic solutions like stopping supply-side efforts or legalization without understanding their harsh ramifications. For the first time in history, drug-induced deaths outnumbered homicide in this country starting in 1998. This is not the time to cease US efforts.

This most recent misfortune involving missionaries over Peru is a tragic accident, but cannot be allowed to stop what has been an incredibly effective component of counter-drug policy for the United States. As a result of US and indigenous aerial interdiction programs over both Peru and Colombia, the narco-trafficking air bridge has been significantly reduced. Breaking down this air bridge is just one part of a comprehensive counter-trafficking strategy. The other components include restricting the land bridge, the river bridges, and the ocean bridge. These factors have been addressed by indigenous ground, air, and navy forces in the region with select US military aid, like US Army Special Forces, Marines, the US Coast Guard and the US Navy working alongside them.

I have just returned from my 15th fact-finding mission to Colombia since 1985 and 30th such trip to the Andean region, concentrating on Peru. While on this trip, I met

with the Director of the "DANTI" anti-narcotics police. According to him, "the narco's are now being given the green light to empty the storehouses and move the coca base by aircraft into Colombia." Given this, there has never been a greater urgency for the continuation of US aid to aerial interdiction programs.

Since 1995 when the US Congress approved the start of these programs, the Peruvian Air Force has positively identified and shot down about 30 planes engaged in drug smuggling. Additionally, over a dozen planes have been seized while still on the ground thanks to US help. Moreover, US intelligence in counter-narcotics trafficking has helped the Colombian forces. The Colombian Air Force Chief, General Hector Velasco states, "about 20 of 48 suspected drug traffickers' planes destroyed by the Colombian Air Force [in their territory and air space] during the past three years were flights first detected by U.S. authorities." US efforts in Peru and Colombia, alone, have brought down nearly 100 aircraft shipping drugs that would have undoubtedly wound up on America's streets, poisoning our children.

It seems important to point out to the distinguished members of this committee that each ton of cocaine that is brought into the US causes approximately one billion dollars of direct and indirect costs associated with healthcare, losses to businesses, crime and judicial system costs, to name some of the problems. We are not even talking about the human costs, which are so very tragic. The US must simultaneously help our neighbors to the south get a handle on the supply-side part of the equation, while capitalizing on this reduced supply to gain traction on the demand effort in this country. So long as our streets are inundated with massive quantities of low-priced, highly purified drugs, the "War on Drugs" will undoubtedly be hopeless. We can never win the war on

drugs, but we can reduce it to its lowest manageable level. Less product means less use. Less use means less devastation, and therefore, America's supply-side efforts are important.

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Commentary

F. ANDY MESSING JR. / PATRICK OSWALD

New life for old issue

The success of the drug war film "Traffic," the tragic shoot-down of the American missionary team in Peru and the re-arrest of drug-bedeviled actor Robert Downey Jr. have once again brought the issue of drugs to the forefront of national discourse.

As usual, the drug issue has simmered below public consciousness, only to be given new life by intense media coverage of drugs and the "Beautiful People" of Hollywood, and the horrible mistake in the air over Peru. The tendency of this issue to take center stage, disappear and then rise again like a Phoenix has led to an inconsistent national debate about one of our nation's most pressing national security problems. Now that these recent events have reinvigorated public consciousness, new ideas and suggestions are being discussed in greater detail. However, one idea constantly being put forward is legalization of drugs.

Proponents of legalization point to the high costs and apparent failure of the war on drugs as reasons to seek a new course of action. Unfortunately, this and the fear that the battle cannot be won decisively have led some to call for an end to the fight. Additionally, the lack of honest public debate has led to confusion among many Americans about the devastating consequences of legalization. The National Defense Council Foundation (NDCF) believes that it is only a matter of time before the lack of consistent leadership, fear and confusion lead to the misstep of legalization.

The Office of National Drug Control Policy makes clear in its 2001 annual report that drug use is directly linked to vexing social issues, ranging from increased crime rates, drug-driving, domestic violence to illness and reduced worker productivity. Legalizing drugs would only exacerbate these issues. Statistics support this claim. Over 51 percent of inmates report that they were under the influence of controlled substances while committing their crimes. Legalizing drugs would increase the number of users and addicts, thereby increasing this crime statistic.

Drug use also leads to higher rates of unplanned pregnancies, increased transmission of sexually transmitted diseases, and astronomical health care costs. Between 1992 and 1995, the amount of money the U.S. spent on health care expenditures due to drug abuse rose from $9.9 billion to $12 billion. Health care problems resulting from legalization will cause these figures to increase exponentially. As an example, the "medical marijuana" effort — the vanguard of legalization — ironically neglects to say that one joint has 33 percent more health-threatening carcinogens than a normal cigarette. Statistics on the use of the drug Ecstasy also demonstrate this point. In 1999 there were 2,850 "emergency room mentions" for Ecstasy, up from 253 in 1994. This shows the growing availability and use of dangerous methamphetamines. Legalization would only serve as a stimulant to this alarming trend.

These domestic concerns do not even take into account the international ramifications of legalization.

A 1990 NDCF report pointed out that the first result would be international legal complications. If drugs were legalized in the United States while remaining illegal in other nations, it would become increasingly difficult to decide what constitutes a drug crime in different countries. Extradition agreements among nations could be jeopardized. American leadership and efforts currently play a crucial role in suppressing world drug supplies. U.S. abdication in the war would be like a dam breaking, flooding the world with drugs.

America faces an uphill battle in the battle against drugs, but this does not mean that we should give up. Our main goal should be the reduction of drug use and supply to their lowest possible levels. In cooperation with other nations, the United States must devote equal attention to both demand and supply activities, and this policy must be articulated by President Bush immediately. The momentum gained under Presidents Reagan and Bush, but lost under a Clinton administration lacking surrogates, must be regained. The new administration has demonstrated its strong willingness to lead the drug fight with the prompt nomination of drug czar John Walters, who served as chief of staff to former National Drug Control Policy chief William Bennett. Hopefully, his leadership will pull us back from the precipice and show us that legalization is not the easy way out. It is a canard that can only lead to accelerated social, economic and political destruction, jeopardizing our national security.

F. Andy Messing, Jr. is the executive director of the National Defense Council Foundation. He is a retired Special Forces major who has traveled to more than a dozen areas of illegal drug operations worldwide. He advised then-Gov. George W. Bush in 1998. Patrick J. Oswald is a research assistant with that foundation.

Mr. SOUDER. I want to thank each of you again for your patience today.

I have a couple of things I want to do here. One, given that we reraised the debate in 1994, I want to insert into the record the resolution from Mr. Schumer and Mr. Sensenbrenner, who is now chairman of the Judiciary Committee that expressed the sense of the House of Representatives should resume support of the operations for interdiction of illegal drug trafficking whereas illegal drugs, it goes through a whole series of why, the whereas clause basically says the Department of Defense and other departments and agencies of the United States should resume their former authorized practice of providing aid, information, and material support to locate, interdict and prevent the illegal drugs. I want to insert that into the record.

Also, the bill from Mr. Torricelli and Mr. Lantos who head our human rights efforts and Mr. McCandless. Certainly I don't want to imply that I support anything that happened here because in fact, the bill is drafted to try to prohibit this from happening, but I think it is important for the record to have in what the Members of Congress, at that time in the Democratic majority, intended by putting this policy in.

I also had a couple of questions for Mr. West. This is difficult, because as you can tell, I certainly believe that there should be a lot stricter standards, and I have generally supported most of the pilots' association different requests that have come to me, and obviously, there is risk in piloting in any case. Certainly, given that this is the only case we know for sure that any innocent pilot has been shot and that it is the only case, it appears that the procedures weren't followed, and I think we all agree the procedures weren't followed, and I think as more information comes out, that will become even more clear, but the fact is that both where we have the written testimony from the Aircraft Owners and Pilots Association, one of the things I have supported from them is the Back Country Landing Strip Access Act. Certainly, that puts more pilots at risk in some of these back country airstrips, yet that association is asking Congress to keep these open, even though it puts more pilots at risk.

I would insert that into the record from the home page of the American Pilots Association. In the National Business Aviation Association, there is testimony on your home page from the President asking that the FAA not on the emergency certificate revocations that the person maintains the right to operate while the process is pending, which certainly puts people's lives at risk.

In other words, there is a certain amount of risk you are going to have as a pilot. What we want to do is minimize that risk, but to maintain that other people's lives should not be put at risk when, in fact, there is a—compared to most of what you do, almost zero risk of an innocent pilot getting killed.

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Expressing the sense of the House of Representatives that the United States should resume support of operations for the interdiction of illegal drug trafficking in Andean and other... (Introduced in the House)
HRES 452 IH

103d CONGRESS

2d Session

H. RES. 452

Expressing the sense of the House of Representatives that the United States should resume support of operations for the interdiction of illegal drug trafficking in Andean and other foreign nations.

IN THE HOUSE OF REPRESENTATIVES

June 10, 1994

Mr. SCHUMER (for himself and Mr. SENSENBRENNER) submitted the following resolution; which was referred jointly to the Committees on Armed Services and Foreign Affairs

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RESOLUTION

Expressing the sense of the House of Representatives that the United States should resume support of operations for the interdiction of illegal drug trafficking in Andean and other foreign nations.

Whereas illegal drugs are a serious problem in the United States, causing misery among users and their families, inspiring violent crime, and destroying the social fabric of the United States;

Whereas the overwhelming bulk of illegal drugs, particularly cocaine, is imported into the United States from the Andean nations, and criminal drug lords in such nations are amassing great wealth extracted from the misery of Americans;

Whereas the United States has long encouraged Andean nations to join in cooperative efforts to locate, interdict, and destroy illegal drug operations at their sources, and the United States has contributed to these efforts by providing United States aircraft , surveillance assets, intelligence, and other resources;

Whereas the Department of Defense and other agencies of the United States have ceased to provide material assistance, based on legal memoranda and other advice issued by the Department of Justice interpreting, among other things, section 32(b) of title 18, United States Code, as barring such aid and subjecting whoever provides it to criminal prosecution;

Whereas the House of Representatives believes that any interpretation of section 32(b) of such title that purports to extend the reach of such section to law enforcement operations and actions taken by agencies of the United States in support of such operations improperly construes the meaning of the plain language and the intent of the Congress in enacting such section; and

Whereas the erroneous and unduly expansive interpretation of section 32(b) of such title adopted by the Department of Justice presents a serious obstacle to effective interdiction of illegal drugs at their principal sources, and also may be interpreted to hamper similar domestic operations affecting foreign registered civil aircraft : Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that--

(1) the Department of Justice should repudiate its interpretation of section 32(b) of title 18, United States Code, to extend the reach of such section to law enforcement operations and actions taken by agencies of the United States; and

(2) the Department of Defense and other departments and agencies of the United States should resume their former authorized practice of providing aid, information, and material support to locate, interdict, and prevent the operation of illegal drug producers and traffickers in the Andean nations, and wherever else such operations have been impeded by the erroneous interpretation of section 32(b) of such title.

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Testimony

Statement of John W. Olcott
President, National Business Aviation Association, Inc.
before the
Transportation and Infrastructure Subcommittee on Aviation
Hearing on H.R. 1846,
FAA's Emergency Revocation of FAA Licenses
August 6, 1998

The National Business Aviation Association, Inc. represents the aviation interests of more than 5,500 Companies that utilize general aviation aircraft for business purposes or are involved with business aviation. The vision of NBAA is to be the recognized effective force for enhancing the safety, efficiency and acceptance of business aviation. I emphasize that safety is the primary focus of NBAA's vision.

Safety is likewise a top priority for the companies that operate business aircraft and for their employees. Corporate aircraft have compiled an outstanding safety record that is comparable to or better than that of the airlines. Since 1995, for example, the safety record of business/corporate aircraft has consistently exceeded that of the airlines, according to Robert A. Breiling Associates.

Because of NBAA's commitment to ensuring the continuation of this outstanding safety record, we wholeheartedly support the authority of the FAA to invoke its revocation powers in the rare situations where safety is compromised. We do, however, ask that due consideration also be given to the rights of the certificate holder subjected to such action.

In particular, we are concerned about the FAA's increasing dependence on designating certificate revocations as "emergency" in nature. According to the General Accounting Office, certificate actions taken on an emergency basis have increased from 10 percent in 1990 to an annual average of nearly 20 percent in the following seven-year period. In some cases, it has taken the FAA months or even years to issue these "emergency" actions. The emergency designation contrasts with a nonemergency action, which allows a certificate holder to continue to operate until the matter is adjudicated.

Our concerns in this regard should be evident when one considers that a certificate holder loses the right to operate while the emergency revocation proceeding is pending. In essence, the person is presumed guilty from the very beginning and is denied an opportunity to earn a living while the appeals process moves forward. This can be devastating for both the certificate holder and his or her employing company.

Under current law, the subject of an emergency revocation does have the right to appeal to the National Transportation Safety Board to challenge the merits of his case or to the Federal Court of Appeals to

challenge the emergency nature of the order. In practice, appeals to the Federal Court are rare. An appeal is more likely made to the NTSB, which then has 60 days to decide whether or not to uphold the FAA's revocation order. That's 60 days that an appellant – even a potentially successful one – is out of work and out of luck. The NTSB does not currently have the authority to rule on the appropriateness of the emergency designation.

The legislation under consideration by the Subcommittee today, H.R. 1846, addresses this problem by giving the NTSB the authority to determine whether the emergency or immediate revocation of the certificate was justified. Rather than appealing such issues to the Federal Court, as is the case under current law, the emergency nature of the revocation could be appealed to the NTSB, which would have two days to hold a hearing on the matter and five days to make a decision. Under this scenario, the FAA could still ground a suspect pilot for five to seven days without justification while the NTSB reviews the evidence and for up to 60 days if the emergency status is upheld. This approach ensures that a careful balance is achieved between addressing legitimate safety concerns with protecting the rights of certificate holders to due process. We believe it completely appropriate that the highly respected NTSB would play a role in reviewing appeals of this nature.

NBAA commends Congressman Gallegly for his work in addressing the current problem and is pleased to join virtually all segments of the aviation community in supporting H.R. 1846. We note our support of similar legislation, S. 842, introduced in the Senate by Senator James Inhofe of Oklahoma. These measures will ensure that certificate holders gain due process where none now exists, while ensuring continued aviation safety.

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Issue Brief

Backcountry Landing Strip Access Act

April 2001

In recent years, the Aircraft Owners and Pilots Association has noticed an increase in the number of permanent closures of backcountry airstrips. Many airstrips have been closed without consulting state aviation departments, local and national aviation groups, or the public. AOPA's goal is to implement a national policy governing general aviation issues related to Federal land. After the spate of forest fires in the past two years, the importance of maintaining these backcountry airstrips is more critical than ever.

On Tuesday, April 3, 2001, Senator Mike Crapo (R-Idaho) and Representatives Butch Otter (R-Idaho) and AOPA member James Hansen (R-Utah) reintroduced the Backcountry Landing Strip Access Act (S. 681/H.R. 1363). Both AOPA-backed bills block efforts by federal agencies to restrict or arbitrarily prohibit general aviation's use of backcountry airstrips by requiring approval from state aviation officials before closing landing sites on federal land. Last year Senator Crapo, with the help of Senators Conrad Burns (R-Mont.) and Slade Gorton (R-Wash.), successfully attached a provision to the Interior Appropriations Conference Report for FY 2001, prohibiting federal funds from being used to close any airstrips on lands administered by the Department of the Interior.

The AOPA-Supported Legislation:

- Requires a 90-day public comment period on proposed airstrip closures.
- Requires state aviation departments approve all airstrip closures in their states.
- Creates a national policy governing general aviation issues related to Federal land, and requires the proposal recognize that the Federal Aviation Administration has sole authority over airspace and aviation.

Mr. SOUDER. When you're backing other things in Congress that actually increase risk I think is a little bit of an inconsistent position. I would like to give you a chance to respond.

Mr. WEST. That's an interesting approach you've taken.

First of all, as you know, aviation has the best safety record of any form of transportation. Business aviation is as safe or safer than the airlines. So we have the safest safety record.

I'm not specifically involved in the back country runways.

The other issue that you raised about our president, Jack Alcott, on another risk-related matter, really, I don't see how—and please forgive me, but it's sort of apples and oranges. We're talking about a military aircraft not following procedures. Maybe you say it was the one time, but they didn't——

Mr. SOUDER. But it is the only time.

Mr. WEST. But so what?

Mr. SOUDER. They should follow procedures.

Mr. WEST. They should follow procedures. But the point is they were in a position——

Mr. SOUDER. If there is one accident and things should be suspended—why wouldn't that be the case in these others?

Mr. WEST. Well, the risk is always there. There was no effective radio communication. There was no procedures followed to go by and look in. It was just——

Mr. SOUDER. We agree on that.

Mr. WEST. Something was in error. Something was wrong. Something was amiss.

Chairman Burton raised a question here that didn't get answered, so that could take us into a whole another arena. But I really do think that it's apples and oranges.

Mr. SOUDER. You didn't propose trying to make the policy more fail-safe. You oppose the policy. Is that correct?

Mr. WEST. Excuse me?

Mr. SOUDER. You weren't proposing to make the policy more fail-safe. You oppose the policy per se.

Mr. WEST. Actually, I was proposing—in terms of the shoot-down policy, first, I was proposing that—first, I was saying that we are comfortable that there is a reexamination of this thing.

Mr. SOUDER. Which I agree with.

Mr. WEST. If you ask the Bowers and you ask Mr. Donaldson how they feel about that, I think they would appreciate it as well. I don't think we should ignore what happened, and I do think the reexamination will allow us to look more clearly at how we translate to our foreign partners or foreign relationships.

Mr. SOUDER. So you don't oppose the policy necessarily, if we can address those questions.

Mr. WEST. We opposed it in 1994 because there seemed to be an ignorance of the serious impact and risk that is put out for civil aviation operations, the type of possibilities that existed.

I will relay to you a conversation I had with former Senator Sam Nunn. I'm from Georgia, and he was from Georgia. I used to head up legislative affairs for Delta Airlines, but I had joined Business Aviation. In 1994, we talked about the shoot-down.

He was a very vigorous proponent for drug interdiction, but he focused me on the specific issue of the military aircraft versus the

smaller civil aviation aircraft. He emphasized the incredible risk that some Member of Congress flying or running a general aviation aircraft, a dentist and his or her family, missionaries like that experienced in Peru—he said, this can happen, and we have to be very, very careful that we understand the differences between the capabilities of these two types of aircraft.

He almost tongue in cheek said, you know, some of these aircraft are so advanced they could go to Europe and back before the private pilot could get from the Bahamas back to the country. They're so effective, and they're very, very dangerous. He said, it's very dangerous territory.

I trusted his judgment then, and I trust his observations now.

Mr. SOUDER. Obviously, he—go ahead and finish.

Mr. WEST. He obviously what?

Mr. SOUDER. Go ahead and finish your comments.

Mr. WEST. I appreciate—we appreciate the battle against drugs. We appreciate what risk that drugs have to people's lives. I'm just saying a rational and responsible reexamination of this issue seems of the utmost importance because, yes, lives were lost; and I don't look at things and just say, well, that's just one time.

Mr. SOUDER. You know, I appreciate the gentleman's comments, but I want to point again for record that it passed, signed clearly, that we, in fact, only know of one case where innocent people were shot down. We know other pilots have lost their lives in many ways, none of which I defend, but that there are risks whenever you institute a policy. And your association and the other airline pilots association are asking Congress to actually make some risk expanded and that it seems like an inconsistent position. However, a reevaluation is absolutely essential, and we're trying to address that question and put in as many safeguards as possible.

Mr. WEST. Can I just say one thing? I appreciate our agreement—our aggressive agreement on reevaluation, reexamination. I'm just saying the apples and oranges are guns, shooting, fighting aircraft versus risk inherent in the growth of the society and the culture and how we do things.

Mr. SOUDER. Let me say for the record you said twice it's apples and oranges. It is not apples and oranges. Risks in shorter landing strips where there are trees on runways and the runway may not be kept up as other runways are risks also that are just as fatal to pilots when there's an error.

When the FCC says a pilot is unqualified to fly and you want to have a stay of whether that was an emergency qualification, the ruling on the pilot could be argued is a direct safety question.

Now, I tend to support the airline owners, but don't come to us with double standards. These are apples and apples. We disagree on a point here, but I think it's apples, apples.

Congresswoman Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

Mr. West, I am assuming that none of the six private companies that are conducting operations in the Andean region are members of the National Business Aviation Association.

Mr. WEST. I actually checked. First of all, the record of NBAA member companies throughout our 53-year history is that there is

no evidence of any member company ever being involved in drug trafficking.

Second, I looked into our membership——

Ms. SCHAKOWSKY. Not drug trafficking. You mean drug surveillance or drug trafficking.

Mr. WEST. Trafficking.

Ms. SCHAKOWSKY. Oh, you did mean trafficking.

Mr. WEST. I am not aware—we only have one member company in Peru, and it is an aviation services company. It is not a company that is involved with surveillance.

Ms. SCHAKOWSKY. OK. Did you check like DynCorps, any of the U.S. companies?

Mr. WEST. I would love to have a list of those six companies and check my membership list.

Ms. SCHAKOWSKY. Maybe you could provide us some information.

Mr. WEST. I would love to contact them if they are members.

Ms. SCHAKOWSKY. I also will say I have less confidence, although I am certainly wanting to look at the record of the shoot-downs. I am certain that there weren't any other American civilians that were shot down, but I think it would bear looking at some of the records to make sure that there were no other civilians that were mistakenly shot down. I just feel somewhat less confident that that's the case without scrutinizing some of the records.

Mr. Isacson, you seem to question the assertion that the policies that we've been employing in interdiction are successful, that this 17 percent reduction in production has resulted somehow in helping us in the United States or that—I just wonder if you would just expand a bit on the success of our missions in Central—in South America.

Mr. ISACSON. Sure. If you look, as in the last panel, we saw a bar graph showing the aggregate amount of coca bean growing decreasing since 1995. If you were to add the years 1988 or 1989 or so, you would see that it had went up during the first half of the 1990's, and it has just gone back to early 1990's levels. We've had no net reduction since the early 1990's. What reduction we have had is really due to the fact that less Americans are buying cocaine than were 8, 9, 10 years ago. The demand for crack especially has gone way down. That explains that.

What we have seen as a result of interdiction efforts, yes, it does certainly affect the way the drug trade gets carried out, but what we have instead is sort of a game of hopscotch where we have moved from Peru and Bolivia being the main producing countries to the Guaviare area in Central Colombia being the epicenter of coca growing and then to Putamayo Colombia after we started spraying in Guaviare.

Where are we going to go next? It's anybody's guess now that Plan Colombia has started. But chances are there are about—there are any number of places where the coca trade can move in the Amazon basin.

Ms. SCHAKOWSKY. How do you account for the drop in cocaine use if not this eradication program?

Mr. ISACSON. I am not really an expert on this. I am more of a foreign policy focus. But what I have been told and what I have read is a lot of it owes to the fact that, yes, the crack plague has

ebbed. There is no new wave of crack addicts on the level of what we saw in the late 1980's early 1990's. It's more of a shrift in user trends. Heroin has gone up somewhat, while coca has gone down. And, yes, education and treatment have had some effect.

Ms. SCHAKOWSKY. Do we have evidence that the coca growing is just moving around?

Mr. ISACSON. Certainly all you need to do is even look at the last chart in that they showed in the last panel showing by the three major coca-producing countries whereas as recently as 1995 most coca was grown in Peru, now most is grown in Colombia. Looking in Colombia you can see that it's moved within Colombia as well, yes.

Ms. SCHAKOWSKY. I wondered also if you could elaborate—I've been focusing on legislation on an increase on the contractor issue. I'm wondering if you could elaborate a little bit about your concerns about that.

Mr. ISACSON. My concerns mainly deal right now with accountability. I just don't know enough. There is no access to information. I can't even name those six companies in Colombia. I just got that number from an article in the Miami Herald. You can't tell what the companies are; you can't tell what missions they're carrying out. But that, of course, led the imagination to wander a bit. What could these guys be doing? How close are they getting to combat?

I would not have dreamed for that February incident in Caqueta that we have been involved in firefights or carrying M–16s as they were in Caqueta. Are they involved with units that violate human rights regularly? Are they involved with para militaries? There is any number of questions that we just cannot answer because we can't get even the most basic information about them right now.

Ms. SCHAKOWSKY. Thank you.

Mr. SOUDER. Congressman Burton.

Mr. BURTON. Thank you, Mr. Chairman. I just have two real quick questions.

First of all, I share your concern about lack of information, especially after having listened to that last panel. Let me start with you, Major Messing. You say that aerial interdiction should start again as soon as possible. Obviously, I guess it's because drugs are pouring in through the air during this hiatus. Is that the main reason?

Mr. MESSING. That's my impression. You have to keep concerted pressure on all four avenues of approach, so to speak. Right now, there is a void; and obviously they'll pick up on that and move product through.

Mr. BURTON. And I presume right now that the aerial surveillance has been curtailed around Colombia and Peru.

Mr. MESSING. That's my understanding. And the indigenous forces in the region, the Peruvians and the Colombians, don't have the complete capability to bridge that gap, so to speak.

Mr. BURTON. Mr. Isacson, did you mention that out at Maxwell Air Force Base there's a private contacting company operating this, involved in the——

Mr. ISACSON. Yes, I got that in from the few newspaper articles that have appeared since Saturday in major papers.

Mr. BURTON. Is that operating in Montgomery, AL?

Mr. ISACSON. Aviation Development Corp., yes, at Maxwell Air Force Base.

Mr. BURTON. I didn't see that article. Did it say that was—was that the contractor that was flying that surveillance plane down there when this plane was shot down?

Mr. ISACSON. According to this and a few other articles, yes.

Mr. BURTON. And it was a private contractor hired by the CIA?

Mr. ISACSON. According to this, yes. I have never heard of this company myself.

Mr. BURTON. We'll check into that further tomorrow.

Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Cummings.

Mr. CUMMINGS. First of all, I want to thank you gentlemen for being here. Did you all hear the testimony of the previous panel?

Mr. ISACSON. No, I didn't.

Mr. CUMMINGS. You heard it?

Mr. MESSING. Yes, sir.

Mr. CUMMINGS. Yes, sir.

Mr. MESSING. I did.

Mr. WEST. I got here late.

Mr. MESSING. I have been here since 1:30.

Mr. CUMMINGS. Was there anything that surprised you in any of that testimony?

Mr. MESSING. I share Congressman—Chairman Burton's concerns about a lack of centralized control. I think this is a problem in the drug war. I share the gentle Congresswoman's concerns with regard to contractors. I'm a right of center organization; and my colleague, who is a left of center organization, you know, he articulated quite accurately and correctly some of the problems that we're having with this contractor phenomenon.

I don't know if you're aware, Congresswoman, but Senator Byrd put a limit on contractors on the Senate side of 300. I was one of the architects that put the cap on the military because I was concerned about the military-industrial complex fueling this conflict. It's a 500 limit in Colombia for military and 300 for contractors. I think 300 for contractors is a little high. I've talked to the American Ambassador Patterson, who is an incredibly competent and skillful diplomat, with regard to my concerns.

I think that it's something that has to be examined. I think that any time you don't—as a Vietnam veteran and also a guy who was in Grenada and also in El Salvador as a reservist, I have to tell you that any time you don't explain to the American people in detail what the heck you're doing, you're making a major mistake. Any time you're trying to slip things under the carpet, like these contractors, you're making a major mistake.

One of the comments was, it's cheaper. Well, you don't "cheap" on something like this. Because this involves a major impact on our society, on our social, political, economic and security aspects of our society.

I have worked in homeless shelters as a volunteer for a year and a half twice a week. I have seen one-third of the people coming in there that have ruined their lives on drugs. I have held crack babies. I have gone on drug raids with the San Diego police, with the Fairfax police, the Los Vegas police. I have gone on drug raids with

the Colombian National Police. I have to tell you that at every level you have to have concerted pressure; and any time you take off a pressure point here or pressure point there, the drug dealers exploit it to the max.

This was a very unfortunate incident. It was unfortunate in four ways—innocent people, Americans, a beautiful family, and Christian missionaries. But, you know, we can't throw the baby out with the bath water with regard to policy. It has stopped—as the testimony you heard in the previous two panels, it stopped all kinds of tons of cocaine from coming up.

Now one of the reasons we've had a diminishing level of some cocaine use, as pointed out, is we've had increased methamphetamine production in our own United States. In addition, the Chinese are gearing up in a massive way to methamphetamine production. The Filipinos who I am in contact with, Filipino intelligence services, who, by the way, are one of the best—one of the top 10 intelligence services in the world, have indicated to me that methamphetamine production coming out of China is going to come in waves like we just don't have any idea. And methamphetamines will become drugs of choice in the 2000's.

Back in 1990 I predicted to the DEA that Mexican heroin and heroin would become drug of choice in the 1990's with a guy named Bruce Hazelwood. We wrote a report on it, which is on our Web site at www.NDCF.org. That report predicted heroin becoming the drug of choice in the latter part of the 1990's, which it did.

When I heard the DEA guy make his comments I sort of rolled my eyes, because they've always been consistently wrong about predicting trends. I don't know why that is. They get a lot of money. They should be able to predict it. But we're going to have a methamphetamine problem that's going to be out of this world here very shortly.

But getting back to the subject at hand, I don't want to see us wind up throwing out the baby with the bath water. I hope that this investigative committee winds up determining some of the problems that my colleague over here to my left, I might point out, pointed out with regard to some of the permeations and corruptions that have occurred with people that we supposedly are cooperating with. We better not be naive about this and think that everybody we work with is our friend. We better work with caution.

I hope that answers your question.

Mr. CUMMINGS. Thank you very much.

Ms. SCHAKOWSKY. I would just like to say, Major Messing, while I agree with much of what you said, including the drugs of choice changing, I think in some ways that—I would see that as proving my concern that if we're engaged in interdiction on cocaine then does that really—is that really going to end drug—substance abuse and drug addiction? That I think it underscores the need that we better deal with demand or we're just going to see the drug of choice keep changing and we're going to keep sending military personnel, over a million here and there around the world, that we have got to seriously address the demand problem.

Mr. MESSING. Well, ma'am, demand is important. It's like a juggler: You throw up two balls, one is demand and one is supply. As

a juggler, you got to have the same equal and consistent effort on both of them.

For instance, on the demand side, nobody has ever mentioned that the acreage that he's talking about, 900,000 acres of pristine jungle, the lungs of the world, and tens of millions of animals have been killed and the headwaters of the Amazon River have been polluted because of the craven requirements of people in our own country and other parts of the world that have been involved ingesting this illicit and stupid drug.

But the point is that demand side issues cannot get traction if there's an abundance, an overabundance, if you will, of product. So any time we can place pressure on pushing down product, like I said in my testimony, less product means less use, less use means less devastation. So that's why we have to constantly be pushing against the bad guys, so to speak.

Mr. SOUDER. Thank you very much.

I want to reiterate your last point, too. You can see from the air the precursor chemicals in the feeding streams into the Amazon, and you can see places where there are no birds at this point. We often don't hear that part of the debate.

Mr. MESSING. Greenhouse effect, pollution is phenomenal, because it's a slash-and-burn policy by drug dealers.

Mr. SOUDER. I also want to reiterate that the common story today is that none of us want to see any pilot, any missionaries, any Congressman, for that matter, shot down; and we want to make sure that if the policy is reinstituted that there are additional safeguards. We also don't want the people of Peru and Colombia to be shot down either.

This isn't just a question of innocent people from America. It has to be a worldwide phenomena.

I also want to point out that synthetic drugs clearly are a phenomena that Congress is seeing across the country. We're trying to deal with the methamphetamine and Ecstasy and other drugs. Hopefully, Congressman Cummings as well as myself at—the next international narcotics conference is next spring in Japan, and the focus is going to be methamphetamines and synthetic. Europe is facing it, and the United States and other countries as well.

The last thing I would like to do for the record is to insert an AP story that ran yesterday. A missionary says the United States should quickly resume drug surveillance flights suspended after his wife and adopted baby were killed in Peru when they were mistaken for drug smugglers and shot down. Jim Bowers, who survived unharmed when their small plane crash landed after being fired upon by a Peruvian war plane April 20th, said Monday he has expressed that view in a call to Secretary of State Colin Powell's office. To say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong. He said clearly they need to find out, but he believes it was an error.

Obviously, we're going to have an extended debate and reiterate again, regardless of where you stand on this issue, clearly the policy needs to be reviewed. We need to have this in public. We need to have the debate in public. But it is not clear-cut what the end answer should be.

With that, I thank the witnesses today. I thank all of our panelists. Look forward to our next hearing on the subject.

With that, the hearing stands adjourned.

[Whereupon, at 4:55 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

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Associated Press

BC-NC--Peru Crash-Survivor, 1st Ld-Writethru,670

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Missionary says drug surveillance should resume quickly
Eds: CORRECTS to Gloria sted Grace in the 10th graf; picks up the

11th graf: 'Bowers expressed...
AP Photo FLBK101
By BILL KACZOR=
Associated Press Writer=

PENSACOLA, Fla. (AP) _ A missionary says the United States should quickly resume drug surveillance flights suspended after his wife and adopted baby were killed in Peru when they were mistaken for drug smugglers and shot down.

Jim Bowers, who survived unharmed when their small plane crash landed after being fired upon by a Peruvian warplane April 20, said Monday he has expressed that view in a call to Secretary of State Colin Powell's office.

``To say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong,'' Bowers said at a news conference.

He said it should take investigators no more than a day to figure out the shooting was a simple error.

The Peruvian air force failed to contact a control tower that was in radio contact with the missionaries' float plane before shooting at it without first firing any warning shots, Bowers said.

``The main error in this whole thing is they were too quick to the trigger,'' he said. ``I don't hold anyone responsible. It was a mistake as though someone fell asleep at the wheel and ran into us in a vehicle.''

A U.S. Central Intelligence Agency aircraft had detected the missionaries' plane and notified the Peruvian air force. American officials say the surveillance crew, however, had advised it appeared, from the way the plane was flying, that it was not a drug smuggling flight.

Bowers, 38, of Muskegon, Mich., was in Pensacola for the funeral and burial Sunday of his wife, Veronica ``Roni'' Bowers, 35, and their 7-month-old daughter, Charity. He stayed with family in Wake County, N.C., immediately after the shooting.

The couple's 6-year-old son, Cory, also survived uninjured, but the plane's pilot, Kevin Donaldson, 41, of Morgantown, Pa., was wounded.

Bowers spoke to reporters at Marcus Pointe Baptist Church where the funeral service was held. His wife's parents, John and Gloria Luttig, of nearby Pace, are members of the church, which had helped support the couple's missionary work.

Bowers expressed his forgiveness to all involved at the funeral and during a memorial service Friday at his home church in Michigan. He said Monday he also hopes to talk personally with the Peruvian pilot who fired on their plane.

``I'm looking forward to that some day, but right now, I'm praying for him,'' Bowers said.

Although insisting he wasn't placing blame, Bowers said the pilot failed to give the missionaries a chance to land before he started shooting.

``I was assuming, because I've watched movies just like you all have, that there would be some kind of communication, they would come up next to us and let us know what they wanted,'' Bowers told reporters.

The air force plane swooped by a half-dozen times and begin firing only five or 10 minutes after the first pass, he said.

``Any decent air force pilot would give the other aircraft time to understand his intentions,'' Bowers said. '' I just thought this is way too soon for them to be shooting already.''

He said he saw a puff of smoke from the front of the warplane and told Donaldson he thought it was shooting at them just as the bullets began ripping through their aircraft. A single bullet instantly killed his wife and daughter.

Bowers said neither he nor anyone else from his family or church has been in contact with the baby's natural parents, but he said they knew she had been killed.

The couple's missionary work also has been supported by Calvary Church in Fruitport, Mich., and the Association of Baptists for World Evangelism, based in New Cumberland, Pa.

On the Net:

Association of Baptists for World Evangelism:
http://www.abwe.org/family/peru_tragedy.htm

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STORY TOP

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U.S. Customs
Office of Investigations/Air and Marine Interdiction Division
House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
QFR

Carefully Established Procedures

QUESTION: Can you describe the methods and procedures followed by the U.S. Customs Service before during and after an air interception? What precautions does Customs take to ensure that a particular aircraft being intercepted is, in fact, a drug smuggling aircraft?

ANSWER:

- Customs uses the Department of Defense and Federal Aviation Administration radar networks as well as Customs airborne early warning aircraft to initially detect an airborne target of interest (ATOI).
- Once an ATOI is detected, it is monitored by Customs, using the radar network, as databases are queried to determine its identification. These databases include the air traffic control systems as well as law enforcement databases.
- If an ATOI's identification cannot be determined from the databases or if the databases indicate the ATOI is suspicious, then Customs will direct an air interception of the ATOI to gather further data.
- These airborne interceptions are done with great care to prevent alarming the ATOI pilot. In many cases, the ATOI pilot may not know they have been intercepted.
- If the visual examination of the ATOI reveals further cause for suspicion, then an effort will begin to have the ATOI inspected once it lands.

U.S. Customs
Office of Investigations/Air and Marine Interdiction Division
House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
QFR

Resource and Mission Allocation

QUESTION: Members of the Committee have suggested that one possible solution to facilitate efficiency and accountability in air interdiction efforts would be to merge primary responsibility for air interdiction efforts into a single federal agency. Could the Customs Service serve as the lead agency for federal air interdiction efforts? If so, what resource would be required to facilitate that mission?

ANSWER:

- Customs could serve as the lead Federal air interdiction agency. However, Customs does not have the resources to exclusively carry out all Federal air interdiction mission responsibilities as currently outlined in the National Drug Control Strategy.

- In order to determine the appropriate level of resources required for Customs to be the single lead Federal agency for air interdiction, a comprehensive analysis of the current National air interdiction effort would be necessary.

AIR INTERDICTION HEARING QUESTIONS:

Office of National Drug Control Policy
(BOB BROWN)

Impacts of Suspending Air Interdiction

- What will happen in Peru and Colombia while the air interdiction programs in those respective countries are suspended? What effect will this have on the overall U.S. drug supply?

Policy Review

- Now that the air interdiction programs in Peru and Colombia have been suspended, how will the Executive Branch move to review the procedures of the program and decide when or whether the program will be reinstated? Do you have an approximate timeline?

- Are any information-gathering procedures still underway? What is ONDCP's role in ensuring interagency cooperation and harmonization of policies regarding intelligence sharing? Do all agencies that share information currently have similar procedures?

QUESTION FOR THE RECORD FROM CHAIRMAN SOUDER
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES
MAY 1, 2001

ISSUE: Impacts of Suspending Air Interdiction

QUESTION:

1. What will happen in Peru and Colombia while the air interdiction programs in those respective countries are suspended? What effect will this have on the overall U.S. drug supply?

ANSWER:

Even with the prudent suspension of air interdiction programs in Peru and Colombia, there remains a broad variety of ongoing law enforcement initiatives in these countries and the region. The Drug Enforcement Administration, the Department of State and the Department of Defense all continue to maintain counterdrug programs in these two countries.

Although it is possible that drug traffickers will seek to take advantage of reduced interdiction effort, a major increase in air traffic in the short term is unlikely. The situation in Peru has changed dramatically since the air interdiction programs were initiated in the middle of the last decade. In the mid-90's, Colombian traffickers and production facilities were heavily dependent on the Peruvian coca fields. Today, Peru's potential cocaine production is down 70 percent. The Colombian cocaine production facilities now look toward Southern Colombia for their coca leaf. With this significant indigenous capacity, it is unlikely traffickers will increase cocaine imports from Peru any time soon.

In Colombia, the trafficking situation is significantly different. There is a higher volume of flights which makes sorting drug flights from legitimate flights more difficult; shorter distances that make the time available to intercept flights once sorted more compressed; and a greater variance in trafficking modes provide Colombian traffickers considerable latitude if the internal air bridge is stressed. Thus, a suspension in air interdiction programs is not likely to make a significant short-term difference in the volume of drugs produced and trafficked in Colombia or that reach domestic markets in the U.S.

QUESTION FOR THE RECORD FROM CHAIRMAN SOUDER
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES
MAY 1, 2001

ISSUE: Policy Review

QUESTION:

1. Now that the air interdiction programs in Peru and Colombia have been suspended, how will the Executive Branch move to review the procedures of the program and decide when or whether the program will be reinstated? Do you have an approximate timeline?

ANSWER:

The Administration immediately suspended information sharing in support of air interdiction programs in Peru and Colombia on April 20, 2001, the same day as the tragic incident. A U.S. investigation team was commissioned on April 27, 2001. Our team began a joint investigation with the Government of Peru on all aspects of the incident on April 30th. That incident investigation is now nearing completion. It is anticipated that final interviews of the pilot and other survivors of the downed aircraft will be conducted by early June and that the joint report will be translated and available for public release by mid-June. Prior to this time, and upon finalization of the report finding, the Administration will conduct appropriate briefings with Congress on the outcome of the investigation.

A follow-on review of air interdiction policy and procedures in Colombia and Peru will also be initiated once the April 20th incident investigation has been finalized. Accordingly, Congress will also be consulted on the outcome of this review.

QUESTION FOR THE RECORD FROM CHAIRMAN SOUDER
HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES
MAY 1, 2001

QUESTION:

2. Are any information-gathering procedures still underway? What is ONDCP's role in insuring interagency cooperation and harmonization of policies regarding intelligence sharing? Do all agencies that share information currently have similar procedures?

ANSWER:

Although sharing drug trafficking information pertinent to air interdiction in Colombia and Peru has been suspended pending a review of procedures in those countries, other counterdrug information continues to be shared with them, and a broad array of information continues be shared with partner nations in other areas, particularly within the transit zone. These information sharing arrangements include British and Dutch naval vessels and aircraft acting in a detection and monitoring role and/or staffed with a Coast Guard Law Enforcement Detachment. For example, the United States has considerable counterdrug information sharing arrangements with the Government of Mexico. These involve maritime cooperation between the United States Coast Guard (USCG) and the Mexican Navy and cooperation against air smuggling between the United States Customs service and various Mexican law enforcement authorities. In addition, United States aircraft, accompanied by country representatives, operate from three Forward Operating Locations in Central and South America and regularly pass information to law enforcement entities in partner nations.

ONDCP provides the policy framework for interdiction by issuing and overseeing the *National Drug Control Strategy*- a document that specifically addresses the role of interdiction as an essential element of our balanced strategy. General interdiction priorities and assignments are covered in more detail in the classified annex to the *Strategy*. However, specific interdiction priorities are addressed by our United States Interdiction Coordinator (USIC) and detailed operational guidance and procedures are established and managed by the Defense Department through our Joint Interagency Task Forces in accordance with the National Interdiction Command and Control Plan. Information sharing procedures practiced by U.S. agencies are similar although not identical.

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