OVERSIGHT OF UNITED STATES COUNTERNARCOTICS ASSISTANCE TO COLOMBIA

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES

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OVERSIGHT OF UNITED STATES COUNTER-NARCOTICS ASSISTANCE TO COLOMBIA

FRIDAY, FEBRUARY 14, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:08 a.m., in room 2154, Rayburn House Office Building, Hon. J. Dennis Hastert (chairman of the subcommittee) presiding.

Present: Representatives Hastert, Schiff, Mica, Souder, LaTourette, Barr and Barrett.

Staff present: Robert Charles, staff director and chief counsel; Sean Littlefield, professional staff member; Ianthe Saylor, clerk; Ronald Stroman, minority professional staff; and Ellen Rayner, minority chief clerk.

Mr. HASTERT. The Subcommittee on National Security, International Affairs, and Criminal Justice will come to order.

First of all, I want to bid everyone good morning and thank you for coming today. This is the subcommittee's first hearing of the 105th Congress. This is also my first hearing as chairman of this subcommittee. I think we have our work cut out for us, especially what we are going to talk about today, the drug war, in this country, in our southern hemisphere, and, of course, in the world.

The drug usage rates of our young people clearly show the drug war must continue. Frankly, that is why we are here today.

I want to pause long enough to welcome all our new members and our returning members and to extend a special welcome to our ranking member, Mr. Tom Barrett. I look forward to working with Tom and developing a very, very fine relationship. I hope over the next 2 years in the many important oversight challenges we face that we can do it together on a bipartisan basis.

The title of today's hearing may lead one to believe that this hearing is only about Colombia. It is certainly about the heroic efforts of certain Colombians in the drug war, including General Serrano, General Bedoya and Prosecutor General Valdivieso; but it is also about the youth of America, our children, and, frankly, our future.

In the last 3 years, six homicides in Aurora, IL, the town of my birth and the town I represent, have been drug related. As recently as June, Claudia Remos and Juan Medina were killed and their bodies dumped on a road side. Six-year-old Nicholas Contreras was

shot and killed in his sleep in a drug-related crime. We must stop the effect of drugs in our country.

The overwhelming majority of the cocaine and heroin that leaves Colombia is headed straight to cities and towns like Aurora, IL; and the target population for the growing and diversifying drug cartels is mainly our youth. The international drug onslaught is the most insidious national security threat we face as a Nation. This is why it is so vital that we provide ample counternarcotic support to the brave and honest men and women who work hard in the drug war in this country and in Colombia. Those individuals are fighting not only for Colombia's survival but also for ours.

The timing of this hearing, just weeks prior to the annual recertification decision by the President, is not a coincidence. I am concerned that last year's decision to decertify Colombia impeded foreign military sales to Colombia. If the President decides to decertify Colombia for the second year in a row, I am at least hopeful that he will present Congress with the legislation that will allow the military sales for the limited purpose of counternarcotic missions.

I also plan to work with the Department of State and the Committee on International Relations to find a way to expedite the transfer of these tools that are needed to fight this war. Every day that a DC–3 or a Huey or Black Hawk helicopter is not flying, more drugs reach our streets. We cannot afford to have any more delays in the transport of equipment or spare parts in our counternarcotics support for Colombia.

International drug trafficking organizations based in Colombia are the world's leading producers of cocaine. Colombian traffickers also continue to supply marijuana to the United States, and recent indications are that Colombian drug trafficking organizations are making quantum leaps in the production and trafficking of heroin.

Colombia is engaged in a drug war, and its outcome affects all Americans. Some of the bravest men and women in the world are entangled in a war against the narcotraffickers and the guerillas that support them.

There should be no mistake. The guerillas of Colombia long ago abandoned ideology. They work with the international drug traffickers—providing security, cultivating crops and manning cocaine labs. The guerillas engage in some of the most ruthless behavior in our hemisphere. They kidnap, they kill, and they sustain their carnage with drug money provided by American consumers, most of them kids.

Today's hearing will focus on what the United States can and should do to generally support the counternarcotics efforts in Colombia to stop these deadly drugs and violent drug traffickers before they get to the United States shores.

Let's lay it on the line. There can be no doubt that Colombia's political and judicial systems are confronting corruption. Sentences for drug traffickers need to be strengthened, and a re-examination of money laundering and extradition needs to take place now.

However, honest Colombian Government officials like General Bedoya and General Serrano should be applauded and certainly fully supported. How can we ask honest Colombians like these men to continue putting their lives on the line every day without basic

United States support for the international drug effort? The truth is that such support is both good government and cost-effective to us at home in the United States.

Before proceeding with our first witness, I am pleased to turn to my colleague, the subcommittee's ranking minority member, Tom Barrett of Wisconsin, for any opening remarks he might have.

Mr. BARRETT. Thank you, Mr. Chairman, and congratulations on heading this subcommittee. I am looking forward to working with you, and I am very optimistic that we will be able to work closely on a lot of these issues which are basically nonpartisan in nature. I think that this committee plays an important role; and, as evidenced by the hearing today, this is a committee that will look into issues that have tremendous importance to our country.

The issue of drug trafficking in America is clearly one of the most serious issues we face as a Nation; and, as the father of three young children, I share with you the concern of easy access of drugs to American youth and will do everything I can to make sure we have the tools necessary to combat drug use both internationally and domestically.

The cost to our society of illegal drug use is staggering. Substance abuse and addiction cost is now estimated at $400 billion a year. Two million Americans use cocaine at least once a week, and 500,000 are addicted to crack cocaine.

Colombia has a close relationship to this problem, because the threat to the United States from Colombia is significant. Eighty percent of the cocaine available in the United States is produced in Colombia, and 60 percent of the heroin being seized in the United States can be traced to Colombia.

This is a timely hearing since the administration will be making many important decisions in the future, including the very important issue of whether to continue decertification of Colombia. I am very excited and very interested to hear from our witnesses today because I think this issue of how we deal with a foreign government and how we deal with the drug problem in another country is a very thorny issue; and I think all of us agree that we, as a country, have to do everything we can to stop the drug trafficking from Colombia and other countries but also make sure we are doing it in a prudent way.

So I look forward to this hearing and turn it back over to you.

Mr. HASTERT. At this time I would ask, without objection, that all opening statements be submitted for the record. Any objection? So ordered.

I would like now to welcome Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Ambassador Gelbard. Ambassador Gelbard has been involved in our foreign relations with Latin America since his service with the Peace Corps. In addition to his assignments to European and African issues, Ambassador Gelbard served as Ambassador to Bolivia from 1988 to 1991, and most recently is the Principal Deputy Assistant Secretary of State for Inter-American affairs. I think probably when you find a tough place to deal with, Ambassador Galbard tends to be there; and it shows the great confidence our administration has in him.

Ambassador, we are pleased to have you here. If you would stand and raise your right hand, the committee's rules require me to swear you in.

[Witness sworn.]

Let the record show the witness responded in the affirmative. Thank you.

Please proceed with your opening statement. I assume you have an oral statement. Anything else will be submitted for the record.

STATEMENT OF ROBERT S. GELBARD, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, DEPARTMENT OF STATE

Mr. GELBARD. Thank you, Mr. Chairman.

Please let me also congratulate you on your chairmanship. I think it is worth stating that, thanks to your efforts, in addition to some others, the budget for my bureau dedicated to counternarcotics and anti-crime measures throughout the world was substantially increased for this fiscal year; and I appreciated your efforts very much, sir.

As you said, sir, I do have a written statement that I would like to submit for the record. I am pleased to have this opportunity to discuss with you the United States counternarcotics policy toward Colombia.

President Clinton denied certification to Colombia last year because the efforts of Colombia's honest officials were being undermined by corruption at the highest levels of the Colombian Congress and Government. Our challenge was to maintain pressure on a president we believe to have been influenced and even corrupted by traffickers, while also supporting constructive Colombian antidrug efforts.

The strategy has produced progress on some of our key objectives over the last 12 months. We have maintained support for essential counternarcotics programs and institutions in Colombia. In fact, from fiscal year 1996 to fiscal year 1997, we have doubled our assistance, most of which is destined for the Colombian national police.

At the same time, we pressed the government to take specific policy and legislative actions to strengthen the law enforcement and judicial sectors. These include strengthening money laundering laws and enacting tough asset forfeiture and sentencing laws; extradition of Colombian nationals wanted for crimes abroad; supporting investigations and prosecutions targeting corrupt public officials; stepping up coca eradication and opium eradication; agreeing on a bilateral maritime agreement; continuing law enforcement and judicial action against traffickers, along with their prosecution, conviction and sentencing to prison terms commensurate with their crimes; dismantling of their organizations; and forfeiture of their front companies and ill-gotten proceeds.

These objectives should not have come as a surprise to the Colombian Government. In 1994, shortly after his election, President Samper promised to increase the penalties for drug traffickers, remove plea bargaining loopholes and send the political cronies of the cartels to jail. In fact, he put these promises as well as many others in a letter he sent to Members of the U.S. Congress.

Instead of following through, however, Samper publicly attacked the Prosecutor General's Office for its far-reaching investigation of political corruption known as the "Case 8,000." An investigation in which he himself was implicated as well as other top administration and congressional figures. Despite credible evidence that his political campaign had accepted more than $6 million in drug money, President Samper was exonerated by the Colombian Congress through a patently flawed process.

From our standpoint, however, the evidence that Samper aided and abetted drug traffickers was sufficient to warrant the revocation of his visa last year. The denial of certification, international pressure and the threat of economic sanctions has produced some progress on key legislation, a maritime agreement this year and expanded the eradication program.

The Government of Colombia has failed, however, to follow through on promised counternarcotics action or to confront fully the drug interests that contributed millions of dollars to President Samper's campaign. In concrete terms, the Colombian Government effectively ignored United States warnings that the Cali kingpins continued to run their operations from prison.

In late January, a few weeks ago, top drug lords Gilberto and Miguel Rodriguez Orejuela were sentenced to absurdly short prison terms, accompanied by ridiculously small fines. Given the mandatory sentence reductions under existing Colombian sentencing guidelines, these international criminals could ultimately serve only 4 or 5 more years apiece in prison.

If President Samper had acted promptly on his own 1994 commitments that he put in writing to this Congress, these sentences might have reflected the seriousness of their crimes. In stark contrast to the Colombian sentences, a United States Federal judge on January 31st of this year sentenced Mexican drug lord Juan Garcia Abrego, a long-time associate of the Rodriguez Orejuelas, to 11 life terms, a fine of $128 million and forfeited assets worth $350 million. Interesting contrast.

Despite the obvious inadequacy of Colombia's law, the Samper administration has made so serious an effort to reinstate the case for reinstatement of extradition or to launch a constitutional reform initiative.

We will hold the Government of Colombia to the promise its new Ambassador just made to President Clinton when he presented his credentials that the government will introduce such a bill next month. Meanwhile, our request for four top Cali traffickers have gone unanswered, and we have learned that the government has never filed them in the Colombian Supreme Court as promised.

The asset forfeiture law passed in December is a good one. However, the legislation must stand a review of the constitutional court, a test which some Colombians observers believe the law was designed to fail. Moreover, the first attempt at implementation of the law failed when the hold on assets placed in the names of the family and friends of the Rodriguez Orejuela brothers was lifted at the time of their sentencing.

We can only judge the Colombian Government by its concrete actions. As recently as late last year, while the investigation and trial of the Cali kingpins was under way, Samper and Interior Minister

Serpa were actively pursuing negotiations with the Cali mafia kingpins, which clearly would have undermined the efforts of the Colombian police and the Prosecutor General's Office. This revelation was merely another reminder that President Samper's commitment to take on the top traffickers must be evaluated on the basis of specific results rather than on stated intentions.

While failing to address certain issues, the Samper administration sought to recover international legitimacy by improving cooperation on other fronts, including its agreement to the United States-funded expansion of the coca crop eradication and its initialing, several weeks ago, of a maritime interdiction agreement.

Private sector leaders have begun to press the government to pass key legislation, and Colombian industry has sought more direct cooperation with the United States to counter the drug trade. The Colombia Flower Growers Association has taken a particularly courageous stand in favor of the asset forfeiture law and extradition.

Unprecedented application by the President of the International Emergency Economic Powers Act against the Cali mafia front companies also stimulated the private sector, and particularly the private bankers association, to implement tighter voluntary controls over its members.

At the operational level, our counternarcotics cooperation with the Colombian national police and its leader, General Serrano, the Prosecutor General's Office and the elements of the armed forces remain very good. In the past year, we doubled our assistance to Colombia from $22.6 million to some $44 million this fiscal year to support interdiction law enforcement and eradication operations. Part of this increase will be devoted to purchasing nonlethal military equipment and spare parts.

We also have dramatically increased our aviation support to the Colombian national police, including the provision of 12 additional helicopters and the use of additional spray and support aircraft. We will soon deploy five upgraded spray aircraft worth $84 million by the end of next month and 12 more UH–1H helicopters associated with the President's 506(a)(2) drawdown package. We have also allocated for the first time funds to support the army and the rest of the armed forces in counternarcotics efforts.

Combined police-military interdiction efforts in 1996 focused on denying drug cultivators and processors the chemicals used to process cocaine. This effort produced a substantial increase in precursor chemical seizures and in the number of laboratories destroyed. At the same time, the shift in focus of interdiction operations and the devotion of more resources to the eradication program resulted in a significant drop in the seizure of drug trafficking aircraft, cocaine, and heroin as compared to 1995.

We have worked more closely than ever with the Colombian police to carry out a much-enhanced aerial eradication program. Our expanded aerial eradication program in 1996 presented significant challenges which the Colombian police have accepted without hesitation. The military also rose to this challenge, increasing their support to the police eradication effort.

However, despite the clear commitment of the Colombian police to the eradication program, the Colombian Government has strong-

ly opposed the testing of safe granular herbicides, such as hexazanone, which we know to be significantly more effective in killing coca than the current herbicides being used.

Colombia's coca crop expanded by over 30 percent last year. This is in contrast to Peru, where there was an 18 percent decrease. It expanded from almost 51,000 hectares to over 67,000 hectares, in spite of our efforts to expand the eradication program and make it more effective. Cultivation increased by 13 percent between 1994 and 1995 and has also tripled since 1987.

Colombia now provides 32 percent of all coca produced in the world. This continued expansion points to one of the greatest challenges Colombia and we together face in stamping out the drug trade.

The crop has been steadily expanding since 1987, and we must recognize the decisive role played by some of Colombia's insurgent guerilla groups. They identified an economic opportunity—the insatiable desire of drug traffickers for a reliable source of cocaine products—and carved out a significant portion of that market for themselves.

The increased self-sufficiency of Colombia's drug industry has significant implications for our efforts to eliminate this scourge. Those guerilla fronts engaged in the industry now have a proven source of income and a vested interest in expanding and protecting the trade. These guerilla fronts constitute a real threat to Colombian anti-drug forces deployed to eradicate fields and the American personnel who support them, including, sadly, the loss of one American life late last year.

In this environment, Colombian counternarcotics cooperation and the government's clear support of its own police and military, prosecutors, judges, and other government officials on the front line of this struggle are more important than ever. We have implemented a strategy that is producing some progress on key legislation, and that has galvanized the private sector in taking a more active role in pressing for action. We have seen results clearly from decertification last year.

We must continue to provide a high level of direct support, assistance and encouragement to those in Colombia dedicated to ending this drug scourge and the corruption it has engendered. Above all, we must continue to make clear to the Colombian Government that the American people expect concrete results.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Gelbard follows:]

STATEMENT
TO THE
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS,
AND CRIMINAL JUSTICE
OF THE
HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
BY

Robert S. Gelbard
Assistant Secretary of State for
International Narcotics and Law Enforcement Affairs
February 14, 1997

Good morning, Mr. Chairman and distinguished members of the Subcommittee. I am pleased to have the opportunity today to discuss with you U.S. counternarcotics policy toward Colombia. Before I begin my remarks today, however, I would like to thank the Subcommittee for its strong backing of the Administration's counternarcotics programs. In particular, Chairman Hastert, your support helped ensure that the International Narcotics Control budget would be sufficient to carry out critical anti-drug and crime initiatives throughout the world, top among which are our programs in the major cocaine and opium source countries.

President Clinton denied certification to Colombia March 1, 1996, because the efforts of Colombia's honest police, military, prosecutors and government officials were being undermined by corruption at the highest levels of the Colombian government and congress. The challenge we confronted was to find a way to maintain pressure on a president we believe to be influenced by traffickers, while also supporting constructive Colombian anti-drug efforts. I believe that our strategy has produced results, and we have balanced our rejection of corruption in the Samper

Administration with increased support directly to the Colombian institutions that are combatting the drug scourge. To deny honest Colombian police, judicial and military officials desperately-needed resources and technical assistance would have demoralized and left them vulnerable and ill-equipped to confront drug traffickers and corrupt politicians. We would have handed some of the world's leading criminals a victory by default.

Our strategy to meet that challenge over the past year has been to maintain support for essential counternarcotics programs and institutions in Colombia; in fact, from 1996 to 1997, we have almost doubled our assistance program for the Colombian National Police (CNP) and elements of the justice sector. At the same time, we pressed the government to take specific policy and legislative actions that would strengthen the hand of the law enforcement and judicial sectors. Our objectives included the enactment and implementation of tough asset forfeiture and sentencing laws; the strengthening of Colombia's inadequate 1995 money laundering statute; reconsideration of Colombia's policy of not extraditing its nationals; support for investigations and prosecutions targetting corrupt public officials; stepped-up eradication of coca fields; and the signing of a bilateral maritime agreement. We also sought continued law enforcement and judicial action against traffickers; their prosecution, conviction, and sentencing to prison terms commensurate

with their crimes; the dismantling of their organizations; and the forfeiture of their front companies and ill-gotten proceeds.

This list did not come as a surprise to the Samper Government. In fact, in July 1994, he promised, in a letter sent to many of the members of both this House and the Senate, to undertake many of these same initiatives immediately upon taking office. He said he would "accelerate the reform of Colombia's penal code, increasing the penalties for drug traffickers and removing the loopholes in our plea-bargaining system." He committed as well to send to the Colombian Congress stringent anti-corruption legislation and strengthened laws against money laundering. Finally, President Samper promised to "track down corruption and send the political cronies of the cartels to jail." Rather than supporting anti-corruption efforts, however, Samper publicly attacked the Prosecutor General's office for its far-reaching investigation of political corruption known as the "Case 8,000," which implicated Samper and members of his administration as well as many legislators. Despite credible evidence that his political campaign had accepted drug money, President Samper was exonerated by the Colombian Congress through a patently flawed process that lacked transparency.

Progress on some of the legislation, the maritime agreement, and expanded eradication efforts has been made. We believe this progress was largely due to the denial of

certification, international and Colombian private sector pressure, and the inherent threat of economic sanctions. But the Government of Colombia has failed, in our view, to follow through on promised counternarcotics action, or to take concrete steps to demonstrate its commitment to confronting fully the drug interests that contributed millions of dollars to President Samper's electoral campaign. To the contrary, he did not follow through on key items on the agenda, such as extradition of nationals or strengthened sentencing legislation. Additionally, the evidence that President Samper has aided and abetted drug traffickers was sufficient to warrant the revocation of his U.S. tourist visa last year.

In concrete terms, the government took no action in response to U.S. warnings that the Cali kingpins continue to run their operations from prison. In late January 1997, top drug lords Gilberto and Miguel Rodriguez Orejuela were sentenced to only 10.5 and 9 years in prison, respectively, for their conviction on drug trafficking and illicit enrichment charges, and together were fined just over 12 million dollars. The sentences imposed reflect a reduction by one half of the original gross sentences. These mandatory reductions, and others for which they will be eligible under existing Colombian sentencing guidelines -- guidelines developed in a process influenced by the Cali drug traffickers -- could ultimately reduce their remaining prison terms to four or five more years apiece.

If President Samper had acted promptly on his 1994 promise to revamp Colombia's sentencing laws, these sentences might have been more commensurate with the seriousness of their crimes. Draft legislation to toughen sentences for drug trafficking and to combat money laundering were not introduced by the government until mid-1996, and were only addressed by congress late last year. The Colombian congress convened an extraordinary session this week to consider this key legislation. Despite the government's protestations that new sentencing laws could not have been applied to these men, the prosecutors who managed the cases have stated publicly that the Rodriguez Orejuelas were convicted for offenses which they committed up until mid-1995, and that a tougher sentencing law, passed in 1994 or early 1995, could have been applied to those crimes. In stark contrast to the Colombian sentences, a U.S. federal judge sentenced Mexican drug lord Juan Garcia Abrego -- a long-time associate of the Rodriguez Orejuelas -- to 11 life terms and a fine of 128 million dollars on January 31, 1997, on charges of trafficking some 15 tons of cocaine and of money laundering.

The Samper Administration took no concrete action to reexamine extradition of these traffickers, despite the inadequacy of Colombia's laws to deal with their criminal enterprise. Other sectors of Colombian public opinion have begun to openly discuss the need for extradition. In fact,

Colombia's Constitutional Court is considering the issue of whether Colombian nationals could be extradited pursuant to existing international treaties, despite Colombia's 1991 constitutional prohibition on the extradition of its nationals. The Samper Administration, however, made no serious effort to press the case for reinstatement of extradition, or to launch a constitutional reform initiative in 1996. We will hold the Government of Colombia to the promise made by Ambassador Esguerra to President Clinton, just this past Tuesday, that the Samper Administration will introduce such a bill in March. Meanwhile, our formal requests for the extradition of the Rodriguez Orejuela brothers, Helmer "Pacho" Herrera Buitrago, and Juan Carlos Ramirez Abadia not only have gone unanswered, but have never formally been presented to the Colombian Supreme Court.

Asset forfeiture legislation, for which President Samper lobbied near the end of the 1996 congressional session, passed December 19, 1996. The law, as approved by the legislature, is a good one and could prove to be a very significant development. Before we can evaluate the government's commitment to implement it, however, the legislation must stand the review of the Constitutional Court -- a test which some Colombian observers believe the law was designed to fail. Let me note in passing, however, that the first attempts at implementation of the law have failed utterly. For example, the hold on assets placed in the names

of family and friends of the Rodriguez Orejuela brothers was lifted at the time of their sentencings, and these assets are now available to them once more.

While we continue to hope for the best, we can only judge the Colombian government by its concrete actions. As recently as late 1996, while the investigation and trial of the Cali kingpins was well underway, Samper and Interior Minister Serpa were actively pursuing negotiations with the Cali mafia kingpins that would have undermined the efforts of the police and Prosecutor General's office. This revelation was merely another reminder that Samper's commitment to take on the top traffickers must be evaluated on the basis of specific results, rather than stated intentions.

While some critical issues were not addressed, the Samper Administration sought to recover some measure of international legitimacy by improving its cooperation on a number of other issues on the agenda. In late 1996, the government agreed to a USG-funded enhancement of the coca crop eradication program. It also agreed to expedited shipboarding procedures in November 1996 and initialed, in early 1997, a maritime agreement to interdict illicit cargo at sea which will be signed by our governments soon. Leading segments of the private sector began to mobilize in order to press the government to pass key legislation, and Colombian industries have sought more direct cooperation with

the U.S. to coordinate an approach toward countering the drug trade. Notable among private sector organizations is the Colombian Flower Growers Association, which has taken a courageous public stand in favor of the asset forfeiture law and extradition. Application in late 1995 of the International Emergency Economic Powers Act (IEEPA) against Cali mafia front companies propelled the Colombian banking sector to take steps to implement tighter, voluntary controls over their own industry, recognizing the potentially devastating implications for Colombia should key banks lose their access to the U.S. banking system.

At the operational level, our counternarcotics cooperation with the Colombian National Police (CNP), the Prosecutor General's Office and the elements of the armed forces remains good. As I noted earlier, we have substantially increased our assistance to the CNP in the past year. We have doubled our assistance, from 22.6 million dollars in program and aviation assistance last year to some 44 million dollars in 1997, most of which supports the eradication and interdiction operations of the Anti-Narcotics Police. Part of this increase will be devoted to purchasing non-lethal, military-issue equipment and spare parts which previously have been funded with counternarcotics Foreign Military Financing monies, inaccessible now due to the denial of certification. We also have dramatically increased our aviation support to the CNP, including the no-cost lease of

12 additional UH-1H helicopters and deployment of additional INL support helicopters, valued at over 20 million dollars. We will be deploying upgraded spray aircraft -- five OV-10 Bronco aircraft -- this spring, and should deliver 12 more UH-1H helicopters associated with the President's 506(a)(2) drawdown package in four to six months. INL obtained a number of Bronco aircraft and is refurbishing them as spray planes with the capability to conduct reconnaissance. A twin-engine aircraft with much greater range than the current spray platforms, the Bronco should help the CNP reach growing areas beyond range of the current fleet.

Much of the combined police-military interdiction efforts in 1996 focused on denying drug cultivators and traffickers the solvents and chemicals necessary to process refined cocaine HCl. This effort produced a substantial increase in precursor chemical seizures, and in the number of labs destroyed. In an operation earlier this year, the Anti-Narcotics Police and army netted a massive laboratory in the coca growing region capable of turning out more than a ton of cocaine per day. At the same time, the shift in focus of interdiction operations, and the devotion of increased resources to the eradication program, resulted in a drop in the seizures of drug trafficking aircraft, cocaine, and heroin products as compared to 1995.

We have worked more closely than ever with the CNP to carry out a much-enhanced aerial eradication program. Our

efforts to rapidly expand the program in late 1996 presented significant challenges -- including meeting expanding infrastructure, logistical support and security requirements -- which the CNP has accepted without hesitation. The military also rose to this challenge, increasing its support to the police eradication operation and allowing the CNP to live and operate out of a number of its facilities in the coca-growing region. Despite the demonstrated commitment of the CNP to the eradication program, the Colombian government, has strongly opposed the testing of the safe granular herbicides which we know to be more effective in killing coca than the liquid herbicides currently being used.

The Colombian coca crop expanded by over 30 percent last year, from almost 51,000 hectares to over 67,000 hectares, despite our joint efforts to expand the aerial eradication program and make it more effective. Coca cultivation increased by 13 percent between 1994 and 1995, and has almost tripled since 1987. This continued expansion of Colombia's coca crop points to one of the greatest challenges Colombians and we face in stamping out the drug trade.

There are a number of factors driving this expansion. Law enforcement and interdiction pressure in Peru helped produce an impressive 18 percent reduction in the Peruvian coca crop last year. The shrinking Peruvian supply of cocaine products likely is part of the explanation behind the

dramatic increase in Colombia's crop in 1996. Stepped-up spray operations also were probably a factor, as coca growers extended new planting into areas beyond the current reach of the spray aircraft.

The crop has been steadily expanding since 1987, however, and we must recognize the decisive role played by some elements of Colombia's insurgent groups in identifying an economic opportunity -- the insatiable desire of the traffickers for a reliable source of cocaine products -- and deciding to carve out a significant portion of that market for themselves. This dynamic, which implies increased self-sufficiency for the Colombian drug industry, has significant implications for our efforts to eliminate this scourge. Those guerrilla fronts engaged in the drug industry now have a proven source of income, and a vested interest in expanding and protecting the trade. In the regions of the country where they are cultivating massive coca fields and protecting laboratories -- areas where the Colombian government often has no consistent presence or control -- these guerrilla fronts constitute a very real threat to Colombian anti-drug forces deployed to eradicate fields, and the American personnel who support them.

In this environment, counternarcotics cooperation from Colombia's government, and that government's clear support of the efforts of its own police and military, prosecutors,

judges and other government officials on the front lines of this struggle, are more important than ever. We have implemented a strategy that is producing some progress on key legislation, and that has galvanized the private sector to take a more active role in pressing its own government to fight the drug trade. We must continue to provide a high level of direct support, assistance and encouragement to those in Colombia dedicated to ending the drug scourge and the corruption it has engendered. And most importantly, we must continue to make clear to the Colombian government that the American people expect concrete results.

Mr. HASTERT. Thank you very much for your testimony. I think we understand very clearly why the administration used the tool of decertification to try to move the Government of Colombia into areas that they seem to lack and should be improved upon, but after President Clinton announced Colombia's decertification on March 1, 1996, it seems to me that there was a lack of the State Department's perception of what effect decertification would have on assistance programs. As a matter of fact, the State Department did not announce their decision that only foreign military financing was prohibited and that foreign military sales were not, which involved some of the spray planes and the helicopters and some of the things that were necessary to make those, that equipment fly.

From March until September, the State Department prevented all assistance from reaching Colombia, and only in September did the State Department announce that FMF, or financing, and not sales assistance was blocked by decertification. Can you help us or enlighten us as to why that decision to decertify was taken when no one seems to have understood, basically, the ramifications, at least in the movement of equipment, to General Serrano and others that needed that equipment after decertification?

Mr. GELBARD. The President made the decision to decertify Colombia because there was a clear unwillingness on the part of the Government of Colombia to cooperate with the United States in counternarcotics efforts. All indicators were very clear in their failure to comply with the commitments that Samper himself had made, as I mentioned earlier, to the Congress of the United States, in an unsolicited letter he sent in July 1994.

Just running through the various commitments he gave made it very clear they did not comply. So it was a clear-cut decision that the President made. It was a difficult decision because it was the first time a President of the United States had ever decided to decertify a democratic government, but it was based on the unanimous recommendations of the President's relevant Cabinet members to him.

The decision to decertify did not in any way affect the support provided to the police. It did not in any way affect that support, I want to be very clear. Nor did it affect this provision, the provision of spray planes, for example, which are flown by the Colombian police. Now, because the spray program was stalling, we have provided, with the agreement of the Colombian Government, American pilots to spray and to train, while they are spraying, Colombian pilots in what is a very difficult endeavor.

However, the clear-cut interpretation of the law, the Foreign Assistance Act, was that under decertification it was not possible to provide military assistance to the Colombian armed forces under FMF and FMS. We supported efforts in the Congress to change that law last year, and unfortunately, the Congress was unable to vote in favor of that change. We continue to support a change in that law so that we could provide FMF and FMS assistance to the Colombian armed forces.

Nevertheless, what I am doing in this fiscal year, as I mentioned in my testimony, is for the first time providing funding to the Colombian military from my own budget; and we have in our Congressional presentation for fiscal year 1997 budgeted $5 million to

support their counternarcotics efforts out of the $44 million that is currently in the budget.

Mr. HASTERT. Well, let's just try to clear some things up here.

As you well know, I was in Colombia last year, last spring, and met with the Ambassador and tried in a limited period of time to see what the operation was, and I had a meeting with General Serrano and others. It seems to me that was the time, right after that decision was made, early April, the decision was made in March, the decertification decision, due to the judgment of the State Department lawyers, and others did delay critical counternarcotics aid under FMS. Is that right or not?

Mr. GELBARD. It wasn't just State Department lawyers, it was Pentagon lawyers and Department of Justice lawyers; and with all due respect to the lawyers on the committee—I am not one—I too was quite frustrated by the lack of movement and decision on this. But as a result, we did support the desire to change the law. As I say, we were quite frustrated by the inability to do so.

Mr. HASTERT. So there was a delay in the movement of the equipment.

Mr. GELBARD. To the military, not to the police.

Mr. HASTERT. The police—well, let's work on it. We will hear testimony later and certainly try to clear that up.

Also, in your opinion, the police—General Serrano was complying, and he happens to be the lead commander in beating back the narcotics traffickers in my opinion and I think many other opinions. Do you feel he had all the assistance he needed?

Mr. GELBARD. We have strongly supported General Serrano, whom I have known for all the time he has been in his job, even before he was promoted to this position. I strongly supported his being named to this position and urged the Government of Colombia to appoint him. We have worked very closely with him to try to provide everything we could. Unfortunately, the Government of Colombia itself has significantly reduced the budget of the military and the budget of the police, so they have decreased their support to these entities.

Mr. HASTERT. Well, I think it is our purpose here to certainly try to work together, and we are not trying to find any indictments of the past. We are trying to find how we can work through this thing in the future.

As you well know, and in my opening statement, not giving these people the tools to do the job means there are more drugs and more death in our districts here in the United States, and certainly we want to find that solution and that answer. It is encouraging in your testimony hearing you say that you are suggesting and advising an increase in that budget; is that correct?

Mr. GELBARD. It is more than suggesting and advising. We have targeted $44 million of support to Colombia to the military and police in this fiscal year, and that was what was provided to the Congress in our congressional presentation for——

Mr. HASTERT. For this coming fiscal year.

Mr. GELBARD. Yes, sir.

Mr. HASTERT. I will yield my time to the gentleman from Wisconsin.

Mr. BARRETT. Thank you, Mr. Chairman.

Ambassador Gelbard, you stated your frustration with the delays in getting assistance to the military. I look at something that happened under the first decertification process. If Colombia is decertified again, will we face a similar problem, or was that the result of a first-time decertification?

Mr. GELBARD. We are working and would like to work with this Congress to work together in a very cooperative way to effect the kinds of changes that I mentioned earlier to permit the transfer of such equipment in FMF and FMS cases.

Mr. BARRETT. So the decertification measure still provides barriers to you in what you think you should be doing.

Mr. GELBARD. Yes, sir. Let me just say, the legislation which would have amended the law was defeated in the final days of the last Congress, so that's why we are not able to move the equipment under those cases.

Mr. BARRETT. Specifically what would that legislation do?

Mr. GELBARD. That would provide waiver authority so that the administration would have the authority to approve such cases.

Mr. BARRETT. I assume there will be some who would argue that, lacking that authority, we should not decertify. What are the benefits of decertification even without the ability to move that military?

Mr. GELBARD. As I alluded to earlier, it is crystal clear, very sadly, that the Colombian Government under President Samper took very little action from the time he was sworn in on August 7, 1994, until March 1, 1996, when they were decertified.

We have seen significant efforts in the last year to make progress, both right before the decertification decision and, oddly enough, in the last few weeks. The maritime interdiction agreement was just initialled a few weeks ago. The asset forfeiture agreement was just approved in late December, and there will be a special session of the Colombian Congress opening up next week to consider, finally, a much harsher sentencing law. This is clearly because of their concerns about possible decertification again. It's a sad story that there's only a positive response under threat or when there is actually decertification, but we have seen in the face of this corruption that that is the only thing that has produced results from the government itself.

Mr. BARRETT. My sense, from the questioning of the chairman and others, on this issue is that the transport of military equipment is the issue here. Is that correct or are there more issues underlying the issue of decertification?

Mr. GELBARD. That has not been—that has been an adverse consequence of decertification.

The other adverse consequences are that under the law there is a prohibition of the use of OPIC and Eximbank financing to countries that are decertified. We obviously don't like that because that hurts American companies. It hurts their competitiveness overseas. But in terms of all the rest of the consequences of decertification, we feel it has proved helpful, sadly.

Mr. BARRETT. OK. Again, if we were to put together the perfect policy for you so as to provide you with the best tools for fighting drugs in Colombia, would that entail—and I assume from your comments that at a minimum the administration is leading toward

decertification again—but would decertification plus a change in the law, would that, do you think, make this a more effective battle?

Mr. GELBARD. This has been, in fact, a relatively small part of the total amount of assistance provided to Colombia, so overall we don't feel that it's had an overwhelming effect.

One important positive element that I should mention is that General Bedoya is now willing to dedicate Army units just to programs involving counternarcotics. That was not the case before in the Colombian military with his predecessors. One of the restrictions we have had in my own budget has been that our assistance has to go 100 percent for counternarcotics, it can't go for multiple purposes.

General Bedoya and I discussed this just last night, and on the basis of this, we already, as I said, had budgeted $5 million in assistance for the Colombian military outside of the FMF, FMS issue. So we can provide assistance to them that way.

Mr. BARRETT. If you again could just go over the level of assistance and the changes, that would be helpful to me.

Mr. GELBARD. This fiscal year we are increasing commodities to the Colombian police—aircraft parts, tools, avionics, field investigative equipment—from $7.4 million to $12.6 million. Training is at $1.5 million. Aircraft operations and so on are doubling from $4.1 million to $8 million. Military assistance would involve $2.5 million in commodities, $1 million in training and $1.5 million in other programs.

Judicial sector reform, we are now picking up support for this very important program of $250,000, and we're providing aviation services. We will be providing aviation programs at $14 million, and in addition, new equipment this year involving UH–1H helicopters valued at $10.8 million, Bell 212 helicopters valued at $9 million, and OV–10 Bronco aircraft valued at $84 million. So actually that is a total of $147.8 million.

Mr. BARRETT. How does this compare to other countries?

Mr. GELBARD. Far and away greater in terms of equipment and support to the interdiction law enforcement authorities.

Mr. BARRETT. Thank you.

Thank you, Mr. Chairman.

Mr. HASTERT. Just a quick followup. That's for this coming fiscal year; is that correct?

Mr. GELBARD. The current fiscal year, sir.

Mr. HASTERT. Let me just—another quick followup. The President could have had a 614 waiver; is that correct?

Mr. GELBARD. The President theoretically could. We are studying that possibility right now.

Mr. HASTERT. Thank you. The vice chairman of this subcommittee, Mr. Souder from Indiana.

Mr. SOUDER. Good morning. I've got a couple of questions. I thought I heard you say a minute ago that the Colombian Government had reduced support for the national police and General Serrano.

Mr. GELBARD. General Bedoya told me that the budget provided to the armed forces and the police has been significantly reduced.

Mr. SOUDER. Do you know what, when you say significantly?

Mr. GELBARD. I would suggest you ask him when he appears.

Mr. SOUDER. OK, because one of the core questions that's hard for a lot of people to understand here is, we have a democratic government in Colombia, and yet you are praising the national police, you are praising the attorney general, you are praising to some degree the military of Colombia, saying they are fighting with us, they have been courageous, they have obviously lost many lives in trying to do this.

How do you explain that balance?

Mr. GELBARD. In the case of the prosecutor general, he is independent from the government. He is actually part of the judiciary, and under the 1991 constitution, is independent.

In the case of General Serrano and the Colombian police, as I say, we were actually quite instrumental in getting President Samper to remove a highly corrupt predecessor head of the national police, General Vargas.

Mr. SOUDER. Was that enacted by the decertification?

Mr. GELBARD. This was earlier than that, this was in 1994, and I personally provided the then minister of defense, who is now incarcerated himself for corruption, with significant information about General Vargas' corruption.

General Serrano was appointed in his stead. He was at that time the police attache here, had worked very closely with government agencies such as DEA, and we felt at that time enormous confidence in him. It has been very clear that General Serrano has been heavily criticized by his own government, by his own congress, but he has shown enormous courage, both physical and moral, by continued to pursue the right course.

Mr. SOUDER. What is kind of curious to me is, it seems like the most critical—I'm trying to sort through the decertification process—the most critical thing, ideally, and it's very frustrating, I know, when we were in Colombia, their frustration with the court process—they get somebody, and then they get off, and the sentencing problems you've talked about.

But the most critical thing in this is the fact that we have the police, the defense and the attorney general on our side, and we are trying to put pressure on the rest. Would you agree that that—in a decertification process, is that something you look at?

For example, if a country has a bigger problem in their law enforcement and police and defense, would that make them more or less likely to be decertified? Because corruption—I mean, we're looking in almost all these countries at mixes of this, and obviously one of the things I am hinting at, in Mexico we have a huge problem with the attorney general, we have a huge problem with corruption of the police, we have a huge problem with corruption in the military, and I am trying to sort out how you are making your decision of who you are certifying and who you are not certifying.

Mr. GELBARD. When I announced the President's decision on certification last year, first of all, I made it a point to single out the excellent cooperation and work done by the Colombian police and by Prosecutor General Valdivieso and his staff. The test of the law, as I said then—and under the law, it's very clear; you can ask Congressman Mica, because I think he helped write that law—is whether the government has cooperated with us.

The government, in this case, is the one headed by President Samper. We did not believe then that it was cooperating with us. The President still has not made his decision, obviously, on this year's certification process, but will.

We tried to be very careful in terms of separating out the cooperation, the extraordinary cooperation we have received in working with General Serrano and his police, now with the army, with the prosecutor general, and with some others, from the undermining that has taken place on a consistent basis by others in the government.

As I mentioned in my oral statement, the government has not even yet pursued what President Samper promised in his letter to the Congress in terms of extradition. He promised in this letter—he said we will present to Colombia's Congress stringent new anticorruption legislation. Well, it comes as no surprise that he hasn't done that.

So we have seen, on the one hand, efforts by serious, patriotic people, but—and then they themselves have come out and thanked us for our support, but then they have been undermined by corruption. So the decision had to be made, based on the final results, and the final results we see in terms of the pathetic and just discouraging sentences for the Rodriguez Orejuelas, who continue to run their businesses from jail.

Mr. SOUDER. I am not interested in trying to defend the President of Colombia, where he takes his money and what he's done. What I am saying is, the concept of the government here is nebulous when there are independent parts of the government; and what you are saying is, you would rather have the support of the president even if the police are corrupt, the defense may be corrupt, and there's changes in attorney general. But you would rather have the support of the president than, in Colombia's case, where we don't have the support of the president, but we have pressure in parliament and we have the support of the people actually cracking down in the drug war, who are dying and fighting for it. That's what I am trying to sort out.

If it's just the President and what he is promising to do—in fact, in your statement, you said the measure is what is being done, and in Colombia, they are fighting and dying; and part of my concern is that in some of the other countries that we're dealing with, they don't seem to be at the enforcement point, but they seem to be giving us some of the lip service.

Mr. GELBARD. Congressman, what we're interested in, as I said many times in my statement, are concrete results. When we look at the concrete results, as I outlined some of them in the statement, and this was clearly the case by March 1st of last year, the concrete results, the bottom line, were inadequate. In spite of efforts by the police, in spite of efforts by General Valdivieso and others, but the concrete result, bottom line, were clearly inadequate.

There is as much cocaine coming into the United States or being produced in Colombia as ever before. As the chairman said, there is more heroin being produced in Colombia than ever before. So that's the bottom line we've got to look at. We've got to look at the commitments that the government and the president himself made,

and the kinds of laws that are necessary to produce the concrete bottom line results.

Mr. SOUDER. Thank you, I am looking forward to working with you.

Mr. HASTERT. Thank you. I just want to say the gentleman from Indiana will serve as the vice chairman of this subcommittee. We're very proud of the work that he has done. He travelled with me last year to Mexico, Panama, Colombia, Bolivia, Peru, and certainly is a person we'll depend on a great deal to follow you through with on these issues.

It's my pleasure to turn to the next gentleman on the panel, somebody who is very astute in the law and very famous in that area, the gentleman from New Mexico, Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman; thank you for holding this hearing.

Mr. Ambassador, I'd like to ask a very basic question first. Every nation's government has a constant fight with corruption and influence of the criminal elements of one form or another. As you know, our own government is not immune from such infiltration. But yet, at least as is popularly understood, the Government of Colombia seems to have the worst problem virtually in the world in that regard. Again, that's the image of the Government of Colombia.

What I'd like to ask is, is that an accurate perception of the Government of Colombia, and if so, can you explain why the Government of Colombia, the Nation of Colombia, seems to have a worse problem with such criminal infiltration than other governments do, acknowledging that the problem is universal?

Mr. GELBARD. Well, first of all, Congressman, I wouldn't go so far as to say they have the worst corruption problem in the world. I think Nigeria may have that honor, but it's interesting, Transparency International just did some rankings on it, and I'd be happy to see if I could get them to you, because there is an interesting correlation between nation-states where the rule of law does not prevail, and where there is significant drug corruption—Nigeria, Burma, Colombia, a number of others.

The tragedy of Colombia has been violence for many decades, going back many, many years; and particularly, I think one of the really dramatic and serious problems that we and the rest of the international community need to focus on more is—particularly in the post-cold war period, we have new international security threats which are affecting democratic institutions, social and economic institutions. Transnational crime is clearly one of the most extraordinary that has developed. Drug trafficking and transnational crime are corrupting institutions everywhere, and Colombia, sadly, is one of the most dramatic cases, as you say.

We have seen that the extraordinary financial power of the drug traffickers has now enabled them to corrupt a government, and lots of other elements throughout that society, including economic and social institutions. This is one of the great tragedies because it's one of oldest democracies in the Western Hemisphere.

I think, once again, our—the decision by the President to decertify and the extraordinary decision by the President to revoke Samper's visa have caused a lot of elements and sectors in the Colombian society to really focus on this problem more than ever be-

fore. As I mentioned, we now have the Colombian Bankers Association, who actually came to us last year because they knew that the Colombian Government was doing nothing against money laundering, and the Colombian Bankers Association came to us to ask for training. That helped shame the Colombian Government into doing things against this, too. That is just an example.

I mentioned the Flower Growers' Association. There are lots of other elements in the Colombian private sector and there are lots of American companies who do business in Colombia who are also trying to help provide this kind of influence to urge cleaning up their institutions. We think that is important.

Mr. SCHIFF. That leads, I think, to the second question and that is this hearing is very important because it points out, particularly with the witnesses that will follow, that even in countries that are on the high end of the list, which Colombia is among at least the group you have mentioned, there are individual nationals in those countries, including high-ranking officials themselves, who don't want to tolerate the infiltration of crime and corruption——

Mr. GELBARD. Absolutely.

Mr. SCHIFF [continuing]. And who at great risk, great personal risk, wage that fight. We all saw here in Washington, DC, just a few nights ago, how dangerous it is to be a police officer in any country; that the threat of death is, again, another universality, unfortunately. Nevertheless, in Colombia I understand that thousands of police and antidrug law enforcement officers have been assassinated in that country, which demonstrates how many people don't want to tolerate that situation.

That leads me to what seems, to me, the inconsistency that you may have explained with the other pressures in Colombian society. You have spoken well and I think with every justification of Generals Bedoya and Serrano, and you said that we were able to influence the appointment of General Serrano as the head of the police in Colombia. If we believe that General Samper is closely allied with the criminal elements in Colombia, frankly, how are we able to do that?

Mr. GELBARD. First, before I answer that, I would like to just add a point to what you started out talking about. I fully agree with what you say. I could not agree with you more in terms of the extraordinary courage of people in the Government of Colombia and in the private sector of Colombia, who really have—are extraordinarily patriotic in doing this. But I would also like to mention the people in our own government who do this, people in our Embassies in Colombia, Bolivia, Peru, and other places around the world because it takes extraordinary courage for those people, including former Ambassador Busby, who is sitting here, to have lived under threat for extended periods of time.

As I mentioned earlier, a contract employee of the American Government was recently killed in Colombia while he was involved in eradicating coca. I think our own people, as I know you will agree, sir, deserve equal support.

Mr. SCHIFF. I am glad you added that, Mr. Ambassador.

Mr. GELBARD. In terms of your question, we have tried—we have recognized very clearly through the extraordinary step of the revocation of a sitting democratically elected President's visa. Revok-

ing a sitting President's visa is, as I said, an amazing step. The only other case I can think of where this has been done in memory is Kurt Waldheim. Revocation of visas is not, one could argue, an enormously important step, but it is a sign of shame and it is taken as that, because holding an American visa is important.

We are not going to try to interfere in Colombia's internal affairs. They elected him. They knew what they were getting. His record has been clear for decades. What we have tried to do, though, is establish standards under which we are prepared to cooperate and support Colombia in many other ways. It is up to the Colombian people, obviously, to decide how they want to be ruled, but it is up to us and the rest of the international community to decide how we are going to deal with those kinds of individuals.

Mr. SCHIFF. I have one last question, Mr. Ambassador.

If we could set aside the legalese, I wonder if you could explain in direct terms what you feel the goal of our policy should be in terms of the ability for decertification, but then the recommendation, if I understood you correctly, for a waiver. I mean, if the President decertifies a country under the law, but then has a waiver, what then can the President do and not do? What is the goal you are striving to achieve with that?

Mr. GELBARD. By decertification, what we are trying to achieve—we outline in very clear ways to that government in very explicit terms the measures that we hope they will undertake to have a cooperative relationship with us. We did that with Colombia in 1995, in 1996 and we have done it again this year.

We hold them to certain standards and we ask them to undertake certain measures and accomplish those measures. Then, as I said, the test of the law is whether that government is cooperating with us or whether it is fulfilling the measures of the 1988 Vienna Convention.

Mr. HASTERT. I thank the gentleman.

Mr. GELBARD. The only problems I see in the law right now, really, are this issue about military assistance, that we would be—that I would be delighted to have changed and that we supported.

Similarly, as I mentioned to Congressman Barrett, the effects, the negative effects, it has on American business. All our other programs have not only continued, as I say, they have increased and even doubled. So we are trying to be able to focus very clearly on our objectives.

Mr. SCHIFF. Thank you, Mr. Chairman. I yield back.

Mr. HASTERT. I thank the gentleman from New Mexico.

Now it is my privilege to introduce the gentleman from Florida, who has been writing pertinent legislation, one of our senior Members and he was writing that legislation probably while many of us were just cutting our teeth on legislation, that is. Mr. Mica from Florida.

Mr. MICA. Thank you, Mr. Chairman.

Ambassador Gelbard, welcome back. We have been in this battle, I guess, for more than a decade and a half together and I appreciate your leadership.

I have some questions, though, today. Maybe I ought to cover, first, the question of certification and waivers. As you mentioned, I was active in helping to draft the certification law and I just had

staff check over the evening to see if we had originally included the waiver when we wrote it, and we did not. It was added as an amendment in 1988 and it was an amendment contained in the International Narcotics Control Act of that year. In fact, it did provide a waiver—I think it is pretty clear. You said you have had trouble, I guess, with Justice and DOD attorneys as far as interpretation.

Is that correct?

Mr. GELBARD. Yes, sir.

Mr. MICA. Well, we have had, I think, through this committee, and the chairman of the full committee wrote back, I believe it was in November, a request that a waiver be granted, and no action—I think that went to General McCaffrey—which disturbs me.

In checking also on waivers that have been granted under this Section 614 authority, I find waivers have been granted by the administration to Serbia and Montenegro on almost a half a dozen occasions; at least twice to Somalia, to Haiti, to Rwanda. There are two pages of waivers that have been granted. There seems to be plenty of precedence when, in fact, it is in the national interest for waivers to be granted.

I can't believe the administration doesn't consider this instance as in the national interest and has been dragging their feet. I will provide you with copies of those. That is the first point.

The second point that concerns me is I see the PR that Colombia is doing getting ready for their certification campaign. They have got this ad that is appearing about how we are well on the way to making drug traffickers suffer as much as the people they supply. Then they talk about how they are making them suffer. The pounds of cocaine have—that have been seized have actually been reduced from 1995 to 1996. The acres of coca destroyed have actually been reduced from 1995 to 1996. It sounds like some serious suffering.

What concerns me also is in your testimony you said at the same time the shift in focus of interdiction operations and devotion of increased resources to eradication programs, that is on page 9. So you would think that we had gone from interdiction—actually interdiction has increased. We have gone away from interdiction—to eradication.

Page 10, then, you testified, the Colombian coca crop has expanded over 30 percent last year from 51,000 hectare acres to 67,000 hectare acres. So it seems that the emphasis, area of emphasis that they are taking is also a failure, eradication and interdiction.

Is that correct?

Mr. GELBARD. Well, let me respond to several points you made, Congressman. As you say, you and I have known each other a long time and I have enormous respect for your background and experience in these issues.

I have to say that I obviously noticed this media blitz. I think the timing is clearly geared to certification.

I also noticed this lovely color supplement that is 17 pages in Forbes Magazine on Colombia called, "The Leading Latin American Economy." It is a multifaceted economy, obviously. That costs about $1 million to put that in here, as we understand it.

What we also understand is that all of these newspaper ads cost about $252,000. We also understand they have provided about $2 million to public relations firms around here to improve their image. I think what Colombia ought to be focusing on are accomplishments instead of their image.

Some of that money perhaps could have been added to the military and the police, instead of reducing their budgets, and I think that would have been for the good of the Colombian people and the international community.

Mr. MICA. Well, the information you have provided, the information I have, shows that both interdiction is down and eradication is down.

Mr. GELBARD. Well, the interdiction results have decreased. As you said—I, too, noticed that in these ads, I was surprised that they show—that they would take out full page ads to show that the results have gotten worse. That is amazing.

Mr. MICA. Well, the whole thing is alarming, Mr. Ambassador.

The other ad that they don't see is the headlines that I see in my district, and I have held this up before. When we were in—when we were in Colombia, Mr. Hastert, Mr. Souder and others, we were told that there are 10,000 hectare acres now of heroin growing, that heroin will be cheaper on the streets of our cities than cocaine in short order. This is what is happening in my central Florida suburban area. We are not talking about urban ghettos of Detroit, New York, Los Angeles.

So I am not interested—we are not interested in PR. We are interested in some action also.

Mr. GELBARD. I understand. Let me say, on opium poppies, I think the area under cultivation, we have just completed our survey and I mentioned the coca crop up 32 percent. We think the opium poppy crop is about 6,300 hectares, which is a slight increase over the past.

However, you are absolutely right, Congressman, because almost all of the heroin that is being produced in Colombia is coming to the United States. The Cali Cartel has now used the same mechanisms that it has used to distribute cocaine for distributing heroin. They are using loss leaders to sell heroin at very high purity levels at a very low price and they have taken ownership of the heroin distribution all through the East Coast.

When I talk to the DEA in New York, in Baltimore, in Philadelphia and other places in the East Coast, Hartford, you can't find Southeast Asia heroin on the streets of those cities anymore. It is Colombian heroin. That shows that it has continued to increase even while—the police have made strong efforts. The military are making strong efforts. But absent the kind of governmental support that we were discussing, Congressman, earlier, absent the framework of laws, absent other kinds of support, they are going to be—they are going to be able to continue to pump this stuff out.

We have only now been able to negotiate a maritime interdiction agreement, and we have seen a significant shift in the use of ships from airplanes as a way of getting drugs to our shores now and to Europe, where there is a significant increase, too, in cocaine and heroin coming from Colombia.

Mr. MICA. I have other questions but my time has expired. We will get back. Thank you.

Mr. HASTERT. I will advise the gentleman, we will come back for a second round to anyone who may have another question or a round of questions.

I just have a quick followup question or observation on this. On a couple of statistics that we have been throwing back and forth here today, basically, you have said that the interdiction is down of drugs coming out of Colombia, and one of the reasons that some people have said that is because we have been doing more spraying and the Colombians have been more effective at killing hectares of cocaine.

Also, it was interesting to see that some people predicted the amount of cocaine moving out of Colombia is actually up, no matter what the interdiction is. That also is explained by some folks that there has actually been a huge decrease in the amount of cocaine or coca paste coming up from Peru because of the success of the air bridge, and that is no longer a dependable market or at least as dependable as it was. So the narcotraffickers are really concentrating on growing their own crop in a sense. Is that valid?

Mr. GELBARD. You are absolutely right on Peru. It is a combination of the support we have given to the Peruvian military and police on interdiction and law enforcement on the one hand and the support we have given to—we and other nations have given to Peru for alternative development on the other.

The price of coca went way down. We are providing funds for other livelihoods and people are literally walking off the land. So there is an 18 percent decrease nationwide.

In Colombia, I don't think there has been a real shift from interdiction to eradication. There has been a significant increase in eradication efforts, but interdiction and law enforcement efforts have continued.

The problem has been, I think, overall corruption. Once again, the statistics are not ours. These are statistics provided by the Colombian Government themselves.

Mr. HASTERT. Thank you, Ambassador.

The next gentleman I would like to introduce is certainly somebody who has distinguished himself on this panel and others, the gentleman from Georgia, Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Ambassador, I don't really necessarily have any problem with the administration's decision last year on decertification, and I have heard your testimony today and have read a great deal of material and I think it is admirable that this administration has reached the conclusion that campaign financing scandals involving foreign leaders are very serious matters, worthy of very extraordinary action, even hampering our war against drugs by cutting off certain types of assistance and taking the extraordinary step of denying a visa to a leader of a foreign country because of a campaign financing scandal. But I am somewhat concerned about what appears to be inconsistencies in the way the administration is approaching these matters and in particular some inconsistencies that appear to me certainly to be inconsistencies with regard to the International Narcotics Control Strategy Reports, or INCSR.

For example, I know under that process, and pursuant to the law, Colombia and Mexico, among many other countries, fall into the very same categories of major drug producing and drug transit countries. Both Colombia and Mexico fall under the same categories as major money-laundering countries, yet the action of this administration last year, in terms of the extraordinary step of decertifying and then not even applying for a waiver and, as my distinguished colleague from Florida has said, waivers have been requested in, I think, far less important circumstances, that is, if the administration places counternarcotics activities at a high priority. Yet, with regard to looking at Colombia and Mexico, for example, which have a great deal in common in terms of the pervasive corruption in their societies and in terms of their preeminent role in sending drugs into this country, action was taken last year only against Colombia and not against Mexico.

I don't know whether this has anything to do with the money that we have extended to Mexico—and I am glad that the President highlighted in his State of the Union that they repaid us in record time or something—but the fact of the matter is, I think Mexico does not have a great deal to be proud about and I think that this administration ought to be doing more to talk not so much about Mexico paying us back in record time for money extended to them, that a number of us think we had no right to do anyway, with Mexico's increasingly sorry record of corruption and direct massive involvement in sending drugs into this country.

I would like your explanation of why action was taken against Colombia in terms of decertifying them and not against Mexico. Second, I would appreciate, again, an explanation of something that a couple of the other members of the panel have touched on, and that is why the administration has failed to take advantage of the very, very broad authority that I presume lawyers on your staff, and I know you are very familiar with, under, for example, 22 U.S.C. Section 2364. It is very broad authority for the President to, simply by notifying the specified Members of Congress of his intention, very, very broad authority to continue or expand military assistance, which is, as you said, to these countries that can be used for eradication and counternarcotics efforts, why the administration has not sought to take advantage of that.

Obviously, they are aware of it, because it is a longstanding statute provision, the waiver provision, going back 36 years. There were two Members of this Congress last year that wrote to General McCaffrey specifically requesting that that action take place.

Mr. GELBARD. I know nobody here is going to sit and question the decision of the President to have decertified Colombia led by a clearly corrupt President who has had a history of involvement with drug traffickers, of soliciting and receiving drug money going back to 1982, a clear history, no question. All of the information is out there.

I personally sat down with then Candidate Samper in November 1993, and told him we had exquisite intelligence which indicated from lots and lots of sources, now out in the public domain, that he and his associates were soliciting and receiving drug funds for their campaign. He denied it, of course.

I told him he needed to stop right then, because we would know if it continued and the relationship with him, if it continued and he were elected President, would be bad.

He went back to Colombia and it continued. The proof is out there now about soliciting and receiving more than $6.6 million in drug funds. We have seen the consequences.

The President took the decision to decertify Colombia, a very important decision based on the test of the law, which was whether the government was cooperating with us. The government was not cooperating with us.

The test of the law was also applied in the case of Mexico and the President believed, and I believe, that President Zedillo was cooperating with us.

The President hasn't made his decisions for this year for 1996. That will come out toward the end of this month. But there have been clear-cut cases, examples of progress in terms of our cooperation with Mexico during President Zedillo's administration.

The lack of institutional capabilities in Mexico, I think, were fairly clear compared to Colombia. We have a strong, honest police with strong, dedicated, honest leadership.

Mr. BARR. In Mexico?

Mr. GELBARD. In Colombia.

Mr. BARR. OK. Good.

Mr. GELBARD. We have the same in the Prosecutor General's Office. We now have in General Bedoya, a serious, honest person who wants to work with us in closer ways than ever before on counternarcotics and, as I mentioned, for that reason we have taken the step of now allocating funds directed to the armed forces for the first time out of my budget.

President Zedillo and many of his ministers have now been trying to push for much better results in Mexico, and over the course of 1996, I think, we have already seen some dramatic changes.

For example—and, Congressman, knowing your distinguished record as a prosecutor, you would understand this—they have, for the first time, started extraditing their own nationals, without precedent. They deported to the United States Juan Garcia Abrego, who I mentioned earlier, who has now received, as I mentioned, 11 life terms and many others. These are very important, unprecedented steps.

We have begun cooperation with Mexico in counternarcotics with their army and we are seeing very strong, positive results as a result of that military-to-military cooperation, now engaged in interdiction as they had already been engaged in eradication.

We are seeing seizures up significantly in Mexico as a result of cooperation that we have with the Army, with the Air Force and with certain police elements.

They have now passed a major money-laundering law for the first time and they have implemented it and already making cases. They have passed an organized crime law, modernizing the tools that you, as a former prosecutor, are familiar with, that in most countries are novel ideas, such as allowing evidence from wiring tapping that is court authorized to be used in a court of law, which had not been allowed before.

Arrests are up of drug traffickers, arrests are up—both domestic and foreigners who are in the country. Seizures are up of heroin. They are up something like 79 percent in Mexico. Seizures of cocaine are up.

So we think there has been progress under President Zedillo, but in terms of the contrast—and I obviously can't predict where the President is going to come out on certification. In fact, the recommendations haven't even gone to him yet.

Mr. BARR. The second question that I had, please, about why the President has not sought the waiver and what——

Mr. GELBARD. First, what we did—what we were—what we did concur with were the efforts in the House International Relations Committee to get an amendment to the law to permit this. As I said earlier, unfortunately, the Congress failed to pass that amendment, and I regret that.

Mr. BARR. I am talking about the existing law.

Mr. GELBARD. I am talking about the existing law—of trying to change the existing law about prohibition on FMF and FMS. We have been working with the issue of a 614 waiver. I also know that the Congress in the past has criticized the administration for over use of the 614 waiver.

So we do hope to be able to provide assistance to the military. But once again, this is a relatively small part of overall assistance to Colombia. The more important issue, I think, is that we, through my budget, which is the main source of funds far and away to Colombia, are going to be providing this year equipment and support worth $147.8 million to Colombia. That is an extraordinary amount.

Mr. BARR. But why hasn't the administration sought the—and I maybe disagree with you. I think the waiver in 22 U.S. 2364 is very broad. Why hasn't the administration used that as a tool to get assistance directly to the military and the police in Colombia?

Mr. GELBARD. Assistance to the police has gone through.

Mr. HASTERT. I think we will come back with a second round and be able to ask those questions.

Mr. BARR. OK.

Mr. HASTERT. The gentleman from Ohio.

Mr. LATOURETTE. Thank you, Mr. Chairman. Thank you for having this hearing.

Mr. Ambassador, in preparing for this hearing I was struck by some of the strength of the remarks made by various officials in our government about President Samper. In your testimony on page 4 and again you repeated it, I think, in questioning with Mr. Barr, that you reached the conclusion that the President has aided and abetted drug traffickers and that led to, in part, to the decision to revoke his visa.

I was reading an observation by our Drug Czar, I think our new national Drug Czar, Drug Policy Director, Mr. McCaffrey, who indicated that he has been—the President has been complicit with international criminals. I think even our Ambassador to that country made the observation that although he says all sorts of things, he has done very little and he has no friends in Washington.

As someone who is coming to this committee afresh, I have read and I have heard you say today that there is an observation that

$6.6 million found its way apparently into President Samper's campaign coffers from drug traffickers. I have heard you—I hadn't read it before, but I heard you say for the first time that apparently you have uncovered a history of that type of transaction since 1982.

Is it the conclusion of the administration that the acceptance of these funds from questionable characters equals he must be complicit and therefore coddling or caving into drug traffickers, narcotraffickers, or is there additional evidence that that is, in fact, the case?

I guess what I am getting at is, I suppose one could make the argument that he has accepted a campaign contribution. He wrote a letter to Congress saying that he would do certain things; he didn't do it. Therefore, it must be the campaign contribution equaled he didn't get the money laundering statutes passed through his Congress. Or is there other evidence that you are familiar with that leads you to that conclusion?

Mr. GELBARD. The Cali Cartel has never been known to have provided support without a quid pro quo. We believe that there are—there is information which causes us to believe that there were direct consequences of the receipt of these funds.

Mr. LATOURETTE. OK. I think that is an important—at least to me, it is an important question, because I don't think that you would argue that merely, as Mr. Barr, I think, was asking you, the mere acceptance of campaign contributions from people of questionable character equals that you do what they want you to do in contravention to the best interest of your Nation, certainly.

Mr. GELBARD. The President made the decision to revoke the visa under a provision of the law which deals with individuals who aid and abet drug traffickers.

Mr. LATOURETTE. OK. If I could fast forward now to the present day, and I was very interested in Mr. Mica's questioning and also your showing us the Forbes Magazine piece. I don't think there is anything wrong with a country promoting itself and saying that it is a nice place to visit, has a strong economy. But there have been other things in the news recently. In particular I was interested in a raid that apparently occurred down at the end of January in Colombia at a drug manufacturing center, and I have observed two spins put on that.

One is that it was a huge distribution or manufacturing center that could have supplied up to half the manufactured cocaine down in Colombia on an annual basis. I have also read sort of a sarcastic piece that says, well, they knew about it for a long time and they waited until the recertification decision was coming up here in the United States in March and that is when they sprung it.

Do you have an observation as to whether this is window dressing or whether or not this is evidence of increased and enhanced drug enforcement activities and the redoubling of the effort by the Colombian Government?

Mr. GELBARD. I don't believe that the Colombian police or the Colombian Army or the Colombian Air Force would undertake a laboratory raid because of any proximity to certification. We have a great deal of trust in them and their leadership and that is why we work with them so closely. But I think this goes to, in fact, part of my own experience.

I was Ambassador to Bolivia when during part of that time—this goes to also some of your questioning, Congressman—we had a President then in Bolivia, Jaime Paz Zamora, who had been corrupted by the drug traffickers, and his visa was also revoked, by the way.

We were working very closely with the Bolivian police and Bolivian Air Force on some significant counternarcotics achievements, on a separate track from what the government itself was doing and the governmental leadership, and it is possible to do that.

We have a very close collaborative relationship with the police, the Army, the Prosecutor General's Office.

Mr. LATOURETTE. Likewise, I assume the activity that occurred maybe a week ago, I understand there was an 11-city sweep that occurred down in Colombia relative to rooting out suspected trafficking activity, that you would put in the same category?

Mr. GELBARD. Well, what I would say is that, as I mentioned earlier, I don't think it is a coincidence that suddenly the government has moved at the end of December to get the asset forfeiture law passed; that suddenly we have seen them initial—agree and initial the maritime interdiction agreement, which we have been pursuing for a few years; that suddenly they are having an extraordinary session of their Congress next week to try to discuss a sentencing law.

We happily will take the results. They are important results. But the timing isn't coincidental.

Mr. LATOURETTE. That was what I was going to ask you. Although you may question their timing, you consider them to be significant progress on the part of the Colombian Government?

Mr. GELBARD. On those issues, once again, I think the certification process helps.

Mr. LATOURETTE. OK. If I could just ask you a technical question relative—on the extradition question. Am I correct in my understanding that in order for Colombia to modify their policy on extradition there would have to be a change to their constitution? Am I correct on that?

Mr. GELBARD. There are two interpretations. There is one school of thought which says they have to modify the 1991 constitution and in that case, the Cali Cartel clearly was able to buy enough votes in the constitutional convention to exclude that.

There is another school of thought which says that the bilateral—the treaty we have with Colombia, which I think is the 1979 treaty, would override the constitutional provision and that apparently is going to be taken to the highest court in Colombia soon.

Mr. LATOURETTE. Thank you, Mr. Ambassador.

Thank you, Mr. Chairman.

Mr. GELBARD. Thank you, sir.

Mr. HASTERT. A couple of quick questions and then I think we will go on a round of quick followup questions, if we could.

Mr. Ambassador, one of the obvious things of the whole drug war, multinational drug war, you can grow coca leaf, turn it into paste, transport it, remanufacture it into cocaine, crack; same with heroin, and the poppy and the heroin. It comes in—most of it at least comes into this country wholesale, retailed, retailed again,

sold on the street, literally multiplying its value not by tens or by hundreds but by thousands, sometimes millions of factors.

That money—in order for all that work to be done, there is no value in all of that movement unless the money comes back to the person who is in charge. Money laundering probably is one of the—is the tie to this. What nation in the world is No. 1 in money laundering? Can you give me a crack at that.

Mr. GELBARD. The United States.

Mr. HASTERT. What country is No. 2?

Mr. GELBARD. Hard to say. Let me say, I fully agree with you. This is why we have tried to put major emphasis on a money laundering initiative that is included in Presidential Directive 42 on international crime.

We have tried now to marshal all of our resources in the U.S. Government through Treasury, Federal Reserve, Justice, and the State Department and others, to work with countries to put major emphasis on antimoney laundering, much more than ever before.

Secretary Rubin, in fact, chaired a little over a year ago a hemispheric conference on money laundering and we are pressing governments such as Colombia to take the strongest possible action.

An example of Samper's cynicism was at the Miami Hemispheric Summit, where he called for a hemispheric convention on money laundering and Colombia hadn't even criminalized money laundering yet.

They subsequently passed a weak money laundering law. We are now pressing them to toughen that law and then to take other measures.

We are doing the same with other governments in the region, whether they are large governments, such as Venezuela, Mexico, which, as I say, has now adopted a tough money laundering law. Or even small Caribbean countries which are used as centers for dirty money, such as Antigua. But we are doing the same also around the world, and this has been a Presidential initiative.

Mr. HASTERT. In fact, the United States is No. 1. Mexico is probably No. 2. Panama is probably No. 3 and, you know, Colombia is down there No. 4 or 5 or 6, which doesn't validate anybody or give them a license.

The fact is, all the money comes into this country and we are doing a very poor job, because the money—drugs wouldn't come into this country unless the money could flow out again. I think one of the emphases that I would say that this Congress ought to do is take a look at how we can make our laws better and enforce those laws.

Mr. GELBARD. Can I say, I agree with you. What's happening, though, when I talk to DEA and other law enforcement organizations, which work inside the United States, what they are telling me is now the tough—there are very tough antimoney-laundering laws in the United States and enforcement has been dramatic. The result is that drug traffickers are now shipping their money out by—in cash and they are shipping it out in containers.

Jim Milford, who is now the Deputy Administrator of the DEA and was previously the head of their Miami office, has told me about seizures of tens of millions of dollars that they have picked up in Miami of money going out of the country on its way back to

Colombia. We have got to be able—the hard part is getting a handle on those containers. That is very hard.

Mr. HASTERT. We even had testimony that, as a matter of fact, it is more difficult to pack street dollars, street cash into those containers; it takes more container volume than the drugs that come in on them.

Mr. GELBARD. The other thing, if I could say, sir, is that we have been working for a number of years, since the Financial Action Task Force, which is the multilateral organization that deals with this, based in Paris, which was set up a number of years ago, to try to establish international standards against money laundering. We and some of our allies in Europe and Japan have been working together to urge countries such as Colombia, Mexico, Panama and others, including the European countries such as Austria, which has never ratified the Vienna Convention, to take strong action on money laundering.

Mr. HASTERT. I have one quick question before my round is up here. During our period of time on decertification, the Colombian military and police continue to fly excess United States Huey helicopters. Five of them were shot out of the sky by the narcotraffickers and guerilla armies. It took the administration about 6 months to replace these excess helicopters, based chiefly on trying to get legal opinions whether it was right or wrong during this period of time.

Just as there have been sometimes delays of months in trying to find spare parts to make the DC–3s fly, which got materials out into the jungles, and also the herbicides that were needed, we also delayed the delivery of the Blackhawk helicopters. I am not even sure they are on the shores of Colombia yet. This has all happened since basically the decertification of Colombia.

In view of the numbers of Americans dying from violence on American streets because, in part, this happens, how can we expect that not to happen again?

Mr. GELBARD. First of all, that had nothing to do with certification. The Blackhawk transaction is a commercial transaction and, in fact, we and the Pentagon got Sikorsky to agree to jump Colombia to the front of the line to get their helicopters. The first helicopters are, in fact, arriving tomorrow in Colombia.

Second, last year we provided 12 more helicopters, 12 Huey helicopters to them. We have provided three Bell–212 helicopters and are about to provide three more.

We have given them all the spray planes we have got worldwide. As I mentioned, we have lost two, one to ground fire and one when tragically an American pilot crashed. We are about to provide five more OV–10 Bronco aircraft; two this month, three by the end of March. We will be providing 12 more Huey helicopters within the next month or so. So we feel we are moving this as rapidly as we can and as rapidly as their absorptive capacity can handle.

I would point out that the operating rate in Colombia for aircraft is lower. It is about 65 percent. It is lower than we have in Peru and Bolivia, about 85 percent. So it is not just a question of pumping equipment in. It is also a question of maintaining that equipment well and being able to use the spare parts.

Mr. HASTERT. Getting the spare parts there?

Mr. GELBARD. We have provided $4 million in spare parts this last year, too. Thank you.

Mr. BARRETT. During the course of this conversation this morning, we have heard you praise the political leadership in Mexico, but not have such great praise for the military or police in Mexico and, in contrast, in Colombia there has been strong praise here for the police and military, but obviously no praise at all for the political leadership.

Can you site some examples where some of the higher regions of the government and Colombia has undermined the hard-working efforts of the police and the military?

Mr. GELBARD. I think the primary examples would rest in cutting their budget, first of all.

Mr. BARRETT. How much is the budget?

Mr. GELBARD. I don't have any answers on that, but I would suggest you might want to ask General Bedoya about that. But one would think that if, as even President Samper says, the fight against the guerilla terrorists and the fight against drug trafficking are as high priorities as he says they are, then their budget would go up, the way ours did.

Second, they did nothing to try to move expeditiously on a new sentencing law that was promised almost 3 years ago. That would, I think, have helped enormously in terms of not just the morale, but the rule of law for the police, who had superb performance in capturing the leadership of the Cali Cartel. So here they captured all of these people, but then they were brought to jail and, as I said earlier, they have received ridiculous sentences; no forfeited assets because the law was just passed now.

Money laundering, the money-laundering law that was finally passed was weak and the government made no effort to make it a serious law.

The kind of stringent anticorruption legislation, and those are President Samper's words, that he promised has never been presented, and on and on.

Meanwhile, a very interesting example is the cooperation between the Minister of Interior and a German citizen, an apparent German espionage agent, named Werner Mauss. They were apparently looking to have the German Government, which ultimately refused, broker a deal for the Cali Cartel, which would have resulted in them getting off scot free and keeping 20 percent of their assets. That is an amazing example.

This man, Mauss, working with the Interior Minister, was also trying to corrupt the contracting process and hurting American companies and was also trying to make deals with the guerrillas. He was trying to free German hostages, but he was getting the ransom raised and getting a percentage of that. That endangered the lives of American citizens who were held hostage.

So this is all part of what the government and President Samper have been doing.

Mr. BARRETT. OK. Thank you.

We have heard some criticism of the administration's actions today, but I don't think we have heard any criticism of the decision to pull the visa of President Samper.

Is there a way to turn the heat up even more? Have you considered pulling his diplomatic visa? Is that something that could be considered? What is the next way to put the spotlight or keep the spotlight on him?

Mr. GELBARD. We have revoked the visas of a large number of Colombian Government officials, of ministers or former ministers, Members of Congress. We have frozen the assets, as I say, of a lot of the front companies.

We have considered other measures and are considering other measures, but I would rather not get into them today.

Let me also add, though, that I think it is not coincidence at all that when Secretary Albright recently presented our human rights report, Colombia was clearly targeted as one of the leading offenders. One of the examples that we have looked to is the fact that President Samper has also put into place a very harsh censorship law against the press and I think that is another example of this overall atmosphere we have seen. But we are considering others—other measures.

Mr. BARRETT. I am glad you mentioned the human rights concerns because that is something we haven't talked about this morning. In your analysis, where have the majority of the human rights violations occurred, by government officials? Specifically, where are we seeing the human rights violations in Colombia?

Mr. GELBARD. We have been very concerned, as have nongovernmental organizations, by human rights problems, particularly through the military.

General Bedoya, I think, has been making a major effort, as did the former Minister of Defense and now Ambassador in Washington, Esguerra, to try to improve that situation. In fact, General Bedoya and I discussed that issue yesterday. We feel that General Bedoya is making serious efforts on this problem.

I have to say, though, that there is no question that the real human rights problem has also been at the same time what the guerilla terrorist groups have also been undertaking, the FARC, ELN and other groups. They have kidnapped foreigners and their own citizens. They have murdered hundreds upon hundreds of other people. Once again, we think the institutions are trying to make improvement. We regret very deeply that President Samper is trying to curtail press freedom and we have spoken out quite strongly about that.

The Congress of the United States, in its last session, approved a new law called the Leahy amendment, under which funds from our budget have to take into account human rights elements. We are stringently, of course, obeying that law and are working very closely with the Colombian Government to assure that our assistance takes into account all appropriate and serious violations.

Mr. BARRETT. So you have drawn up lists of offending units or you will be drawing up lists?

Mr. GELBARD. Sorry?

Mr. BARRETT. Have you drawn up lists, then, of offending units or will you be doing that?

Mr. GELBARD. Ambassador Frechette has been working very closely with General Bedoya and the new Minister of Defense on this issue, yes.

Mr. BARRETT. OK. Thank you.

Mr. HASTERT. A quick followup. You mentioned press censorship. One of the things we try to do here is to try to keep updated on what is going on in Colombia from the Colombia press. One of the major papers, El Tiempo, that comes out of Colombia, apparently, at least, in our reading, doesn't say—they seem to be speaking out quite bravely on a lot of issues and it really doesn't seem that there has been a lot of censorship, at least in our view of this. Any comment on that? Do you think El Tiempo, for instance, has been severely hampered?

Mr. GELBARD. El Tiempo is very brave. El Espectador and others have taken very strong stands. The censorship law, if I remember correctly, is particularly directed at television and radio and the idea is that their licenses can be revoked.

Mr. HASTERT. OK. That narrows that down.

Mr. GELBARD. Yes.

Mr. HASTERT. Significantly.

Mr. SOUDER. I want to restate the obvious here before I start out, and that is that none of us have any interest in defending the actions of the President of Colombia. Partly in discussions with you, when we went down there, we didn't meet with him. We met with President Zedillo and others.

At the same time, one of our obligations—and, quite frankly, I find this whole advertising campaign very insulting, about how we make decisions here, and they got pretty bad PR advice, that—but one of our jobs here is to make sure that there is fairness. We want to make sure that Colombia isn't just being used as a whipping boy solely when the problem is far beyond that.

I want to sort through one of the difficult issues that faces us in almost all these nations, and that is the problem of the mixing, as President Zedillo told us, of narcoterrorists and, in fact, the revolutionary movements in those countries and how the different governments can deal with that.

For example, we get mixed up in the human rights questions and the narcotics questions and the revolutionary groups, and those things are not separated from each other. Often, the human rights restrictions that—so, for example, we have had problems with President Fujimori in the past; and when you shoot down airplanes you aren't necessarily reading the Miranda rights as you are shooting down the airplanes, although they make some attempts to do that; that in Burma we have a problem there both in the electoral process but also, up in the northern part of Burma, in trying to get cooperation.

When we cutoff any relations, we are having trouble getting control. You see it going into the Yunnan province in China and—because of the Muslims there. It is not even clear that the National Government of China can control that.

In Mexico, we have corruption down at the regional levels and in their police departments, and Zedillo is concerned that that is going to be a revolutionary—tied in with the revolutionary movements.

The question comes as to how are you distinguishing—and let me put this in a provocative way. Is some of the reason we are isolating Colombia, which—clearly, we have seen the movie Clear and

Present Danger. Ambassador Busby, I think, made the funniest statement when we were there, which was, I asked him how accurate the movie was; and he said, very accurate, except I died in the movie.

While we see that and it is easy to focus on Colombia, we need to make sure that the only reason we aren't isolating Colombia is that flowers and coffee may not be as potent as the trade that we want to do with China or Mexico and that we balance—and I want to see an even type of approach to all of these different countries.

I would like you, in particular, to comment on how you see the drug trafficking and the revolutionary movements and the human rights mixing in four of the most explosive and major drug areas of the world: Peru, Colombia, Burma and Mexico.

Mr. GELBARD. Nobody is picking on Colombia, Congressman.

Mr. SOUDER. They deserve being picked on. The question is on being isolated.

Mr. GELBARD. I am disliked in lots of places around the world. We have—this hearing happens to be on Colombia. If this hearing were on Nigeria, you would hear me say the same things but maybe more. If this hearing were on Burma, you would hear me saying the same things about the SLORC; and I will talk a little bit about that, if you would like.

Mr. SOUDER. OK. What about Mexico and China?

Mr. GELBARD. We feel very strongly—I am not sure how much the Mexicans like me, either.

My job relates to trying to develop stronger counternarcotics cooperation and results worldwide. I feel very strongly about it. This is not the easiest job in the world, obviously; and it is sure not the most enjoyable.

We have taken a very strong stand on these issues worldwide, worldwide. When I came into this job, and knowing that Congressman Mica was now a Member of Congress and would be watching me very carefully, I looked at the certification law and I said that as long as I am the person responsible for managing this, I am going to take this very seriously. We have seen—I think if you examine the results, you will see that there has been a significant change in the way that this administration has dealt with certification, has dealt with money laundering, has dealt with a whole range of these issues than ever before.

We are, obviously, concerned about trying to work a balance on many of these issues. If you read through the various laws—and we have to be guided by the letter and the spirit of the laws—there are often conflicts in the laws, and there are often conflicts among Members of Congress as they interpret the laws.

I am tremendously concerned, for example, about the fact that an enormous amount of heroin that comes into the United States comes from Burma, as are you. But there are also Members of Congress who are very concerned about impeding our ability to deal with that problem.

What I am trying to do is work with the United Nations Drug Control Program, through that kind of program, to develop a program with integrity to deal with eradicating opium poppies and having crop substitution, particularly in the Wa area. I have been in the Yunnan province in China. I have spent a lot of time with

the Chinese authorities and with others. We also see an enormous amount of corruption in the SLORC and in lots of other places in Burma.

In Colombia, we have been trying to develop serious programs to deal with the ever-increasing problem, the overlay between the guerilla terrorist movements, drug trafficking and, increasingly, cultivation.

The phenomenon of the involvement of the guerilla terrorist groups in drugs isn't new. In 1985, when I became involved with this for the first time professionally, it was quite apparent then. The FARC at that time were guarding drug laboratories and benefiting from it. The M–19 at that time apparently was on contract from the Medellin Cartel when they murdered a large number of members of the Colombian Supreme Court.

This is—but the law also says that any assistance from my budget has to go 100 percent against drug trafficking. It can't be used for multiple purposes. But this—this is what General Bedoya and General Serrano and I were discussing just last night, how we can work together in certain regions of Colombia where it's clear that the guerrilla terrorist groups are involved very clearly in drug trafficking, in cultivation, protecting cultivation, and we can have programs that will fully be in concurrence with American law. We had some detailed discussions about that last night.

That is also why we have now explicitly put $5 million in our budget specifically for the military of Colombia. But, at the same time, we have to be very clear in our own minds about our own standards and our own beliefs as well as the law regarding human rights.

In Peru, if I can just say, yes, there were obviously a great deal of concerns about human rights. They have less to do, in my mind, with forcedown and shootdown of aircraft; but we also were faced with a law that may or may not have had a certain meaning regarding civil aircraft.

As you probably know, Congressman, I led the fight to make sure that we would be able to provide realtime intelligence support to the Air Forces of Colombia and Peru. We are doing that now. We are doing that with great results. But we have had to be very careful, in part because we fundamentally believe in the rule of law and the need to have effective programs that won't be undermined over the medium and long term.

Mr. SOUDER. You know, once again, I want to reiterate that I believe that you have been committed and have been pushing in this administration for that. I want to make sure that you understand, too, that in addition to the countries that are—quite frankly have less financial clout in the world, Burma, Colombia and some of the others, compared to some of the bigger countries, that some of us want to see the same pressures across the board. We are not faulting—we want to keep pushing you, but we are not necessarily faulting where you have been.

Mr. HASTERT. I thank the gentleman.

The gentleman from Florida, Mr. Mica.

Mr. MICA. Mr. Chairman, Mr. Gelbard, one of the problems with the decertification law as we wrote it—and we wrote it back in the 1980's—was it tied foreign aid into drug eradication or drug efforts

by nation; and many of the nations were poor and were dependent on U.S. assistance, received large U.S. assistance.

One reason I don't think it worked with Colombia too well is, actually, it's a pretty wealthy nation. It's one of the wealthiest in the western hemisphere.

I think our subcommittee and Congress needs to look at imposing some further pain on countries that don't need this. I think Senator Grassley is looking to multidecertifications; like the second strike, if they decertify Colombia that we look at some real pain for that country. So that is one thing that we may need to look at, that we talked about.

Ambassador, the members of the committee went down; and we went to Colombia, we went to Peru, we went to Bolivia, other areas, Panama, Mexico. If this administration had really emasculated the interdiction program and even some of the eradication programs, if we came back and we put together all the resources that everyone needed or asked for—I don't think there wasn't anything that you all didn't ask for that we didn't deliver. We felt that policy was a disaster. Our experience in looking at it proved that it was a disaster.

Then in September—and you alluded, too, in your testimony, too, the problem now with some of the air cover and other things that now these folks are going to—riverine strategy, taking the stuff out in boats and ships. In September, Barbara Larkin, Assistant Secretary of Legislative Affairs, sent the chairman, I think Mr. Gilman, notifying them of a drawdown for funds. This is—I talked about the other pot, the FMS pot. This is your pot, under State. That was to buy patrol boats, because we saw the problem now with this new pattern of trafficking and other equipment.

It's my understanding that even in September, when you told us that this was going to be done, that nothing has been done in ordering this equipment. Is that correct?

Mr. GELBARD. No, that is not correct.

We have moved to provide—this is the program under Section 506(a)(2), if I am not correct—is that right?

Mr. BARR. Yes.

Mr. MICA. Yes.

Mr. GELBARD. We have moved to try to establish the proper agreements with the nations involved so we can send the equipment there.

The Colombian—we have needed two provisions under the law. One is an end user agreement and the second is an agreement on human rights. We finally received that agreement from the Colombian Minister of Defense on February 11th. We were delayed by the Colombian Government.

Mr. MICA. So it's the agreement?

Mr. GELBARD. That is done.

Mr. MICA. But these still haven't been ordered, right? This equipment?

Mr. GELBARD. No. It is all ordered, and it is ready to move now that we have——

Mr. MICA. I would have to disagree with that. I have the manufacturer back—in the back of the hearing room here, and he tells me nothing has been done.

The same thing for Peru. If you turn to the administration's letter—and I don't know of any decertification in Peru—we will also furnish three river patrol boat craft to Peruvian security. We are asking for a drawdown of $13.75 million. This stuff hasn't even been ordered yet. They tell me it will take, after the order, 120 days, half a year, before this is produced.

So we went down in April. You requested this in September; and nothing is done, at least as far as ordering the equipment. Is that correct?

Mr. GELBARD. I don't order the equipment. This is—excuse me. This is the Department of Defense. I am sorry, but I can't answer for the Department of Defense on this one.

Mr. MICA. Mr. Chairman, I would ask that our staff look into this. This is absolutely uncalled for.

Now, we have talked about moving to eradication; and we—I have a confidential report here that we had 12 aircraft in the air on eradication. Then we went down to eight, and now we are down to five. Is that correct? Are we now flying only five or is this wrong?

Mr. GELBARD. No, that is not right.

Mr. MICA. How many are we flying?

Mr. GELBARD. I have said several times today, Congressman, that we have nine spray planes there. We had 11. Two were destroyed, including the loss of life. We have increased the number of helicopters substantially in Colombia, and we now provide something like two-thirds of——

Mr. MICA. What about the eradication?

Mr. GELBARD. Can I give you some details?

Mr. MICA. How many eradication planes are flying today?

Mr. GELBARD. I am just about to give you the details.

We have nine U.S. Government-owned Turbo Thrush spray planes. We have——

Mr. MICA. That are flying today?

Mr. GELBARD. Yes, sir.

Mr. MICA. What about——

Mr. GELBARD. We have a Casa–212 transport aircraft, a Cessna 208 helicopter or aircraft, three Bell–212 helicopters. Plus we have a very large number of helicopters that we have provided to the Government of Colombia, to the police, including 12 additional helicopters that we gave them last year.

Mr. MICA. What about the status, finally—I guess, my time is running out here. It's my understanding, in 1994, that the Department of State installed an individual without any prior practical or technical experience in counternarcotics operation as the director of the NAS, Narcotics Affairs Section, of the Embassy. Is that individual still there or the same person in charge since 1994, do you know?

Mr. GELBARD. The individual who is heading the narcotics assistance section has been doing an outstanding job. Ambassador Frechette obviously feels that this is the highest priority in his work; and he spends personally a great deal of time on these issues, as does his deputy.

We have a very large staff in that Embassy. In fact, we just hired a retired colonel, whom I personally know, to run all of our

air assets. The total amount of air assets that we have, as I say, is extraordinarily large.

Mr. MICA. So we have the same person in charge of the air?

Mr. GELBARD. We have the same person in charge.

One point I want to make on the 506(a) program, by law the equipment provided under that law—under that program—comes from stocks and inventories in the U.S. Government. So I am confused as to whether anything would be ordered from any private companies. But the law states, as I understand it, and I could be wrong, that it's a drawdown authority from stocks and inventories.

Mr. MICA. Well, when this is over, I would like to introduce you to the vendor, who is in the back. It is also stated in here what you would be purchasing.

Mr. HASTERT. The gentleman from Florida, it is time to move on.

The gentleman from Georgia.

I might add, just for the record, too, you characterized that as a confidential report. That was a private sector report and not a government report. Is that correct?

Mr. MICA. Yes.

Mr. HASTERT. Thank you.

The gentleman from Georgia.

Mr. BARR. Thank you, Mr. Chairman.

Previously, when we were having a discussion, Mr. Ambassador, you mentioned that at some length, as I recall, the great steps that Mexico has taken, the laws and so forth; and you were very kind to mention the work that my office had done in Atlanta in drug cases. Prosecutorial offices, of course, wherever they are located, whether they are located in Mexico, Colombia or Atlanta, the success of their efforts can be measured only by the willingness and the ability of prosecutorial offices to carry out the laws that are passed.

Passing laws that look great on the surface really means very little and sometimes can be worse than not passing them at all because then it becomes a smoke screen that is held up as evidence of great progress that is being made simply because they passed these tough laws, but that is not being used, then we still have a very serious problem. We all know, I think, today that the problem that we have is with extradition and that no progress has been made on that. I know the administration is trying to get the Government of Colombia to do something about that.

But I think you mentioned Mexico, and I am not really sure that Mexico's—that the track record of the Mexican Government in recent years really merits a great deal of compliment. Isn't it true that we really have just over the last 4 years requested literally dozens of extraditions that they have only complied in three cases, the Mexican Government, that is?

Mr. GELBARD. We obviously feel that extradition is one of the fundamental tools worldwide, and we have been pressing nations around the world to negotiate, implement, ratify, implement world class, up-to-date extradition treaties. Let me say that we have been very pleased under Attorney General Reno's leadership in particular that we have now been successful in negotiating a series of new extradition treaties. Recently one in Bolivia came under force——

Mr. BARR. That is fine. I will put into the record that the administration has done a great job in these areas. I am talking about Mexico.

Mr. GELBARD. What has happened with Mexico, as I said earlier, is that they started for the first time to extradite nationals early last year, and this was important because it was without precedent. Under their law, it says they can extradite people under exceptional circumstances. We obviously would like to see them extradite an awful lot more people. I don't have the exact numbers that they have extradited so far, but we clearly would like to see many more.

Mr. BARR. It is my information that there have been only three, and one of those was a U.S. citizen. So I—but——

Mr. GELBARD. In terms of U.S. citizens and other nationals, I believe—and I would be happy to get you the statistics on this—that they have extradited a great deal more. The question is really how many of their own nationals have they extradited, how many they are prepared to do.

[The information referred to follows:]

In 1996, there were 13 extraditions altogether. Two of these were Mexican nationals; the others were U.S. citizens or other nationalities.

Mr. BARR. That is the question, and it is my information that they have only extradited two. If you have differing information, I would be happy to receive it.

Mr. GELBARD. We have been pressing them to do more. When the new Attorney General was just here 2 weeks ago, the Attorney General, I, and others, General McCaffrey, have been putting them at the very top of our priority list.

Mr. BARR. I appreciate that, and I understand we have been pressing the Colombian Government to do more, notwithstanding the problems we have been having with the president himself down there. Again, I don't want to beat a dead horse, but I feel, and I think you can gather, that maybe some other members of the panel share my concern here that we are applying one standard to Colombia and a very different standard to Mexico.

I would like to, in the remaining short period of time that I have, to return to an area that we left unfinished earlier, although in subsequent discussions you touched on some of the things that I was going to mention also. The letter from September 1996 concerning the waiver under 506(a)(2), and that is fine, although I am concerned, as Mr. Mica is, that there is a big difference between the documents being sent forward and the action being actually taken to get the equipment in the hands of the folks down there in Colombia.

But again, has there been no effort to look at the other waiver authority contained in the same section in the earlier paragraph (a)(1) in terms of assistance? I think it is particularly important not so much in the large picture but in the small picture that our military, if the President would look at this, could be getting some much needed equipment down there very, very quickly. We know that we are having—they are having a problem with the helicopters and delays in getting them repaired, the DC–3, the mini-guns which they have expended the money on their own because apparently somebody made the decision that the use of mini-guns

would violate human rights or something. But isn't the authority that the President could be exercising under (a)(1) a tool that could help here?

Mr. GELBARD. Let me just get back to the issue under (a)(2). According to law, we have to have guarantees about the use of equipment, and we now also have to have guarantees about human rights provisions. The Colombian Government only gave us those assurances on the 11th of this month. We are now moving, and we have, the military are moving to move that equipment to Colombia rapidly.

Mr. BARR. Could I just suggest, to help you all out, that we have the gentleman here today, and you deal with him on regular basis, and he has stated, I think, very accurately that tremendous—and he has worked with us in this area; why does it take that long? You have the men here. You deal with them on a regular basis.

Mr. GELBARD. Because Ambassador Frechette felt he needed assurances from the Minister of Defense, and the Minister of Defense just gave it to him now. I am—in the terms of 506(a)(1), I have got to study that, and I would like to give an answer for the record on that.

Mr. BARR. I would appreciate that very much.

Mr. HASTERT. I would like to state we are going to ask that the authorities submit written questions and have those questions answered and have the record left open.

[The information referred to follows:]

In order to direct that assistance be furnished under the authority of section 506(a)(1) of the FAA, the President would have to first determine and report to Congress that: (a) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and (b) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except this section. On the other hand, in order to provide assistance under section 506(a)(2) of the FAA, the President would have to determine and report to Congress that it is in the national interest of the United States to direct a drawdown for, among other things, the purposes and under the authorities of chapter 8 of part I of the FAA (relating to international narcotics control assistance).

The assistance being provided to the CNP and the Colombian military for CN assistance in accordance with a section 506(a)(2) FAA drawdown directed by the President on September 31, 1996, is part of a large package of CN assistance designed to strengthen and maintain the CN efforts of a number of countries in South America and the Caribbean, including Colombia. Under these circumstances, it was determined that section 506(a)(2) was the most appropriate authority under which to authorize this drawdown, although it is not inconceivable that CN assistance could be provided under the authority of section 506(a)(1), given the appropriate circumstances.

Mr. HASTERT. The gentleman from Ohio.

Mr. LATOURETTE. Thank you, and I will be as brief as possible.

In your earlier testimony, you talked about increased levels, principally from your budget, dealing with the—although if I broke it down—22.6 going to 440 million, if I remember that correctly. Will the certification decision upcoming on March 1st affect the State Department's commitment to increasing these dollar amounts in this next fiscal year?

Mr. GELBARD. No.

Mr. LATOURETTE. There is also a——

Mr. GELBARD. There is a waiver authority, one, against, I don't know what the decision will be, but there is a waiver authority

under the law so we can continue to provide counternarcotics assistance.

Mr. LATOURETTE. Something that hasn't been touched on yet in response to the certification decision in 1996 and in response to the polling, and I understand we have a blacklist of some little over 300 Colombians that are considered to be front companies. Has there been retaliation by the Colombian Government either in trade advantages or other activities vis-a-vis the United States Government or American businesses?

Mr. GELBARD. I think to a degree there has been. But I think it is hard to disaggregate that from the standard high levels of corruption which exist. One example was a contract recently for their national civil registry which alluded to earlier where a German company, Siemens, appears to have found ways to gain unfair advantage on the contract, perhaps by bribing. Bribes are tax deductible under German law, amazingly. They were continually disqualified after they had won the contract, by coincidence. Then it came down to between a French and an American company, and my understanding was the American company was clearly best qualified.

Ultimately they decided not to award the contract. We have seen other cases, and I have heard of other cases from American companies, but I think they would prefer I not mention them by name.

Mr. LATOURETTE. I understand.

I want to yield the rest of my time to Mr. Mica, but this is a published report that it talked about. Even though you declined to mention specifically other measures the U.S. Government may take, there is a published report today that talks about airline flights in Colombia and other things that may or may not occur in the course of the certification process. If you put—I would appreciate the opportunity to send a written inquiry about that. My particular question is the impact that it would have on American concerns doing business in Colombia. I will be glad to supply this in writing to you, Mr. Ambassador.

With that, I would like to yield the balance of my time to Mr. Mica.

Mr. HASTERT. Without objection.

Mr. MICA. Bob, back to this reason that we can't seem to get this equipment. We are trying to get things down to these countries that have been cooperating also, and here is a letter from the Department of State, September 14th. It says Peru has been cooperating, and talks about the great cooperation, and they want to get river patrol boats to the Peruvian security forces to intercept the cocaine base, asked for the money. You said somebody in DOD is holding up some of this. This is your money; this isn't FMF.

Mr. GELBARD. As I said, I don't have the letter in front of me, so it is hard for me to answer. Is this the 506(a)(2) program?

Mr. MICA. Yes.

Mr. GELBARD. That is from military inventories and drawdowns. It is off the shelf. Under the law, it is off the shelf——

Mr. MICA. That is not what it says here, because it talks about some specifics that will be acquired to—in any event, Bob, is there somebody at DOD that is not cooperating that we can talk to? We want to get this equipment to them. I don't care if it's off the shelf. It is not in the Yungay, where it needs to be, or in the Riverine

program. So what is the problem? You wrote us asking for this in September, or the State did, and it is still not there.

Mr. GELBARD. This is done by the Defense Supply Agency. I will be happy to get you specific answers on this within the next few days.

[The information referred to follows:]

The "river patrol boats" will be provided to Peru for counternarcotics (CN) assistance as part of the FAA section 506(a)(2) drawdown directed by the President on September 31, 1996. This drawdown included CN assistance for a number of countries, including Peru. Prior to delivery of any of the assistance, we needed to assure ourselves that appropriate end-use, security and retransfer assurances were in place from all recipient countries, and that end-use monitoring systems would be effective. Once that process was completed, DSAA was authorized to begin to execute the drawdown. On February 21, DSAA ordered the Special Operations Command to draw down three Boston Whalers, which are scheduled to be delivered to Peru in March, 1997.

Mr. MICA. Thank you, Mr. Chairman.

Mr. GELBARD. Let me just add I am as frustrated as you on this because, when the bureaucracy doesn't move, I know who eventually gets blamed. But I also want to see the equipment out there, more importantly. I want to see them having this stuff that they could use, whether it is airplanes or boats or anything else; and it is a source of eternal frustration for me when they don't move faster.

Mr. MICA. Thank you. I will yield my few remaining seconds to Mr. Souder.

Mr. SOUDER. In a fairness question, you have rejected the ability of the President of Colombia to travel on a visa. We have a report here that suggests that one of the Governors of Mexico has been also in—implied that he is involved with a lot of drug money and drug trafficking. Would you be willing to look at revoking his visa as well?

Mr. GELBARD. We look at numerous examples with frequency. Our bureau does try to examine this with seriousness, so we are prepared to look at all information.

Mr. SOUDER. We will followup.

Mr. HASTERT. Just two very quick questions before our time is done. First of all, there has been a lot of talk. You talked about the efforts of the—some aspects of Colombian Government, especially people like Mr. Valdivieso or and General Serrano and others. Will you brief the new Secretary of State on the progress that Colombia has made, certain aspects before the decision on certification or decertification is made?

Mr. GELBARD. Yes, sir.

Mr. HASTERT. That will happen?

Mr. GELBARD. Yes, sir.

Mr. HASTERT. In the process, whether Colombia is certified, decertified, whether there are waivers, whether there are certain areas of aid moved forward, as you talked about, what exactly will be the issue or the determinant factors of whether there is certification or decertification that will take place in this coming year?

Mr. GELBARD. We have been outlining, as we have each of the last several years, specific measures for the Government of Colombia which we hope they will undertake during the course of this calendar year to improve performance. We have—I can, for exam-

ple, give you a list of things we asked them to do for 1996. We asked them to attack corruption, pass strong laws and regulate the finance industry, insure key traffickers don't run their empires from jail, expose front companies, convict major traffickers with serious sentences, reconsider the current policy of non-extradition of nationals, improve eradication and look at granular herbicides, enhance interdiction including rapid response by the military, better cooperation and expand courts and customs, and so on.

We are very transparent about this, and we have periodic discussions. Ambassador Frechette meets regularly, thanks to the excellent cooperation we have had with the foreign minister and others, and they go over this every couple of months. I have had periodic conversations here with their charge before the Ambassador came. We have gone over it in very clear specific terms.

Mr. HASTERT. I thank you for your testimony today. It has been very candid, and we wish you great success in your work.

As we welcome two very distinguished generals, I also want to recognize two others in the audience, two senators are with us today. The two senators have a response to the law for the asset forfeiture and the current proposed amendment to the Constitution on extradition. We would like to welcome Senator Herman Vargas and Senator Claudia Blum. Thank you and thank you for being with us today.

At this time, it is a great pleasure and honor to introduce General Serrano. The general has combated internal corruption in the police force, captured six of the seven leaders of the Cali Cartel. The people of Colombia and the people of the United States are indebted to him for his great service on the war on drugs.

With him today is General Bedoya, the decorated, certainly accomplished commander in his field. He leads the national military. He has brought his forces into the fray to support the war on drugs and certainly is a very fine complement and leader in this area and works arm and arm with General Serrano.

We thank both of you gentlemen for being here today, and we look forward to your testimony. Because you are a national of another country, we will not ask you to swear your testimony. We would ask you to begin your testimony, General Serrano. We also welcome the translator, Mr. Acevedo.

STATEMENTS OF MAJOR GENERAL JOSE ROSSO SERRANO, DIRECTOR, COLOMBIAN NATIONAL POLICE; AND GENERAL HAROLD BEDOYA PIZARRO, COMMANDER, COLOMBIAN ARMED FORCES

Mr. SERRANO. Thank you, Chairman Hastert and friends of Colombia. It is an honor for me to be here with you today. Together with other Colombians, amongst them Mr. Herman Vargas and Senator Claudia Blum, those senators that were in charge of proposing the bill for the asset forfeiture. Thank you, Mr. Hastert and Mr. Mica, for having gone to Colombia to understand the problems firsthand.

From my position as head of the Colombian police, we have been charged with carrying out the fight against the international narcotics organizations. In less than 6 months we incarcerated the heads of the most important criminal organization in the world.

For those purposes, we had the aid and support of the United States, especially with the help of members of the CIA and the DEA that work with us shoulder to shoulder. We also received help from the Department of State through the NAS.

I have got to tell you, however, that the narcotics trade in Colombia is extremely complex. Because having two coasts that can be used to bring in precursor chemicals, a coast that we, of course, do not build or otherwise—these coasts also allow and facilitate the exit of the drugs from Colombia.

Additionally, we are able to transfer and transport money, and it is also very easy for the narcotics traffickers to travel by plane. All this means that we have an international problem.

We are all, in part, responsible. The way I believe that we need to solve this problem, after having fought the fight for more than 10 years, is that we all recognize our own errors and we don't start putting the blame on our neighbor. Sometimes I hear some countries saying that I'm only a transit country. But also in those countries there are people that allow those planes to arrive and then they turn around and send the drugs on to the countries in which it is consumed.

I am well aware of many of the details of what is a war. We have always received tremendous help from the United States. If we had not received that help, the problem today would be even greater. There are some people here that do understand this very well. For example, General McCaffrey, Mr. Constantine, and others as well as many Members and Representatives and Senators of this important Congress that understand well the dimensions of this problem.

The work that we do, we do because we believe in it, because we are aware of the fact that narcotics trafficking is evil. It has injured the world community, and it is the worst plague this century has known. We do not want to see our children or our grandchildren as drug consumers, nor do we want their lives to be taken because they have fallen to drug trafficking.

In Colombia, along with the Colombian Armed Forces, a tremendous effort is being undertaken, of course, under the direction and leadership of President Samper, because he is the commander and chief of the Colombian Armed Forces. Little could be done, in reality, if he did not personally support these efforts.

This year a special tax has been imposed—a war tax, $74 million will be—$74 million will be received through this mechanism, and they will be invested in communications equipment and other vehicles and in strengthening our intelligence apparatus. Those resources, added to the resources that we get from the United States, will allow that in the year that is before us the final results will be even better.

You all well know that Colombia has three principle problems in relation to narcotics trafficking. Unfortunately, we have marijuana that we find through eradication. When we approached the end of that problem, cocaine appeared. Now as we approach the end of the cocaine problem, the opium poppy appears. It is the only country in the entire world where all three of these problems have appeared. For these reasons, our job is difficult and complex, but in this fight we have obtained some satisfactory results.

In Colombia, the narcotics organizations are true multinational entities. They have administrative staff, they have managers, they have legal representatives, they have heads of security. This is the type of organization that we have had to fight, and that is what we have to do.

I would ask that greater efforts be done on the part of the United States to impede the flow of precursor chemicals. Without acetone, caustic acid, or sulfuric acid there would be no drug production. As far as that is concerned, no efforts have been had in that area.

The amount of money that is moved around and the precursor chemical trade is perhaps as big as the amount of money produced by the drug trade itself. For these reasons, beyond asset forfeiture and money laundering, an effort must be made on the part of the international banking community so that not as many dollars find their way into this trade.

One particular narcotics trafficker had $150 million in barrels and no bank noticed its movement. Last year tremendous efforts were made to eradicate. Mr. Hastert, you personally know how difficult it is to actually fumigate in the Colombian jungle. Despite all of these difficulties, we have fumigated over 40- and 17,000 acres of amapola, or opium poppy, and we have destroyed more than 800 laboratories. Last week we destroyed a laboratory that had—that was more than 4 kilometers wide. Last night I was informed of the destruction of another large laboratory in the south of Colombia.

This means that our work is ongoing and permanent and that with good help and good understanding this war will be won. The capture of different criminals was spectacular last year and the year before. After drawing up extensive plans with the CIA and the DEA, actions were had against the Cali Cartel, and the cartel was brought to its knees. One particular narcotics trafficker, Santacruz Londono, was able to initially avoid actions of the police; but after 40 days of running from us, he died fighting the police. Let that be a lesson to all the other narcotics traffickers because we will fight them, and we are controlling them.

But in this war, economic aid is very important. Our countries are poor countries, and we do not have all the means and resources to throw at this fight. While it is true that we do receive aid, it would be important that this aid be increased so that we can increase the fumigation efforts and the eradication efforts. The only country in the world that fumigates is Colombia. In these fumigation efforts we have lost five helicopters and two airplanes that have been shot down by the illicit narcotics traffickers.

I would like to clarify something about the presence of guerilla groups in the areas in which there are illicit crops. It is undeniable that the Colombian guerilla groups have lost any remnant of political ideology and that they have now become allies of narcotics traffickers. This clarification is very important when considerations are being dealt with on helping the Armed Forces help us in the fight. If they had helicopters or different resources, they could protect us so we are not killed while we carry out our activities.

I would also like to briefly mention the impact that the decertification has had. For me it has been very difficult to explain to my men that fight—the daily fight and convince them and tell them that, while they support our efforts, while they admire our efforts

and our sacrifices, they still have decertified us. I am not a politician nor do I understand political considerations, but what I do know is that in my country we feel stigmatized because of this decertification. My 11,000 police officers would be more motivated to continue in this fight because, before being police officers, we are Colombians.

On the other hand, the decertification has affected us severely in the FMS cases that have to do with the procurement of spare parts for helicopters, munitions and explosives, and training. I believe that those resources have been sorely missed, and I have always believed that the less aid, the more narcotics trafficking.

We have always used all the aid and resources that have been granted us as transparently as possible. The results are well known to you, Mr. Hastert, and, above all, you know that we are committed to this fight. We will not abate. We will win this war. We are going to win this fight in spite of the pain that visiting the different funeral services of my men that I have to go to. One given day I had to go to four funerals, and at the end of the day I could no longer cry. I no longer had words to explain to the widows of my men why it is that the narcotics traffickers have killed their husbands.

My men are killed in the jungles of Colombia, and they are willing to sacrifice their lives because they recognize that narcotics trafficking is a plague because it brings tremendous stigmatism to Colombia. But rest assured, Mr. Hastert, that the great majority of Colombians are honest and are committed to fighting this fight. Not even death has kept us from this fight. Let me tell you that since 1980, more than 3,000 of my men have died. Pablo Escobar in Medellin in 1 year alone had 500 killed. He used to pay $2,000 per policeman. In spite of this situation, we have never, never fallen back. On the contrary, we remain vigorous, we remain motivated in the fight. You have heard us in the past, and we are willing to continue in the future.

I would like to end giving you a message not as a policeman but as a Colombian citizen. My country needs to be certified. My men are more motivated when they work as certified. Thank you very much.

Mr. HASTERT. Thank you, General.

[The prepared statement of Jose Rosso Serrano follows:]

Statement of Mayor General Jose Rosso Serrano
Director
Colombia National Police
Before the
House Subcommittee on National Security Affairs
February 14, 1997

Chairman Hastert, Members of the Committee and Friends of Colombia, I want to thank you for inviting me to discuss the efforts taken in Colombia to combat the drug trafficking over the past year and to update you on how decertification has impacted that effort.

As you know, I have served my country as the Director of Colombia's National Police for over two years. The National Police of Colombia is the equivalent to your FBI, we have jurisdiction over criminal activity occurring throughout Colombia and across our national border.

During my tenure as Director of the National Police, I have presided over one of the most comprehensive counter narcotics effort that the world has ever seen. I am proud of the results and of the sacrifices made by my men. In cooperation with the brave men and women of Colombia's Armed Forces, we have critically wounded one of the most powerful international criminal syndicates in history. Excuse me if I sound boastful, but you must understand, in spite of the extraordinary feat accomplished by my men, they have received little recognition or acknowledgment for their efforts.

Drug Trafficking is a Multifaceted Problem

The problem associated with international narcotics trafficking are numerous and multifaceted. The cultivation of illicit crops such as coca and opium are the beginning of a complex criminal enterprise that extends around the globe and is responsible for much of the

escalation of crime plaguing so many societies. Aside from the destructive effects of drug abuse, the narcotics trade corrupts legitimate businesses and undermines the stability of fragile democracies around the world. The laundering of billions of dollars in drug profits threatens integrity of the international banking system.

My colleagues in the counter drug effort, both within Colombia and abroad, including General Barry McCaffrey, Mr Constantine and other important officials, recognize two basic truths about the drug problem: 1) it is an international problem that requires and international solution; and 2) its is an extremely complex problem that requires a consistent and integrated approach to combating the evil on all levels.

I would like to share with you some of the actions that we have taken in Colombia to do our part in this global struggle. While great strides are being made in the legislature to combat drug traffickers by seizing their ill-gotten assets and increasing the penalties for their criminal activity, I will limit my testimony to that which I know best: the efforts undertaken by the National Police to eradicate drug crops, destroy the drug trade's infrastructure, and dismantle the drug cartels.

Action Taken and Results Achieved by the CNP in 1996

As Director of the National Police, I take Colombia's obligation to combat the drug trade seriously. The National Police is the first line of defense against the drug traffickers in Colombia. We accomplish this in the following ways:

Eradication of drug crops

The National Police in cooperation with the Colombia's Armed Forces carries out an aggressive drug crop eradication program. Colombia is the only country in the world that permits aerial fumigation of drug crops. During 1996 the Colombian National Police fumigated 45,740 acres of coca and 17,000 acres of opium poppy. Colombian National police also manually eradicated an additional 1,900 acres of coca and 22 acres of opium poppy.

In spite of this progress, the narco-traffickers are planting new coca and opium crops faster than we can fumigate them. The fact of the matter is that until we are able to purchase more aircraft and keep our existing fleet operational we will be perpetually at a disadvantage in the eradication effort.

It is important to note that our eradication missions are complicated by the fact that well-armed narco-guerrillas often guard the crops creating an additional hazard to man and machine. Fumigation efforts continue but only with the active participation of Colombia's Armed Forces who provide troops and air cover to protect the few aircraft we have from ground fire and guerrilla attacks.

Destruction of the Infrastructure used for Trafficking

Another tactic in the supply reduction effort is to locate and destroy the infrastructure used by drug traffickers to ply their trade. During 1996, the CNP discovered and destroyed 885 drug labs and nearly three million gallons of liquid precursor chemicals used in the production of narcotics. We also discovered 86 clandestine airstrips and seized 52 aircraft and nearly 600 vehicles used by drug traffickers. Each successful effort to interupt the processing and trafficking of drugs reduces the profit margin of the drug traffickers.

Drug Seizures

In 1996, Colombian Authorities seized over 55 tons of cocaine and 193 kilos of opium paste, morphine, and heroin. These drugs were fully processed and were seized just prior to being introduced into the international market.

Pursue and Capture Drug Traffickers and Fugitives

It is the responsibility of the National Police to enforce the law throughout Colombia. In 1996 the National Police continued its crack down of narco- traffickers including several well-known kingpins. With the leadership of the Cali cartel behind bars, several lesser cartels are now vying for dominance of the cocaine trade. The National Police remains vigilant and continues to arrest and pursue up-and-coming drug barons. In 1996, police and military forces arrested more than 2,500 persons on drug trafficking charges.

Importance of Assistance

Historically, U.S. assistance has been crucial to the success of Colombia's effort to combat drug trafficking. Colombia has come to rely on equipment and intelligence information from the United States. Many of the advancements that the Colombian National Police have made in the war on drugs has come about because of a strong working relation ship with the U.S. Drug Enforcement Agency and the Central Intelligence Agency. For example, we were able to dismantle the Cali cartel because of the close working relationship with the United States and through an exchange of information. The crop fumigation effort is sponsored in large part by the United States. This is a costly endeavor and Colombia relies on U.S. counter narcotics

assistance to achieve the results we have presented to you today.

During 1996, we lost five helicopters and two fumigation planes which were shot down by guerrillas. The Colombian National Police has only 20 helicopters to carry out its various operations. The destruction of five helicopters represents the grounding of twenty percent (20%) of our entire fleet. As General Bedoya will report, aircraft are essential to our eradication efforts both for securing the areas to be sprayed as well as for aerial fumigation. U.S. assistance is crucial for supplying replacement aircraft as well as spare parts necessary to keep the existing fleet in working shape.

Impact of Decertification

When Colombia was decertified by the United States on March 1, 1996, it set back Colombia´s efforts is two significant ways:

1) As far as the morale of my men is concerned, they are asked for positive results, to give their utmost, all the while Colombia is decertified.

2) On a logistical level, more than 12 million dollars in spare parts for helicopters in munitions, explosives and training were withheld.

On a more tangible level, decertification has caused the suspension of FMS programs. As a result we have not received at least $8 million principally in the form of ammunition, explosives, and spare parts for aircraft.

More than $6 million in D5 Cases were suspended which affected the support and spare parts for the UH-1H helicopters and supporting equipment and gear of the ground crew personal.

IMET training was suspended which reduced the number of police able to carry out certain counter narcotics operations.

CONCLUSION

This resulted in a reduced capability to carry out eradication efforts.

Mr. HASTERT. I might ask that we are kind of bumping up into some time constraints, so if General Bedoya could summarize his statement.

General BEDOYA. Mr. Chairman, members of the subcommittee, thank you for having invited me to this meeting. I would like to, as the oldest soldier in Colombia and commander of the Colombian Armed Forces, express to you the friendship that the Colombian Armed Forces have with the United States. That is not new, but that was born when many years ago together we fought together to defend liberty, freedom, democracy in Korea.

I want to let you know that the Colombian Armed Forces entered into the narcotics fight completely last year. The government considered at that time that it was an aggression, an attack against the people of Colombia and against the country as a whole. It was also decided that the police did not have the capacity nor the means to fight groups such as the ones that they were fighting.

Additionally, in the jungles of Colombia, which comprises about a third of all of Colombia, it was discovered that the large cocaine or drug processing laboratories were protected and guarded by groups that have now become terrorist narcotics traffickers themselves.

Last year, last August 30th in the Caqueta region, we lost 26 soldiers in the battles with the narcotics traffickers. Right now we have more than 60 soldiers that are currently kidnapped and are in the hands of these narcotics traffickers. This is without mentioning the other efforts and other activities that we have done in other regions such as the Guaviare and Putumayo.

But this human sacrifice has not been in vain. Beyond this we have made significant improvements in the destruction of laboratories and in the capture of different allies. With the national police, we have been able to work together to fight and to defeat the different elements of the narcotics trade. We as Colombians understand that we need to destroy the laboratories and the plantations of illicit crops wherever they may be found in Colombia. But we also understand that the problem of illicit narcotics is a regional problem.

Many other countries such as Peru and Bolivia also fight this plague. The United States itself deals with the problem of drug consumption. Still other countries produce the chemical precursors that are necessary to produce illicit drugs. An entire infrastructure has been put into place to continue this illicit trade.

We the people of Colombia have suffered at hands—we have suffered at the hands of illicit narcotic traffickers. However, our tradition is of freedom, of working toward ending this. That is why it is so important that this fight, this war against illicit narcotics, that is why it is so important that we find allies, that we find coworkers, that we find the understanding necessary to eliminate the problem.

The Colombian Armed Forces have suffered from the decertification decision. Our young officers have been unable to return to the training courses here in the United States. The different types of sales amongst them, the FMS cases are currently suspended or otherwise have been suspended. It is difficult to understand how it is that in this fight, in which all of us must work toward the solu-

tion, those of us who are fighting the fight in the jungles and in the mountains are the ones that actually suffer the effects of the decertification. In some areas we don't even have the munitions necessary to fight the fight, much less helicopters.

On the other hand, our common enemy, the narcotics traffickers, had at their disposition a fleet of airplanes and other equipment, and they have no restrictions on how they might purchase things or where they get their money.

In a frontal fight, you have to clearly determine who your enemy is. We are now the enemy. The enemy is internal narcotics that is prevalent in the entire world.

The Colombian people can be characterized as noble, a working people, and they also have suffered. We consider the United States as our ally in this fight and hope that together we will continue to fight and win the battle.

Last year alone in the activities that were carried out in the south of our country, the Colombian Armed Forces spent over $24 million of their budget. We destroyed laboratories, we destroyed laboratories and other elements that would have been able to produce 45 billion cocaine doses, with a possible street value of $284 billion.

Mr. Chairman, thank you for the opportunity to be before you today, and with General Serrano, we are ready to answer any of your questions.

[The prepared statement of General Bedoya follows:]

Statement of General Harold Bedoya Pizarro
General Commander
Military Forces of Colombia

Before the
Subcommittee on National Security Affairs

February 14, 1997

Mr. Chairman, Members of the Subcommittee -- My name is General Harold Bedoya Pizarro. I am the General Commander of Colombia's Armed Forces. In my position, I am in charge of my country's Army, Navy, and Air Force. As does General Serrano, I serve under the direction of President Samper. The success of his goverment's antidrug policies in the last two years has been unprecedented in the history of our country. But we must do more, and on behalf of the Colombian Armed Forces I want to express my appreciation for inviting me to this hearing and giving me the opportunity to share with you my views on the current status of the war on drugs and to update you on how decertification has impacted my soldiers and their efforts to combat the drug traffickers.

Military Involvement in the War on Drugs

According to the Colombian Constitution, the primary mission of the Military forces is to protect the sovreignty, the independence, the territorial integrity and the constitutional order. While apprehending drug dealers and eradicating drug crops has traditionally been the responsibility of the National Police, in recent years the military has been increasingly drawn into this struggle for two principle reasons:

1) Heavily armed guerrilla forces in very close relationship with the drug traffickers,

limit the ability of the National Police to carry out their counter narcotics activity. The guerrillas, financed with millions of dollars of drug money, possess sophisticated weapons and the latest technology. Military intervention is necessary to assist the National Police carry out their counter narcotics missions.

2) Drug trafficking is an international problem that extends beyond Colombia's borders. The traffickers operate in the airspace and territorial seas of Colombia and the world. These are jurisdictions beyond the scope and capability of the National Police.

Actions of Armed Forces

With regard to the war on drugs, the Military Forces contribute in the following ways:

1) Domestic Activity

Colombian military forces assist the National Police in their efforts to fight drug trafficking. A crucial difference between Colombia, and most other countries with drug trafficking problems is the presence of the FARC - Revolutionary Armed Forces of Colombia, a group made up of armed drug traffikers that in large part has come to rely upon the drug production as their principle source of funding. Early on, the guerrillas were used by the drug traffickers to protect their crops, drug labs and air strips. In recent years, the guerrillas have become direct agents in the narcotics business producing and transporting drugs on their own. This further obscures the line between guerrilla and trafficker, hence the term "narco-guerrilla."

Last August 30th. in a notorious attack a wing of the FARC guerrilla organization overran the army base of Las Delicias, killing 26 soldiers and kidnapping 60 others. The soldiers remain still kidnapped. The FARC are offering to release the soldiers if the Military Forces agree to withdraw from Remolinos del Caguán, one of the principle cocaine cultivation, proccessing

and trafficking regions, so that they may continue with the drug trafficking without inconvinience. Drug trafficking has become a threat to our national security and requires that the military intervene.

2) Regional Activity

In addition to the assisting the Colombian National police, the military is needed to protect Colombia from the regional threats posed by drug trafficking. Drug traffickers have long used the skies above the Andean region to transport drugs and precursor chemicals. Within the last six years, Colombian Military Forces with the assistance of the United States installed radars along the south east quadrant of Colombia, and in combined operations with the Peruvian authorities effectively shut down the Peru-Colombia air bridge. This cooperative effort significantly reduced the drug trafficking activity in this area of Colombia, but it illustrates precisely why a regional solution is necessary. The drug traffickers simply shifted their flight patterns to other countries.

The ability of our enemy to modify their trafficking routes and methods has generated new challenges for our authorities in the maritime and riverine interdiction. In the last few years we have carried out combined operations with, among others, Ecuador, Peru and the United States in order to improve control in such areas.

These are examples of why a comprehensive regional counter narcotics effort are necessary and cannot be postponed. Even if the Colombian authorities were to capture every last drug trafficker, eradicate every single coca plant and destroy every drug lab in Colombia,

narcotics will continue to flow into cities all over the world. As you know drug trafficking is not a Colombian problem, it is a international problem which requires to be addressed in its different stages: deviation of chemical precursors, cultivation, processing, transport and distibution-side answers.

Participation of the Services of the Military Forces

Army troops support the National Police erradication efforts by securing areas where well-armed narco terrorists carry out their criminal activities. Army troops conduct search and destroy missions of coca crops, drug labs and airstrips. They also take part in the control of cetain basic commodities such as gasoline and cement that are essential precursor chemicals for the processing of cocaine. Furthermore, special units have been created to control illegal activities along the border.

The Navy assists with detection and monitoring of suspect vessels and aircrafts involved in illegal activities off the Colombia´s Pacific and Atlantic coasts as well as interdiction efforts in ports and in riverine and maritime areas. At this moment, the Goverment of Colombia and the Goverment of the United States are poised to sign a bilateral maritime agreement that will enhance our cooperative effort to supress the illicit traffic by sea.

Finally, the Air Force monitors air traffic and intercepts suspect aircraft over Colombia airspace. The Air Force also supports Army and National Police efforts with air power and assists in troop movement to areas otherwise unreachable by land.

Importance of U.S. Assistance

We must continue to fight this war that has been brought upon us and the international community by the international narcoterrorist mafia.

The Military Forces expended US$24 million of its own budget just in the Operación Conquista. As a result of our $24 million investment, operations were carried out resulting in the destruction of drug labs that could have produced 45.471 millions of doses of cocaine (worth $284 billion on the street).

But the problem is so enormous and so complex that its elimination requires international cooperation.

Impact Decertification

For the Army, twelve (12) military training programs for army officers and NCO's have been scrapped as well as a training program for cadets at the School of the Americas. The suspension of FMS has resulted in the cancellation or delay of many of our aqquisition plans.

For the Navy, US$9 million in assistance has been withheld. This assistance would have been used for logistical and technical support (FMS) and military education and training (IMET).

For the Air Force, as a result of decertification, pilot and technical training was suspended, spare parts for aircraft and radars have been delayed or suspended, and ammunition sales have been canceled. These delays and suspensions are serious matters. To give you an

example, let me tell you that nearly half of the Colombian Air Force UH-1H helicopter fleet is grounded due to lack of spare parts needed for repairs. These helicopters are used in various counter narcotics operations from troop movement to providing supplies to soldiers in the field.

CONCLUSION

Before closing, I want to express on behalf on behalf of the Colombian Military Forces our sincere appreciation for the support that the United States and the international comunity has shown for our efforts to eliminate the scourge of illicit drugs.

Colombian Armed Forces fight many battles against international narcoterrorism protecting our young people as well as the democracy of our contries. We have been and will continue being, the natural-born allies of the United States in these wars as we were in Korea in 1951 when we fought side by side for the freedom and democracy that today is enjoyed in that part of the world.

I thank you for the invitation to speak to this subcommittee. General Serrano and I stand ready to answer any questions that you may have. Thank you.

Mr. HASTERT. I thank both of the distinguished gentlemen for being with us here today, and certainly it is an unbelievable story to tell. Unfortunately, your colleague General Valdivieso could not be with us today, however, we have received his statement and that will be included also in the record.

[The prepared statement of General Valdivieso follows:]

REPUBLICA DE COLOMBIA

FISCALIA

DESPACHO DEL FISCAL GENERAL

FGN/DFG/0001- 00742
Santafé de Bogotá D.C., 13 FEB. 1997

Mr. **J. DENNIS HASTERT**
Chairman
Subcommittee on National Security
International Affairs and Criminal Justice
Congress of the United States
House of Representatives
Washington, D.C.

With reference to your communication bearing the date February 3, 1997 and in particular to each one of the inquiries you asked, I'd like to express the following :

1) I understand the decertification excludes the possibility of affecting assistance to the institutions acting against drug trafficking. Specifically there has been no effect in the activities of the Prosecutor General's office.

2) The regulations on "assets forfeiture and sentencing laws and the strengthening of money laundering laws " are an additional support to the existing legislation in order to confront the action of organized crime. Most important, however, is the determination with which the society in general, and public officials, in particular, act with respect to the drug problem.

3) I think that the possibility of reestablishing the extradition of Colombian nationals has improved. Colombia has been evolving pretty well in the last 3 years and I hope that this historical mistake that led to forbid the extradition of Colombian nationals in the new Constitution of 1991 can be amended. In my opinion it is necessary to act responsibly in order to guarantee an efficient instrument which can deal with a transnational crime committed by those who might use their nationality to protect themselves from the judicial actions of the countries in which they committed their crimes.

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4) I do hereby below mention, among others, the main goals of action against drug trafficking in 1997, such as :

a) The investigations will continue and we will emphasize in the scope of action which has been accomplished up to the moment, in order to combat judicially drug trafficking and to cut their links with the society, establishing the criminal responsibilities.

b) Training our officials in areas which demand advanced techniques such as money laundering and assets forfeiture.

c) Guarantee the process of strenghtening of the Attorney General's Office, systems, formation process, internal organization, which will lead us to a better efficiency in respect to the actions against crime and specially that which causes more impact in our society, which is the case of drug trafficking.

Last but not least I would like to remark the efforts which have been made to verify in a direct way the true reality of Colombia, specially the analysis of our situation in a direct way as these Congressional hearings and as was the case of your visit to Colombia along with other concerned members of the House of Representatives.

Alfonso Valdivieso Sarmiento
Prosecutor General

Mr. HASTERT. Again, gentlemen, we thank you very, very much for your presentations.

General Serrano, one of the things that happened in this city just last week was the death and burial of a very courageous policeman. You talked about the deaths of many of your valiant and courageous men. How many men have you lost in the last year?

General SERRANO. In 1996, we lost 36 policemen and 61 were injured.

Mr. HASTERT. General Bedoya, how many men did you lose?

General BEDOYA. Last year the Colombian Armed Forces lost 330 soldiers in action.

Mr. HASTERT. What about the year before?

General BEDOYA. The year before the figures are basically the same, but added to this, you have to consider the 60 soldiers that are currently kidnapped in the south of Colombia and 10 who are kidnapped in the Uraba region.

Mr. HASTERT. How about General Serrano?

General SERRANO. The year before, 27 or 28 policemen were killed, and these numbers are getting better because the Colombian police are learning to defend themselves. But the attacks, the ferocity of the attacks has increased.

Mr. HASTERT. Thank you, I certainly award anybody's comment at all of you.

General Serrano, President Clinton's decision to decertify Colombia on March 1, 1996, it certainly had detrimental effects on the economy and your efforts to fight the war on drugs. How did it affect your ability to do your job?

General SERRANO. We were unable to receive $8 million in spare parts and munitions, which is what we most use and need to fight this fight. We also lost training. Many policemen had been coming to the United States to prepare themselves for the war. However, there have been efforts on the part of the State Department to send us 12 helicopters. It is hoped that those helicopters will eventually arrive in Colombia sometime this semester.

Mr. HASTERT. The process, the equipment that you needed last year, and of course the DC–3 aircraft that you use for support and for some of the drug eradication, how do you use those DC–3 aircraft and how many are in your inventory and what are their approximate ages?

General SERRANO. We have two DC–3s. These DC–3s are World War II vintage, but they have been souped up. They have been given new turbines, and it is a reliable airplane, but without the constant flow of spare parts, they only last 1 or 2 months before they need repair.

Mr. HASTERT. How do you use them?

General SERRANO. These are used basically to transport personnel to the jungle regions, because they can land on short airstrips. They are also used to transport chemicals that are needed to carry out the fumigation.

Mr. HASTERT. Have the spare parts that are needed to keep these airplanes flying been available?

General SERRANO. Yes. While the spare parts must be asked for, eventually they are forthcoming.

Mr. HASTERT. In 1995, you lost a DC–3 in a rather serious accident in August. How did that affect your counternarcotic activities?

General SERRANO. That airplane was out of service for more than a year. It had to be sent to the United States to be repaired and was sorely missed while it was not in service. However, it has begun to help again.

Mr. HASTERT. Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Welcome, General. We are pleased to see you here and appreciate your tremendous effort.

I have a question relating to mini-guns. It is my understanding that you began a purchase from the United States in 1991 of these mini-guns. Could you tell us what the status of that program is and what the need of those weapons is for?

General SERRANO. The story of the mini-guns is a long one.

Mr. MICA. Well, I have 5 minutes.

General SERRANO. When I was Director, when the General was Director of the Antinarcotics Police, the mini-guns arrived, but they did not arrive—all of the mini-guns did not arrive. The complete equipment that they needed did not arrive.

Efforts were made to purchase the remaining elements that were needed for the mini-guns with our own moneys; but it was impossible. I even proposed that from our budget money be set aside, and about this I spoke with Mr. Hastert. We are still waiting for the authorizations to use them because now something has been said about the police being unable to use these weapons because they might possibly violate human rights. But they are extremely important in the fumigation activities and the fumigation runs in which we have lost five helicopters and two airplanes.

Mr. MICA. How would the mini-guns be used again? Can you explain that?

General SERRANO. The mini-guns would be used in the helicopters, in the 206 helicopters to provide effective response when the other helicopters are attacked, in an attempt to dissuade these attacks from occurring.

Mr. MICA. General Bedoya, can you tell me your perspective of the problem with these mini-guns, and maybe also the timeframe? Was some of this equipment—well, this equipment order goes back to 1991, and I guess that some of these problems predate the decertification; is that correct? Can you give us a little explanation of what took place and the timing?

General BEDOYA. These special machine guns that are being referred to here are support weapons that are used to provide support to the units that actually fight. Generally, these weapons—these are weapons that were used to support troops as they exit from the helicopters. These are used to suppress the attacks while the soldiers themselves are leaving the helicopters.

Mr. MICA. The problem relating to the acquisition of weapons, the parts, predates certification, decertification?

General BEDOYA. Yes, we have had different sorts of problems in the different sorts of sales that we have been trying to get from the United States, among them the FMS cases, for about 4 years. Before decertification came around, the problem was some sort of human rights issues that were being raised. This has made it im-

possible for us to receive around $35 million of elements that we would either have purchased or elements that would have been given to us.

Mr. MICA. You talked about the guerillas and ELN. Aren't they violating human rights, don't they have, at least, last count, I thought we had five American hostages?

General BEDOYA. These terrorist groups that you refer to last year kidnapped more than 1,000 Colombian citizens and they killed another 1,000. These groups carry out illegal activities, and of course they do not respect any international convention or they do not respect any human rights.

In the different areas and regions where the narcotics production is carried out, there are many people that are employed in this production, and when the armed forces arrive in the area, these people complain to the armed forces of the human rights violations that are perpetrated by these narcotics trafficking and guerilla groups.

Mr. MICA. The mini-guns that we talked about, would they be used in this fight against the narco-terrorist guerillas?

General BEDOYA. Yes, these guns would be used to fight the narcotics-terrorist insurgence groups.

Mr. HASTERT. Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

I thank both of the generals, not only for being here today, but also for their tremendous work on behalf of all ciitzens of both our countries who believe in the rule of law and in personal freedom and in continuing the fight against the plague of drugs.

In your view, and I say this to both generals, is the fight against narcotics simply a matter of treating it as a disease, or is it, in fact, a war against forces of evil who seek to destroy the very foundations of our societies?

General SERRANO. To me, it is an all-out war, a war of money that comes from illicit sources and destined to the injury of our youth. It is a war in which there are no ethical values.

The only thing that really matters is the opulence, without heeding the consequences that the people that consume these drugs have to face. Narcotics trafficking has indeed changed the course that the world has taken. Today many people want to get rich quickly through narcotics trafficking instead of working. The worse thing is that there are many people that believe that narcotics trafficking is a business and not a crime. For this reason, it is a war that has to be fought because of the effects that it has, the malicious effects that it has in world society.

General BEDOYA. Narcotics trafficking began sometime in the 1980's. We are not traditionally and never have been narcotics traffickers. It is drug activities that has made the people of Colombia poorer, and has distorted, in many cases, local economies and has contributed to the spreading of many diseases.

In this war that has been brought, Colombians have had to fight the hardest fight, where we have had to fight an international Mafia that uses our country as a production center, but that has its foundations in many other places in the world as well. To fight this war, just as the term implies, we need special laws to fight this war. To destroy not only the laboratories and the illicit crops

themselves, but also that would allow us to capture those that benefit from this terrible trade, be they in Colombia or abroad.

For this reason, it is so important that the United States, being the country that it is that is the leader in the fight against narcotics, that they understand that the people of Colombia are victims of the activities of an internal Mafia that benefits from narcotics trafficking.

Mr. BARR. Thank you.

I think both Generals made statements that recognized, or indicating that they recognize that there is a very close connection between the narcotics organizations and the guerillas. Has that information been made known to the U.S. Government?

General SERRANO. Yes, because the Government of the United States has worked with us. In my experience, wherever there is cocaine or coca crops or opium poppy, or laboratories, these guerilla groups provide protection. We have definitive proof. The guerilla has established percentages that they charge per kilo of cocaine that is produced.

They have also established fees for the entry of chemical precursors and they have established fees for the use of clandestine airstrips and also for the transportation of the different elements. All told, we estimate that their share is about 25 percent of the value of the cocaine that is produced and transported in the areas in which they operate.

Mr. BARR. Thank you.

Mr. Chairman, will there be a chance to ask just a couple of additional questions?

Thank you.

How many guerillas do you estimate are active in Colombia right now? We have seen published reports here of 14,000.

General BEDOYA. In order to complement the answer that was given to your previous question, I want to let you know that here I have documents that have been made known both to the Colombian media and the international media, and I personally want to give these documents to you so that you can see firsthand how it is that the relationship, the old relationship between the guerillas and the narcotics traffickers actually is. Even though they are dressed in the old ideologies of political fight and political insurgency, and unfortunately some other countries in the region respond to that disguise, they try to justify many times their crimes.

In response to your current question, currently there are approximately 10,000 narcotics terrorists that used to be called guerillas.

Mr. BARR. Is military aid from the United States to Colombia being used to defeat the narco-guerillas?

General BEDOYA. The terms under which the military assistance from the United States is supplied to Colombia does not allow its use in the fight against guerillas. That is because there has not been established in the eyes of the public a relationship, a direct relationship between guerilla groups and narcotics traffickers.

Mr. BARR. But it is our government leaders that make these decisions, and in your view, have our leaders in this country been given sufficient information to clearly understand that these are one and the same enemy that we are fighting?

General BEDOYA. Locally, it is understood and a well-known fact that this relationship exists. Regionally, it is well-understood and recognized that this relationship exists. Many times, much information has been given to the United States Embassy in Colombia, and some of that information showing this relationship, setting out how it operates, the General has here with him, and wishes to give it to the subcommittee so that relationship can be more clearly understood.

Mr. BARR. Thank you.

Mr. Chairman, might I ask unanimous consent those documents be made part of the record.

Mr. HASTERT. Without objection, so ordered.

[Note.—The information referred to can be found in subcommittee files.]

Mr. BARR. Thank you.

Would it be or is it a mistake to block the use of funds from the United States to be used against narco-guerillas simply because some people may say there is no connection between the guerillas and the narcotics traffickers?

General BEDOYA. It is a mistake, because in Colombia the groups that used to call themselves guerillas are now narcotics traffickers. We have films that have been produced by these same groups, in which they show themselves producing, processing, and trafficking in these illicit substances. That is why these groups get so much funding and that is why these groups have airplanes and are able to use tremendous resources to fight us.

Mr. BARR. Just one very quick final question, Mr. Chairman. I appreciate the extra time.

Speaking of weapons, can you tell us what sort of weapons the narco-guerillas have available and are using to kill your men and to stop your efforts to go after them?

General BEDOYA. These groups principally use the AK–47 that, as you know, has European origin, Eastern European origin. They even have rockets and different sorts of munitions that come from the same source. There are other types of munitions that come from other sources, but they are secondary sources.

Mr. BARR. So would it be fair to say that these groups are very well armed, and that your inability to continue to get ammunition and defensive weapons systems, such as the mini-gun, is putting your men at a real disadvantage?

General BEDOYA. These narcotics traffickers get their weapons from the international arms dealers and many times it is a drugs-for-weapons exchange.

Mr. BARR. Insofar as they purchase their weapons with money, is that money that is coming directly from drug consumers?

General BEDOYA. Yes. Basically the moneys that they use to purchase these weapons comes from the areas of cultivation, the areas of production, and there is some evidence that they even have some exporting capacities.

Mr. BARR. Do we see any evidence that other terrorist groups outside of Colombia are involved?

General BEDOYA. The specific evidence we have is specifically related to the FARC, that is definitive. Regarding other groups, it is very possible that they also participate. We don't have specific evi-

dence as of yet, but we do know that they do gain their funds and they do supply the funds that they acquire through kidnapping.

Mr. BARR. Thank you.

Thank you, Mr. Chairman.

Mr. HASTERT. I thank the gentleman.

I would like to finish with just a series of questions that, if you could just answer them very briefly, what we are trying to do is to establish something in the record that I think pulls together a lot of your testimony today.

First of all, on the issue of the guerillas, ELN and FARC, originally, my understanding is these groups were freedom fighters in their own minds, leftist guerillas that were ideologically trying to overthrow the government because they believed that their philosophy was superior. Is that still the truth today or are they still an ideological group, or are they driven by narco-funds, in your opinion?

General BEDOYA. At the end of the cold war they no longer could get their funds from other sources, including the Soviet Union. Now they get their resources from drug traffickers.

Mr. HASTERT. The other part of that question is, however they get their money, are they still driven by an ideology, in your opinion?

General BEDOYA. They no longer are driven by ideology. They have converted themselves into common criminals and now move along those lines.

Mr. HASTERT. To follow up, you say in your testimony today that they take approximately 25 percent of the proceeds from the drugs grown, manufactured, transported in their areas of operation; is that true?

General SERRANO. Absolutely true. The truth is, the sad truth is that in that area, the tax collector is the FARC.

Mr. HASTERT. Is it also true, from other testimony that we have had prior to today, that these organizations have committed transgressions against humanity, they, in a sense, have no regard for people's civil rights, and the operation of protecting drugs and the growing of drugs, the manufacture of drugs and the transportation of drugs is the No. 1 importance; human rights are not important to these people?

General SERRANO. They violate all sorts of rights, including human rights. In the cocaine processing laboratories, we find young children of 13 years old that have been pressed into labor. They also exploit women and children, and whoever attempts to communicate to the legitimate authorities the existence of any movement of cocaine or the existence of a processing laboratory is immediately assassinated.

Each group of these different organizations has a band of assassins that they use to make sure that the law of silence is enforced and that the different debts are paid. But the worst violation they commit is the poisoning of Colombia's youth.

Mr. HASTERT. To follow up on that, could you give me—we know that the kidnappings are rampant, that civilian murder is rampant. Can you give us a number about in the last year how many murders have been committed and how many kidnappings have been perpetrated, to the best of your knowledge?

General SERRANO. Last year, in Colombia, there were 1,200 kidnappings. We were able to rescue 250. Sixty percent of the kidnappings that occur in Colombia are carried out by the narcotics guerillas.

Mr. HASTERT. How about murders?

General SERRANO. About 10 percent of these kidnappings end in the assassination of the people that have been kidnapped. On a general level, all told, per year, there are about 28,000 murders.

Mr. HASTERT. 28,000 murders.

General SERRANO. Yes, 28,000 murders per year.

Mr. HASTERT. Second point. According to other testimony that we have been able to accrue, is it not true, systematic recruitment of children and kidnapping the children by the FARC and ELN have taken place to press these children into service for narco-trafficking purposes?

General BEDOYA. In the different documents and in the video that we will be giving to you, you will find children of different ages that are kidnapped from 10 or 11 years old and are kept within the criminal organization all their lives. This is a reality that is ongoing in Colombia.

Mr. HASTERT. Is it true that an area known in your country as Miraflores, which is approximately the size of the State of Texas, that that area is virtually overrun with guerillas and narco-traffickers?

General SERRANO. While it was true in the past, ever since we started the operations last year, the control of this zone by the narcotics traffickers and the guerillas is being eliminated. That situation will come under control. It is specifically in that area where the efforts to fumigate are concentrated.

Mr. HASTERT. The capability to move into that area and to control it and the FARC, to fight the guerillas and narco-traffickers depends upon the use of DC–3s and Huey helicopters and other equipment you have got; is that true or not true?

General SERRANO. As far as the police are concerned, the ability to carry out these efforts relies on the airplanes that are used for the fumigation and on the DC–3s and on the helicopters.

A brief example so that you might understand further: When an airplane leaves on a fumigation run, the actual illicit crops are to be found more than an hour's flight away and the plane must hastily perform the fumigation runs and return so that it will have enough fuel to make the entire run. It is a completely—it is an area that is completely overrun by jungle and that is very far away from the normal means of transportation.

Mr. HASTERT. Any holding up of that equipment because of decertification by our country to your country has a serious consequence of the transportation, the growing, manufacturing and transportation of drugs back into this country; is that true or not, in your opinion?

General SERRANO. The decertification affects not only Colombia's morale but it also affects the logistics of the operation. It also divides the countries into supposedly, good guys, and supposedly, bad guys. It has a direct effect on the ability to procure spare parts, in the procurement of weapons and explosives.

Mr. HASTERT. In effect, you are facing, basically, a civil war within your nation because of this constant turmoil driven by the profits from narcotics. How much longer, with limited—maybe this is not a fair question. With limited ability to fight these problems, how much longer can you sustain this without added help?

General SERRANO. It is a war that is being fought between the narcotics traffickers and the Colombian Armed Forces. We do not know how long it will take to see what effects the reduction in the entry of precursor chemicals, on the reduction in consumption. All of these different elements, we do not know how long it will take for them to have an effect on the war.

Without help, narcotics trafficking will rise, and without help, without aid, we will not be able to last for very long. The antinarcotics division of the police is—uses fundamentally the assistance that is received from the United States. Without that assistance, they could not function the way they do.

General BEDOYA. In Colombia, there is no civil war as such. What we are talking about are simple criminal activities of narcotics traffickers and terrorists that direct their activities against the Colombian institutions and the Colombian people themselves.

Mr. HASTERT. I think the use of civil war is probably a bad choice, but it is an imperative struggle between, in essence, good and bad.

For the record, so that the record is clear, and whatever other record that we have been able to establish here today, has President Samper ever prevented either one of you from a wholesale attack on narco-traffickers?

General SERRANO. Never. In the 2 years that I have been the director, there has never been any interference in our activities. Quite to the contrary, before we were able to capture the members of the Cali Cartel, there was a lot of pressure that we get that done.

Mr. HASTERT. Thank you.

I want to put myself out on a limb, two things I would like to say. First of all, I try not to put myself on a limb very often, but General Serrano and General Bedoya, certainly your efforts, I think, have been heroic. That is in the reports we have had, I was able to confirm that visiting your company, I was able to talk to many, many people in your country, in the southern hemisphere, and in this country.

General, your efforts are certainly our best hopes for the plague that is upon us, upon our children, upon this country, and upon the citizens that want to live a decent life. It affects our people almost as badly as it affects your people. We hope that we can win this war and that we can have peace from the plague of drugs.

It takes a great effort on nations and politicians, elected officials, and people who serve your country such as yourself. I think, I don't know how you would ever put together a nomination for a Nobel Peace Prize, but I think you are certainly deserving by your fine effort. I hope that we can say we support you and this country is behind you all the way. When you have to talk to the next widow in the next funeral you go to, I hope you express that we stand behind you as well.

Thank you for your testimony.

At this time, I would ask for our final panel to come forward. Certainly it has been an overwhelming experience today to have the first two panels before us, but you will not be disappointed in the third panel, I can tell you that.

I would like to welcome at this time, Ambassador Morris Busby and Major Andy Messing. Ambassador Busby served as the United States Ambassador to Colombia. I have been able to visit Colombia, have the privilege and the benefit of his insights.

Major Messing has retired from the Army after 21 years of distinguished service, including service in Special Forces and Special Operations for over 18 years. He has had firsthand experience in the jungles of Colombia.

Gentlemen, if you will both stand and raise your right hands, our committee rules require me to swear you in.

[Witness sworn.]

Mr. HASTERT. Let the record show that the witnesses responded in the affirmative.

STATEMENTS OF MORRIS BUSBY, FORMER AMBASSADOR TO COLOMBIA; AND MAJOR F. ANDY MESSING, JR., UNITED STATES ARMY (RET.), EXECUTIVE DIRECTOR, NATIONAL DEFENSE COUNCIL FOUNDATION

Mr. HASTERT. Thank you and please proceed with your statements. And, Ambassador Busby, if you will begin.

Mr. BUSBY. Mr. Chairman, thank you.

I would like to thank the committee for the opportunity to appear here today. I have submitted for the record a short statement, and, since the hour is going on, perhaps I could just hit some of the high points.

I was in Colombia at the time that President Samper was elected and participated in the early moments of disintegration of the relationship between the United States and Colombia.

I am, as you will notice from the statement, somewhat critical of our handling of United States-Colombian relations in the ensuing couple of years.

Mr. HASTERT. Mr. Ambassador, would you pull your mike up a little bit closer, please.

Mr. BUSBY. Sure.

Mr. HASTERT. Thank you.

Mr. BUSBY. In saying that I am somewhat critical of the way we have handled this, let me also say that certainly Mr. Samper gets no kudos from me. I would also like to take this opportunity to add my voice to those of the many brave and thoughtful Colombians who have called for him to relinquish the office of the presidency so the country can begin healing itself.

Having said that, it is awfully easy to sit here and criticize what others have done.

I firmly believe that the tools which you, the Congress, as well as the administration have given to the hands of our policymakers are inadequate. There was a lot of talk here this morning about the certification process. I greatly fear that, as it has evolved, the certification process tends to dominate useful policy. We see what was described here today, million-dollar ads in Forbes Magazine, lots of public relations.

The kind of strictures and restrictions that are placed on our policymakers in that legislation I think need to be reviewed.

I was, at one time, the deputy chief of mission in Mexico when Enrique Camarena, our DEA agent, was killed. I was Ambassador to Colombia for 3 years, and I will tell you that in circumstances such as those, strict adherence to the legislation as it is currently drafted is a hindrance rather than a help to rational policymaking.

As my first statement, I would like to say that I would recommend that you and the administration review that legislation to make sure that, as you are currently applying it, and it has the intent that originally was designed. That's not to say that I am critical of congressional oversight and, in fact, as a former member of the executive branch, I will tell you that I very much recommend to you that you exercise congressional oversight. It is just that policy has tended to be made in a public forum where I think oftentimes subtle and delicate initiatives die a very sure death.

Mr. Chairman, you asked me to specifically comment on the types and amounts of support that the U.S. Government should provide to the Government of Colombia. I greatly fear that, given the animosity that we currently feel toward the Colombian administration, that the situation in Colombia is not going to improve as long as Mr. Samper is in office. I would certainly hope that, until that occurs, we do not abandon the cause for which so many Colombians have given their lives. I have the greatest admiration for the gentlemen who just appeared before you, and I think they deserve our support. In fact, I do believe that it is essential that we as a government continue to support the Colombian counternarcotics forces.

As much as we disapprove of Mr. Samper, we should recognize that it's unlikely that he is going to depart before the end of his term. There's no doubt about our animosity toward him. We have taken away his visa. What more public demonstration could there be? I think it's ludicrous to argue that giving aid to the counternarcotics forces is going to help him politically or that to withhold it is going to weaken him further. The die has been cast, and we should act in what is our own self-interest.

I also could not help smiling as I heard some of the questions and answers relating to the so-called guerrillas in Colombia. I will tell you with certainty, Mr. Barr, and Mr. Chairman, that during the entire 3 years I was there, I sent reams of paper and facts and figures laying out for the government, our government, the relationships between the FARC and the ELN and the narcotics traffickers. I made countless recommendations that we should, in fact, recognize that relationship in policy and that we needed to work with the Colombian military and the Colombian police in combating the ELN and FARC. I had these mental images of the Washington establishment sort of levitating and shaking every time I would send these cables up.

My sense has been that the problem is twofold. One, there is a broad perception that, if we were to work with the Colombian military and police on the FARC and the ELN problem, that somehow we are going to get ourselves immersed in a terrible human rights problem. The second problem is that I think that we, as a govern-

ment, recognize the complexity of this situation and have decided not to get involved in it.

But to my mind, I will tell you that I am firmly convinced that, so long as the FARC and the ELN continue in the numbers that they are and so long as they continue their relationship with the narcotics traffickers, we can pour money into Colombia on counternarcotics. But if we continue to say it can only be used for counternarcotics purposes, and we have these very, very tight, end-use provisions that we have to adhere to, you will not solve that narcotics problem in Colombia.

That may not be true elsewhere, but in Colombia, the two are so inextricably linked that it is a true head-in-the-sand attitude to think you can look at counternarcotics and not look at the FARC and the ELN in that relationship. I think that is something which this committee could perhaps take a leadership role in.

Finally, Mr. Chairman, I would like to make a point that has been alluded to but no one has addressed it directly, and that is I would like to recommend that you and your colleagues consider the funding levels for some of the infrastructure development programs. By that, I am referring to programs to aid in the administration of justice and, in particular, military and police training. I think that these are programs which have tended to fall by the wayside as a part of the certification process and there's nothing that we do in these countries which is as valuable and which has such long-term benefits as bringing Colombian police and military officers to the United States for training, having a true interaction between our military and police, who function in a truly democratic society, setting an example for them and providing them with the tools that they need. The same thing is true with the administration of justice program. There was a $34 million program when I was in Colombia. I was very strongly supportive of it.

The institutions of government, and in particular the institutions of justice in these countries, are very weak and it is something that we need to work on if we truly are looking for a longtime solution.

Mr. Chairman, again, thank you for the opportunity to testify before you, and I will respond to any of the questions that you or any other members may have.

[The prepared statement of Mr. Busby follows:]

Ambassador Morris D. Busby

STATEMENT OF THE HONORABLE MORRIS D. BUSBY
before the House Sub-Committee on National Security,
International Affairs and Criminal Justice

Mr. Chairman, I would like to thank you and the Committee for the opportunity to appear here today. Since I am no longer with the US Government, it is a special honor to appear before you to testify on a subject about which I retain strong feelings.

It was preordained from the moment Ernesto Samper was elected President of Colombia that US-Colombian relations would falter. The evidence that his campaign was financed by narco money was overwhelming, and the events which resulted ultimately in his exoneration by a Congress likewise dominated by influence from the traffickers did nothing to detract from that conclusion.

As this painful episode unfolded the United States made a critical error in believing that pressure from us would force him from office. A careful analysis should have concluded that no matter how unsatisfactory his continued tenure might be for us, and no matter how overwhelming the evidence against him, a policy predicated on pressure from the United States could not work. Like all Presidents he was surrounded by hundreds of politicians and bureaucrats whose future was inextricably tied to his, and who reinforced his inclination to stay. As we became more openly antagonistic, his fear of the US justice system and the likelihood the US already had a sealed indictment against him surely influenced his thinking. So he did what could have been foreseen from the outset - he stuck it out, and threw in his lot with his natural ally, the narco-influenced Congress dominated by his own party.

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It is indisputable that Mr. Samper has taken his country to the brink of disaster by his continued presence in office. There were hopes that he would leave in the early going when behind the scenes efforts were reportedly underway to find a graceful exit for him and while the US was exercising real restraint in its public posture. That did not happen. He should step down, and I would like to publicly add my voice to those of the many brave and thoughtful Colombians who have called for him to relinquish the office of the Presidency so the country can begin healing itself.

Mr. Chairman, it is easy for me and others to criticize the handling of the Colombia situation over the last two and a half years but options available to counter-narcotics officials are limited. Let me outline what I see as the major shortcomings in our policy process.

The certification process dominates policy, and public scrutiny surrounding certification determinations is oftentimes unhelpful. When events such as the recent ridiculously light sentencing of the leaders of the Cali Cartel occur in a certification cycle, the policy outcome is terribly distorted. No matter what the record of a given country on the substance, it is a brave man indeed who will come before you to defend the actions of a country which has faced a crisis of confidence on these issues. I am not an expert on the law, but I have lived through some of the political battles brought about by its application. I wholeheartedly applaud the intent of Congress in passing this legislation, but its application in real life has proven to be a hindrance to good policy.

Mr. Chairman, I believe the Congress and the Administration should re-visit this legislation with a view toward giving those responsible for counter-narcotics policy more flexibility to deal with situations such as in Colombia, where we disapprove of the political leadership, but retain a strong interest in working with counter-narcotics forces.

The lack of a true bipartisan approach to narcotics policy also greatly hinders our ability to deal with other countries. What should be subtle and often delicate diplomatic or judicial initiatives are thrown into the glare of public debate, where they die a sure death. During the recent Presidential campaign there were recriminations on all sides. Both sides accused each other of abandoning the drug issue, of being too soft or worse, of playing politics with this critical problem. As we start this Congress and the final four years of Mr. Clinton's Presidency, I believe there is an opportunity to forge a strong bipartisan anti-drug policy. I hope that will happen.

Mr. Chairman, you asked me to specifically comment on what types and amounts of support the US Government should provide to the Government of Colombia. Given the antipathy we have toward Mr. Samper, it may be too late to rescue the Colombia situation, and our relations will most likely improve only after he finally departs. I hope, however that until that occurs we do not abandon the cause for which so many Colombians have given their lives. Sir, I hold the greatest admiration for the gentlemen who appeared here before you today from Colombia. They, and others like them have dedicated their lives to ridding their country of the scourge of drugs.

It is essential that we as a government continue to support the Colombian counter-narcotics forces. As much as we disapprove of Mr. Samper, we should recognize that it is unlikely he will depart before the end of his term. No one can doubt our animosity toward him, and it is ludicrous to argue that giving aid to the counter-narcotics forces will help him politically - or that to withhold it will weaken him further. We should hold our collective noses at dealing with the political leadership but continue to support the brave Colombians who are fighting and dying for a cause that is very much in our interest. There are certainly ways to make sure the world and the people of Colombia understand that such aid is in spite of Mr. Samper rather than in support of him.

I would also like to touch on an issue which I believe has been widely misunderstood here in Washington. This relates to the so-called guerrilla groups, the FARC and ELN. In my experience we view them from a policy perspective in the same way we traditionally viewed the Viet Cong or the Sandanistas, as Marxist insurgents bent on overthrowing the government. As such, our position has been that this is an internal problem for the Colombians to resolve, and we have refused to be actively involved.

Mr. Chairman, whatever their previous ideology, today these groups are nothing more than bandits masquerading under the banner of political reform. They support themselves by kidnapping for ransom and involvement in the drug trade. As misguided as it is to argue that they are a "new cartel" it is equally misguided to pretend that they are not an integral part of the narcotics problem. They control large parts of the country, they have tactical alliances with the traffickers, they protect the growers and the traffickers and collect fees from all, and they regularly attack and kill police and military personnel. It is my firmly held belief that we will never solve the problem of narcotics in Colombia without simultaneously solving the guerrilla problem.

What this means Mr. Chairman is that we need a counter-narcotics policy and a Colombia policy which recognizes this reality and addresses it. At present our people in-country are saddled with end-use requirements that make no sense in real terms, and we are prohibited from working closely with the Colombians on this issue. It is a "head-in-the-sand" posture which serves us poorly.

Finally Mr. Chairman, I would like to recommend that you and your colleagues consider increased funding for the programs we have in Colombia and other countries to develop infrastructure and to forge closer ties with the law enforcement and military in the region. Programs such as the initiatives to improve the administration of justice and the military's IMET training program pay long term dividends for us. In many of these countries under-funding for infrastructure development programs is one of the real shortfalls

in our programs. We tend to focus on short-term results that are directly linked to whichever of our own issues happens to be on the front burner at the time. We should not ignore the fact that one of the most severe problems we face in obtaining long term results is the weakness of the governmental institutions and lack of infrastructure in these countries. It is a need we ignore at our peril.

In closing Mr. Chairman, I want to thank you and the members of the committee for inviting me here today and I would be pleased to respond to your questions.

Mr. HASTERT. Thank you, Mr. Ambassador.

Mr. Messing, Major.

Mr. MESSING. Thank you, Mr. Chairman, for allowing me to testify. As the executive director of the National Defense Council Foundation in the study of antidrug operations, I have been to Colombia nine times since 1985, my last trip being in mid-January. Coincidentally, since you mentioned Miraflores, that's one of the end points that I went to.

Colombia is 1 of 15 countries that I have been to in analyzing this dark side capitalist phenomenon which adversely affects America on socioeconomic, political and security levels.

In my first trip to Colombia, the American Embassy staff arranged for me to visit the then "special anti-narcotics unit," SANU. This group of heroic men were in the first element of drug fighters which were supported by American agencies. Ironically, at the time, they were not really supported by their own government, and most of the men I met with then have since been killed.

However, times have changed. In my latest visits, it is clear to me that the key government elements are dedicated to reducing the drug threat to their society and ours.

Accordingly, the catalytic event to their metanoia was the assassination of a Presidential candidate in 1989. That rocked their nation and awakened their nomenclature. They finally understood that this was no longer just a Gringo problem but their problem, too. It actually became a threat to their national security, their sovereignty and their way of life. They then understood that this tiny group of narcissistic and hedonistic criminals were impacting their ability to have a democracy and operate a positive light side capitalist structure. Because I bifurcate capitalism into dark side and light side capitalism, and it gives you an ability to talk in a different level when you do that.

Every part of their society, i.e., their politics, their sociocultural and economic being, and their safety was in jeopardy. It was no longer—it no longer was a cash cow to jump-start their economy, as their economy had its own vitality, as has already been testified to. Plain and simply put, it became a contest of survival.

Fortunately, there was a stalwart and honest core of Colombians that were prepared to lead the counterattack against this strong and greedy foe. Men like General Serrano, who just testified, and women like Foreign Minister Emma Mejia, understood the risks and acted in the best interests of all. Now, they need our help to press this counterattack on this transforming and growing scourge.

In the late 1980's, the initial drug operators were urban based, dark side businessmen. By the mid-80's, their buying power allowed them to rent key guerilla elements to provide them security, buy off authorities, they were able to buy off authorities and buy into legitimate businesses. When they committed acts that went beyond the pale in the late 1980's and into the early 1990's, the key groups in government which were led by the then-vetted national police, went after this heinous leadership.

As this management group was rolled up in the early 1990's, America's support, which had been increasing and as a matter of fact, under a lot of the leadership of Ambassador Busby sitting next to me, reduced markedly beginning in January 1993 with the

election of a new administration. At the same time, the rural based guerrillas who had been the apprentices to these drug lords filled the void left by apprehended drug lords.

As this all occurred, America effected a reduction in support and even applied decertification into the mix, because of the Samper equation. This—because of this, a scandal emerged focusing on Colombian President Samper having taken some $6 million into his election efforts from drug sources.

Like our own President Clinton, who is caught up in a similar problem with the Indonesian Lippo Bank, and now we are finding out the Chinese Government infusing money into—allegedly infusing money into the democratic mechanism, party mechanism, Samper has allowed antidrug forces to strike at the heart of drug apparatus in the interests of all concerned.

Meanwhile, as a distortion of this picture, the State Department and select others have harped on a flawed strategy of bifurcating the now drug guerrillas from the drug trade in spite of overwhelming open source evidence to the contrary. This is an important point I might bring up, and even a U.S. Interagency Intelligence Report proving this fact, which the administration is not releasing until apparently after the March certification issue is settled.

This affects our support and modus operandi in addition to interjecting the Presidential politics of both countries. Alas, and in a curious fashion, nowhere is to be seen the United States or international environmental or animal rights groups, as thousands of square miles of virgin, triple canopy jungle and millions of animals and fish have been eradicated while rivers have been polluted from drug chemicals because of the drug trade. Furthermore, human rights groups seem reluctant to comment on the rights of victims of the drug trade or against the drug guerrillas. Additionally, and in that regard, four Americans are being held hostage by these elements as we speak. Several—three of the hostages have been held for over 4 years.

In conclusion, the confusing combination of politics, economic interests and other factors should not hide the salient fact that to not help the good guys in Colombia and elsewhere, those in the first trench of the drug war, will mean America will have to deal with the problem closer to home, initially on our border but then in our neighborhoods. Each time it gets closer to us, it is more expensive in terms of lives and money. To be even more plain, to not help our friends, maybe even hurt them, means an additional 40 to 50 tons of cocaine and 1 to 2 tons of heroin, worth over $500 million, on to our streets in the next 12-month period.

This will cause an additional $50 billion to $60 billion worth of collateral damage to America. The question to this august body, are you prepared to act to prevent this?

America can engage in antidrug actions while not sacrificing our principles and promoting better conduct on the part of our allies. We need to not act like a kid taking away the football so the game stops, causing volumes of good guys and innocents to die in Colombia and paving the way for increased turmoil in our own country. Therefore, this foundation recommends that the certification of Colombia go forward immediately, as it is in the best interest of both

countries. This, with the understanding made with Colombia, that the rule of law and human rights are an important aspect in the conduct of this conflict.

Thank you, Mr. Chairman.

I would also like to ask that a confidential report that we had made in the past few days, which we have embargoed until today, be admitted into the testimony.

Mr. HASTERT. Without objection.

Mr. MESSING. Thank you, sir.

[The prepared statement of Mr. Messing, and the report referred to follow:]

Statement by
F. Andy Messing Jr.
14 Feburary 1997
At the Subcommittee on National Security,
International Affairs, and Criminal Justice

Thank-you Mr. Chairman for allowing me to testify. As the Executive Director of the National Defense Council Foundation in the study of Anti-Drug Operations, I have been to Colombia 9 Times since 1985. My last trip being Mid-January. Colombia is one of 15 countries I have been to in analyzing this " Dark-side Capitalist " phenomenon which adversely affects America on a socio-economic, political, and security level.

In my first visit to Colombia, the American Embassy Staff arranged for me to visit the " Special Anti-Narcotics Unit (SNAU) ". This group of heroic men were in the first element of drug fighters which were supported by American Agencies. Ironically, at that time, they were not really supported by their own government... and most of the men I met with then have since been killed. However, times have changed. In my latest visits, it is clear to me that the key government elements are dedicated to reducing the drug threat to their society and ours.

Accordingly, the catalytic event to their metanosis was the assassination of a Presidential Candidate in 1989, That rocked that nation and awaken the nomenclature. They finally understood that this was no longer a " Gringo " problem, but their problem too. It actually became a threat to their

National Security, their Sovereignty, their way of life. They then understood that this tiny group of narcissistic and hedonistic criminals were impacting on their ability to have a democracy and a positive " Light-side Capitalist " structure. Every part of their society, i.e. their politics, their socio-cultural and economic being, and their safety was in jeopardy. It no longer was a " cash cow" to jump-start their economy, as their economy had its own vitality. Plain and simply put, it became a contest of survival.

Fortunately, there was a honest and stalwart core of Colombians that were prepared to lead the counter-attack against strong and greedy foes. Men like Major General Russo Jose Serrano Cadena, and women like Foreign Minister Maria Emma Mejia, that understood the risks and acted in the best interests of all. Now, they need our help to press this counter-attack on a transforming and growing scourge. In the early 80's, the initial Drug operators were urban based, " Dark-side " businessmen. By the mid-80's their buying power allowed them to rent key Guerrilla elements to provided them security, buy off authorities and buy into legitimate businesses. When they committed acts that went beyond the pale in the late 80's, the key groups in government which were led by the vetted National Police, went after this heinous leadership. As this management group was rolled up in the early 90's, America's support which had been increasing, reduced markedly beginning in January of 1993 with the election of a new administration. At the same time, the rural based guerrillas who had been the apprentices filled the void left by apprehended Drug Lords. As this all occurred, America effected a reduction in support, and even applied decertification into the mix. This, because a scandal emerged focusing on the Colombian President Samper having taken some 6 Million Dollars into his election efforts from Drug sources. Like our own President

Clinton, who is caught in a similar problem with the Indonesian Lippo Bank, Samper has allowed Anti-Drug Forces to strike at the heart of the Drug apparatus in the interests of all concerned.

Meanwhile as a distortion of the picture, the State Department and select others have harped on a flawed strategy of bifurcating the now " Drug" Guerrillas from the Drug Trade in spite of over-whelming open-source evidence to the contrary, and even an U.S. Interagency Intelligence Report proving this fact(which the administration is not releasing until after the March Certification issue is settled). This affects our support and modis operendi in addition to interjecting the Presidential politics of both countries. Alas, and in a curious fashion, nowhere is to be seen the U.S. or International environmental or animal rights groups(as thousands of square miles of virgin triple canopy jungle and millions of animals/fish been have eradicated while rivers have been polluted from Drug chemicals because of the Drug Trade). Furthermore, the Human Rights groups seem reluctant to comment on the rights of the victims of the Drug Trade or against the Drug Guerrillas. Additionally, and in that regard, four Americans are being held Hostage by these elements as I speak.

In conclusion, the confusing combinations of Politics, Economic interests, and other factors, should not hide the salient fact that to not help the " Good guys " today in Colombia(and elsewhere, those in the first trench) will mean America will have to deal with problem closer to home, initially on our border, but then in our neighborhoods.... each time it gets closer to us it is more expensive in terms of lives and money. To be even more plain, to not help our friends...maybe even hurt them, means an additional 40-50 tons of Cocaine and 1-2 tons of Heroin, worth over 500 Million, onto our streets in a 12 month

period. This will cause an additional 50- 60 Billion Dollars worth of collateral damage to America. The Question to this august body, " Are you prepared to act to prevent this?? ". America can engage in anti-drug actions while not sacrificing our principles and promoting better conduct on the part of our allies. We need not act like the kid taking away the football so the game stops...causing volumes of good guys and innocents to die in Colombia and paving the way for increased turmoil in our Country . Therefore, this foundation recommends that the certification of Colombia go forward immediately, as it is in the best interest of both of our countries. This, with the understanding made with Colombia, that the rule of law and Human Rights are important aspects in the conduct of this conflict.

The National Defense Council Foundation will continue to study this conflict, and others like it, which present a national security threat to America.

The National Defense Council Foundation

ISSUE ALERT

FAST FACTS; DRUG CONTROL PROGRAMS AN ASSESSMENT

CONFIDENTIAL

DRUG WAR

THE NDCF COLOMBIA REPORT 1997

EXECUTIVE SUMMARY

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10 FEBRUARY 97

THE NDCF COLOMBIA REPORT 1997

EXECUTIVE SUMMARY

The drug war in Colombia is floundering because the U.S. government has substantially reduced its support to the Colombian National Police and the Colombian Armed Forces in their efforts to stem an explosive rise in narco-trafficking by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) guerrilla movements. This is the core finding reached by a team of low-intensity conflict experts who conducted eight extensive fact-finding trips to Colombia from April 1996 to February 1997. This independent and non-partisan effort was led by Major F. Andy Messing, Jr. (USAR Special Forces, Ret.), Major G. Andrew Macklin (USMC, Ret.), and Mr. +Davis Elkins, and was sponsored by the National Defense Council Foundation (NDCF). Additionally, noted journalist Robert D. Novak (who accompanied one fact finding team in July 1996) has published articles reflecting some of the National Defense Council Foundation's information. CBS News' 48 Hours, broadcast a special "UNDERFIRE" report (set up by NDCF staff) on November 14, 1996.

CRITICAL FACTORS IN COLOMBIA: 1996

* Colombia is the world's leading producer and distributor of cocaine and a major supplier of heroin and marijuana. Eighty percent of cocaine and sixty percent of the heroin reaching the United States comes from Colombia.

President Ernesto Samper has reportedly been linked to the Cali Cartel by accepting drug money in 1994 for his presidential campaign. The U.S. government has undertaken an aggressive campaign to force his resignation including revoking his tourist visa and his continued presidency was cited as the reason for the decertification of Colombia in March 1996 for failing to "fully cooperate" on counternarcotics efforts. Ironically, although decertified for "not Fully cooperating", Colombia has paid the heaviest price of any U.S. "ally" in the War on Drugs, as measured by the thousands of police killed in recent years there. On the U.S. domestic side, illicit internal drug consumption has sky-rocketed since 1992, escalating the Drug War here. This is harsh reality...the streets of American cities have felt its impact.

* Colombia is home to a fast-growing, 40-year old insurgency led by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), with an estimated strength of over 15,000 and 5,000 armed guerrillas respectively. The narco-guerrilla organizations consists of three levels: first level; Front-line full time armed guerrillas, second level; Part time guerrillas (guns-for-hire), third level; Support personnel and sympathizers. These rural-based insurgents have increasingly filled the vacuum in the narcotics trade, created when the Colombian National Police dismembered and weakened the urban-based cartels in Medellin, Cali, and del Norte del Valle. Although these groups provided support to the narco-traffickers for years, in many areas guerrilla fronts have became the dominant force in both the cocaine trade in the vast eastern third of Colombia, as well as the heroin trade in the central and western Andes mountain ranges of Colombia. It has been a most dangerous marriage, as these groups employ or coerce farmers to cultivate coca leaf for refinement into cocaine and poppy flowers for refinement into heroin. The insurgent groups also arm these workers to resist,

by force, government-sponsored eradication and reduction efforts. Due to the sheer size of the large scale cocaine laboratory complexes, these are located in remote triple-canopy jungle areas. All these laboratories are protected from Colombian government forces by heavily armed guerrilla groups located near these laboratories. In exchange for their protection, the insurgents charge a "tax" based on the production of the laboratory. The FARC is the largest, best trained, best equipped, and most lethal guerrilla organization in the Western Hemisphere! Out East in Miraflores (known as the "Wild-Zone") for instance, where the population had doubled in 1994-1995 due to the drug trade, the police were fired upon daily. Full scale, well-coordinated attacks on Police Stations were then commonplace. Certain areas of Eastern Colombia are still under strict guerrilla control. But, in the last two years the population of Miraflores has shrunk remarkably due to a decline in the drug trade and the presence of government security forces. The Colombian National Police's ability to enforce the rule of law has closed down the drug trade in Miraflores.

* Despite the reported corruption problems in the current Colombian Administration, the Colombian National Police (CNP) and the Armed Forces are aggressively striving to severe the FARC link to the drug business. (Rationale: The FARC has documented involvement in the cocaine and heroine trade. The ELN is primarily into attacks on oil pipelines.) A great amount of credit for this must go to the aggressive leadership of former Defense Minister **Dr. Juan Carlos Esquerra, General Harold Bedoya Pizarro, Major General Manuel Jose Bonett**, and **Major General Rosso Jose Serrano**. Since 1991 over 4,000 National Colombian Soldiers and Policemen have been killed in the narco-guerrilla conflict. In 1995 and 1996 over 3,000 police officers were fired for corruption, in a major vetting campaign. Currently, approximately 100 Soldiers, Marines, and National Policemen are being held hostage by the

FARC. Additionally, four U.S. Citizens are currently being held hostage in Colombia by various guerrilla factions.

* While the drug trade provides the guerrillas with a well-heeled base for funding its violent civil war, the Colombian government's efforts are significantly constrained by these specific facts:

1- Lack of Mobility... Fact #1. Guerrillas move.

Hard Fact: Well trained guerrillas move constantly.

The Colombian National Police (CNP) must rely on a small fleet of 26, ancient UH-1H ""Huey"" helicopters for tactical mobility and transport in a country the size of Texas, Oklahoma, and Arkansas combined. Each day, the police must travel an average of 75-100 miles from their bases to areas of operations. The "Huey" helicopters are limited in their carrying capacity, range, and altitude. These ""Hueys"" are extremely vulnerable to ground fire (six were shot down last year) and lack the multi-barreled machine-guns (mini-guns) to defend themselves during eradication operations, "hot-zone" inserts, and Medevac rescues. Tactical mobility must be achieved, in order to limit the narco-guerrilla growth and expansion.

2- Delayed Support... Fact #2. Aircraft are essential.

Hard Fact: Without timely air support...security operations are impossible!

The CNP have experienced an unprecedented loss of fixed-wing aircraft and helicopters (30 aircraft were damaged last year). Losses are due to withering ground fire as CNP aircraft conduct crop eradication and drug lab takedowns. The narco-guerrillas initiate these attacks, in every single instance. Policymakers at the U.S. Embassy are ignoring the growing guerrilla threat and its symbiotic

relationship with the drug trade. The State Department's "slow-roll" in timely procurement, botched support efforts, and delayed delivery of vital equipment, has limited critical CNP security operations.

3- Inadequate Support... Fact #3. Security operations must be sustained to be effective.

Hard Fact: Without logistics support, there are no security operations.

National Police Logistics Aircraft, (two, aged DC-3s, converted to turbo-prop configuration) are insufficient to meet growing operational requirements. To support the expanding fumigation operations, direct action missions and the many far-flung operating bases, at least two additional DC-3s are needed. This matter grows more critical each day.In reference to repairs of DC-3s, the lethargy in the U.S. Embassy to assist is shameful.

4- Curtailed Support... Fact #4. Support must be continuous.

Hard Fact: Fighting units require constant, real-time intelligence, logistics, and operational support.

(a) The most notable effect of the "decertification" has been the virtual shut down of the U.S. Department of Defense's Foreign Military Sales (FMS) system. The FMS system is the lifeline through which the Colombian National Police's Antinarcotics Directorate and the Colombian Armed Forces received the material and spare parts to wage the War on Drugs. In many cases, critically needed items are not available in the commercial market and can only be obtained from DoD through the FMS system. State Department's bureaucrats have used arcane interpretations of law to block the flow of vitally needed logistic support to the Colombian National

Police and Armed Forces. This is notwithstanding the fact that under decertification, counternarcotics-related assistance is supposed to continue. The current State Department approach guarantees the atrophy and dismemberment of the very Colombian National Police and Armed Forces units which are needed to wage the War on Drugs. The Colombian National Police, as well as the Armed Forces, have a critical need for an integrated system to fuse and display the intelligence and command and control information to plan, execute and support antinarcotics operations. The examples cited below are the three units observed but the lack of support is indicative of the lack of support for the Colombian National Police and all branches of the Colombian Armed Forces.

(a) The Army's Second Mobile Brigade has only one MI-17 Russian troop transport helicopter, leased from the Nicaraguan government, and three UH-60 "Blackhawks" to support its operations in a guerrilla-infested area the size of Texas. Their "ability to deploy rapidly in force is minimal", reports **BGen. Ospina**. This problem is endemic with counter guerrilla units throughout the country. **BGen. Ospina** has suffered over forty killed and two-hundred wounded in the past year out of 2 units of 2000 soldiers. His abilty to Medevac his wounded soldiers in a timely fashion for medical care is critical. The delivery of already purchased helicopters from the U.S. would help solve the problem of mobility, particularly or Medevacs. .

(b) The Fourth Army Division, under the command of **Major General Ardila** near Villavicencio, lacks the tactical mobility to protect remote villages where FARC Rebels terrorize the populace, by

using any means possible, including taxation, kidnapping, and killing. The Fourth Army Division's pacification operations are highly effective but severely limited due to lack of air mobility. The protection of roads, bridges, and power plants has become critical in recent months.

(c) The Army's **"Grupo Maza"**, commanded by **LtCol. Gustavo Matamoros**, operates in the Northeast near Cucuta. This highly skilled, special operations unit requires improved tactical air support and is still awaiting promised UH-60 Blackhawks to support their dangerous, high-risk efforts.

5- Broadening Support Required...

The riverine forces although small, provide excellent results. They are woefully short of boats and effective training, due to last year's decertification. An increase in assistance to the Colombian Navy/Marine Corps, in this area is critical because the narco-guerrillas are using Colombia's 1,100 rivers as a main transport mode. In the past two years a major portion of the air bridge has been closed off, forcing the movement of cocaine to the rivers and the littoral areas of the country. This is a critical element of interdiction for the Colombian Armed Forces.

6- Lack of Training and Operations Support...

In early 1995, the DoD constructed a counternarcotics aviation training center for the Colombian National Police, yet the helicopter flight simulator which was supposed to be the centerpiece of the training center, has still **not** arrived. Although the CNP requested the simulator in 1995 and the FMS contract to provide a simulator was signed by both governments in March 1996, the U.S. Embassy did

not forward any of the requested funds until December 1996.

In a similar situation, one of the two turbo-prop DC-3s which are the counternarcotics operations support life-line for the Colombian National Police was damaged in a counternarcotics operation in 1995. Through a comedy of inattention, mis-steps and erroneous assumptions between the U.S. Embassy in Bogota and the State Department, the aircraft languished in disrepair until Congressional attention was brought to bear on the issue in July 1996 (almost a full year later).

Narco-guerrilla actions against the oil pipelines have made the National Police and Army "re-active" instead of "proactive" in the past year. This narco-guerrilla strategy has been very successful, thus far. In attacking the petroleum business it draws the Armed Forces away from the narco-guerrilla activities. Soldiers and Policemen, when reacting to incidents where oil pipelines have been bombed...must serve in multiple capacities: as environmental cleanup workers and in security roles.The impact of this reduces unit effectiveness.

7- Fumigation Aircraft Continually Threatened...

Coca crop eradication has shown steady progress, despite aircraft being fired upon by narco-guerrilla elements on a regular basis. Nearly 75,000 acres of drug crops have been fumigated thus far, causing last September's country-wide narco-guerrilla offensive. The small number of U.S. government (T-65) Turbo Thrush Aircraft are a treasured resource and are targeted by the narco-guerrillas. The Turbo Thrush planes are attacked on the ground as well as in the air. Two of the U.S. governments Turbo Thrush planes have been lost in

the past year. Of the original 12 aircraft, only eight remain; five still remain flightworthy.

8- Reliable U.S. Support Lost...

The only system that has provided reliable and responsive support to the CNP and the Colombian Armed Forces has been the U.S. DOD's Foreign Military Sales (FMS) System. It was canceled upon decertification on March 1, 1996. Since then, support has been bottle-necked by the Department of State.

9- Actions, Louder than Words...

Despite all of these facts, the Colombian Army and National Police have answered the many problems with action. They have put forth a heroic effort in the past year. Nearly 1,000 drug labs have been destroyed, over sixty tons of cocaine have been seized, and the largest amount ever of precursor chemicals have been captured, three million gallons thus far. Approximately 3000 drug traffickers were arrested this year. The drug pipeline has been disrupted by going to the source; attacking drug labs, destroying over 200 clandestine airstrips since 1995, and increasing coca crop eradication. These bold actions have proven highly successful in both 1995 and 1996, establishing a government offensive against the narco-guerrilla forces, country wide.

ERRATIC U.S. POLICY

* The U.S. Ambassador denies that there is a significant connection between the FARC and the ELN and narcotics trafficking. This is despite evidence to the contrary gathered by this fact-finding group--and the views held by Drug Enforcement Administration (DEA) agents in Bogota and personnel in the American Embassy Military Group. The facts speak otherwise. The

growing body of evidence is enormous. There should not be a bifurcation between the guerrillas and the drug trade. A bifurcation will delay the solution to this problem.

* Despite the reality that the Colombian National Police and Armed Forces are essential to any effort to combat the flow of illicit drugs into the United States, the U.S. government has cut foreign military sales and "sat-on" previously approved assistance. This assistance would have provided helicopters, miniguns, night-vision devices, GPS systems, helicopter simulators, even ammunition, and basic combat equipment to the Colombian National Police. Additionally, the U.S. reduced the number of military advisors and trainers to support the dedicated front-line warriors who risk their lives daily to eradicate coca and to disrupt the narco-guerrilla nexus. Current U.S. military and law enforcement advisors are overtaxed and confronted with an uphill battle trying to restore U.S. credibility with the Colombian National Police and Armed Forces. A crisis of confidence exists and is growing each day.

UNWILLING ALLIES?

* U.S. law enforcement assistance has been scaled back despite the fact that bolstering the nation's fragile criminal justice system is key to any long-term effort to redress the long-standing problem of political corruption in Colombia. More DEA Special Agents are required in Colombia. Previous requests have been ignored by the U.S. Ambassador.

PERSONNEL ASSIGNMENTS

* In August 1994, the State Department installed an individual without any prior practical or tactical experience in counternarcotics operations as the Director of the Narcotics Affairs (NAS) Section in the U.S. Embassy. The results of that decision have been disastrous with dysfunctional support to the CNP. At the same time, the NAS turned away from supporting the CNP

through both active duty and retired military advisors. The disastrous loss of U.S. government and Colombian aircraft is unprecedented and the results speak for themselves. Repeated excuses of simple bureaucratic bumbling and mistakes is totally unacceptable. The Colombian National Police and Army are " Professionals at Work". . . while the NAS performance has been "amateur hour" at its worst. All this while men are getting killed fighting to stop drugs at its source.

Unskilled, inexperienced, and unqualified personnel have contributed to the conditions now in existence at the NAS.

AMBASSADORIAL ARROGANCE?

* The U.S. Ambassador is seen by Colombians as "Pro Consul" dictating terms to another Democratic Republic. His version of the "carrot-and-stick" approach is inconsistent and counter productive in working with reliable and trusted Colombian authorities. To the Colombians, he appears to parcel out assistance (i.e. helicopters) in dribbles and drabs in an effort to dispense support as political actions develop, with the Samper Administration. Front-line Colombian anti-drug fighters recognize that promised support is held hostage. (This, to modify the behavior of the Samper Administration). Meanwhile, casualties continue to mount up, as the U.S. Ambassador with holds desperately needed helicopters and assistance under the guise of human rights abuses or simple bureaucratic errors. Currently, the delivery of seven, UH-60 Blackhawk helicopters, already purchased by the Colombians, and another twelve excess "Hueys" for the CNP is being delayed. These Blackhawk helicopters were due to be delivered on the 28th of January. The delivery of twelve "Hueys" were promised to the CNP, by our President, in September of 1996. As an example of what the Colombian Armed Forces are facing daily: on February 2, 1997 over 25 Colombian soldiers were killed

and twenty captured, by the guerrillas in San Juanito on the outskirts of Bogota.

CONCLUSIONS:

THE U.S. EMBASSY NOT HELPFUL

1. The ill-considered slow-down in U.S. support for the Colombian National Police and Armed Forces has significantly eroded their efforts to combat the narco-guerrillas and to disrupt the supply of drugs, at their source. This self-defeating "stick only" policy's should be replaced with a combined "carrot-and-stick" approach that seeks to make clear America's contempt for the drug-related corruption at the higher levels of the Colombian political establishment, and a concern for human rights. All this while fully supporting dedicated anti-drug warriors who fight and risk their lives on the front-lines of the drug war. The U.S. Embassy's Narcotic's Affairs Section requires close scrutiny.

NEW GUERRILLA OFFENSIVE PREDICTED

2. All socio-economic, political and security indicators are pointing toward a coordinated, guerrilla offensive in the first quarter of 1997. Due to the government's successful operations, the narco-guerrillas will strike back with a country wide offensive. This intelligence estimate is "all source", and comes from multiple channels. As evidenced by recent actions, the narco-guerrillas are capable, trained, equipped, and motivated to commit such attacks.

LIFTING THE CURTAIN

3. Today the Narco-guerrilla threat is an emerging Security Concern. In the future, it will grow larger. Specifically, this projected narco-guerrilla offensive could obliterate years of previous U.S. effort and hundreds of millions of dollars of assistance, while needlessly costing the lives of personnel, who are on "our" side. Already promised U.S. assistance, rapidly delivered, could prevent this

from happening. NDCF possesses direct knowledge of these facts because our investigators actually went there and observed, monitored and interviewed front-line participants in this growing conflict. Lifting the narco-guerrilla curtain is one of the first steps in uncovering the intentions of the rebel-drug nexus in Colombia and as it spreads to Mexico and other Latin American Nations. The trans migration of the Narco Guerrilla phenomon will be the United States biggest challange in the Western Hemisphere for the next century.

GENERAL RECOMMENDATIONS

1. **That the Republic of Colombia be certified on March 1, 1997.**
2. **That full U.S. Military and Law Enforcement assistance (equipment, intelligence, and training) be expedited, immediately.**
3. **That a thorough G.A.O. examination of the operations of the Narcotics Affairs Section of the U.S. Embassy in Bogota be conducted, immediately.**
4. **That U.S. Military and Law Enforcement officials, in Colombia, be queried each quarter in order to gauge Colombian progress without the interference of diplomatic pressures.**

SPECIFIC RECOMMENDATIONS

1. **That sensor technology should be provided and employed to monitor the oil pipelines and prevent disruption to the petroleum industry.**
2. **That an expansion of support for the Colombian Riverine Program be effected immediately.**
3. **That rigid oversight be exercised on all FMS cases in order to exercise competent management and produce results in supporting the CNP.**
4. **That additional DEA Special Agents be detailed to Bogota to remedy the long standing short fall in personnel staffing.**
5. **That the U.S. re-establish counter-insurgency training and assistance to the Colombian Armed Forces through USSOUTHCOM; similar to the program**

that was offered and accepted by the Salvadorean Government (1981-1991).

6. That a Congressional Delegation (CODE-L) visit Colombia on a fact finding mission to observe operations of the Colombian Armed Forces as soon as possible.
7. That the G.A.O. review U.S. the U.S. Embassy's signed counternarcotics agreements between the U.S. Ambassador and the Colombian Minister of Defense from 1994 to present, and audit the actual expenditure of funds derived from these agreements to ensure that such expenditures coincide with the terms of such agreements.
8. That the U.S. State Department examine its selection criteria and staffing procedures for assignment of supervisory personnel to the Narcotics Affairs Section at the U.S. Embassy, Bogota.
9. That assignment of personnel to the position as Directors of Narcotics Affairs Sections in key countries be limited to carefully selected individuals with background, experience and training in counternarcotics, such qualifications being necessary to successful management and direction of these programs.
10. That the U.S. State Department examine its selection criteria and staffing procedures for assignment of supervisory personnel to the Narcotics Affairs Section at the U.S. Embassy, Bogota.
11. That the U.S. Government bring in Delta Force for the recovery of U.S. citizens held hostage by the Narco Guerrillas.

F. Andy Messing, Jr.

F. Andy Messing, Jr.
Major, Special Forces
USAR (Ret.)
Executive Director

G. Andrew Macklin

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Carson A. Nightwine, Jr.

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** Base study on Drug War 1991, Hazelwood/Messing.

*** 16 Op-Ed's on the Drug War by Macklin, Messing, Nightwine, et.al. 1980-1997.

Mr. HASTERT. Thank you, gentlemen.

Representative Barr.

Mr. BARR. Thank you, Mr. Chairman.

Ambassador Busby, were you here for the testimony earlier today?

Mr. BUSBY. Yes, sir.

Mr. BARR. OK. Then both by way of that and by way certainly of your own personal background in service to our country, you are well aware of the things that we have been talking about, including the references to the—let me get the citation here—22 U.S.C. Section 2364, the provisions under both (a)(1), regarding the President's ability to furnish assistance notwithstanding other findings and other laws, as well as subsection (a)(2), regarding sales. In your experience and with your knowledge of these sorts of authorities and how they have been used or not used in the past, is it appropriate to recommend consideration by the President of the authority under (a)(1), as well as under (a)(2), to try and get as much as we can to the enforcement authorities in Colombia to meet the challenge posed to them by the narcotics and grower groups?

Mr. BUSBY. Well, I confess to you that I am not as familiar with the law as what you give me credit for. In the broadest sense, let me just say that I think that absolutely we need to find a mechanism, either within that law or we need to modify that law, which will permit us to express our extreme displeasure with the political leadership of a country such as Colombia, and we are displeased with them and we should be displeased with them, but at the same time permit us to go forward with assistance to gentlemen like Generals Bedoya and Serrano. Absolutely that is what we should do if there is agreement, from a policy point of view, between the administration and you gentlemen.

Now, how one goes about doing that and whether you can do that within the structure of the legislation as it currently exists, I am not sure. That would be something which the lawyers would have to examine.

I will also say that in my experience, often people on both sides of that question hide behind that law. I think that if everyone agreed, we would always find a way to get around the restrictions of the law. But from a policy point of view, absolutely what you are suggesting is what I would recommend; yes, sir.

Mr. BARR. Thank you.

I have really been quite impressed with the imaginative use and interpretation of Federal laws by this administration when they want to. For example, last year, we heard testimony from some individuals from this administration with regard to how it is that the resources of the FBI can be used to investigate a purely domestic crime in Haiti. There are a number of folks, including myself, that suspected that decision was made for purely political reasons, not under Federal laws. And I have a serious question about their very imaginative and very broad interpretation of that particular statute.

Yet in this case they seem to be relying on very, very pinched legalistic definitions and interpretations of these laws such as prevents, for example, as we heard from the last panel, the use of even the limited military assistance that this administration is willing

to provide to the army and to the police forces down there, telling them they can only use it to go after the narcotics people and not the guerrillas when, in fact, I think that it is very, very well documented and well known to this administration and prior administrations that the two groups really are operating hand in hand. I don't know if there's a question in all of that, but something that you said triggered that.

Mr. BUSBY. Let me put myself back into one of my previous incarnations.

I went through something very similar to this, about 3½ or 4 years ago, and I was very, very intent on gaining some public recognition from the U.S. Government that there was a linkage between the narcotics traffickers and the guerilla groups. I mean, that was my objective, to do that, because if—once we could establish that, then, of course, the next step, which was beginning to work with them on the guerilla problem, became easier.

People basically said: Well, if you want to do that, you go right ahead but expect to be sued, expect someone to come up and use the law against you as a public official for not adhering to the end-use provisions that are built into the law that say you will not use this equipment for anything other than counternarcotics purposes. If you want to make the policy determination that going after the FARC is a counternarcotics purpose, do so at your peril.

Those are the kinds of problems that you run into when you have conflicting legislation and people who take various positions on various issues. That's a serious thing.

Mr. BARR. Not exactly a standing-tall foreign policy type decisionmaking process.

Mr. BUSBY. I like to think that I stood as tall as anyone; but when someone tells me that I am going to jail because I make a policy determination, I tend to listen to what they say.

Mr. BARR. Well, I would question that sort of advice. I mean, when I was in the executive branch at the CIA, for example, we would go to legal counsel to make sure that there is a way within the bounds of the law to do something. If you—if the question is posed to these folks, give me a reason not to do something, now that's a lot easier. But I am somewhat disturbed, particularly in light of what the former two witnesses, the two generals from Colombia have told us, that there is very, very clear documentation, well known to this administration, that these two groups, the guerilla groups and the narcotics trafficking groups, are operating essentially as one organization, one paying the other a large percent of the profits, and yet they rely on these very pinched interpretations. I suspect it's for policy reasons they have made that decision because they want to.

With regard to the specific—the specific point—one other specific point that I forget which one of the generals made, that it would help them tremendously if we could take a look here in this country at perhaps strengthening or modifying in some way our laws to prevent the introduction of precursor chemicals into Colombia, are you familiar with that? Are there some specific things, perhaps from a policy standpoint, in your experience, that you could tell us that we should specifically be looking at there?

Mr. BUSBY. Yes, sir. We in the United States some years ago began to recognize that tracking precursor chemicals and tracking money was really a very effective way to get at the organizational infrastructure of the traffickers. We, the Americans, have done a pretty good job at that, in my opinion.

Where you run into problems, in my experience, and I saw this in Colombia, is when you try to take the next step and engage the international community, when you go to the Germans, to the French, to the Swiss, to other manufacturers and say that we want you to impose on your industries all of these tracking provisions and end-use provisions for chemicals that are precursors. That has been an international initiative which, in my experience, has gone virtually nowhere.

We have tried to do that with the Colombians and certainly under Cesar Gaviria, the previous president, they were very much in support of that.

I am not aware, frankly, that we, the United States, are deserving of any rocks being thrown our way on that. We have taken some really very effective measures. But I do believe that the international community—that it's an initiative which we need to pursue and pursue very strongly.

I tend to believe in the efficiency of that. I do think that if you could cutoff the flow of chemicals—money without saying, but if you could cutoff the flow of chemicals or put some real strictures on that, you could put—you could put the traffickers at considerable risk. A lot of those chemicals come up river from Brazil.

Mr. BARR. There is no initiative from the administration at this point to even look at that, much less propose legislation, is there?

Mr. BUSBY. I am sorry. I have been out of the government for a couple of years. I really don't know the current state of play.

Mr. BARR. OK. There isn't.

Mr. Messing, you, as Mr. Busby, have experience in a lot of different countries, including Colombia and another country mentioned today, Mexico. From your background and knowledge of the—both the political and the police and military situations in both of these countries, could you just very, very briefly compare the integrity and the efforts of the Colombian anti-narcotics efforts, particularly General Serrano and his troops and General Bedoya and his troops, to their counterparts in Mexico?

Mr. MESSING. Well, you have to understand that these organizations will always have some thin layer of corruption, as our own police forces do and our own military does in some respect. I mean, there will be a very thin layer of corruption in both of the militaries. You will have some group that will—a cellular group that will be involved in death squad activities. You will have some very small group that will be involved in corruption; they have been corrupted by the drug lords. But for the most part, the Colombians have had an aggressive program, particularly in the police, to vet their elements. As a matter of fact, several years ago, there were, you know, literally 6,000, to 7,000 police vetted from their national police force over a period of time.

This is a good indicator. It shows progress toward them doing the right thing. So in terms of whether I am comfortable with the Colombian national police versus the Mexican national police, who

haven't gone through this severe vetting program like the Colombian national police, I would prefer to work with the Colombian national police.

But having said that, you always have to encourage them to continue vetting and, you know, the police and the military.

One of the programs that the Ambassador mentioned has an astounding effect on the viability of these forces. It is joint training that we have with those elements. It's very important, because they learn through osmosis and directly that human rights is important; that proper conduct is important. They learn civic action. They learn a whole plethora of ideas from us that they take back to their country, and these ideas will help the police and military move toward the democratization of their country while lowering levels of violence. That's what this is all about.

Mr. BARR. You did mention the term civil rights—human rights and we talked about that, as you know, from being here during the previous two panels. Would you and, Ambassador Busby, if you could both just comment very, very briefly on this human rights issue, and in particular where should the real focus of our concern over human rights violations in Colombia be with regard to the narcotics traffickers and the narcotics organizations and the guerrillas or with the police and military forces, which we all know in any country, as you said, are not perfect. Where ought to our concern over human rights be?

Mr. BUSBY. Well, let me just say several things about that, because it was an issue that was of great concern the whole time I was there. First, I think it is indisputable that there are human rights problems within the police and the military in Colombia. The evidence is clearly there.

Having said that, it is also indisputable that the leadership of those organizations neither condones it nor supports it and, in fact, are working very, very hard to try and root out human rights abuses. They do try and train their people. There is no institutional bias toward human rights abuses but, rather, the contrary.

Mr. BARR. That, I think, is a very important distinction.

Mr. BUSBY. Yes, sir.

My feeling is that many of the human rights abuses in Colombia occur because they are—it may not be a civil war, but they are a country at war with themselves. Because of the immaturity of the justice system, both civilly and within the military, that police and military many times feel enormous frustration, that they can go arrest somebody or they can do these things and nothing ever really happens. And, therefore, out of frustration——

Mr. BARR. Something else may happen.

Mr. BUSBY. Something else happens.

Mr. BARR. Like the frustration in this country sometimes.

Mr. BUSBY. That goes to the point I tried to make at the end of my very brief statement.

I think one of the focuses of our efforts should be on building those institutions up so that, in fact, you remove that level of frustration and, in fact, you bring the rule of law to these countries.

It's very, very underdeveloped in Colombia, although they have made some attempts to overhaul their justice system. But there's a long way to go.

Mr. BARR. Excuse me. Does decertification help that process or hamper it?

Mr. BUSBY. Oh, I think it hurts it. I mean, I think the whole certification process, as I have said to Congressman Mica, who helped draft that legislation, I am rather critical of that because I think it does, in many ways, hinder our ability to pick and choose what we want to do.

Mr. HASTERT. The gentleman's time has expired.

Mr. BUSBY. Let me say one additional thing, just following up on the previous question. I think that one of the initiatives that we had under way, and I spoke to President Gaviria about it many times when I was there, is that the process by which we select our police officers and train them or our military officers or our government officials is very different from what you have in these countries. If you—as you well know, if you want a security clearance in the United States, you get investigated. You have people talk to your family. They talk to your neighbors. There is an extensive background investigation that is done on you before you are given access to sensitive information, and there is psychological training for policemen, and so forth. None of that exists. None of that exists.

I went to see a ranking cabinet officer once in Colombia, and she said, "I am really very worried about, you know, information leaking out of my office, and so forth, and I think it's my secretary."

I said, "Well, who is she?"

I don't know. I don't know, you know.

I went into, well, how are these people selected?

Well, they are just hired.

So you have to understand, it's also a very, very difficult proposition to work in some of these countries trying to decide who do you work with, who do you not work with, who is corrupt, who is not corrupt. You only decide that over a period of some time, sometimes years, making decisions on who you think you can trust.

So all of these things are correctable, and I think that they are something that deserves some emphasis from a policy point of view on our part.

Mr. HASTERT. The gentleman from Florida.

Mr. MICA. Thank you, Mr. Chairman.

Ambassador Busby, I heard your comments relating to the certification law, and I probably have to agree with you that it hasn't been that effective with Colombia because we don't—we really don't even have a handle on that country that the legislation was originally intended to give us leverage with.

But I am wondering what you think could be an action by this Congress or this administration to show the Colombians and others that we mean business. How can we get their attention on this matter?

Mr. BUSBY. Well, sir, with regard to the Colombian leadership, as I said, I find it hard to think of anything else we could do to display our animosity toward Mr. Samper and the people around him. I mean, we have taken his visa. We have publicly castigated him. We have done virtually everything possible to let him know that we don't like him. As I said earlier, he gets no kudos from me, either.

The problem I have is that the structure of the legislation, as I understand it, oftentimes does not allow you to pick and choose what you are going to do in a particular country. I think it is—has been not very helpful to cutoff FMS sales to Colombia. I think that that's just—we should have avoided that somehow.

I also think that, although there are certain times when public debate on things like this is very useful, sometimes it is a hinderance to trying to solve the problem because everybody tries to make political points.

What I think should happen is that the Congress and the administration should sit down and look at the whole range of interconnecting legislation that applies to these kinds of situations and try to perfect it, try to make it better, more useful, more flexible, perhaps. I know that implies a certain level of working together that isn't always there, but I sincerely believe that.

Mr. MICA. Well, another one of the problems we have, and Mr. Hastert saw it and his predecessor, Mr. Zeliff, who chaired this subcommittee, saw the same thing, is this approach and the legislative remedy or the administrative remedy covers a number of legislative committees of jurisdiction, a number of agencies.

We had written to the drug czar asking that the President request a waiver, and I think that he doesn't—the drug czar really doesn't have any authority. He is sort of a fancy coordinator. But we face the same problem here because the solutions are handled by State, by the Department of Defense, by the Department of Justice and by other Federal agencies.

Do you see any solution to our jurisdictional problem, any recommendations?

Mr. BUSBY. Well, I know, of course, of your long record and the chairman and other members on this committee of trying to resolve some of these organizational issues. I will tell you what I honestly think, and that is that the only person who can really bring order out of this and make it work is an elected official, and that's either the President or the Vice President.

I tend to believe that the Secretary of State is never going to tell the Secretary of Defense how to spend his money. Nor do I think that General McCaffrey for all of his abilities is going to tell the Secretary of State how to conduct foreign policy, no matter what his so-called title might be. But you correctly, I think, perceive it, that it is just a coordination role.

Mr. MICA. Well, I think it has been a lack of executive leadership, and that's definitely a problem; no interest in the issue, or limited interest until of late. Then we see the bureaucratic morass.

Now, State had—we talked about FMS and the President does have authority to grant a waiver. I cited examples of where waivers have been granted in much less national interest than this instance, and nothing still is done as far as FMS and that military pot. But then I gave examples here and cited back in September they had asked—or had notified us, they didn't have to ask—they notified us that State was going to move forward on providing the Colombians and Peruvians and others with equipment, and still nothing has been done with that.

How do you get a handle on this?

Mr. BUSBY. Well, I mean, sir, I think you know the answer to the question. These are policy issues. These are policy determinations. Again, my recommendation for some time has been that we need to look at the organization under which we conduct counternarcotics—well, our entire drug policy arena, everything from treatment to demand reduction to our international programs and everything.

My frustrations, and I worked on this for 15 years or more, is that it—the same frustration you have. How do you, in fact, get a handle on all of this and really begin to resolve the problem? It's a very, very difficult thing to do, the way we are currently organized and the way you are currently organized.

That, to my mind, is something that is really worthy of some effort on the part of the Congress and the administration, how you do this.

Mr. MICA. One more important thing. Again, I am really frightened for this country and for every community, knowing what we saw last year, and you were with us on the trip when the chairman and others went down to Colombia and we were told there were 10,000 hectare acres of poppies under production now.

Is there anything that we can do in this heroin area—and now it is starting to stream in. We heard testimony today, Ambassador Gelbard talked about the production, but you are going to be able to get heroin on the streets of this country as cheaply as crack in the near term, and availability is dramatically increased, plus use among the most vulnerable, our youth.

Is there anything you can do—now, you have been there. You have been to Colombia as Ambassador. You know the situation better than anyone. Is there anything you recommend that we can do to get a handle on this now?

Mr. BUSBY. Sir, I think that the best thing we can do in the short term, the best thing we can do, is support General Serrano and General Bedoya, begin to work with them. Most of that—most of that opium poppy cultivation, it's a very organized thing, and the guerrillas are very involved in it. The FARC is very involved in the heroin production.

In the short term, we need to make sure that the aid is flowing to these people who are fighting it.

In the long term, I think we need to take a very hard look at our overall policy of how we are conducting our business with regard to interdiction, eradication, demand reduction and all of that, because that's the long-term solution.

Mr. MICA. Finally, I guess you would support then that this administration, when they come out with their strategy for 1997, drug policy strategy, that interdiction and eradication would be, I guess, included in that agenda, which has been sort of cast aside in their past plan?

Mr. BUSBY. Well, I must say, I tend to agree with General McCaffrey. I think it's a waste of effort to come out with a yearly strategy. We ought to have a 10- or 20-year strategy.

Mr. MICA. It is also—as you well know, it's interdiction, it's education, it's treatment.

Mr. BUSBY. I was just going to say, I think——

Mr. MICA. But when it is missing—one of the legs of the stool is missing, and you have had that policy, it's time to realize that you have got to approach it from all aspects. Wouldn't you agree?

Mr. BUSBY. Yes, sir.

I think—I would say two things. One, organizationally we need to be able to bring the full power of U.S. capability against this problem and do it in a focused way, which I don't think we do very well.

Second, there is no silver bullet to this, and you have to do all of it. Any administration that thinks that treatment is going to work and we can do away with the interdiction or the interdiction is going to work and we can do away with demand reduction, simply doesn't understand the problem. You have to do all of these things, and you have to do them over some extended period of time and destroy the infrastructure by which the traffickers have been able to build these empires. That's what we should be doing.

Mr. MICA. Thank you, Mr. Chairman. I yield back.

Mr. HASTERT. I thank the gentleman from Florida.

To both of you gentlemen, I appreciate, first of all, your long endurance this morning to sit through a lot of testimony and now enduring it yourself here. But to get through this last round, I would like to ask both of you a couple of questions.

First of all, Ambassador Busby, could you assess previously the threat posed to our security by narcotraffickers in Colombia? What do you see?

Mr. BUSBY. Our security in Colombia?

Mr. HASTERT. Our security here, what happens to this country because of the narcotraffickers?

Mr. BUSBY. I am sorry? You are talking about what happens to the United States?

Mr. HASTERT. Yes.

Mr. BUSBY. Well, I admit to being a little bit of a radical about that. I think, if you look at the history of the United States, you are hard-pressed to come up with a phenomenon that has affected us as deeply and adversely as drugs have. I don't mean just trafficking. I am talking about the use of drugs, everything that surrounds it.

I think it is, in its purest sense, a real threat to our society, not necessarily to the institutions of government or—drug traffickers are not going to overthrow the U.S. Government. But seriously, the deterioration that takes place at various levels of our society I think is marked and measurable, and therein lies some of the frustration that I have in our failure to be able to focus all of the capabilities we have to try and bring about some resolution of the problem. So I think it's a very clear threat.

Mr. HASTERT. Do you feel that the narcotics assistance section at the Colombian Embassy has been effectively administrated?

Mr. BUSBY. It was—it was certainly effectively administrated when I was there.

I don't know enough about it to really comment on that.

Mr. HASTERT. The drug czar has asked, and this is for your opinion, obviously, has asked that maybe he would have 10 percent flexibility in his budget, that he can act upon that budget and im-

plement those funds at his discretion. Do you think that would be a positive tool?

Mr. BUSBY. Yes, sir, I do. I do.

Mr. HASTERT. Why?

Mr. BUSBY. I tend to think that a little more centralized control over budget and policy is what is needed.

Now, again, having said that, I am not so sure that the President is ever going to be enabled—is never going to be able to empower one Cabinet officer over the other and, therefore, Presidential leadership is absolutely essential to make it happen. But having some more centralized view of all of this, that is not law enforcement, it is not health, it is not international but, rather, something else, I think, would be a good thing.

Mr. HASTERT. There has been some questions previously today trying to compare Mexico to Colombia, and I know that you have had some experience in both countries, especially the oversight job that you had as Ambassador on terrorism. How would you compare General Serrano's record, I guess you would say, of the Colombian national police on the counternarcotics efforts compared to what's going on in Mexico at the same type of level?

Mr. BUSBY. Well, the history in Colombia is very, very different from Mexico. The Colombians decided back in the early 1980's that they were going to accept and seek and use United States assistance. As a result, the Colombian national police, in particular, have been the recipient of a lot of help from us which was freely given and which was freely accepted. Therefore, the working relationships that we have had historically have had their ups and downs but, nonetheless, have been very close.

That is not in any way the case in Mexico. In fact, our relationships with the police in Mexico and with the Mexican military have been far, far more standoffish, and I think that the results clearly speak for themselves.

We work and have always worked closely with the Colombians. I had very high respect for their professionalism and integrity when I was there. I think the record with Mexico has been far, far more spotty.

Mr. HASTERT. One of the things that General Serrano said, and he said it in passing, and I am really sure if anybody picked it up, he said one of the most injurious things that has happened since the decertification was the inability for—to get his men training, to get—in how to do things; and they have had that luxury before with the cooperation from the United States and, I would imagine, our agencies, DEA, CIA and other agencies that do that.

In your opinion, has President Clinton's decision to decertify Colombia on March 1, 1996, had a significant detrimental effect on the levels of counternarcotics support Colombia is receiving from the United States via the Department of State on foreign military sales?

Mr. BUSBY. Certainly on foreign military sales because it is my understanding that there are restrictions placed on that. That's a serious problem, I must say, because you lose IMET, the training programs, you lose military assistance, you lose a whole lot of things.

As far as characterizing it as serious or nonserious, and so forth, I don't have the figures in front of me. I am not really competent to speak to that.

I have the impression, although it may be anecdotal, that that is a true statement.

Mr. HASTERT. Major Messing, before I recognize you for a couple of questions, I would like to also recognize, and I see him in the audience, another dedicated member of the National Defense Council, Gil Macklin. We certainly appreciate him being here today.

Let me ask you one of the same questions. Do you feel that the national assistance section at the Colombia Embassy has been effectively administered? You have been down there, been in the jungles. How do you feel about that?

Mr. MESSING. Well, I agree with Congressman Mica in terms of that there's a leadership flaw here. I mean, I go back to El Salvador. I had 57 trips in El Salvador between 1982 and 1991, and I saw Ambassador Dean Hinton and Ambassador Tom Pickering act, and I also worked at the State Department under Ambassador Rich Armitage. They would pick up the phone, and they would holler into the phone. All of a sudden a C–141 or a C–5A would show up and have what the Salvadorians needed or, in the case of Rich Armitage, when he was working in the NIS section at State, a C–5A would be landing in Russia, you know, chock full of medical supplies or whatever was the case.

The point is that the leadership involved is not providing the pressure and guidance, pressure to their people and guidance to their people, to get things done.

You know, this failure results in lives of Colombian policemen being lost, and that's later translated into additional cocaine on our streets; and it involves collateral damage to the United States.

So, you know, without this enthusiastic, directed leadership from Washington, from the Ambassadorial level, from the section level, you can't get things done.

Mr. HASTERT. Can I ask you a question then to followup on that?

Mr. MESSING. Yes.

Mr. HASTERT. I think I inferred from your answer, and I am not trying to put words in your mouth, but are you saying that people aren't getting out and doing the job they should do, in your opinion, or are they?

Mr. MESSING. Well, there's a whole section in the U.S. drug control policy and international operations paper that I gave to you a couple of months ago that talks about personnel selection. Failure to staff all levels of the drug control program correctly virtually foredooms it to failure. You know, when you hire a guy who has just been with the Department of Agriculture to run a criminal—anticriminal element, who should be versed—well versed in anti-narcotics operations and who doesn't mind putting on a bulletproof vest and going out to Miraflores, and when you hire an agronomist or an agriculture guy or whatever, you are not going to have the kind of results that you need.

Fortunately, I heard recently that one of our sterling State Department anti-narcotics people is being transferred from another country into Colombia, but he won't be there for a few months. So

you can't have this failure of lack of correct personnel selection and expect to have results. I mean, it just doesn't work that way.

You have to have the brightest, the best and the bravest that are put into a hybrid team, and this talks about it also—let's see. There's another section in here. It talks about that you have—maybe it's in the recommendations portion. But you have to have a hybrid team of gutsy men and women that are knowledgeable and experienced to go in and that have the backup from the United States to go in there and thwart the drug lords and the drug guerrillas. You have to have this kind of combination of effort.

Mr. HASTERT. Let me ask you a another question that's very similar to the question I asked Ambassador Busby. How do you—as someone that's been underground in Colombia, how do you assess the national security threat, both to Colombia and the United States, from narcotraffickers?

Mr. MESSING. Well, it is clear to me. I mean, when you have got——

Mr. HASTERT. Let me interrupt you just for a second. I used the framework before and I misspoke in addressing the letter to—or question to the general, I said civil war. I don't mean civil war, but certainly there's a huge war going on between two forces. How do you assess that?

Mr. MESSING. Well, again, I have to go back to the dark side/light side capitalist example as one of the things. When you have dark side capitalist elements that are antidemocratic, they are monopolistic, and they are a very small element that tries to take control of the country and impact on its sovereignty. It's the tail that starts to wag the dog of the sovereignty of Colombia, in that regard. Their narcissistic enterprises wind up impacting on us on the streets of America.

Like I said earlier, if you—if this decertification—if this certification doesn't come through, even a certification with a waiver of some sort, it will translate directly into 40 to 50 tons of cocaine on your streets, on Congressman Mica's city and district, and on the other Members of Congress, where you feel the impact. The collateral damage is in an exponential way worse than the amount of assistance that you can provide.

I mean, we are talking $50 billion to $60 billion worth of collateral damage to the United States as a result of not certifying, not boosting the morale, not giving them the equipment they need, not supporting them in the first trench, the most inexpensive part of the drug war versus—the border versus our neighborhood. I mean, it's almost goofy, it is almost goofy not to understand that American interests are first.

There's a part in here that talks about strategy. This was written in 1990, because we were critical of the Bush administration. The point is that in strategy you have to understand the first priority is the war on drugs, and that translates into America; and the second is the maintenance of the country's democratic institutions.

Mr. HASTERT. To followup on that, we just had a note handed to us from our district office that today in Waukegan, IL—that's not very far from my district—they just had a bust of 400 pounds of cocaine. That sounds like a tremendous amount of drug. But in the

whole scheme of things, it's just a very small fraction of what comes out of Colombia. But that did come from Colombia.

Mr. MESSING. Mr. Chairman, drug dealers just tried to buy a Soviet submarine for the transportation of drugs.

Mr. HASTERT. One last question I would like to address to you, Ambassador. In your opinion, do we face, I guess to coin a phrase, a chemical laundering problem? We had General Serrano talking about precursors. We understand that many of these products come from places like Germany and Holland and other places, but even from the United States, if we can ship—if somebody wants to ship a product, tons or thousands of gallons of product to Poland or the Bahamas or Germany and then it finds its way back to Colombia, is that a problem? If it is, how can we start to get a handle on that?

Mr. BUSBY. Yes, sir, that is a problem. In the tracking of precursor chemicals, I think DEA and FBI both have whole sections that do nothing but that.

It is a very difficult proposition because you are talking about a legal commercial product.

How we get a handle on it? I go back to what I responded to Mr. Barr. I think the only way you get a real handle on it is to work with the producing countries of those chemicals to put some tracking restrictions and end-use restrictions on them, and also work with Colombia and other countries that produce drugs to track the importation of those kinds of chemicals.

Mr. HASTERT. The question is: How much of that chemical comes from this country and goes to other countries?

Mr. BUSBY. I don't know. DEA could give you those figures.

Mr. HASTERT. But is it significant?

Mr. BUSBY. The impression that I have, and I had it from the time that I was in Colombia, is that we have made some substantial progress. We, Americans, have made some substantial progress on that. We have made no progress in terms of chemicals produced in Brazil, Germany, France, places like that.

Mr. HASTERT. Thank you very much. I certainly appreciate both of you gentlemen being here today. As I said, we have had a lot of questions and a lot of answers, and I hope we have made some headway, No. 1, in understanding and, No. 2, establishing a record, that we need to move forward.

We need to have better ideas. We need to think outside the traditional square to solve this problem. If we didn't have the courageous people like General Serrano and others, General Bedoya who was here today, and others, we wouldn't even be able to get a toehold to solve the problem.

We appreciate your testimony. This is not the last hearing that we will have on this issue. We will continue to work at it.

This hearing of the Subcommittee on National Security, International Affairs, and Criminal Justice is adjourned. Thank you.

[Whereupon, at 2:02 p.m., the subcommittee was adjourned.]

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