Lack of Treaties Hinders U.S. Effort to Curb Drugs

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Last of four articles on why Latin America is now the major source of hard drugs entering the United States.

By NICHOLAS GAGE

The United States has indicted more than half of the 200 active drug traffickers in Colombia for narcotics violations in this country, but under existing international agreements they cannot be extradited from Colombia or prosecuted at home. So these dealers continue in business, supplying much of the cocaine sold in New York and other major cities.

The lack of adequate extradition agreements and treaties with Latin American nations to allow the prosecution of major drug traffickers in their own countries has been a major stumbling block in the efforts of United States agents to stem the rising flow of narcotics from Latin America.

Many law enforcement officials involved in those efforts are critical of the State Department for not pushing to achieve such agreements and treaties.

What is missing from the United States effort in Latin America, they say, is the kind of concerted drive the United States Government made at its highest levels a few years ago to persuade France to go all out against what had then been the major narcotics traffic into this country.

The heroin traffic from France was seriously disrupted, they remember, after France responded to such pressure by expanding its own narcotics enforcement units, establishing close investigative cooperation with United States agencies and agreeing to prosecute French traffickers on evidence gathered in the United States.

"We started off strong with

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Latin America, too," said one official, who, like others, requested anonimity because of his professional relationship with State Department. "But with all the Watergate problems, Washington's interest faded and we lost the momentum. We haven't got it back yet."

A number of agencies are involved in the United States narcotics effort in Latin America, but the most active are the Federal Drug Enforcement Administration, the Central Intelligence Agency and the Agency for International Development.

Individual agents work under the supervision of the United States ambassador in the country in which they are posted. The over-all narcotics effort, however, is directed from Washington by the Cabinet Committee of International Narcotics Control, which is headed by the Secretary of State and which has among its members the Attorney General and the Secretaries of Agriculture and Defense.

But officials from several participating agencies believe that Secretary of State Kissinger has little interest in the narcotics effort and that, as a result, many American diplomats in Latin America haven't devoted themselves wholeheartedly to it either.

Kissinger Is Defended

A State Department spokesman denied such allegations. "Obviously he's been busy with other problems," he said of Secretary Kissinger. "But if he didn't have a strong interest in narcotics control, he wouldn't remain as chairman of the cabinet committee."

Evidence of the Secretary's concern with the narcotics problem, the spokesman said, is the strong support Mr. Kissinger has given the committee's executive director, Ambassador Sheldon Vance, a career diplomat who coordinates United States narcotics control efforts throughout the world.

The United States declared narcotics control a "major" foreign policy goal four years ago, but some diplomats to South America concede they have not yet given it that kind of attention.

"I must admit I haven't registered our concern about narcotics sufficiently with the top people here," said one ambassador. "We've had so many little crises."

Another diplomat said, "We could jeopardize our relations by pushing too hard on narcotics. These countries don't have a drug problem themselves. There's no mutual interest to work with."

While some narcotics officials have been grumbling about lack of support from the State Department, the most active and visible of the agencies fighting narcotics abroad—the Drug Enforcement Administration—has come under its own share of criticism, much of it from the Senate Permanent Subcommittee on Investigations headed by Senator Henry M. Jackson.

'Ineffectiveness' Is Explored

The subcommittee is now conducting an investigation of the agency and will hold hearings later this spring. But a spokesman for Senator Jackson said that the subcommittee has collected information showing that the agency has been "ineffective" on several fronts in Latin America and that its agents have been involved in situations that threaten to embarrass the United States.

"No one person from the subcommittee has come down here to see what we're doing," countered Louis Bachrach, the Drug Enforcement Administration regional director for South America.

The spokesman for Senator Jackson said the subcommittee may send investigators to South America later, but that it was now concentrating on studying the agency's files.

Mr. Bachrach and his staff maintain that the agency's achievements in South America have been significant. Since the Drug Enforcement Administration was formed in July, 1973, he said, cooperative efforts with the police in South America have resulted in the destruction of 73 cocaine laboratories, the arrest of 457 important traffickers and the seizure of more than 1,300 kilograms of cocaine and cocaine base.

Furthermore, Mr. Bachrach said, agents in his region should be credited for wiping out the South American Connection, the rings headed by Corsican gangsters that formerly handled 35 per cent of all the French heroin entering the United States.

The South American Connection collapsed after a series of arrests, extraditions and expulsions of the major Corsican traffickers operating in Latin America.

Cocaine Gains Cited

Another achievement cited by Mr. Bachrach was the disruption of cocaine production in Chile. Shipments of cocaine to the United States from Chile have now been reduced from more than 200 kilos a month to less than ten, he said.

The important advance in fighting narcotics in Chile came after the military coup against President Salvador Allende, Mr. Bachrach said. The junta that overthrew him agreed to expel 19 Chilean traffickers to the United States, where they faced narcotics charges, even though they were Chilean citizens. Most of the other traffickers, fearing similar action against them, fled the country, he said. he said.

Chilean officials cite several factors for taking such unusual action against the traffickers. "We don't want to wind up with a big drug problem like the United States has," said Lieut. Col. Luis Fountaine, head of the narcotics' unit of the Chilean Carabineros. "We want to nip it in the bud."

"There is evidence that supporters of Allende have been involved in narcotics," Colonel Fountaine added. When pressed to discuss such evidence, he said that he hadn't seen it himself, but that the junta's intelligence agency was in possession of it.

Unit Is Eliminated

Despite its energetic prosecution of narcotics traffickers, the Chilean junta did not hesitate to eliminate the Customs Investigative Agency, by all accounts the most effective police unit fighting narcotics in Chile. It is believed that the junta did so because the unit had been identified closely with President Allende.

The head of the unit was Luis Sanguinetti, a friend of President Allende's. He and his top assistants were arrested immediately after the coup and his body was later found in the hold of a ship taking political prisoners to an island prison.

The junta said that Mr. Sanguinetti committed suicide by jumping head first into the hold. His two assistants were shot while allegedly trying to escape from detention, and two others were killed in a shootout with the police.

Another accomplishment which Mr. Bachrach cited in response to criticism of his agency is the removal of 57 fugitive Latin American drug traffickers to the United States through a campaign called "Operation Springboard."

The operation was conceived as a means of getting around the refusal of almost all Latin countries to extradite their own nationals. Since existing treaties do not allow for evidence collected in the United States to be used against traffickers in their native countries, drug enforcement agents in Latin America decided to coax traffickers to third countries and to try to persuade authorities there to expel them to the United States.

The Drug Enforcement Administration calls "Operation Springboard" a success. But a number of the expelled traffickers have appealed their convictions in Federal courts, maintaining that their rights under due process were violated because they were kidnapped.

The Federal Court of Appeals has upheld the contention of one defendant, Francisco Toscanino, an alleged associate of Lucien Sarti and Auguste Joseph Ricord of the South American Connection. Mr. Toscanino said his rights were violated because he was tortured by the police in Brazil, the country that expelled him.

The Government now is appealing the Toscanino decision to the Supreme Court. It has been upheld thus far on all other appeals by defendants extradited from Latin America and later convicted of drug violations here.

Mr. Bachrach said that if Mr. Toscanino was tortured in Brazil, it was done without the knowledge of his agents. "Our men are instructed to get the message to local police that torture is not professional or productive and cases in which torture is used will not stand up in the States," he said. "We have a vested interest in discouraging torture."

Building Some Bridges

Although they cannot make arrests in Latin America, Federal narcotics agents there develop cases and turn them over to the local police. When the police then go to make arrests on the cases, the agents accompany them.

"Too many things happen to foul up the case when we don't," said an agent in Ecuador.

The task of drug enforcement agents is complicated by the fact that many countries have more than one police force—sometimes three or four — working on narcotics, and the various police units are sometimes fervent rivals.

To keep on good terms with the different police groups, drug enforcement agents from the United States try to distribute the cases they develop to all the various local police units.

But the potential hazards of police rivalry within Latin American countries were illustrated in March when United States narcotics agents heard that a 23,000-pound cache of marijuana was hidden in a spot 180 miles south of Bogotá.

Two drug enforcement agents told the Colombian customs police about the marijuana and accompanied them in a private plane to the spot. Unknown to the agents, however, the Colombian security police also had been informed of the same cache of marijuana and were already there.

When the plane arrived with the United States agents in it, shooting broke out, with each police group thinking the other was the traffickers.

Although no one was killed, newspapers in Colombia labeled the incident a "Keystone Kop raid" and back in Washington, Senator Jackson termed it "greatly disturbing."

Mr. Bartels, the Drug Enforcement Administrator, thought his men performed well under the circumstances. "Although under attack neither of them fired their guns," he said. "And they got 23,000 pounds of marijuana."

'Buy and Bust'

The drug enforcement agents in Latin America also are criticized by Senator Jackson and others for allegedly relying excessively on the "buy and bust" method of getting indictments. In such cases, an agent works under cover to buy drugs and when the sale is made, the local police arrest the seller, the undercover "buyer" somehow managing to escape.

The buy-and-bust method could prove politically embarrassing to the United States, an aide to Senator Jackson said, if the agent is exposed or shot during an arrest. Or what would happen, he asked, if the agent shot a national in his own country.

Agents in Latin America maintain that they don't rely on the buy-and-bust method frequently, but have developed other techniques that allow them to keep a low profile.

In eight of the 12 Drug Enforcement Administration offices in South America, "special action units" patterned on similar groups maintained by the Central Intelligence Agents, have been established.

The agents in these units hire local investigators, some of them police officers, to conduct surveillance, observe arrests and perform other functions that the United States agents cannot do without risking exposure.

Workers from a cocaine processing lab in custody at Cali, Colombia, after being seized on information from U.S. narcotics agents there. However, prosecution of such people is lacking, and they often return to their work.

Some of the special units are said to be quite effective. In Buenos Aires, for example, when terrorists began kidnapping diplomats, the United States ambassador asked the head of the narcotics agency's special action unit to set up a security company to provide protection for high officials in the embassy.

The Drug Enforcement Administration also has been criticized by members of the Jackson committee for failing to cooperate with the Central Intelligence Agency in developing a unified attack against narcotics traffickers.

Mr. Bartels acknowledged that differences between the two agencies did develop at one time over the handling of informants.

"They [the C.I.A.] were so protective of their informants, we couldn't make cases with what they gave us," he said. "But in the last year we've settled our differences."

The C.I.A. was asked to join the campaign against narcotics by President Nixon in 1971, but apparently its agents in South America have never taken fully to the idea.

One of the reasons given for the C.I.A.'s discontent is that while agency missions in South America have been given extra funds for narcotics work, they have not received additional men, except in Argentina.

Some drug enforcement agents said that the C.I.A. has helped them on several levels in South America, providing them with intelligence reports on the narcotics traffic in each country and on political power structures.

"If we want to coax a fugitive trafficker to a third country to expel him to the States," one narcotics agent explained, "they can tell us if he's got enough pull in that country to beat us there."

Effort Is Impaired

The drug agency's effort was impaired earlier this year, however, when it acknowledged that it had hired 53 former C.I.A. agents. The disclosure upset many South American officials, who maintained that it would be imposible to tell narcotics agents from spies.

As a result, Mr. Bartels said, the agency has found resistance in trying to open four new offices in South America—two in Colombia and two in Brazil —which were considered necessary for adequate coverage of the continent.

Mr. Bartels said that none of the former C.I.A. agents now with the agency is serving as a drug enforcement agent in South America.

In an attempt to reassure South American officials, Mr. Bartels said he intended to invite Latin narcotics agents to come to the United States and work with his own men here.

"We want them to see that we're not C.I.A. and that we don't mean narcotics cooperation to be a one-way street," he said.

Intelligence Area Lags

Ironically, the Drug Enforcement Administration effort in South America probably needs improvement most in an area that is the strength of the C.I.A. — intelligence gathering and coordination. For example, in the agency's regional headquarters in Caracas, only one staff member handles intelligence duties for all of South America.

"We've had three more people waiting to go down for months, but the C.I.A. furor has held us back," Mr. Bartels said.

In addition to enforcement efforts, American agencies in Latin America are trying to fight narcotics through a variety of training and assistance programs. Over the last three years, the United States has provided an average of $22-million annually in grant assistance for fighting narcotics.

The largest chunk of assistance for narcotics control in Latin America—$12-million last year—has gone to Mexico reflecting the high priority given in Washington to diminishing the flow of Mexican heron to the United Stataes.

In South America, many of the narcotics assistance programs are being implemented by the Agency for International Development. The agency operates training classes for narcotics and customs police and arranges for material assistance, such as communications equipment, vehicles and weapons.

Picking the Priority

Still, the assistance programs and the enforcement efforts have not appreciably stemmed the flow of drugs to the United States.

The best way to stop the drug traffic, enforcement officials believe, is to go after the major traffickers in their own countries.

They point out that the cocaine traffic in Chile and the heroin traffic in France were disrupted when major traffickers in those countries were either expelled or prosecuted, even when the evidence was gathered elsewhere.

"As long as traffickers feel safe in their own countries," said Frank Macolini, the Drug Enforcement Administration's deputy regional director for South America, "they're going to keep sending drugs to ours."

Narcotic Agent Living a Boyhood Dream

From the time he was a young boy, the son of the local constable in the sleepy Texas town of Palacios, George Frangullie "always wanted to be a cop."

Now, at 37 years old, he is the special agent in charge of the Federal Drug Enforcement Administration office in Santiago, Chile, and an important component in the United States narcotics effort in Latin America.

Mr. Frangullie is a man who clearly enjoys his work. But there have been problems. He had an assistant, Charles Cecil, until eight months ago when Mr. Cecil and his wife were shot at while driving home from a movie. Mr. Cecil was transferred to Colombia and now Mr. Frangullie must break in a new man.

In addition, he must cope with the frustrations every Federal narcotics agent faces in Latin America. He has to maintain a low profile, stay on good terms with operatives from rival police forces and let local authorities make cases he has developed. Nevertheless, Mr. Frangullie delights in trying to get around these problems.

"There are two ways to work as a cop," he says. "You can use traditional methods or you can try to come up with new ideas."

Transforms Situation

Mr. Frangullie's skill in developing new ideas has helped to transform the drug situation in Chile in the two years he has been posted there. Today most of the traffickers in Chile have either been expelled or have fled the country as a result of one of Mr. Frangullie's untraditional methods.

Latin-American countries generally will not extradite their own nationals who have been indicted on drug violations in the United States. But after the overthrow of the government of Salvador Allende in 1973, Mr. Frangullie found the situation there more "flexible."

He discovered a loophole in the law through which he has so far threaded 19 major Chilean drug traffickers. As he tells it, "A friend of mine came to my office with the official gazette and showed me an article about a new law that had gone into effect. It said that any person—alien or Chilean—who threatens the security of the state, can be expelled from the country.

"At 4 the next morning, it hit me that we could use that law to expel major Chilean traffickers to the United States where they were under indictment. I had a meeting with the Minister of the Interior and pointed out to him that profits from cocaine could be used by radical groups to buy arms and ammunition. The minister said 'Go' and we chartered a Boeing 707 to take nine traffickers to New York."

Mr. Frangullie and the six Chilean police officials who accompanied the traffickers found the ride an eventful one. Mr. Frangullie knew that most of the cases against these men had been developed years before by Thomas Duggan, an experienced Federal agent in New York who had since given up all hope of seeing them brought to justice.

Mr. Frangullie arranged to have Mr. Duggan at the airport in New York so he could see his face when the Chileans were brought off the plane.

Most Traffickers Curbed

Since then 10 more traffickers have been expelled to the United States from Chile under the same law and most of the remaining traffickers under indictment are believed to have fled the country in fear of meeting the same fate.

The hard line taken against traffickers by the ruling junta has made Mr. Frangullie's job easier. "But I made good cases under Allende," he says. "I've received good cooperation ever since I got here."

Mr. Frangullie spent two years in college before leaving to join the Houston police force. He found a tour of duty in the narcotics division so stimulating that he joined United States Customs in 1964. Four years later he switched to the Federal Bureau of Narcotics and Dangerous Drugs, which became the Drug Enforcement Administration in 1973, the same year he was sent to Chile.

His wife, Anita, whom he met in a Texas drugstore, has found it difficult raising two children—a boy of 11 and a girl of 6—in a foreign country. So Mr. Frangullie has asked for a stateside assignment at the end of the year. But as he talks about moving, it's clear he doesn't look forward to it.