
The Military and the War on Drugs: An Air Component's Perspective

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At one point in the novel on the drug war, *Hammerheads*, a frustrated admiral argues, "This is *not* a law-enforcement action, damn it. It's a national security issue."¹ Although the admiral is but a creation of author Dale Brown's imagination, the observation is accurate. The threat posed by illicit drugs to the United States has indeed become a "national security issue".²

COCAINE IS THE PREDOMINANT THREAT

The threat from illegal drugs encompasses a variety of substances and sources, from heroin produced in the Far East to marijuana grown in North America. The National Drug Control Strategy has identified cocaine as the foreign drug posing the greatest threat to the United States. One hundred percent of the cocaine consumed in the U.S. comes from USSOUTHCOM's area of responsibility (AOR).³ With a worldwide market, potential annual production could be as much as 900 to 1,100 metric tons.⁴

Sixty percent of the world's coca leaf is grown in the Upper Huallaga Valley of Peru, 30 percent in the Chapare region of Bolivia, and the balance mostly in Colombia.⁵ The leaf is made into cocaine paste⁶ and base⁷ using precursor chemicals in crude maceration pits located near cultivation sites and generally flown from Peru and Bolivia into Colombia for final processing.⁸ The primary means of transport is aboard hundreds of light, fixed-wing aircraft. From Colombia, the resulting cocaine hydrochloride (HCl) is distributed by air and sea throughout the world.⁹

The predominant method traffickers use to transport cocaine HCl to the United States are air routes into Mexico, Guatemala, and other Central American countries and then across the U.S. land border in vehicles, on pack horses, and even on the backs of illegal aliens. The 1991 National Drug Control Strategy reported that Mexico is the primary transit point for cocaine entering the United States.¹⁰

With the incentive of a multi-billion dollar business, the drug traffickers have developed roots in every country in Latin America. Their method of operation is insidious and destructive. Typically, their first step is the purchase of land in remote regions of Belize, Guatemala, and Mexico, for example. Crude airfields quickly appear, and the flights from Colombia begin.

Local nationals working in the traffickers' employ are frequently paid not with cash but cocaine. The drugs, in turn, are sold on the local economy; a new market develops for the trafficker as another country begins to suffer drug addiction. Local police and judges are also often corrupted to protect the trafficking operation. These illicit "businessmen" seek to destroy the very institutions which protect and guarantee emerging democracies.¹¹

THE U.S. RESPONSE

To cope with this massive problem, the Executive Branch began in 1989 to develop a pervasive counterdrug strategy. In his first speech to the American people from the Oval Office, President Bush outlined a national strategy which offered to more than double federal assistance to state and local law enforcement agencies and pledged "the appropriate resources of America's armed forces" to foreign governments engaged in the battle against the drug cartels and their pernicious trade.¹² Assistance from federal authorities to domestic law enforcement agencies included wide-ranging Department of Defense (DoD) support which, in some cases, by-passed traditional fiscal law principles by eliminating the requirement of reimbursement.¹³

Secretary Cheney, echoing a classified National Security Directive signed just weeks before, followed the President's plan with broad counterdrug guidance to DoD.¹⁴ The Secretary labeled international trafficking in drugs a "national security" problem for the United States. Not surprisingly, he found DoD to have a "crucial role" in defending the nation against the threat. Moreover, he designated the detection and countering of the production, trafficking, and use of illegal drugs as a "high priority national security mission" for the DoD.¹⁵

Both the original and present guidance contain many challenges for operators and planners, not the least of which continues to be how to juxtapose policy and law in supporting effective counterdrug operations. This is an area where what the law "giveth," policy may "taketh."¹⁶

Interpretation is another challenge. Neither simplicity nor clarity have come with time, and the classified nature of much of the guidance adds a further aura of mystery, if not frustration.¹⁷

THREE COUNTERDRUG MISSIONS

The DoD provides support for three types of counterdrug missions:

1. **Detection and Monitoring.** In 1989 Congress designated the DoD "as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States."¹⁸ As of 1991, Congress required this military mission to "be carried out *in support of* the counter-drug activities of Federal, State, local, and foreign law enforcement agencies." (emphasis added)¹⁹ The addition of the "in support of" language is to ensure that DoD's detection and monitoring activities are responsive to intelligence queuing and combined planning with law enforcement agencies, domestic and foreign. This occurs with increasing sophistication.²⁰

Detection and monitoring permits limited, nonconfrontational intercepts and pursuit of suspected narcotrafficker aircraft in accordance with international law, U.S. policy, and statute.²¹ In combined operations with host nation military and law enforcement agencies, care is taken not to involve U.S. forces with host nation counterdrug activities which could be contrary to this authority.²²

DoD personnel may conduct detection and monitoring intercepts outside the land area of the U.S. to gather intelligence, to identify and communicate with the suspect vessel or aircraft, and to relay directions of appropriate civilian officials that the vessel or aircraft go to a designated location. Special rules apply for pursuit over the U.S. land area.²³ Use of force is strictly limited to self-defense, consistent with DoD's peacetime rules of engagement (ROE).²⁴

The legislative history of the original detection and monitoring legislation indicates the conferees urged DoD to "pursue vigorously activities that result in the earliest possible detection of such (suspected drug trafficking) targets."²⁵

In addition to aircraft intercepts, the mission has been executed through the use of fixed and mobile ground radars, radar ships, ship-based aerostats, and airborne early warning aircraft. DoD detection and monitoring assets are employed within the U.S., in international waters and airspace, and within the territory of consenting host nations. The information acquired by DoD may be shared with other Federal agencies and other nations in order to track suspect vessels and aircraft.²⁶

The legislation establishing the detection and monitoring mission also required the Secretary of Defense to integrate the command, control, communications, and technical intelligence assets of the United States (dedicated in whole or in part to counterdrug interdiction) into an "effective communications network." This is an on-going process.²⁷

Authority to provide detection and monitoring support on land is contained in the FY 1990-91 Defense Authorization Act under a provision which requires the Secretary of Defense to conduct training exercises "to the maximum extent practicable" in drug interdiction areas (DIAs).²⁸ The enabling legislation defines "DIAs" to include those "land and sea areas in which, as determined by the Secretary, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred."²⁹ This legislation has permitted the use of military working dog teams (MWDTs), long-range reconnaissance patrols in rough terrain, remote sensors, listening/observation posts, and tunnel detection assistance along the southern U.S. border.

The Secretary's authority to designate DIAs has been delegated to the CINCs.³⁰

In addition to supporting detection and monitoring activities, DoD has two other counterdrug support roles: (1) support for drug law enforcement agencies (DLEAs) and (2) support for non-DLEAs.

2. Support for DLEAs. Support for DLEAs is addressed in Chapter 18, Title 10, U.S. Code, and in a variety of DoD authorization acts.³¹

The Title 10 provisions authorize DoD to: transfer data and intelligence to Federal, State, and local DLEAs, subject to national security considerations³²; make available any equipment or base facility to DLEAs³³; train and advise DLEA officials in the operation and maintenance of equipment³⁴; maintain DLEA equipment and operate equipment for detection and monitoring, aerial reconnaissance, communications intercepts, and (subject to prior approval, under this authority) transport DLEA personnel, and operate a base of operations for DLEAs.³⁵ Such support, however, must not adversely affect the military preparedness of the United States.³⁶

As a rule, DoD support provided to another Federal agency, must be promptly reimbursed by the agency supported under the Economy Act.³⁷ There are, however, limited exceptions when DoD supports DLEAs under Chapter 18 of Title 10.³⁸ Reimbursement by State or local agencies is addressed by the Intergovernmental Cooperation Act.³⁹

There is additional DoD authority for counterdrug support which avoids the reimbursement requirement. For FY 1992, for example, Congress authorized \$40 million in operation and maintenance (O&M, Title 10) funding for additional DoD counterdrug support of DLEAs (a decrease of \$10 million from FY 1991 authority).⁴⁰ Such support is provided to other agencies

without seeking reimbursement under the Economy Act. Section 1004 of the FY 1991 Defense Authorization Act (amended by section 1088 of the Defense Authorization Act for FYs 1992 and 1993) authorized the following DoD services and support:

- (a) Maintenance, repair, and (in some cases) upgrade of DLEA equipment. DoD electronics technicians are quite popular.
- (b) Transportation of U.S. or foreign personnel, supplies, or equipment to facilitate counterdrug operations worldwide. DoD helicopters and crews are available to DLEAs at locations stateside and in the Caribbean, for example.
- (c) Establishment (including minor construction) and operation of bases of operations to facilitate (U.S. or host nation) counterdrug activities worldwide.⁴¹
- (d) Counterdrug training of Federal, State, local or foreign DLEA personnel. Mobile training teams in helicopter and small unit tactics, for example, have been provided. DoD foreign language and survival schools often include DLEAs.⁴²
- (e) Aerial and ground reconnaissance, outside, at, or near U.S. borders. Again, DoD aviators and their equipment are frequently on-call for reconnaissance support to DLEAs.
- (f) Construction of roads, fences, and lighting at US border smuggling corridors. DoD construction and repair projects along the southwestern border are common.
- (g) Establishment of C³ and computer networks for the integration of DLEA, active duty, and National Guard counterdrug activities. DoD data management specialists frequently travel to intelligence centers to continue these integration efforts.⁴³

Guidance for support to law enforcement agencies is covered by Air Force Regulation 55-35.⁴⁴ At present, this regulation should be reserved for law enforcement support issues which are unrelated to counterdrugs. Issues regarding counterdrug support for DLEAs (to include foreign DLEAs in certain circumstances) is addressed by a series of messages from the Secretary of Defense, Joint Chiefs of Staff, and the Air Staff.⁴⁵ This interim guidance makes important distinctions between operational and non-operational support of DLEAs.⁴⁶

A great deal of the non-operational support to DLEAs is coordinated through four Regional Logistics Support Offices (RLSOs). The RLSO's are under the direct supervision of the office of the DoD Coordinator for Drug Enforcement Policy and Support.⁴⁷ Each installation has a counterdrug POC who works closely with his RLSO counterpart. The RLSOs are the primary point of contact for DLEA requests for equipment loans,⁴⁸ facilities, training in formal schools, hazardous material disposal, or other support provided by the Services from forces not assigned or made available to the CINCs, i.e., non-operational support. The Services, however, retain approval authority for such non-operational support.

Requests for support by USAF military working dog teams (MWDTs) which the installation does not have the capability to support in accordance with DoD Instruction 5525.10, should be coordinated with the MWD Executive Agent (AFSPA/SPLE, Kirtland AFB).⁴⁹ SPLE provides MWDT data and coordinates, as appropriate, with the RLSO.

3. Support to Agencies Without LE Role. DoD support to agencies other than DLEAs is primarily provided to the Department of State (DoS). DoS provides international

counterdrug assistance to foreign governments and international organizations under the Foreign Assistance Act (FAA) of 1961, as amended,⁵⁰ the Arms Export Control Act (AECA) of 1976, as amended, the Foreign Operations, Export Financing and Related Programs Appropriations Acts, and the International Narcotics Control Act.⁵¹

DoS's counterdrug authority includes coordinating all international U.S. assistance, to include the negotiation of international agreements to help control drug production, processing, and distribution, and efforts to eradicate the illicit drug crops through application of the herbicides.

DoD support of DoS is frequently provided through Mobile Training Teams (MTTs) under the FAA (this includes training in small unit tactics and equipment repair). DoD assistance under the FAA can also include the drawdown (Section 506) of existing defense articles and services (e.g., aircraft, boats, communications equipment, training, etc.) and the provision of excess defense articles (Section 517).⁵²

Having reviewed a few of the sources of DoD counterdrug legal authority, it is appropriate to consider a few of the important limits to that authority.

LEGAL AND POLICY RESTRICTIONS

1. *Posse Comitatus*. The restrictions on military personnel under the *Posse Comitatus* Act are probably the most widely known.⁵³ It was originally enacted to place limits on the direct active use of military personnel (not equipment) by civilian law enforcement in enforcing the laws of the United States. As is recognized in the text of this act, Congress left room to "expressly authorize" certain forms of DoD assistance to law enforcement.

The primary test used by the courts which have considered the issue, is whether DLEAs have made "direct active use" of military personnel to enforce the laws.⁵⁴ To date, no court has found that the *Posse Comitatus* Act was violated by U.S. Forces. Analysis of the Act must now include consideration of recent federal statutes which expressly provide for certain forms of indirect DoD assistance to DLEAs.

2. **Title 10, Section 375.**⁵⁵ *Posse Comitatus* exceptions under Chapter 18 of Title 10 were made to encourage greater DoD counterdrug support of DLEAs, beginning in 1981.⁵⁶ Chapter 18, despite its authority for what might be characterized as passive support to DLEAs, reaffirms that DoD must still avoid "direct participation" in certain law enforcement activities.

Of potential significance to DoD's counterdrug efforts is the Department of Justice conclusion that *Posse Comitatus* and 10 U.S.C. § 375 restrictions are without extraterritorial effect.⁵⁷

This does not mean, however, that DoD is free of law enforcement type restrictions overseas.⁵⁸

3. **Mansfield Amendment.** The Mansfield Amendment to the Foreign Assistance Act, *inter alia*, generally restricts all U.S. Government (to include DoD) personnel from directly effecting an arrest in any foreign country as part of any *foreign* police action with respect to narcotics control efforts.⁵⁹

The amendment also includes an exception, to the effect that U.S. personnel may with approval of the U.S. chief of mission, be present when foreign officers are effecting an arrest and may assist such officers.⁶⁰ This statutory exception, however, is subject to a significant policy limitation.

4. **Actual Field Operations.** Notwithstanding the conditional exception under the Mansfield Amendment, guidance from the President and the Chairman of the Joint Chiefs of Staff (CJCS) prohibits DoD personnel from accompanying U.S. DLEAs or host nation forces/foreign DLEAs on actual field operations or participating in any counterdrug activities where hostilities are imminent. Moreover, CINCs are directed to ensure that DoD personnel do not directly participate in search, seizure, arrest, or other similar activities.⁶¹ This is an example of U.S. policy overriding otherwise available legislative authority.⁶²

5. **Fiscal Constraints.** This topic raises some of the most complex counterdrug issues, and a detailed examination is beyond the scope of this article. Briefly, a failure to properly apply fiscal law principles to federal counterdrug activities can lead to the unauthorized expenditure of funds and potential criminal and administrative sanctions.⁶³ Consistent with the fundamental principles of fiscal law, funds appropriated to DoD are only available for those missions or activities for which they were appropriated. Traditionally, DoD missions and activities have been determined by statute or, in the absence of statutory authority, through the broad constitutional powers of the President as Commander-in-Chief.⁶⁴

Required reading in this regard are two Comptroller General decisions which arose from the *Ahuas Tara II* joint combined military exercises in Honduras in the early 1980s which explain how fiscal principles affect military operations.⁶⁵

There has been a great deal of interest by the General Accounting Office in the dividing line between operation and maintenance (O&M, Title 10) funded activities and security assistance (Title 22). As a general rule, an activity will not constitute "security assistance" to a foreign nation so long as (1) the benefit to the host nation is incidental and minor and is not comparable to that ordinarily provided as security assistance and (2) the clear primary purpose of the activity is to serve U.S. military interest.⁶⁶ Title 10 funds are probably authorized under these circumstances. In all other cases (i.e., where support to the host nation is substantial or the primary beneficiary of the activity is the host nation), DoD will likely be limited to the use of DoS funds (under Title 22) and subject to the accompanying security assistance restrictions.⁶⁷

While performing security assistance training is not a DoD mission for which O&M funds are available, successful arguments have been made that the preparation of DoD personnel for a specific security assistance mission can be an appropriate basis for O&M expenditure. However, this is true only under very narrow circumstances, e.g., area familiarization and related training consistent with independent DoD mission requirements.⁶⁸

Counterdrug guidance from the CJCS, alluded to previously, stresses that "it is imperative that all Department of Defense counterdrug funds be obligated only for the specific activity(ies) for which appropriated and transferred." To ensure this is accomplished, all counterdrug deployments made under the CINC's delegated authority must identify, *inter alia*, the funding source "to include specific project code, for DoD-funded deployments."⁶⁹ This represents a significant new obligation for judge advocates, comptrollers, planners, and operators involved in the war on drugs.

6. **Human Rights.** Human rights violations by our friends and allies can present a serious obstacle, both in law and policy, to our counterdrug efforts overseas. Several U.S. statutes require the U.S. government to take the human rights performance of foreign states into consideration in our political and commercial relations. These statutes generally prohibit or strictly limit U.S. developmental and security assistance (to include counterdrug assistance) to any country

which "engages in a consistent pattern of gross violations of internationally recognized human rights."⁷⁰

Recognizing the importance of human rights to the mission, USSOUTHCOM requires that all U.S. military personnel entering the AOR in an official capacity receive a briefing on human rights. Personnel are instructed to report ". . . all instances of suspected human rights violations immediately through the chain of command to the U.S. Military Group Commander."⁷¹

These reports are promptly investigated. The human rights record for those countries receiving U.S. assistance is then reported through DoS channels for annual presentation to the Congress by the Secretary of State.⁷²

CONCLUSION

It is our hope this article has given you an appreciation for the wide variety of legal issues that are an integral part of DoD's counterdrug mission. Counterdrug activity is uniquely law-related; an activity subject to tremendous change and growth, much as the threat we face from those who choose to traffic in illegal drugs.

In this conflict, DoD has received carefully limited authority and a circumscribed mission, but there remains a great deal that can be accomplished through detection and monitoring, and support to law enforcement, the DoS, and other non-law enforcement agencies.

This is an area of military practice where, as in any "war", active duty, National Guard, and Reserve judge advocates are actively involved with planners and operators to ensure that our people operate within legal and policy limits, and just as importantly, that they appreciate the full scope of their authority as "drug warriors."⁷³

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NOTES

¹D. Brown, *Hammerheads*, Donald I. Fine, Inc., New York, NY 105 (1990).

²As serious as the drug threat is to this nation, it pales when compared to the menace faced by Latin America. Colombia for example, has one of the highest mortality rates in the world. Assassins regularly target Supreme Court Justices, law enforcement officers, and politicians. Kidnapping and hostage taking, by way of intimidation, are also common. In 1991, more than 490 Colombian police officers were killed in drug-related violence. Statement by General George A. Joulwan, USA, Commander United States Southern Command before the Senate Committee on Foreign Relations, Subcommittee on Terrorism, Narcotics, and International Operations [hereinafter CINC's Statement], 6 (20 Feb 1992).

³USSOUTHCOM's AOR includes all of Latin America, except Mexico. USSOUTHAF, commanded by Lieutenant General Thomas Baker, is the air component for USSOUTHCOM. The Andean Ridge countries of Bolivia and Peru

(coca leaf fields and initial processing) and Colombia (final processing and transshipment) are the principal cocaine producing countries.

⁴CINC's Statement, *supra* note 2, at 3. 1,000 metric tons equals 2,204,600 pounds or 1,000,000 kilos. With an average U.S. wholesale price of \$16,000-25,000 per kilo, this is clearly a billion dollar industry to the traffickers. Profits within the U.S. are even higher, with each kilogram (diluted or "cut" and sold on the street in grams) yielding \$70,000-\$300,000. DOJ/DEA *Intelligence Trends*, Vol 17, No.1 (1990).

⁵Peru dominates coca leaf production due to the potency of the cocaine derived from Peruvian leaf. "The cocaine hydrochloride content of the coca grown in the [Upper] Huallaga Valley [of Peru], for example, is estimated to be 10 times higher than that grown in Colombia." Hearings, *U.S. Government Anti-Narcotics Activities in the Andean Region of South America*, Senate Committee on Governmental Affairs, testimony by John Walters, Office of National Drug Control Policy, Chief of Staff, 17 (26, 27, 29 Sep 1989).

⁶Conversion of coca leaf to coca paste occurs in crude maceration pits, usually a hole in the ground lined with heavy plastic or metal drums. The coca leaves are placed in the pit where an alkaline material (sodium carbonate), kerosene, and water are added. The resulting mixture is agitated (trampled by two to five people depending on the size of the pit) for several hours. Cocaine alkaloids and kerosene separate and the water and leaves are drained. The cocaine alkaloids are next extracted from the kerosene yielding a diluted acid solution. Additional sodium carbonate is added which causes a precipitate to form. The acid and water are drained and the precipitate is filtered and dried to produce the coca paste, a light-brown, putty-like substance. It takes approximately 110 kilograms of leaf to produce 1 kilo of paste. R. Bly, *The National Narcotics Intelligence Consumers Committee (NNICC) Report 1990*, 49 (June 1991).

⁷Cocaine base laboratories are located at sites near rivers and airstrips. The coca paste is dissolved in sulfuric or hydrochloric acid and water. Meanwhile, potassium permanganate is combined with water and this mixture is added to the dissolved coca paste. Allowed to stand for about six hours, the solution is then filtered and ammonia water added to form another precipitate. The solution is drained and the precipitate dried with heating lamps. The gray, granular powder produced is cocaine base. To make one kilo of base requires about five kilos of paste. *Id.*

⁸CINC's Statement, *supra* note 2, at 4.

⁹The final stage of cocaine processing, usually conducted in Colombia, requires sophisticated skills and equipment. It also calls for expensive chemicals and is dangerous. Initially, acetone or ether is added to dissolve the cocaine base and the solution is filtered. Hydrochloric acid diluted in acetone or ether is added to the solution causing cocaine to precipitate as cocaine hydrochloride (Hcl). Cocaine Hcl is dried under heat lamps, in microwave ovens, or laid out to dry with the aid of fans. R. Bly, *supra* note 6. The cocaine market is indeed worldwide. In 1992, a kilo of cocaine Hcl has a street value of approximately \$20,000 in New York City, \$88,000 in Athens, Greece, and \$300,000 in Tokyo. CINC's Statement, *supra* note 2, at 6.

¹⁰Another trafficking route, presently less popular, is through the Caribbean, where favored tactics include airdrops to high speed boats that take the drugs ashore.

¹¹CINC's Statement, *supra* note 2, at 6.

¹²*Washington Post*, Text of Address by President George Bush 18 (6 Sep 1989).

¹³National Defense Authorization Act for FY 1991, P.L.101-510, § 1004, 104 Stat. 1629 (1990), as amended by P.L. 102-190, § 1088, 105 Stat. 1484 (1991).

¹⁴R. Cheney, *DoD Guidance for Implementation of the President's National Drug Control Strategy* (18 Sep 1989).

¹⁵*Id.* at 3. DoD's counterdrug funding reflects the increase in priority. DoD funding increased from \$300 million in 1989 to \$1.08 billion in 1991 and \$1.19 billion in 1992.

¹⁶National Security Directive (NSD) 18 (21 Aug 1989).

¹⁷See Mansfield Amendment discussion, p. 5.

¹⁸10 U.S.C. § 124.

¹⁹National Defense Authorization Act for FYs 1992-93, P.L.102-190, § 1088, 105 Stat. 1484 (1991).

²⁰House Report No. 102-60, P.L. 102-190, section 1088 (1991).

²¹Convention on International Civil Aviation (Chicago Convention); 10 U.S.C. § 375. The U.S. has long opposed the use of weapons against civil aircraft. Under international law generally, and in particular under Article 3 (d) of the Chicago Convention, states are required to have due regard for the safety of civil aviation in directing their military, customs, and police aircraft. Following the Soviet shootdown of Korean Air Lines (KAL) flight #007, the International Civil Aviation Organization unanimously adopted Article 3 *bis* as a proposed amendment to the Chicago Convention to codify the requirement that every state "must refrain from resorting to the use of weapons against civil aircraft in flight and that, in the case of interception, the lives of persons on board and the safety of

aircraft must not be endangered." [Although Article 3 *bis* has not yet obtained the necessary number of ratifications, it is viewed as customary international law, and therefore binding on all nations.]

The use of force in self-defense, acknowledged under Article 51 of the United Nations charter, is the only recognized exception to this rule. This view is consistent with U.S. ROE and statutory authority: (1) SM-846-88, U.S. Peacetime ROE, governs the employment of military force in terms of the right to *self-defense* against hostile acts or demonstration of hostile intent; and (2) under 10 U.S.C. § 374, aircraft detected outside the U.S. may be intercepted for the purpose of communicating directions from CLEAs that the aircraft go to a designated location. The legislative history is clear that such authority does not include "physical interruption of the flight or passage of the aircraft". See House Conf. Report No. 100-989, National Defense Authorization Act FY 1989, P.L. 100-456, § 1104 (1988).

²²262325Z NOV 91, CJCS Message, *Delegation of Authority for Approving Operational Support to Drug Law Enforcement Agencies and Counterdrug-Related Deployment of DoD Personnel*.

²³10 U.S.C. § 124(b) (2), "In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States." Note that Congress intended such "pursuit" to be distinctly nonconfrontational in accord with the Chicago Convention. DoD operators without a counterdrug background, on the other hand, will likely understand "pursuit" to mean: "An offensive operation designed to catch or cutoff a hostile force attempting to escape, with the aim of destroying it." Joint Pub 1-02. This illustrates the importance of judge advocates ensuring DoD operators understand the scope of their authority and a few of the nuances of counterdrug law and policy.

²⁴Peacetime Rules of Engagement for U. S. Forces SM-846-88.

²⁵House Conf. Report No. 101-331, National Defense Authorization Act for FYs 1990-91, P.L. 101-189, § 1202 (1989). As a result, DoD operators, generally in conjunction with DLEAs and host nation personnel, frequently monitor suspect narcotics traffickers from their launch points in the Upper Huallaga Valley, for example. This authority has been interpreted to permit detection and monitoring of suspect air traffic between Latin American countries (e.g., Peruvian base/paste to Colombia for processing) as well as the distribution of the final product north towards the U.S. border. This interpretation is consistent with 18 Sep 1989 SECDEF guidance that the flow of drugs be attacked at every phase—at the source, in transit, and in the United States, *supra* note 14.

²⁶10 U.S.C. § 371 (Federal, State, or local law enforcement).

²⁷National Defense Authorization Act for FYs 1990-91, P.L.101-189, § 1204, 103 Stat. 1564 (1989). The key to the integration of the DLEA's communications networks is secure systems interoperability between the regional DOD detection and monitoring activities (Joint Task Forces (JTFs) 4, S & 6), the C3I centers, and the DLEAs. The DoD plan to achieve this goal is called the Drug Enforcement Telecommunications Implementation Plan (DETIP). The Defense Communications Agency was named by SECDEF to implement the DETIP. Fifty-Six million dollars was budgeted in FY 1991 to support the secure voice and data requirements of DLEAs. Communications support is provided continuously to U.S. Customs in the Caribbean and to DEA to improve its Snowcap operations in the Andean Ridge. The Customs P-3 early warning aircraft, for example, have recently been equipped with satellite communications. Programs are underway to fuse multisource intelligence data in the Antidrug Network (ADNET) so that all subscribers will have access to the intelligence data. DoD provides installation support, training, configuration management, security engineering, and trouble-shooting assistance.

²⁸National Defense Authorization Act for FYs 1990-91, P.L. 101-189, § 1206, 103 Stat. 1564 (1989).

²⁹*Id.* § 1206(c).

³⁰P.L. 101-189, and *supra* note 22, at para 5g. The CINCs designation of DIAs will be in writing, with supporting rationale. There are no blanket designations. DIAs are designated mission by mission.

³¹Chapter 18 of Title 10 U.S.C. includes sections 371-380. See Defense Authorization Acts: P.L. 101-189, 103 Stat. 1352 (1989) and P.L. 102-190, 105 Stat. 1290 (1991).

³²10 U.S.C. § 371. DoD is directed to consider the information needs of DLEAs, to the maximum extent practicable, when planning and executing military training and operations. If, for example, DoD reconnaissance aircrews require periodic training and the DLEA has areas of particular interest which require overflight, such needs "shall, to the maximum extent practicable, be taken into account . . ." § 371(b).

DoD's intelligence data and activities raise issues about the scope of authority and special restrictions with regard to "U.S. persons." Executive Order 12333, *United States Intelligence Activities* (1981), DoD Directive 5240.1 and DoD 5240.1 -R, *Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons* (1982), provide guidance for the intelligence activities of the U.S. intelligence community. Note that this guidance applies only when U.S. persons are a target of the intelligence activity and only to DoD intelligence elements; not to law enforcement activities. The general rule is that information properly collected (under DoD

5240.1-R, procedure 2) may be retained (under procedure 3) or disseminated (under procedure 4). See also Air Force Reg. 123-3, *Air Force Intelligence Mission and Responsibilities* (1984), and Air Force Reg. 200-19, *Conduct of Intelligence Activities* (1983).

³³10 U.S.C. § 372.

³⁴10 U.S.C. § 373.

³⁵10 U.S.C. § 374. Note that section 374 requires a request "from the head of a Federal law enforcement agency." Accordingly that last-minute request for help from the local police will not suffice for section 374 support. But recall that the needs of local (and State, in addition to Federal) law enforcement may, in certain cases, be accommodated under section 371 for "planning and execution of military training or operations."

³⁶10 U.S.C. § 376. See also the National Defense Authorization Act for FY 1991, P.L. 101-510, § 1004 (d), 104 Stat. 1630 (1990).

³⁷The Economy Act, 31 U.S.C. § 1535, authorizes one governmental agency or major organizational unit to place an order with a major organizational unit within the same agency or another agency for goods or services. The Act requires that payment be promptly made for the goods or services provided. The Act has no provision under which the SECDEF may, on his discretion, waive the repayment provision. The Comptroller General, however, has set forth specific circumstances or conditions under which an agency or major organizational unit is not required to seek reimbursement for support provided under the Act. The Comptroller General (50 Comp. Gen 366, April 1980), determined that: "Loans of supplies, equipment and materials may be made on a non-reimbursed basis if for a temporary period and the borrowing agency (or unit) agrees to assume costs incurred by reason of the loan. However, as further stated in 38 Comp. Gen 558 (1959), transfers which are or may become permanent must be made on a reimbursable basis." See DoD/GC Memorandum for ISA/IA, 26 Oct 1989.

Specific guidance on reimbursement for the loan of equipment or supplies is provided in Air Force Reg. 172-1 Volume 1, *USAF Budget Policies and Procedures* (1990) and Air Force Reg. 177-101, *General Accounting and Finance Systems at Base Level* (1991). Reimbursement for communications computer systems services is under Air Force Reg. 700-3, *Information Systems Requirements Processing* (1984). SAF/MI is the USAF approval authority for nonoperational support reimbursement waivers. See DoD Directive 5525.5, *DoD Cooperation with Civilian Law Enforcement Officials* (1986). The dollar value of a requested waiver will be determined in accord with DoD 7220.9-M, Chapter 26, *DoD Accounting Manual* (1983). The DLEAs budgetary resources and past determinations for similar types of support are considered when evaluating such requests. HQ USAF/XO message 212030Z NOV 90.

³⁸With regard to DoD support provided to DLEAs under Chapter 18 of Title 10, the cost of operational support, including transportation, must be reimbursed by the law enforcement agency unless approval authorities (SECDEF, CINC, or his delegatee) determine that the support is provided in the normal course of military training or operations, or results in a substantially equivalent operational or training benefit. 10 U.S.C. § 377. If reimbursement is required and the requesting agency is unwilling or unable to reimburse DoD, CINCs will forward the request to the Joint Staff for OSD review and decision. CJCS message 262325Z NOV 91, paragraph 6.

³⁹31 U.S.C. § 6501 *et seq.*

⁴⁰P.L. 102-190, § 1088, 105 Stat. 1484 (1991). See also P.L. 101-510, section 1004, 104 Stat. 1629 (1990) and P.L. 101-189, § 1212, 103 Stat. 1567 (1989). "As a general matter, the reimbursement requirements of the Economy Act provide an important degree of fiscal accountability when one agency provides support to a mission assigned to another agency. Particularly in an era of declining funds available for critical readiness functions, the [DoD] does not have unlimited funds to underwrite the transportation, operations, maintenance, and training needs of civilian agencies. The conferees agree, however, that in addition to support now provided by the [DoD], the Department can provide a certain amount of logistical and training support . . . The conferees believe that up to \$40 million of funding for the designated support services is consistent with military preparedness and military training and operations requirements." House Conf. Report No. 101-331, P.L. 101-189, section 1212.

Unfortunately, for FY 1992 no funds were specifically appropriated by Congress for 1004-type support. Accordingly, the \$40 million must come from DoD's general O&M account; depleting O&M funding which otherwise would have been available for other DoD O&M activities.

⁴¹Hearings, *Operation Snowcap: Present and Future*, House Committee on Foreign Affairs, 23 May 1990.

⁴²Proceedings by the Congressional Research Service, *The Andean Drug Strategy and the Role of the U.S. Military*, Jan. 1990, pages 34-35. Unclassified discussion of a fixed base camp in the Upper Huallaga Valley of Peru at Santa Lucia.

⁴³National Defense Authorization Act for FY 1991 P.L. 101-510, § 1004, 104 Stat. 1629 (1990).

⁴⁴Air Force Reg. 55-35, *Air Force Assistance to Civilian Law Enforcement Officials* (1986) is under revision. Revised edition is not expected to be published for some time.

⁴⁵SECDEF/ODCEP&S message 301240Z APR 91, *RLSO Mission and Function*; CJCS message 262325Z NOV 91, *Delegation of Authority for Approving Operational Support to Drug Law Enforcement Agencies and Counterdrug-Related Deployment of DoD Personnel*; HQ USAF/XO message 261815Z DEC 90, *Military Assistance to Civilian Law Enforcement Agencies*; HQ USAF/XO message 212030Z NOV 90, *Air Force Assistance to Drug Law Enforcement Officials*. Although not addressed by these messages, overseas deployment of U.S. military personnel in support of counterdrug operations raises significant issues regarding status. *The Schooner Exchange v. McFadden*, 11 U.S. (7 Cranch) 116 (1812). Manual for Courts-Martial, R.C.M. 201(d) Discussion.

As previously indicated, our focus as USSOUTHAF is on Latin America (LATAM). Only one nation in LATAM has entered into a formal status of forces agreement (SOFA) with the US: Panama. Honduras and the U.S. have a protocol concerning jurisdictional status which mirrors the NATO SOFA formula. Elsewhere within this AOR, U.S. forces on counterdrug duties deploy with the prospect of being subject to host nation law without appropriate legal immunities. The status problem has been raised through command channels. Presently, DoS and OSD are attempting, through an exchange of diplomatic notes, to acquire the equivalent of Administrative and Technical (A&T) status, under the 1961 Vienna Convention on Diplomatic Relations for deploying counterdrug forces. Host nation political concerns may complicate such efforts. Whatever the nation involved, judge advocates involved in the planning process should ensure that the issue of status is addressed.

⁴⁶*Operational Support*. Counterdrug support to DLEAs involving military personnel and their associated equipment and training, provided by the CINCs from forces assigned to them or made available to them by the services for this purpose. Operational support does not include support in the form of equipment alone, use of facilities, military working dog support, training in formal schools, or the conduct of joint law enforcement investigations by military criminal investigative organizations with cooperating civilian LEAS, or other support provided by the services from forces not assigned or made available to the CINCs.

Nonoperational Support. Support provided to DLEAs which includes loan or lease of equipment without operators, use of facilities (such as buildings, training areas, and ranges), training conducted by formal schools, transfer of excess equipment, or other support provided by the services from forces not assigned or made available to the CINCs. Military working dog support will be provided in accordance with DoD Instruction 5525. 10.

⁴⁷The four RLSOs are located in Buffalo NY; Miami FL; El Paso TX; and Long Beach CA. SECDEF/ODCEP&S message 301240Z April 91, *RLSO Mission and Function*. "The offices were established so that [DoD] can have good coordination of the requests from law enforcement agencies when they see something we can help them with, in other words, so they don't have to go to Washington D.C., and dig into the Defense Department and find the right agency within DoD. They can go to an RLSO and explain their needs to the people there . . . hopefully, we can do the coordination much faster than in Washington. That is the whole idea." Steven M. Duncan, DoD Coordinator for Drug Enforcement Policy and Support, testifying before the Investigations Subcommittee of the House Committee on Armed Services (10 Apr 1990).

⁴⁸National Defense Authorization Act for FYs 1990-91, P.L. 101-189, § 1208, 103 Stat. 1566 (1989). Under this authority, DoD has loaned DLEAs individual clothing and equipment, office furniture, flak vests, vehicles and aircraft, night vision devices, radios, weapons and specialized equipment. Note that arms, ammunition (as a consumable, ammunition must be purchased), combat vehicles, vessels, and aircraft require secretarial approval. See HQ USAF/XO message, 212030Z NOV 90, *Air Force Assistance to Drug Law Enforcement Officials*.

⁴⁹Statutory authority for MWDT support is found in 10 U.S.C. 372 (MWDTs are considered "equipment;" see DOD/GC Memorandum for the Service Secretaries and Chairman of the Joint Chiefs of Staff, *Military Working Dog Teams*, 31 May 1990.) for the purposes identified at § 374 (b) (2) (to include detection and monitoring) and at P.L. 101-189, § 1206, 103 Stat. 1567 (1989) [military training exercises in drug interdiction areas (DIAs); where drugs are believed to be smuggled]. There are no "blanket" designated DIAs. DIAs are designated in writing by the CINC for each mission. MWDT support must (1) be consistent with the installation's missions requirements, (2) result in no substantial expense to the command, and (3) be provided under circumstances that preclude any confrontation between MWDTs and civilian subjects of search. Once the dog "alerts" the MWDT will advise the DLEA and withdraw. The DLEA is responsible for conducting any subsequent search/seizure. MWDTs will not be used to track persons, seize evidence, attack, hold, or in any way help in the apprehension or arrest of persons.

⁵⁰Part I of the Foreign Assistance Act (FAA) of 1961, as amended (P.L. 87-195, 75 Stat. 424) authorizes the State Department to provide foreign countries developmental (nonmilitary) assistance (22 U.S.C. §§ 2151-2294). Part II of the FAA concerns security (military) assistance (22 U.S.C. §§ 2301-2349aa-9).

⁵¹The International Narcotics Control Act (INCA) of 1990 (P.L. 101-623, 104 Stat. 3350), was signed by President Bush, 21 Nov 1990, despite having "a number of serious reservations about the Act." 26 Weekly Compilation of Presidential Documents (3 Dec 1990).

For example, the Act required the President, under 22 U.S.C. § 2291, to implement a "detailed program of instruction to train host country pilots . . . to fly host country aircraft involved in counternarcotics in Andean countries [replacing all U.S. government flight crews involved in such operations over Colombia, Bolivia, and Peru]...within 18 months after the date of enactment." Section 13 (a) and (b).

While the Administration, with assistance from DOD, was then working to increase host country capability to conduct air operations, the President's concern was that the arbitrary deadline in section 13 [May 1992] ". . . could endanger the lives and property of U.S. and foreign citizens." Note that this provision of the INCA would have had no impact on the USAF C-130 attacked by Peruvian SU-22 fighters on 24 Apr 1992. Section 13's focus is on DoS' international counterdrug programs and upon "host country aircraft." Missions for U.S. military aircraft, particularly those performing a DOD mission (i.e., detection and monitoring), are not affected by the INCA.

⁵²22 U.S.C §§ 2318 and 2321k

⁵³"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Acts of congress, willfully uses any part of the Army or the Air Force as a *posse comitatus* or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both." 18 U.S.C. § 1385.

The Posse Comitatus Act is applicable to the Navy and Marine Corps as a matter of DoD policy, see DoD Directive 5525.5. The Act essentially ended the Reconstruction era practice of using military forces in aid of federal law enforcement personnel. As Senator Hill, one of the sponsors of the *Posse Comitatus* Act, put it: ". . . whenever you conclude that it is right to use the Army to execute civil process . . . it is no longer a government founded upon the consent of the people; it has become a government of force." 7 Congressional Record 4245 (1878).

By its terms, the Act prohibits the use of the military as a *posse comitatus* except as that use is expressly authorized in the Constitution or in federal statutes (addressed in text). Under the constitutional exception to *Posse Comitatus*, the use of federal troops in a law enforcement capacity has been interpreted to be limited to emergency situations, such as the protection of persons and property from imminent hazards.

⁵⁴*Yunis*, 681 F. Supp. 891, 892 (D.D.C. 1988) [citing to *Red Feather*, 392 F.Supp. 916, 921 (D.S.D. 1975)].

⁵⁵"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity is otherwise authorized by law."

⁵⁶With regard to the purpose served by § 375, see Department of Defense Authorization Act 1982, P.L. 97-86, § 905, 95 Stat. 1114 (1981), (" . . . to clarify [existing] authority for cooperation between military and civilian law enforcement officials.") House Report No. 97-71, as amended by National Defense Authorization Act, FY 1989, P.L. 100-456 § 1104, 102 Stat. 2043 (1988), (" . . . to expand the opportunities for military assistance in a manner that is consistent with the requirements of military readiness and the historic relationship between the armed forces and civilian law enforcement activities.") House Conf. Report No 100-989, § 1104).

⁵⁷W. Barr, DOJ, Office of Legal Counsel (OLC) Memorandum for General Brent Scowcroft, Assistant to the President for National Security Affairs, National Security Council, *Extraterritorial Effect of the Posse Comitatus Act* (3 Nov 1989). This opinion must be read in conjunction with another DOJ OLC Memorandum, *Authority of the Federal Bureau of Investigation to Override other International Law in the Course of Extraterritorial Law Enforcement Activities* (21 Jun 1989), also authored by Mr. William Barr.

It is important to note, as the author has acknowledged, that these opinions address the limited question of our domestic legal authority abroad, and do not reflect any "sea change" in U.S. policy.

The potential legal and political consequences of nonconsensual operations overseas are wide-ranging. The repercussions will likely vary with the seriousness of the offense(s) for which the operation is executed; the citizenship of the offender(s); the condition of U.S.-host nation relations; and what actions, if any, the host nation had taken to seize/shelter the offender(s). An excellent discussion of the issues to be considered in this context was presented in testimony by Judge Abraham D. Sofaer, then Legal Advisor to the Department of State, 8 Nov 1989, before the House Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary.

⁵⁸When testifying on 19 Apr 1990, before the Investigations Subcommittee of the House Armed Services Committee, Mr. Steven Duncan, the DOD Coordinator for Drug Enforcement Policy and Support, was asked for a written statement of DoD policy, *inter alia*, with regard to the DOJ memoranda, *supra* note 57, by Mr. Barr. Mr. Duncan's reply to Congressman McCloskey, dated 23 May 1990, states: "Although the Defense Department agrees with the legal interpretation that the '*Posse Comitatus* Act', 18 U.S.C. § 1385 does not apply outside of the territory of the United States, sensitive diplomatic and other considerations dictate that military commanders should

not have unbridled authority to provide direct assistance to civilian law enforcement officials to perform law enforcement functions abroad."

Essentially, such direct assistance must be approved, on a case-by-case basis, by the SECDEF or Deputy SECDEF when compelling and extraordinary circumstances justify them. DoD Directive 5525.5, DoD Cooperation with Civilian Law Enforcement Officials (1986), as modified by SECDEF Memo, dated 20 Dec 1989. Note that the 10 U.S.C. § 375 restrictions, which Mr. Barr had also concluded were without effect extraterritorially, were not addressed in Mr. Duncan's reply. The essence of section 375 was also included in the "coordinating Instructions" portion of CJCS Delegation of Authority Message, 262325Z NOV 91, para 5d: "CINCs will ensure that DoD personnel do not directly participate in search, seizure, arrest, or other similar activities . . . when providing support."

⁵⁹22 U.S.C. § 2291(c) (1). We emphasize *foreign* police action because DoD support of police action overseas to enforce U.S. (as opposed to foreign) laws is not prohibited by the Mansfield Amendment. As indicated, the DOJ has concluded the Attorney General may call upon the military to assist him in the enforcement of U.S. drug laws outside the territorial jurisdiction of the U.S. See Executive Order 11727 and 21 U.S.C. § 873(b). *Supra* note 57.

⁶⁰22 U.S.C. § 2291(c) (2).

⁶¹*Supra* note 22. See also USCINCSO message 301351Z MAR 92 *Supplemental Guidance for Counterdrug (CD) Deployments in SOUTHCOM AOR*, definitions at paragraphs 2 and 3:

⁶²The U.S. Department of Justice, Office of Legal Counsel, has concluded that the Mansfield Amendment prohibits participation by U.S. officers in foreign counterdrug operations which typically involve arrests, such as drug raids. Conversely, it was found not to prohibit involvement of U.S. officers in activities that do not typically involve arrests, such as planning and preparing for a drug raid. Nor does it limit training of foreign agents, the provision of intelligence or equipment for drug operations, or participation in operations aimed solely at destroying drug crops or drug facilities where arrests are not expected. DOJ Memorandum for the Attorney General (18 Sep 1986).

⁶³Though not directly related to the counterdrug mission, Air Force Pam. 110-4, *Fiscal Law* (1988), is a good primer on fiscal law as it relates to Air Force matters.

⁶⁴DoD/GC Memorandum for Office of the Legal Advisor, National Security Council (21 Jul 1989).

⁶⁵Comp. Gen. Decision B-213137 (22 Jun 1984), 63 Comp. Gen. 422; Decision on Reconsideration (30 Jan 1986).

⁶⁶Not every "transfer" of O&M procured equipment and supplies to the host nation constitutes security assistance. As indicated, the central issue is for whose benefit is the "transfer" to be made? Air Force Reg. 130-1, *Security Assistance Management* (1991), paragraph 12-3, recognizes that certain temporary "custodial transfers" of USAF equipment to a foreign government may be authorized (in accordance with international agreements, see Air Force Reg. 11-21, *Negotiating, Concluding, Reporting, and Maintaining International Agreements*, (1989)) where ". . . the equipment will continue to be operated and maintained in direct support of [the] U.S. Air Force mission ." Requests for custodial transfer in excess of 180 days or which concerns equipment with a value of more than \$100,000 are reviewed by SAF/IAP and SAF/GCI. Note, however, that the first sentence of Air Force Reg. 130-1, paragraph 12-3a (i.e., "The AECA permits temporary custodial transfer . . .") is incorrect and should read "the AECA does not prohibit temporary . . . transfer[s]." SAF/IAR indicates this change will be made to future editions of the regulation.

⁶⁷Comp. Gen. Decision, *supra* note 65. The FAA provides the legal basis as well as the funding for U.S. military counterdrug-related support of foreign personnel. DoS is charged with execution of any FAA program. Accordingly, DoD must have DoS authorization prior to providing such support. 31 U.S.C. 8686.

⁶⁸DoD/GC Memorandum (6 Feb 1992)

⁶⁹*Id. supra* note 22, at para 5n. At issue will be whether the proposed counterdrug activities are reasonably related to the purpose of the appropriation to which the specific project codes relate. In examining the propriety of appropriation expenditures, the Comptroller General relies on a necessary expenses rule. Under 31 U.S.C. § 1301(a), appropriated funds may be used only for the purpose for which they were appropriated. The Comptroller General holds that even though a particular expenditure may not be specifically provided for in the appropriation act, the expenditure ". . . is permissible if it is reasonably necessary in carrying out an authorized function or will contribute materially to the effective accomplishment of that function, and is not otherwise prohibited by law." B-230062 (22 Dec 1988); 66 Comp. Gen. 356 (1987); see also B-206273.2 (4 Aug 1989).

⁷⁰See § 116 and 517 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. §§ 2151m and 2304). See also NSD 18. The term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of

persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of a person. 22 U.S.C. § 2304 (d) (1).

There is some indication that certain human rights violations may be tied to a "lack of confidence" in the host nations' judicial systems. Consistent with our stated human rights objectives, the U.S. provides a variety of assistance to strengthen the administration of justice in LATAM and the Caribbean under the Foreign Assistance Act. See section 534 (22 U.S.C. § 2346c), as recently amended by P.L. 102-266, § 124, 106 Stat. 97 (April 1992) (which includes "up to \$16 million for Bolivia, Colombia, and Peru.").

⁷¹*Reporting of Human Rights Violations Policy Memo*, General George A. Joulwan, Commander in Chief, U.S. Southern Command (15 Apr 1991).

⁷²22 U.S.C. § 2304(b). These "Country Reports on Human Rights Practices" are closely scrutinized by Congress. "The State Department's report on human rights [for Guatemala] concedes 'the security forces are virtually never held accountable for human rights violations' . . . The committee cannot continue to support aid to Guatemala if these concerns are not addressed." House Report 102-108, from the Committee on Appropriations on the Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 33 (1992).

⁷³If you would like additional counterdrug information, from an operational perspective, 12th Air Force/USSOUTHAF has created a handbook called the *Drug Warrior's Guide*. The guide includes an index, table of contents, and several matrices to aid use and understanding. Copies are available from: 12 AF/JA Bergstrom AFB TX 78743-5000.