

**WORLD DRUG TRAFFIC AND ITS IMPACT
ON U.S. SECURITY**

HEARINGS

BEFORE THE

**SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS**

OF THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

NINETY-SECOND CONGRESS

SECOND SESSION

PART 3

THE INTERNATIONAL CONNECTION

SEPTEMBER 13, 15, 1972

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RESOLUTION

Resolved, by the Internal Security Subcommittee of the Senate Committee on the Judiciary, that the testimony of Neal Sonnett taken in executive session on September 15, 1972, be released from the injunction of secrecy, be printed, and made public.

JAMES O. EASTLAND, *Chairman*.

Approved: October 17, 1972.

(II)

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**WORLD DRUG TRAFFIC AND ITS IMPACT ON U.S.
SECURITY**

WEDNESDAY, SEPTEMBER 13, 1972

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY ACT
AND OTHER INTERNAL SECURITY LAWS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:35 a.m. in room 1202, New Senate Office Building, Senator James O. Eastland (chairman), presiding.

Present: Senators Eastland, Thurmond, and Gurney.

Also present: J. G. Sourwine, chief counsel.

The CHAIRMAN. Mr. Walt, identify yourself for the record, please, sir.

STATEMENT OF GEN. LEWIS W. WALT, U.S. MARINE CORPS (RETIRED), DIRECTOR, SENATE INTERNAL SECURITY SUBCOMMITTEE TASK FORCE INVESTIGATION OF WORLD DRUG SITUATION

General WALT. Mr. Chairman, I am Gen. Lewis W. Walt, retired, of the Marine Corps, and I am heading an investigation for your Subcommittee on Internal Security on the international drug traffic problem.

I would like to introduce these two gentlemen with me later on in the introduction, if I may, sir.

Mr. Chairman, until recently, the big traffickers, the big boys who were trying to make millions of dollars from drugs, have thought themselves pretty secure and pretty immune to the courts of justice in our country. They thought that all they had to do was maintain security around themselves and not handle the drugs themselves, and they would be able to evade justice.

This morning, sir, we have some fine Americans with us, red-blooded Americans, who have gone out and through dedication and hard work and many times, at great personal risk and sacrifice they have proved these big shots of the drug traffic, these international criminals, to be wrong; and, as the result of that, they have cornered some of the biggest traffickers, and they have brought them to the courts of justice here in our country.

I hope that the big traffickers will take warning from your hearings here this morning, because the fact is they are no longer safe. They no longer enjoy immunity.

(81)

Now, we have with us here this morning the Assistant Secretary of the Treasury, Mr. Eugene Rossides, and the Deputy Director of the BNDD, Mr. George Belk, and I am going to present to you, sir, some of the cases, the big cases, they have had, to show you how they have trapped traffickers and have brought them to justice.

It is my pleasure now to introduce to you the Assistant Secretary of the Treasury, Mr. Eugene Rossides.

**STATEMENT OF EUGENE T. ROSSIDES, ASSISTANT SECRETARY OF
THE TREASURY, ENFORCEMENT, TARIFF AND TRADE AFFAIRS,
AND OPERATIONS, DEPARTMENT OF THE TREASURY**

Mr. ROSSIDES. General Walt, Mr. Chairman, it is a great pleasure to be here.

I concur with General Walt's comment that today the big trafficker does face the risk that in the past year was very small, and we are very pleased to be here to testify before your committee, Mr. Chairman. You requested information concerning international narcotic seizures, and we will comment on certain major narcotic cases that have been developed by the U.S. Bureau of Customs.

As you know, I am scheduled to appear before this committee on Friday, September 15, at which time testimony will be taken from Mr. Gross of the State Department, Mr. Ingersoll of the BNDD, Mr. Ambrose of Justice, and myself, regarding "The Machinery of Control and Interception" as it relates to narcotic and other drugs.

At that time, I will discuss Treasury's role in the President's International Narcotics Control Program, including activities of the Internal Revenue Service, the Customs Service, Interpol, and international economic considerations.

I have with me for the record key statistics as of June 30, 1972, relating to Customs Bureau drug seizures. Exhibit 1 sets forth total seizures for fiscal years 1969, 1970, 1971, and 1972.

You will note that in 1972 the number of seizures of heroin increased but that fewer pounds were seized. On the other hand, more pounds of both cocaine and opium were seized in fiscal year 1972 than was the case in fiscal year 1971. You will also note enormous increases in the amounts seized of both hashish and marihuana.

Exhibit 3 sets forth a comparison of arrests between fiscal years 1971 and 1972. You will note there was a slight increase in both arrests and convictions under U.S. statutes.

These statistics show progress, as will other statistics I plan to present on September 15. Beyond these statistics, the committee has requested that I discuss certain specific customs cases.

The *Squella-Avendano* case, the *Cirillo* case, the *Jaguar* case, and the *Suarez* case were joint BNDD/Customs investigations, all of which led to convictions. I understand the BNDD will testify more fully on them this morning. Another case this committee requested information on is the *Auguste Ricord* case. This case, in fact, resulted from a substantial investigation by the Bureau of Customs in which the BNDD participated. Ricord, as you know, Mr. Chairman, is now under indictment in the southern district of New York for importing into the United States large quantities of narcotic drugs. Since this case is now in the courts, it would be inappropriate for me to comment

on it. I will submit a copy of the indictment for the record. And also I will comment on how pleased we were with the cooperation we received from Paraguay in the recent extradition of Mr. Ricord.

THE WILLIAM HERMAN JACKSON CASE

The other case is the *William Herman Jackson* case. In January 1972, Jackson, a retired Army sergeant, was arrested and subsequently convicted along with three associates, as a result of the seizure at Lowry Air Force Base of approximately 20 pounds of heroin by Customs. The initial information relating to this shipment was developed by the U.S. Air Force in Bangkok, Thailand. The heroin was contained in a parcel shipped on a military cargo plane to Lowry Air Force Base in Colorado, where the parcel was delivered under Customs' control.

Since 1967, Jackson had been the head of an operation involved in narcotics and other racketeering activities centered in Southeast Asia. Jackson had been known as a major supplier of heroin to the eastern part of the United States, with sources of supply in the Golden Triangle area. The modus operandi of this smuggling operation from Thailand involved the use of couriers who would carry the narcotics concealed on their bodies. This organization also used military cargo aircraft, securing the assistance of military personnel both in Thailand and the United States to assure delivery of parcels containing narcotics to Jackson pickup men. One such parcel containing 20 pounds of heroin was intercepted at Walter Reed Army Hospital, and a second containing 17 pounds of heroin was intercepted in an Army classified mail pouch at Fort Monmouth, N.J.

The investigation, Mr. Chairman, which resulted in Jackson's arrest commenced with the formation of a multiagency task force, including agents of the BNDD, in North Carolina, where Jackson had a permanent residence. After the arrests in 1972, Jackson and his three associates were charged with conspiracy to smuggle heroin and with smuggling heroin. Jackson, Gerald Ganious and Andrew Price were convicted in Federal Court in Denver in May 1972. Jackson received a sentence totaling 30 years, and Price received two 15-year sentences to run concurrently. Ganious was convicted on one count and is awaiting sentencing. The fourth associate Sylvester Searles, an Air Force sergeant stationed in Thailand, received a sentence of 18 months.

Mr. Chairman, aspects of that case we still have under investigation, and we feel it would not be helpful if we were to comment any further on that.

BNDD will present specific information regarding the other cases on which the committee wanted information. I want to emphasize at this point the close cooperation between BNDD and Customs on all cases on which you are receiving testimony today, and, of course, the cooperation in the *Jackson* case with the U.S. Air Force was very good.

Thank you, Mr. Chairman.

The CHAIRMAN. Now, do you want your whole statement, including those tables placed in the record?

Mr. ROSSIDES. Yes.

The CHAIRMAN. So ordered.

(The statement and exhibits follow:)

PREPARED STATEMENT OF EUGENE T. ROSSIDES, ASSISTANT SECRETARY OF THE
TREASURY (ENFORCEMENT, TARIFF AND TRADE AFFAIRS, AND OPERATIONS)

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to present information the Committee has requested regarding international narcotics seizures and certain major narcotics cases that have been developed by the U.S. Bureau of Customs.

As you know, I am scheduled to appear before this Committee on Friday, September 15, at which time testimony will be taken from Mr. Gross of the State Department, Mr. Ingersoll of the BNDD, Mr. Ambrose of Justice, and myself regarding "The Machinery of Control and Interception" as it relates to narcotic and other drugs. At that time, I will discuss Treasury's role in the President's International Narcotics Control Program, including activities of the Internal Revenue Service, the Customs Service, INTERPOL, and international economic considerations.

I have with me for the record key statistics as of June 30, 1972, relating to Customs Bureau drug seizures. Exhibit 1 sets forth total seizures for fiscal years 1969, 1970, 1971 and 1972.¹

Exhibit 2 is a chart which compares drug seizures only for fiscal years 1971 and 1972.² You will note that in fiscal year 1972, the number of seizures of heroin increased but that fewer pounds were seized. On the other hand, more pounds of both cocaine and opium were seized in fiscal year 1972 than was the case in fiscal year 1971. You will also note enormous increases in the amounts seized of both hashish and marijuana.

Exhibit 3 sets forth a comparison of arrests between fiscal years 1971 and 1972.³ You will note there was a slight increase in both arrests and convictions under United States statutes.

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¹ Exhibit 1 will be found on p. 85.

² Exhibit 2 will be found on p. 85.

³ Exhibit 3 will be found on p. 86.

⁴ The indictment referred to will be found on p. 86.

The investigation, Mr. Chairman, which resulted in Jackson's arrest commenced with the formation of a multi-agency task force, including agents of the BNDD, in North Carolina, where Jackson had a permanent residence. After the arrests in January 1972, Jackson and his three associates were charged with conspiracy to smuggle heroin and with smuggling heroin. Jackson, Gerald Ganious and Andrew Price were convicted in Federal Court in Denver in May 1972. Jackson received a sentence totalling 30 years and Price received two 15-year sentences to run concurrently. Ganious was convicted on one count and is awaiting sentencing. The fourth associate, Sylvester Searles, an Air Force Sergeant stationed in Thailand, received a sentence of 18 months.

BNDD will present specific information regarding the other cases on which the Committee wanted information. I want to emphasize at this point the close cooperation between BNDD and Customs on all cases on which you are receiving testimony today.

EXHIBIT 1

U.S. BUREAU OF CUSTOMS DRUG SEIZURES AS OF JUNE 30, 1972

	Fiscal year 1969 totals	Fiscal year 1970 totals	Fiscal year 1971 totals	Fiscal year 1972 to date
IV. DRUG SEIZURES ¹				
Heroin seizures.....	240	203.0	503.0	611.0
Heroin (in pounds).....	311.43	45.9	937.1	631.1
Cocaine seizures.....	(2)	88.0	176.0	405.0
Cocaine (in pounds).....	(2)	107.9	360.4	378.6
Opium seizures.....	42	42.0	141.0	121.0
Opium (in pounds).....	33.9	20.6	38.2	50.6
Other seizures.....	2 253	290.0	255.0	264.0
Other (in pounds).....	2 198.9	39.1	47.8	240.8
Hashish seizures.....	168	646.0	1,335.0	2,519.0
Hashish (in pounds).....	623.9	3,121.4	3,162.8	9,456.3
Marihuana seizures.....	2,673	4,116.0	5,953.0	7,889.0
Marihuana (in pounds).....	57,164	104,303.8	176,408.6	291,887.4
Dangerous drug seizures.....	603	1,080.0	1,553.0	1,615.0
Dangerous drugs (in 5-grain units).....	4,631,925	12,271,023.0	6,309,922.0	16,240,449.0

¹ Purity of drugs not indicated.

² Cocaine included in "Other" for fiscal year 1969.

Source: Office of Law Enforcement, Department of the Treasury.

EXHIBIT 2

U.S. BUREAU OF CUSTOMS

Drug seizures	Fiscal year--		Percentage increase or decrease (-) in amount seized
	1971	1972	
Narcotics:			
Heroin:			
Pounds.....	937.11	631.14	-33
Number of seizures.....	503	611	21
Opium:			
Pounds.....	38.19	50.59	32
Number of seizures.....	141	121	-14
Cocaine:			
Pounds.....	360.42	378.58	5
Number of seizures.....	176	405	130
Other:			
Pounds.....	47.82	240.80	404
Number of seizures.....	255	264	4
Hallucinogens:			
Hashish:			
Pounds.....	3,162.76	9,456.29	199
Number of seizures.....	1,335	2,519	89
Marihuana:			
Pounds.....	117,388.44	291,887.40	65
Number of seizures.....	5,953	7,889	33
Dangerous drugs: ¹			
5-grain units.....	6,309,922	16,240,449	157
Number of seizures.....	1,553	1,615	4

¹ Including LSD, amphetamines, and barbiturates.

Source: Office of Law Enforcement, Department of the Treasury.

EXHIBIT 3

BUREAU OF CUSTOMS ARRESTS

[Customs made 7,860 arrests during the year, as compared with 7,810 in 1971. These arrests resulted in 2,336 convictions under U.S. statutes compared with 2,275 in the previous year.]

Activity	Fiscal years—		Percentage increase or decrease
	1971	1972	
Arrests (narcotics).....	7,810	7,860	0.6
Nolle prosequi.....		2,961	-----
Convictions under U.S. statutes.....	2,275	2,336	2.7
Dismissals and acquittals.....	896	711	-20.7
Cases closed.....	37,995	39,392	3.7

† Includes declinations and not indicted category not shown in fiscal year 1971.

Source: Office of Law Enforcement, Department of the Treasury.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF
NEW YORK

(Indictment 72 Cr.)

UNITED STATES OF AMERICA

v.

AUGUSTE JOSEPH RICORD,

A/K/A ANDRE RICORD,

A/K/A MONSIEUR ANDRE,

CESAR BIANCHI,

JULIO RODRIGUEZ,

JUAN DE DIOS RODRIGUEZ-BENITOZ,

A/K/A ARON MURAVNIK, AND

ENIO ANIBAL VARELA-SEGOVIA,

DEFENDANTS.

The Grand Jury charges:

1. From on or about the 1st day of January, 1970, and continuously thereafter up to and including the 1st day of January, 1971, in the Southern District of New York, and elsewhere, Auguste Joseph Ricord, a/k/a Andre Ricord, a/k/a Monsieur Andre, Cesar Bianchi, Julio Rodriguez, Juan de Dios Rodriguez-Benitoz, a/k/a Aron Muravnik, and Enio Anibal Varela-Segovia, the defendants, and Felix Becker, Pierre Gahou and Nick Giannatasio, named herein as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173 and 174 of Title 21, United States Code.

2. It was part of said conspiracy that the said defendants and co-conspirators unlawfully, wilfully and knowingly would import and bring into the United States large quantities of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown.

3. It was further part of said conspiracy that the said defendants and co-conspirators, unlawfully, wilfully and knowingly would receive, conceal, possess, buy, sell and facilitate the transportation, concealment and sale of large quantities of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code.

OVERT ACTS

In furtherance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York, and elsewhere:

1. In or about September, 1970, defendants Auguste Joseph Ricord and Enio Anibal Varela-Segovia and co-conspirators Felix Becker and Pierre Gahou met in Asuncion, Paraguay.

2. In or about September, 1970, defendants Julio Rodriguez and Juan de Dios Rodriguez-Benitoz and co-conspirator Felix Becker went to New York City and registered at the Waldorf Astoria Hotel, Park Avenue and 50th Street, New York, New York.

3. In or about September, 1970, co-conspirator Felix Becker left New York, New York, and flew to Asuncion, Paraguay with approximately \$100,000.00.

4. In or about September, 1970, defendant Auguste Joseph Ricord received approximately \$100,000.00 from defendant Enio Anibal Varela-Segovia.

5. In or about October, 1970, defendants Auguste Joseph Ricord and Enio Anibal Varela-Segovia and co-conspirator Felix Becker met in Asuncion, Paraguay.

6. On or about October 18, 1970, defendant Cesar Bianchi piloted a Cessna 210 Aircraft containing approximately 94 pounds of heroin hydrochloride to Miami, Florida where he met with co-conspirator Felix Becker.

7. On or about October 22, 1970, defendant Juan De Dios Rodriguez-Benitoz, a/k/a Aron Muravnik, and co-conspirator Felix Becker went to New York City and met co-conspirator Pierre Gahou at the Hilton Hotel, 53rd Street and Avenue of the Americas, New York, New York.

8. On or about October 27, 1970, defendant Enio Anibal Varela-Segovia flew from Asuncion, Paraguay to New York, New York where he met with defendants Cesar Bianchi and Juan De Dios Rodriguez-Benitoz, a/k/a Aron Muravnik, and co-conspirators Felix Becker and Pierre Gahou.

(Title 21, United States Code, Sections 173 and 174).

WHITNEY NORTH SEYMOUR, JR.,
U.S. Attorney.
_____, Foreman.

The CHAIRMAN. Thank you.

Mr. SOURWINE. General, who are you presenting next?

General WALT. Mr. Chairman, it is my pleasure to introduce to you Mr. George Belk, the Deputy Director of BNDD. He has with him this morning, sir, the agents who have worked on the cases which he is going to outline to you.

I will ask Mr. Belk to introduce those agents, if I may sir.

Mr. George Belk.

STATEMENT OF GEORGE M. BELK, ASSISTANT DIRECTOR FOR INTERNATIONAL AFFAIRS, ACCOMPANIED BY ANTHONY S. POHL, DEPUTY ASSOCIATE REGIONAL DIRECTOR, NEW YORK; WAYNE VALENTINE, DEPUTY ASSOCIATE REGIONAL DIRECTOR, NEW YORK, BUREAU OF NARCOTICS AND DANGEROUS DRUGS, U.S. DEPARTMENT OF JUSTICE

Mr. BELK. Thank you, General Walt.

Mr. Chairman, I want to first express our appreciation for the opportunity to appear.

The CHAIRMAN. Speak a little louder, please, sir.

Mr. BELK. I want to first express our appreciation for the opportunity to appear before your committee here this morning. General Walt has given you my name, and for the record, I have been employed in the Federal service for 24 years in the capacity of a professional law enforcement officer. I was first employed as an agent

in the Federal Bureau of Narcotics in 1948. Since that time, my entire professional career has been concerned with the investigation of the illicit drug traffic and the apprehension of those who engage in it. I have held numerous positions in both field and headquarters capacities, including that of regional director of the Bureau's New York office and that of Chief of the Criminal Enforcement Division.

The CHAIRMAN. Speak a little louder, sir. The mike is dead, and I can barely hear you.

Mr. BELK. In November of 1971, I was appointed by Director Ingersoll to my present position as Assistant Director for International Affairs. This involves me in determinations of policy with regard to the effort of our Bureau in suppressing the foreign sources of illicit drugs and also in the day-to-day efforts to achieve the Bureau's goals through both operations and diplomatically, in concert with the Department of State.

As you know, Director Ingersoll will testify before this committee on Friday and will give you additional details in that aspect.

Today, you have asked to hear something of the details of three major narcotic investigations in which our Bureau was involved and which are illustrative of the nature of the international drug traffic. These are outstanding examples of some of the most complex criminal investigations which have ever been conducted. I am hopeful that they will serve to enlighten your committee as to both the magnitude of the problems we face and the dedication of our effort. Perhaps it will also help to dispel in the public's mind the often-heard criticisms of uninformed persons who prefer to see drug law enforcement efforts as a persecution of helpless addicts.

Today, I have with me two of our outstanding officers who are intimately familiar from an operational level with the facts of the cases in question. Both of these men were organizing forces in the investigations which they will narrate. As invaluable as their efforts were, they would not have you forget that these investigations could not have been successfully culminated without the sacrifice and effort of a number of other dedicated officers around the world.

On my right is Mr. Anthony S. Pohl, who is Deputy Associate Regional Director currently stationed in our regional headquarters in New York City. On the left of General Walt is Mr. Wayne T. Valentine, who is Deputy Associate Regional Director also stationed in New York City. Mr. Pohl will begin with an account of the investigation of Luis Ortega, known as the New York Jaguar case.

Thereafter, Mr. Valentine will narrate the details of the case involving one Manuel Suarez, a major international heroin trafficker and former ranking police official of the Mexican Republic.

And the presentation will be concluded by Mr. Pohl who will discuss the aspects of the Cirillo case.

Thank you, Mr. Chairman.

The CHAIRMAN. Who is next, gentlemen?

Mr. POHL. Mr. Chairman, for the record, my name is Anthony S. Pohl. I have been a Federal criminal investigator for over 19 years. For the past 12 years, I have been with the Bureau of Narcotics and Dangerous Drugs and its predecessor, the Federal Bureau of Narcotics. During this time I have served as a special agent in New York, Paris, Marseilles, and Chicago. I have been a group supervisor in New York,

and I have been in my present position as deputy associate regional director in New York for 3 years. The investigations which I will summarize for you today occurred during 1971 and 1972 in New York.

THE JAGUAR CASE

In the summer of 1971, an individual unexpectedly offered his services to our regional office in Paris, France, in connection with an alleged heroin shipment. He was clearly motivated by the prospect of a reward and revealed that he had been recruited to escort a large shipment of heroin into the United States. For that purpose, the traffickers had given to this individual the funds necessary to purchase, in England, a 1971 Jaguar. The offer of services was accepted and our Paris office immediately requested the assistance of the French Central Narcotics Office.

Subsequent investigation in France established that the modus operandi of the traffickers involved in this operation followed very closely the method utilized by the organization then identified as the Etienne Mosca gang. This gang had been responsible for numerous carload shipments of heroin, resulting in prior seizures amounting to a total of 197 kilograms of heroin. The Spanish Police and our representatives in Spain seized 113 kilograms at Valencia, while the U.S. customs seized 90 kilograms at Puerto Rico.

Prior to shipping the Jaguar to the United States, the informant surrendered the car to the traffickers so that they could apparently conceal the heroin. Finally, after close coordination with the French Central Narcotics Office and the British Customs Service, the Jaguar was shipped to New York on Queen Elizabeth II.

In the absence of positive information, we could only speculate as to the identity of the intended recipient. However, because of the lack of leads, detailed plans had to be made to keep the Jaguar under constant surveillance and to have available enough personnel to meet all emergencies. Therefore, we fielded a force of some 60 special agents including an important contingent of customs agents.

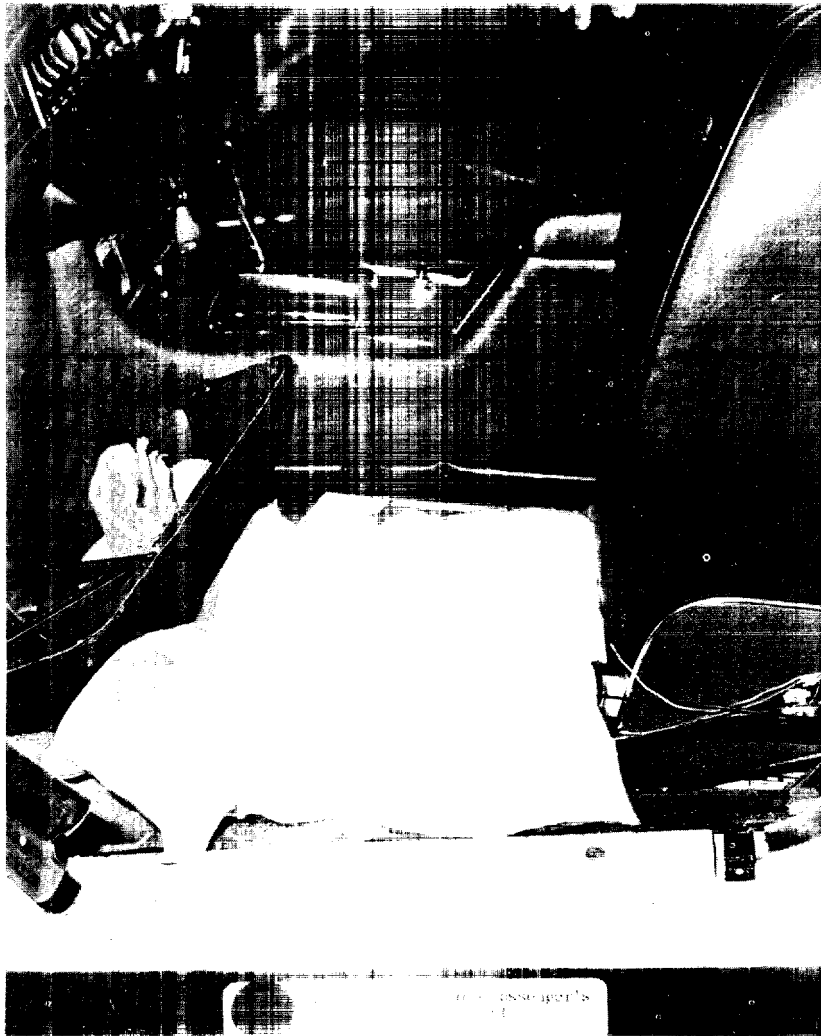
In addition, observation posts were located and special technical assistance was secured to dismantle the car.

On September 16, 1971, the Queen Elizabeth II arrived at New York. After the Jaguar had been routinely cleared by U.S. customs, it was driven by the informant under close surveillance to a preselected location where it was eventually dismantled.

All the heroin, 94 kilograms, was removed with the exception of one-half kilogram which was left as evidence of the crime. The heroin thus removed was replaced by "dummy packages" which had been prepared in advance.

To accomplish this operation in a minimum amount of time, special agents had thoroughly examined similar models of the Jaguar and, further, were assisted by British Jaguar technicians. However, the car had been so expertly outfitted that it took seven hours—until 4 a.m.—to locate all the caches of heroin and rebuild the car. You have before you photographs of the car and some of the hiding places.

(The photographs referred to follow :)







Subsequently, the informant, proceeding under close but discreet surveillance, implemented the instructions he had received from the traffickers in France. He placed the car in a parking garage near Madison Square Garden in New York City and for two successive evenings waited to be contacted in the bowling alleys of the Garden. This contact was to be a Frenchman carrying a folded newspaper under his arm and a key chain in his hand. This key chain was to be identical to the key chain which the traffickers had given to the informant and which he also was to display.

As the action centered around the Madison Square Garden area, rooms were secured in nearby hotels to afford sleeping facilities for the special agents and so that the field command staff could remain on duty without interruption. The tenacity, patience, ingenuity, and dedication of the special agents and supervisors who worked on this case has been a constant source of personal pride to me.

On September 17, 1971, contact was finally made with the next link in the chain. This individual was subsequently identified as Etienne Gunther, the brother-in-law of Etienne Mosca. During the brief encounter, Gunther received from the informant the parking ticket for the Jaguar and arranged to meet him again within 2 days to return the car.

After this meeting, Gunther was followed to the Abbey Victoria Hotel where he met with a subject later identified as Jean Orsini.

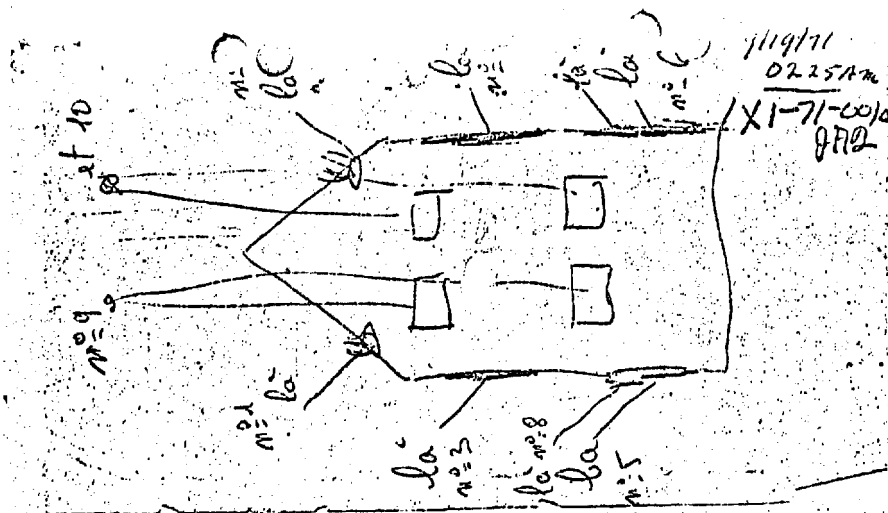
Orsini in turn was placed under surveillance and followed to an address on Riverside Drive in New York City and then to West New York in New Jersey. Finally Orsini returned to his hotel. In the evening, Orsini was visited at the hotel by two Spanish-speaking individuals who were eventually identified as Luis Ortega-Gomez alias El Pavo (The Buzzard) and George Warren-Perez.

For the past 8 years, Ortega had been considered to be a major violator residing in New Jersey. He reportedly travelled frequently to Spain to organize large shipments of heroin. Warren was essentially known as an assistant of Ortega.

It was not until 1:15 a.m., September 19, 1971, that Ortega, Warren, and Orsini took possession of the Jaguar at the parking garage near Madison Square Garden. As it was obvious, from the surveillance conducted, that the principals of this operation were together, it was decided to effect the arrests. Ortega and Orsini were apprehended in the Jaguar while Warren was driving a back-up car owned by Ortega.

At the time of his arrest, we found two pieces of paper in Orsini's possession. On one of these papers was the diagram of the Jaguar, the number of heroin packages (184) and the location of caches as well as instructions for the dismantling of the car. When comparing the diagram with the work we had done, we were pleased to note that we had not missed any hiding places. I have here photocopies of the diagram and instructions with a translation. In the hotel rooms of Gunther and Orsini, we found identical key chains which were seized as evidence.

(The photocopies referred to above are reproduced as follows:)



180 sachets -
 repartis comme suit:
 n° 1 et n° 2 (levier des pignons)
 n° 3 et n° 4 (dans les portières pour cela
 monter les vitres)
 n° 5 et 6 (portières arrières)
 n° 7 et 8 (casse bas de cuivre lever enjoliveur
 et opérer par l'extérieur -
 n° 9 et 10 (plancher du conducteur, du passager
 avant, et des 2 passagers arrières (lever les trappe
 sur le plancher -)

M^r THOMAS -
 Homme de 30 à 35 ans - cheveux non décolorés
 sur le front - lunettes pour la vue -
 Accent: Parisien - Taille: 1,70 m environ -
 FRANÇAIS - il tiendra à la main le même
 porte clé et lire un journal -

lieu du rendez-vous - Dans le hall de
 l'Hotel: ABBEY-VICTORIA - 7th avenue et
 51th St (7th Avenue et 51st Rue)
 Tous les jours à partir de 15 septembre -

(1) THOMAS remettra le ticket de la voiture qui se trouvera au Garage - il lui remettra en outre l'adresse du Garage, la description de la voiture, les clés de la voiture et fera les rendez-vous à venir -
 Voiture Jaguar 3,8 ltr -
 couleur jaune sable -
 Matricule: Anglaise -

(2) THOMAS sera assis dans le hall en face le bureau de TABAC de l'Hotel -
 Rendez vous le soir de 18h à 18h30 au Madison Square Garden - à la salle du BOWLING - à la hauteur du Bowling n° 14. adresse: 7^{ème} Avenue - (Entrée par la 7^{ème} Avenue) -
 Porte clé à la main et journal -
 - d'après -

TRANSLATION

Language: French.

Subject: Three slips of notes found on ORSINI.

(Note 1)

Thomas will return the ticket of the car which will be in the garage—he will give him also the address of the garage, the description of the car, the keys of the car and shall arrange future meetings—

Jaguar car 3,8 liters Color sand yellow—Registry English

(Note 2)

THOMAS will be sitting in the lobby in front of the tobacco shop of the hotel. Rendezvous in the evening from 6 PM to 6:30 PM at Madison Square Garden, the Bowling Room, near Bowling Alley No. 14; address: 7th Avenue (Entrance from 7th Avenue)—

Key chain in hand and open newspaper.

(Reverse, Note 2)

Mr. THOMAS—

Man aged 30 to 35 years. Black hair, balding on forehead. Eyeglasses. Accent: Parisian. Height: about 5'7". FRENCHMAN. He will hold in his hand the same key chain and will read a newspaper.

Meeting place—in the lobby of the Hotel Abbey Victoria, 7th Avenue and 51st St. (7th Ave. and 51st St.) Every day from September 16th on. Hours: from 12 to 12:30.

(Note No. 3)

Distribute as follows:

- Nos. 1 and 2 (Lift out the searchlights)
- Nos. 3 and 4 in the car doors (for that crank up windows)
- Nos. 5 and 6 (rear doors)
- Nos. 7 and 8 (underneath frame, remove trimming and operate from outside).
- Nos. 9 and 10 the driver's floor board, of the front passenger and the two rear passengers (lift the traps on the board).

Mr. POHL. It does not appear necessary here to enter into the details of the precautions taken by these seasoned traffickers, not only in the United States but also in France. It is undoubtedly to the credit of narcotic enforcement in both countries that the traffickers did not detect the surveillance of which they were the targets.

Ortega and Orsini were held on \$1 million bail, while the bail for Gunther was set at \$500,000 and for Warren at \$25,000. On March 2, 1972, the defendants were tried; and on April 14, 1972, they received the following sentences: Ortega, 25 years, \$35,000 fine; Orsini, 25 years, \$35,000 fine; Warren, 7 years, \$7,000 fine. Gunther, who fully cooperated with the Government, pled guilty on December 14, 1971, and received a 5-year sentence and \$15,000 fine on April 26, 1972.

Again, as the result of the execution of French International Letters Rogatory, the French Central Narcotic Office was able to arrest or indict Etienne Mosca and eight other major French traffickers.

This investigation is, however, not closed, and new leads which have recently been uncovered in joint Customs/BNDD debriefing of defendants are presently being pursued in a common and singularly effective effort.

Thank you, Mr. Chairman.

Mr. VALENTINE. Mr. Chairman, General Walt, colleagues, my name is Wayne T. Valentine. I have been employed in the Federal civil service for 15 years. I have been a professional law enforcement officer during this entire period with the Bureau of Narcotics and Dangerous Drugs and its predecessor, the Federal Bureau of Narcotics. During this time, I have served as a special agent in Chicago; as the special agent in charge of our Hartford office; special agent in charge of our San Antonio office, San Antonio, Tex.; and I have served approximately 1 year in my present position as Deputy Associate Regional Director in New York. The investigation which I intend to describe to you today is one which occurred during my service in San Antonio, Tex.

THE SUAREZ CASE

The political career of Manuel Suarez Domingues began in 1939 in Mexico City when he assisted in an unsuccessful campaign for the governorship of the State of Vera Cruz. Later, he achieved increasing success as a political aide and, according to his statements, assisted in the campaigns of State Governors and in the election of two Mexican

Presidents who have since retired. He was also a successful businessman but achieved higher position through political appointments as Chief of the Federal Judicial Police for the Republic of Mexico in December of 1958.

He resigned from this position in 1962 but continued to hold important posts thereafter and was always well known in Mexican police and political circles. This was of great value to him in his secret career as an international heroin trafficker. He could always count on being specially chaffered through the usual customs inspection of arriving international flights.

During 1966, Suarez began to make a number of pleasure trips to Las Vegas with his mistress and traveling companion, Yolanda Yanez. On one such trip alone, he reported losing \$120,000 at the Las Vegas gambling tables. Later, Suarez admitted that he had probably lost over a million dollars during this period of time, and this was undoubtedly a factor driving him into the narcotics traffic. Late in 1967, Suarez was approached by one of his business associates, Raymundo Pena, and, in the course of conversation, Pena mentioned his interest in narcotics and the fact that he had customers who would pay \$10,000 a kilogram for it. Almost immediately Suarez contacted his European partner in smuggling to explore the possibility of purchasing narcotics.

Within the month he was informed that a contact had been made; and he then traveled with his girl friend, Yolanda, to Antwerp where he was introduced to one Rachmiel Widawski. Widawski maintained a business in Antwerp and also a residence in East Berlin. He insisted that the narcotics be delivered at his East Berlin residence, and through official connections he was able to arrange travel for Suarez to and from East Berlin free of customs searches or the necessity of a passport.

Over a period of months, the scope of Suarez's European purchases increased. Other connections for heroin, independent of Widawski, were also developed, but in every case the wholesale price of approximately \$5,000 per kilogram remained constant and the heroin was always uniformly packed by the same methods with the same packaging materials in half kilogram packages of hermetically sealed plastic. On all of these occasions, Suarez returned to Mexico on international flights and because of his reputation was able to pass unmolested through customs inspection.

In time, friction between him and Pena, his only connection for the sale of heroin, began to increase as Pena offered less and less per kilogram. The sale price was finally reduced to \$7,500 per kilogram, and in two of these transactions Pena claimed that a number of the packages were found not to be heroin and refused to pay for them at all. This led to growing arguments and distrust and finally to an effort by Suarez to find other customers.

In December of 1969, on the basis of a hunch, Suarez approached Alfredo Montemayor, the owner of a nightclub in San Antonio, Tex. Montemayor readily admitted that he was involved in the narcotics traffic and had several good customers who in the future could handle large amounts of heroin at a price of \$10,000 per kilogram.

It was approximately at this time that the BNDD office in San Antonio, which I then headed, first learned that a suspect by the name

of Mazatini was willing to sell substantial quantities of heroin to an undercover agent. Subsequently, on April 15, 1970, a kilogram of pure European heroin was purchased from this suspect by our BNDD undercover agent. This agent, representing himself as a narcotics trafficker, stated that he could handle additional quantities of heroin in the near future.

After approximately 3 weeks of continued negotiations, arrangements for the purchase of 15 kilograms were made. During this time, Mazatini introduced the agent to Montemayor, his source of supply, and a \$200,000 "flash roll" was used to convince both of them of the agent's ability to make the purchase. Montemayor then left to rendezvous with Suarez who was staying at the St. Anthony Hotel with his mistress Yolanda and 40 kilograms of heroin recently brought in from Europe.

Agents conducting surveillance were able to follow Montemayor to the hotel in question, and even observed him enter the room where Suarez was staying. Suarez then left with the heroin in the company of Montemayor to rendezvous with the undercover agent to complete the sale. It was at this time on May 7 that he was arrested. He unsuccessfully attempted suicide in a Government vehicle after he had been taken into custody by using an undiscovered knife to slash his throat. That same day within little over an hour a search warrant was obtained and the remaining 25 kilograms of heroin were seized in Suarez's room, and his companion Yolanda was arrested.

He later made a full statement of all of the points of narcotic activity since January of 1968 and expressed his desire to clear his girl friend Yolanda whom he claimed had no knowledge of this activity. In the course of that time the evidence showed Suarez had smuggled 576 pounds of heroin and 11 pounds of morphine into Mexico. We are certain that all of this ended up in the United States.

On November 3, 1970, Manuel Suarez was convicted of conspiracy in the Federal court in San Antonio, Tex. Thereafter, on August 3, 1971, he succeeded in committing suicide by slashing his wrists with a razor blade while in prison in El Paso, Tex.

As a result of the wealth of intelligence supplied by Suarez prior to his death, a special BNDD/Customs Task Force was initiated for the purpose of pursuing these investigations in Europe, Mexico, and the United States. The force consisted of six BNDD agents and three Customs agents who operated together for nearly a year. This resulted eventually in the indictment of Pena, Emmanuel Gross (Suarez's European partner), Widawski (one of the European sources), and Gonzales, the head of a professional smuggling group which brought Suarez's heroin into the United States for him. In spite of the unexpected death of Suarez, the investigations of these and a number of other important traffickers which have been identified are continuing. His death deprived authorities of valuable testimony which would have helped convict these suspects, but several of the countries involved are nevertheless continuing their effort.

Mr. SOURWINE. Before you leave this one, can you tell us how much heroin was smuggled into the country altogether by Manuel Suarez?

Mr. VALENTINE. There were 576 pounds of heroin and 11 pounds of morphine.

Mr. SOURWINE. Now, he made nine trips to East Berlin; is that correct?

Mr. VALENTINE. No, sir. Roughly, six or seven trips.

Mr. SOURWINE. Only six or seven? Was he able to pass into and out of East Berlin each time without getting his passport stamped?

Mr. VALENTINE. Yes, sir; once by car and the rest by the airlines.

Mr. SOURWINE. Does that necessarily imply some kind of assistance from persons in East Berlin?

Mr. VALENTINE. Not necessarily. However, on one occasion while they were waiting in line to pass the immigration authorities in East Berlin, Gross pointed out Simon Goldenburg, who is the person who was Widawski's source of supply. Gross stated that Goldenburg met a number of people in that contained area and brought them ahead of the line and through the area without any further search or stamping of the passport.

Mr. SOURWINE. Now, who was Goldenburg?

Mr. VALENTINE. We believe he was the source of supply of Widawski in this investigation. He is the person who resides in East Berlin, and we think he is a fugitive from justice in West Berlin.

Mr. SOURWINE. Is he a former double agent?

Mr. VALENTINE. I do not know.

Mr. SOURWINE. You have no knowledge?

Mr. VALENTINE. Not on Goldenburg.

Mr. SOURWINE. Well, now, could Suarez get into and out of East Berlin a number of times, whether it was seven or six or nine, without any passport control if he did not have any assistance from the East German secret police?

Mr. VALENTINE. I do not know.

Mr. SOURWINE. It would appear he would have to have such assistance in order to escape passport control, would it not?

Mr. BELK. He may have had assistance from some element in that group which had been connected.

Mr. SOURWINE. Understood. I did not mean to imply that by an official act he was being aided by the secret police of East Germany. He had to have some help there in order to escape their passport control?

Mr. BELK. Yes, he did.

Mr. SOURWINE. I have no more questions, Mr. Chairman, on that point.

The CHAIRMAN. OK. Who is the next witness?

Mr. BELK. Mr. Pohl will continue with the *Cirillo* case.

THE LOUIS CIRILLO CASE

Mr. POHL. In October 1970, the BNDD District Office in Marseilles, France, had recruited an informant who was in close contact with the notorious Joseph Orsini, a major heroin supplier. The informant had agreed to travel to the United States, to secure new customers for Orsini's young "nephews."

Elaborate plans were made by the New York regional office for the undercover introduction of a BNDD special agent to Orsini's representatives in New York City. At the end of December 1970, the plan

succeeded, the "nephews" met with the BNDD special agent, and negotiations were conducted for the monthly delivery in New York of 100 kilograms of heroin.

Mr. SOURWINE. If you will permit an interruption: You used the word "nephews," and they were not actually filial connections, were they?

Mr. POHL. They claimed to be, but we do not have any proof that they really were.

Mr. SOURWINE. All right.

Mr. POHL. The two French heroin suppliers who traveled on false passports were identified through photographs and movies taken at the time of the meeting as being Joseph Signoli and Alexandre Salles. The evidence gathered was presented to a Federal grand jury in the southern district of New York and sealed indictments were returned against Signoli, Salles, and Orsini.

Simultaneously, the French National Police initiated in November 1970, an investigation on information that Joseph Signoli and Alexandre Salles had taken over the operations of a previous group which supplied heroin to New York purchasers.

Details of the case were reviewed at the meeting of the Franco-American Committee on Drug Control in Paris, France, in February 1971. Both Director Ingersoll and the Director of the French Criminal Police decided that a major and thoroughly coordinated international effort was necessary to break up this heroin trafficking organization.

From that point on, new information was steadily being collected. However, the time for open enforcement action had not yet been reached. Indeed, the organization's heroin controller had not been identified, hence, it was impossible to effect a seizure or uncover the carefully protected U.S. customer.

In July 1971, the French Central Narcotic Office in Paris informed us that one Richard Berdin had been the heroin controller for the organization in the past and that he was expected to proceed to the United States in the near future. However, this planned trip did not come about until the end of September 1971, at which time the French Central Narcotic Office advised us that Berdin, traveling with a false passport, was to arrive in the United States to control the delivery of six cars loaded with heroin.

Mr. SOURWINE. Was that a false French passport?

Mr. POHL. That was a false French passport.

This information was immediately passed on to the Customs Agency Service, and the necessary border alerts were placed into effect. Berdin, alias Kemmoum, attempted to throw us off his track by traveling from Paris to Brussels and Montreal; but it was precisely in Montreal that he was first spotted by the Royal Canadian Mounted Police working closely with our district office in that city. From Montreal, the trafficker proceeded to New York where he was placed under surveillance by a joint Customs/BNDD field force.

The CHAIRMAN. That was six automobiles?

Mr. POHL. Six, yes, sir.

The CHAIRMAN. Automobiles.

Mr. POHL. Six Vegas.
The CHAIRMAN. Proceed.

Mr. POHL. Finally, on September 26, 1971, Berdin was arrested by U.S. Customs and agreed to cooperate with the U.S. Government and was subsequently jointly debriefed by Customs and BNDD. Pursuant to a French International Letter Rogatory, Berdin's admissions were officially recorded on a statement format admissible in French courts. At that time it was learned that one of Berdin's close friends, Roger Preiss, was to come to the United States and act as a controller for the distribution of 106 kilograms of heroin.

The CHAIRMAN. How much is a kilogram?

Mr. POHL. Two point two pounds.

The CHAIRMAN. Go ahead.

Mr. POHL. The French Central Narcotic Office placed that individual under surveillance. They also placed under surveillance one Andre Labay, who had been identified as the mastermind of some of the heroin smuggling operations conducted by Berdin.

Labay was arrested by the French National Police after he had received the 106 kilograms of heroin from the so-called Picpus Gang. The principals of the organization, Andre Lajoux and Antoine Grisoni, were also arrested as were other members of the gang.

However, Preiss was allowed to proceed to New York unaware of the seizure and of the arrests. On October 7, 1971, we arrested him in a bar of the Waldorf Astoria Hotel where he was waiting to be contacted by Labay for the delivery of the heroin.

At the time of his arrest, Preiss, who had traveled with a false passport, had in his possession a wrinkled piece of paper with seemingly insignificant numbers. He was immediately questioned in French and eventually admitted his role as a heroin controller. He further admitted that the figures on the slip of paper were the coded telephone numbers of the American customer of Joseph Signoli and others.

Once Preiss had uncoded the numbers, the special agents working on the case immediately recognized them as the telephone numbers of Marie Schiotis, the mistress of the infamous Louis Cirillo.

This 49-year-old resident of the Bronx and of Miami was well documented in our files. His underworld career stretches across more than two decades during which he is believed to have engaged in a wide range of criminal activities.

The wrinkled piece of paper represented, therefore, a major clue. It enabled us to finally identify the U.S. customer who, for years, had been the trusted recipient of the heroin exported by Joseph Orsini.

To fully exploit this clue, it was decided to create a special tactical unit. Working in close coordination with the Office of the U.S. Attorney, Southern District of New York, this unit gathered the evidence necessary to incriminate Cirillo and other members of the organization in the United States, Canada, and France.

Cirillo was arrested at the end of October 1971. More French International Letters Rogatory were executed on Preiss and on Berdin who was made available by the Customs Agency Service. Toward the end of January 1972, the French Central Narcotic Office, acting on the basis of the evidence we had supplied, arrested about 15 major violators in France.

Additional arrests followed, and, due to very recent developments, we expect that more arrests will take place in the United States, Canada, and France.

The evidence gathered against Cirillo was impressive. When Cirillo was arrested, we seized from his person a \$1,500 gold watch which Signoli had offered to his customer probably as a promotional gift.

Special scientific methods were applied. For instance, to prove that a car having contained heroin had been dismantled in a private garage in New Jersey, the floor of the garage was vacuumed by a BNDD chemist who, in a complicated analysis, found traces of heroin in the dust.

Hundreds of records were scrutinized, such as apartment rental agreements. Thus, the tactical unit, assisted by our Miami regional office, was able to locate the apartment which Cirillo had rented in Miami under an assumed name to conduct his heroin negotiations in privacy.

The evidence collected and the information available establishes that during a 17-month period, from May 1970, to October 1971, Cirillo and his criminal associates were responsible for the importation and distribution of approximately 2,900 pounds of heroin for which he paid a price of \$10,500 per kilogram.

We were also keeping an anxious eye on Cirillo's constant attempts to make bail. From the original \$1 million, the bail was eventually reduced to \$250,000. The Internal Revenue Service, which was fully cooperating, stood by to levy a lien against Cirillo should he produce the bail money.

It took Cirillo until March 21, 1972, to produce the bail. Not that he did not have the money—the subsequent discovery of \$1,078,000 in the backyard of his house in the Bronx speaks for itself.

Mr. SOURWINE. As far as facts go, the figures you gave us about his operations over a period of 17 months appear to involve about \$60 million worth of heroin; is that not correct?

Mr. POHL. I think so, yes, sir.

Cirillo's problem was to justify the possession of \$250,000. Indeed, how could he, an alleged bagel baker by trade, with a weekly salary of \$200 justify the possession of \$250,000? Eventually, a front man was produced and the Internal Revenue Service was helpless.

The CHAIRMAN. What do you mean by a "front man?"

Mr. POHL. A friend, or an alleged friend, of Mr. Cirillo appeared, and out of the kindness of his heart put up part of the money.

The CHAIRMAN. He claimed he put the money up.

Mr. POHL. Yes, sir.

The CHAIRMAN. Go ahead.

Mr. POHL. When he made bail on March 21, 1972, Cirillo became a major burden to the Bureau. Director Ingersoll's explicit instructions were to break up the organization. This meant insuring that Cirillo would be available for trial. A 24-hour around-the-clock open surveillance was instituted to prevent the accused from fleeing the jurisdiction of the U.S. District Court.

Simultaneously, an intensive investigation was initiated on the basis of a lead furnished by the New York office of the FBI. Cirillo had conspired to have Preiss killed and to escape from the United States.

Finally, on April 10, 1972, after some 21 days of continuous surveillance, conducted with the assistance of the New York State Police and the New York City Police Department, Cirillo was arrested again, this time for conspiracy to obstruct justice and held in lieu of \$1 million bond.

On April 25, 1972, Cirillo was prosecuted by Mr. Whitney North Seymour, U.S. attorney for the Southern District of New York. In a precedent-setting move, the French judicial authorities agreed to produce in a U.S. Federal court on U.S. territory the evidence seized in France, namely, the 106 kilograms of heroin which Preiss was to deliver to Cirillo. The defendant was found guilty by a jury and sentenced on May 25, 1972, to 25 years on each of these two counts of the indictment. When imposing the sentence, Judge Edward Weinfeld stated:

There cannot be the slightest doubt that the defendant is one of the largest distributors of narcotics in the United States with close connections with foreign suppliers.

His illicit activities have grown from year to year, and his transactions have run into millions of dollars.

His criminal conduct has brought untold misery to thousands upon thousands of men, women, and children and, as was suggested, indeed, deaths in a number of cases.

Cirillo is presently incarcerated in the Federal penitentiary at Leavenworth, Kans.

Mr. BELK. Mr. Chairman, that concludes our formal presentation, and we are available to answer any questions that the committee may have.

The CHAIRMAN. Strom?

Senator THURMOND. Mr. Chairman, I do not have a special question. I would just like to commend these witnesses for the fine jobs they have done, and I think they are rendering a great service to our country.

Mr. BELK. Thank you very much, sir.

Senator GURNEY. Not any at this time, Mr. Chairman, because I came in late.

Mr. SOURWINE. May I ask one question, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. SOURWINE. Mention has been made of forged or remade passports. Are these commonly used, in your experience, by these traffickers in narcotics?

Mr. POHL. Are what?

Mr. SOURWINE. Forged or remade passports.

Mr. POHL. They are very commonly used, and they present an extremely serious problem in our investigation. The man's name means absolutely nothing.

Mr. SOURWINE. The committee was informed with respect to a recent Canadian case in which all 12 defendants had either remade French passports or remade Belgian passports. Are you familiar with this case? I will not ask you to identify it.

Mr. POHL. No, I am not familiar with it, sir.

Mr. SOURWINE. Did you ever find any of these traffickers using false or forged or remade United States passports?

Mr. POHL. I have no recollection of any such case.

General WALT. Mr. Chairman, may I again emphasize that a kilo of heroin on the streets of New York has a price of \$390,000.

The CHAIRMAN. Three hundred and ninety?

General WALT. Three hundred and ninety, yes, sir.

Also a kilo makes up 50,000 heroin injections. In other words, what this international criminal has brought into our country would make up some 50 million injections of heroin. How many young people's lives are going to be destroyed or crippled as the result of 50 million injections?

I also want to point out to you that this worldwide criminal got 25 years in prison and he will be eligible for parole—he will probably be out on the streets again in 12, at least 15 years.

Thank you, sir.

Senator GURNEY. Mr. Chairman?

The CHAIRMAN. Well, he will be eligible for parole after he serves slightly more than a third of his sentence, will he not?

General WALT. Yes, sir, that is my understanding.

Mr. BELK. That is the requirement, yes, sir.

The CHAIRMAN. Senator Gurney.

Senator GURNEY. First of all, Mr. Chairman, I am sorry that I was detained and was not able to be here for the testimony, but, as I have gathered, these are examples of how heroin is smuggled into the country: is that right?

General WALT. That is correct, and of what a great job some of the men in these bureaus, the BNDD and Customs, are doing in breaking up the traffic.

As I stated earlier, sir, before you came in, the big traffickers used to think they were safe if they had personal security and if they stayed away from the buyer and if they never touched the goods—they felt pretty secure. But the people that are working on this for our country have destroyed the confidence the traffickers had before; and they should, as I say, learn from these hearings that they are no longer immune, that they are no longer safe, and if they want to continue in this death-dealing trade, they are going to have to pay the consequences.

Senator GURNEY. Well, that actually touches upon a question I was going to ask, and the question is: How are we fairing on breaking up this international smuggling of heroin into the country?

Do we have any statistics as to what they were last year or the year before or what it is this year, or, so far is there any indication that we are getting on top of it?

Mr. BELK. Senator, the Director will be testifying before this committee on Friday.

Senator GURNEY. I see.

Mr. BELK. At which time he will give the committee a much broader overview. At that time, statistics on achievement will be submitted for the committee's use, and my purpose here today was to explain, on the basis of these cases, the complexities of the international drug traffic, and, furthermore, to demonstrate to this committee that without the cooperation of police agencies of other parts of the world I doubt very seriously that any of this would have been accomplished. Certainly, the assistance rendered by the French Central Narcotic Office,

by the Royal Canadian Mounted Police, in addition to our own services and Customs and local authorities—well, it would have been exceedingly difficult, if not impossible, to have done this.

Senator GURNEY. I do not know whether you are prepared to testify on this or whether the Director will do it, but how are we making out with the Latin-American governments, Paraguay, for example, which has been of some trouble down there and it took us a long time to get the release of one of the heroin people down there?

Do you have any information about this?

Mr. BELK. Yes. There is, as you know—I believe Mr. Rossides testified this morning about the extradition of Ricord after some 17 months of intensified efforts. But we must put this somewhat in perspective. We have a treaty with Paraguay. The treaty names everything except narcotics. Now, the courts down there ultimately adjudicated on the fact that the intent of the treaty would apply. However, Mr. Ricord was afforded all of the judicial processes that are available in that country, and Mr. Ricord has vast assets available to him, and he is able to hire expert lawyers, and so on, and this is what occasioned the long delay in this matter. But ultimately the United States and the Paraguay Governments pervaded in the matter and Ricord is now in New York City awaiting trial.

In terms of their overall cooperation, they have indicated recently their interest in actually establishing a central narcotics bureau along the lines of our own. They have asked for assistance and advice, and, in fact, next month we are inviting to the United States, for discussions of the orientation program, the man that will head up this new organization in Paraguay.

Senator GURNEY. Just as a matter of curiosity—perhaps this has been touched upon, but is that first case the one the movie was based upon, The French Connection?

Mr. BELK. This case?

Senator GURNEY. The Jaguar case.

Mr. BELK. No; that was based on a case that was concluded in New York City, I believe, in 1964.

Senator GURNEY. But similar?

Mr. BELK. Similar; very similar in every respect.

Senator GURNEY. I do not have any other questions.

The CHAIRMAN. The next witness.

Mr. SOURWINE. We understood that three Customs agents, Mr. William M. Kline, Mr. Douglas A. McCombs, and Mr. Howard H. Wright were available to provide additional details with respect to particular cases. Are they here, or has the material they were expected to supply already been covered?

Mr. BELK. I believe Mr. Rossides testified this morning on the particulars of that case.

Mr. SOURWINE. Well, those agents are not now here?

Mr. BELK. They were here. I think they have left.

Mr. SOURWINE. We have no additional witnesses this morning, Mr. Chairman.

The CHAIRMAN. Thank you. We will recess.

(Whereupon, at 11:35 a.m., a recess was taken until 10:30 a.m., Thursday, September 14, 1972.)

**WORLD DRUG TRAFFIC AND ITS IMPACT ON U.S.
SECURITY**

FRIDAY, SEPTEMBER 15, 1972

**U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY ACT
AND OTHER INTERNAL SECURITY LAWS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.**

The subcommittee met, pursuant to recess, at 2:30 p.m., in room 2300, New Senate Office Building, Senator Edward J. Gurney presiding. Also present: J. G. Sourwine, chief counsel; and Alfonso L. Tarabochia, chief investigator.

Senator GURNEY. Would you stand and raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SONNETT. I swear.

**TESTIMONY OF NEAL SONNETT, FORMER ASSISTANT U.S.
ATTORNEY, MIAMI, FLA.**

Mr. SOURWINE. Mr. Chairman, Mr. Sonnett has been summoned by the committee, as the Chair knows, because of our interest in a particular case involving the illegal importation of narcotics in the United States. I have just one or two preliminary questions.

Would you identify yourself by name, Mr. Sonnett, and give your address, please?

Mr. SONNETT. Yes. My name is Neal Sonnett, and I reside at 1060 Brickell Avenue in Miami, Fla.

Mr. SOURWINE. And are you presently employed?

Mr. SONNETT. I am an attorney at law. Until May 12, of 1971, I was Assistant U.S. Attorney for the Southern District of Florida, and Chief of the Criminal Division of that Office.

Mr. SOURWINE. In your capacity in that Office, did you have anything to do with the case of Oscar Squella-Avendano, who smuggled narcotics into the United States?

Mr. SONNETT. Yes. I was originally trial prosecutor on that case, and at the time it went to trial, was one of two assistant U.S. attorneys who handled the prosecution. I was in charge of that prosecution.

Mr. SOURWINE. Mr. Chairman, we have had testimony yesterday about this case by a representative of the Customs Service. Mr. Squella-Avendano is a Chilean, according to the testimony already in the record, who flies his own aircraft, who flew into the United States, bringing in a substantial amount of cocaine, approximately 203

(107)

pounds, and who was identified by virtue of very good work by the Customs people, and was indicted, tried, and convicted. What I want to ask Mr. Sonnett about is a collateral matter, not concerned with Squella's conviction, but concerned with alleged efforts, of which the committee has been apprised, to secure his release.

Are you aware, sir, of any efforts that were made to secure the release of Oscar Squella-Avendano?

Mr. SONNETT. Yes, I am. By way of background, let me first say that from the time of the arrest of Oscar Squella-Avendano and others on July 27, of 1970, it had been made clear to the Government that Mr. Squella was a high-ranking member of a coalition that then was involved in the campaign for the presidency of Chile, supporting now-President Allende.

The case was pending a considerable amount of time, due to the original suppression of the evidence by the trial court judge, and the Government's successful of that appeal suppression and there were several issues that came to light that indicated that Mr. Squella was, in fact, very close to President Allende. For example, he at one time, while out on bond, had requested permission to return to Chile. As prosecutor on the case, I wouldn't allow him to return to Chile unless the Chilean Government would guarantee his return, since we had no extradition treaty with that country. Permission was given by President Allende for such a guarantee in writing to be delivered to the U.S. Government.

During the period of the appeal, no contact was made between defense counsel representing Mr. Squella and the Government. However, on August 25, 1971, the Fifth Circuit Court of Appeals reversed the trial court's decision suppressing the evidence, and the case was then set for trial. Prior to the time it was set for trial, I was approached by one Donald Bierman, who is attorney for the defendant, Squella—

Mr. SOURWINE. At this time, he was attorney for Squella?

Mr. SONNETT. He was attorney at that time, yes, sir. He was not the original counsel of record, but had represented Mr. Squella for most of the proceedings.

Mr. SOURWINE. Is he a Miami attorney?

Mr. SONNETT. He is a Miami attorney, and he is also a former assistant U.S. attorney from Florida.

Mr. SOURWINE. That is B-I-E-R-M-A-N?

Mr. SONNETT. Yes, that is correct.

Mr. SOURWINE. Very good.

Mr. SONNETT. Mr. Bierman suggested to us that because of President Allende's closeness to Fidel Castro, that in return for the Government dropping the charges against Oscar Squella and allowing him to return to Chile a free man, that there might be an arrangement made to return aircraft hijackers who were then residing in Cuba.

Mr. SOURWINE. Any particular hijackers?

Mr. SONNETT. At the time of the first approach, no particular hijackers were mentioned. And I offhandedly dismissed the request, since we considered Oscar Squella to be a major narcotics figure, and since the amount of cocaine involved was the largest cocaine shipment ever seized. We had no further discussions about that until shortly before the trial date, a month or 6 weeks before the trial date, when Mr. Bierman approached me and said that at that time they would be

interested in negotiating for a swap of Oscar Squella in return for three hijackers who had hijacked a plane to Cuba after killing a New Mexico State trooper.

Mr. SOURWINE. Was that three members of the RNA, the so-called Republic of New Africa?

Mr. SONNETT. Yes, it was.

Mr. SOURWINE. They had sought asylum in Cuba?

Mr. SONNETT. That is correct.

Mr. SOURWINE. Had they been given asylum in Cuba?

Mr. SONNETT. At the time, to the best of my knowledge, they are residing in Cuba, and had been given asylum.

Mr. SOURWINE. At that time, you are talking about November of 1971?

Mr. SONNETT. It was approximately November; yes. Either late November or early December.

Mr. SOURWINE. All right. Go ahead.

Senator GURNEY. What do the initials R.N.A. stand for?

Mr. SONNETT. It is a militant—the initials are the Republic of New Africa. It is a militant group.

Mr. SOURWINE. It is a group of blacks, Senator, who take the view that there should be segregation, that the Negroes should live by themselves, and that they should take or be given most of the territory of three States of the United States, and make it a separate Negro republic.

Senator GURNEY. I remember. Go on. That is all right.

Mr. SONNETT. The three hijackers involved, of course, had been very much in the news because of the killing of the State trooper in New Mexico, and at that point, since a specific offer had been made, I felt it my responsibility to communicate that to the U.S. Department of Justice. And I did, in fact, communicate that offer to both the head of the General Crime Section of the Department of Justice, and the head of the Narcotics Section.

Mr. SOURWINE. Now, the head of the General Crime Division was Mr. Carl Belcher?

Mr. SONNETT. That is right.

Mr. SOURWINE. And the head of the Narcotics Section was Mr. William Ryan?

Mr. SONNETT. That is correct, sir.

Mr. SOURWINE. Did you consider that Mr. Bierman, in making this offer, had been guilty of any violation of law or ethics?

Mr. SONNETT. No, I did not at that time, and I still do not believe that he had.

Mr. SOURWINE. You think he had a right to make that kind of an offer if it would help his client?

Mr. SONNETT. Well, he was communicating an offer that he said had been cleared in the highest levels of the Government of Chile, and he was simply communicating a message from his client and from the Government of Chile.

Mr. SOURWINE. Now, wait a minute. He is communicating an offer with regard to three RNA members who were hijackers of an aircraft who were in Cuba?

Mr. SONNETT. That is correct.

Mr. SOURWINE. But he was making the offer on behalf of Chile?

Mr. SONNETT. Mr. Bierman's statements to me, while never totally specific, were that the arrangement could be made because of the closeness of the Chilean Government with the Cuban Government.

Mr. SOURWINE. They are both Communist governments, are they not?

Mr. SONNETT. I believe them both to be Communist governments.

Mr. SOURWINE. They both announced that they were, and we need not fight over that. It is a matter of record, so that this was a case of two Latin American Communist governments which were working in cooperation to attempt to secure the release of this Chilean?

Mr. SONNETT. That is correct. Now, it was made clear to me at the time the offer was communicated that there could be no publicized swap, that the procedure, if the Government of the United States agreed, was that the three hijackers would be returned to the United States, and 30 days thereafter, or thereabout, the Government would simply quietly drop the indictment against Oscar Squella, and allow him to return home to Chile.

Senator GURNEY. Did Bierman say who had contacted him?

Mr. SONNETT. No, he never specifically told me of any person that he had talked with. The understanding that I had, based on bits and pieces of conversations that we had on several occasions, was that relatives, or members of the Squella family had been in touch with either President Allende or somebody very close to President Allende, and that they had been able to get Allende's cooperation in securing necessary negotiations. No specific names were ever mentioned, Senator.

Mr. SOURWINE. Were you in touch with anyone representing either the Cuban Government or the Chilean Government who supported this offer by Bierman?

Mr. SONNETT. No, I never was.

Mr. SOURWINE. All right. But you believed that Bierman's offer was bona fide?

Mr. SONNETT. Well, Mr. Bierman told me his offer was bona fide.

Mr. SOURWINE. You had enough confidence in it to report it to Washington?

Mr. SONNETT. Yes, I did.

Mr. SOURWINE. What was the result?

Mr. SONNETT. Well, the Department of Justice was not anxious to proceed with the offer and, in fact, originally communicated to me their desire not to carry it any further, which I communicated to Bierman, and we began to prepare for trial.

Mr. SOURWINE. Did they not send a man to Miami to go into the situation?

Mr. SONNETT. That was not until several weeks later. My understanding is that Donald Bierman, after I had told him that the Government would not be interested, personally called Henry Peterson, who at that time was Assistant Attorney General in charge of the Criminal Division.

Mr. SOURWINE. And it was after that that Philip Wilens was sent down?

Mr. SONNETT. I think the spelling in the memorandum is wrong. I believe he spells it W-i-l-e-n-s. Wilens. I believe that is it.

Mr. SOURWINE. W-i-l-e-n-s? Philip Wilens?

Mr. SONNETT. That is correct.

Mr. SOURWINE. Philip with one L?

Mr. SONNETT. Yes. Now, he was sent down following Mr. Bierman's telephone conversation with Henry Peterson, and he conferred with me and reviewed the file, with a view toward determining what kind of a case we had against Squella. It was the consensus of opinion of the U.S. Attorney's Office in the Southern District of Florida that while Squella was guilty, that the case was going to be a rough case to prove, and that we had a chance of not convicting Mr. Squella as well as convicting him. On balance, and after reviewing the entire file, Mr. Wilens was of the opinion that the case against Mr. Squella was good enough so that we ought not to worry about whether or not we could convict him, and ought to make the decision on whether or not the offer itself should be followed through at all, and the decision was made not to proceed with the offer so we prepared for trial. We began trial on January 24, 1972. After a 3-day trial, the jury came in with a verdict of guilty as to all counts on Mr. Squella.

Mr. SOURWINE. You were successful, and he was sentenced to 25 years, was he not?

Mr. SONNETT. He was sentenced to 15 years under the old statutes. The minimum mandatory sentence under the old narcotics law that was superseded in 1970, so he is serving now 15 years on a minimum mandatory basis.

Mr. SOURWINE. Is his case on appeal?

Mr. SONNETT. His case is on appeal.

Mr. SOURWINE. On what technicality?

Mr. SONNETT. Well, there are several issues regarding the sufficiency of the evidence, and regarding the propriety of a deposition which was introduced by the Government, a deposition taken of another indicted defendant who was in Chile and was not able to be extradited. Originally the defendant's lawyer, his first lawyer and I, went to Santiago, Chile, to take this deposition, and this is one of the legal points on appeal. I am personally satisfied that there was no error committed in the case.

Mr. SOURWINE. I meant to ask this. As trial counsel, do you have any fears that there might be a reversal on the basis of the appeal?

Mr. SONNETT. I do not. I might add one thing. I have mentioned in my testimony several reasons for us to believe, based on contact with Squella and his lawyer, that Squella was, in fact, close to President Allende.

In filing the defendant's brief with the fifth circuit court of appeals, a certificate was filed pursuant to the fifth circuit local rule 13, which requires the listing of all parties that have an interest in the case so that the judges might recuse themselves, where called for; and the certificate filed by Donald Bierman as attorney of record for Oscar Squella-Avendano read that the undersigned counsel for Oscar Squella-Avendano certifies that the following listed parties have an interest in the outcome of these cases. These representations are made in order that judges of this court may evaluate possible disqualification or refusal pursuant to local rule 13-A. Members of his family and his two sons and wife are listed, and the last person listed on this certificate is: "Salvador Allende, President of the Republic of Chile, close personal friend of the defendant, interested in the outcome so defendant may again serve the Government of Chile as a member of the coalition gov-

ernment representing the independent non-Marxist, non-Communist Party.”

Mr. SOURWINE. In other words, as a cabinet officer in the Government of the Republic of Chile?

Mr. SONNETT. Yes, sir. Our information was, and it has been confirmed by Squella himself, that Squella would have held a cabinet level rank had he not been arrested and convicted. His arrest on July 27, 1970, was just about a month or perhaps 6 weeks prior to Allende's election.

Senator GURNEY. Did you say that the case was not tried at first, and there was appeal, and it was sent back for trial?

Mr. SONNETT. No, sir. It was set for trial originally on December 2, 1970, and a hearing on a pretrial motion to suppress was held prior to the beginning of the trial, at which time the trial judge sitting on the case suppressed all of the evidence, the 202 pounds of cocaine that had been seized. I obviously could not proceed to trial without that evidence, and I appealed the judge's ruling, as the Government has the right to do in motions to suppress in narcotics cases. I was successful in that appeal. The fifth circuit reversed the trial judge, and sent the case back down, and it was then set for trial on January 24 of 1972.

Senator GURNEY. Who was the trial judge?

Mr. SONNETT. Chief Judge Fulton was the trial judge in that case.

Mr. SOURWINE. Mr. Chairman, in this connection, the committee has the entire transcript of the trial itself and the opinions. I would respectfully suggest, I think this is of sufficient importance for the entering of it, and it is a case which basically because of its implication of the interests of two Latin American Communist governments in the narcotics trade is of sufficient importance that we should cover it thoroughly. I would respectfully suggest that the Chair might wish to order into the appendix of this record an abbreviation of the trial transcript, which could be prepared by my office, which would show the essential elements involved and the full text of the opinions, both on the initial exclusion case, and on the second appeal when it is available. I believe they would add to the record, and it is suggested to me that perhaps the Chair might wish to have the indictment put in the record also as a part of the appendix.

Senator GURNEY. How long is it?

Mr. SOURWINE. The indictment is about—

Mr. SONNETT. It is about six pages.

Mr. SOURWINE. It appears to be 10 to 12 pages, Mr. Chairman.

Mr. TARABOCHIA. No; it is only five pages.

Mr. SOURWINE. Five pages, sir.

Senator GURNEY. We will include that, then. And your other request was what?

Mr. SOURWINE. That we put in the decision and the opinion of the court in the appeal that is presently pending, that is due to be handed down very soon, and we can get it and put it in the record.

Senator GURNEY. All right. We can include that.

Mr. SOURWINE. Then we will have the whole of the procedures and, of course, I did suggest also, I did include also, this suggestion that my staff expurgate the trial record itself so as to leave the high spots of the trial record there in an understandable form so that someone can read it and understand it, and know what was involved in the trial.

Senator GURNEY. All right. Let me have that when you finish it.

Mr. SOURWINE. Very good, sir. Subject to the approval of the Chair, then, it is to be inserted in the record.*

Senator GURNEY. That is right.

Mr. SOURWINE. Very good.

Senator GURNEY. Not until I take a look at your synopsis.

Mr. SOURWINE. I understand. It is not to go in until it has been approved.

Also, possibly you might want to include the presentencing statement of Squella.

Senator GURNEY. If you think it will add.

Mr. TARABOCHIA. In the presentencing statement, Squella himself states that he was a very close friend of Allende, and that he would have been a part of the Government of that country.

Senator GURNEY. All right. We will include that, then.

Mr. SONNETT. Sir, if I might make one suggestion, Senator?

Senator GURNEY. Yes.

Mr. SONNETT. While the transcript of the trial is a lengthy one, you may want to include the testimony of Oscar Squella-Avendano, who took the stand, and who does on direct examination testify as to his complete history in the Chilean Government and his involvement with President Allende.

Mr. SOURWINE. I had that in mind, and it was a good suggestion.

Senator GURNEY. Have you anything else?

Mr. SOURWINE. I have nothing further, Mr. Chairman, and I have no more questions of this witness.

Senator GURNEY. All right.

Mr. SOURWINE. I might suggest that although Mr. Sonnett was summoned and so had no choice, and probably had no objection, we do owe him a vote of thanks for coming up here and being very cooperative with the committee.

Senator GURNEY. Well, I certainly agree with that.

Mr. SONNETT. Thank you.

Senator GURNEY. It is helpful. The subcommittee will now recess, subject to the call of the Chair.

Mr. SOURWINE. Thank you very much, Mr. Chairman.

(Whereupon, at 2:55 p.m., the hearing was recessed subject to the call of the Chair.)

*The material referred to will be found in the appendix, p. 115.

APPENDIX

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

U.S.A. V. OSCAR SQUELLA-AVENDANO, APPELLANT

Summary and status

This case is on appeal from the United States District Court, Southern District of Florida. The probability is that oral argument will be heard sometime in November, 1972; similarly, the case is to be decided (in all probability) sometime in early Spring.

Following a jury trial, Oscar Squella-Avendano was convicted on five counts charging violations of federal narcotics law by unlawfully possessing and importing 202 pounds of (pure) cocaine. After cutting, the "stuff" was probably worth a quarter-million dollars (conservative estimate). Squella was sentenced March 23, 1972 to imprisonment for fifteen years on count One and concurrent ten-year terms on Counts 2 to 5.

Facts

Agents of the Bureau of Narcotics and Dangerous Drugs maintained in July, 1970 a continuous surveillance of certain individuals; information was that they were preparing to receive a large shipment of cocaine from Chile. Those under suspicion met at various sites in the Coral Gables area. One Quintanilla was within immediate focus. Another suspect, accompanied by a co-defendant, July 27, 1970 entered an automobile and proceeded toward Miami International Airport. Squella was the owner and operator of an aircraft which flew to Miami from Chile. The contraband in question was discovered in such a manner as to plainly indicate that it had been packaged in Chile and transported in his plane.¹

Squella, (now the appellant), approached the automobile being used by the suspects and entered it. He drove the vehicle into the cargo area of the Airport and then drove it into the vicinity of his airplane. The appellant entered the plane . . . ultimately exited the plane and backed up the auto in question to the cargo hatch. One large box and three smaller ones were transferred from plane to automobile by Squella, with the aid of the plane's mechanic.

Agents followed, or checked on, movements of the appellant and two other suspects until the arrival of the vehicle, a Ford, at the door of the apartment of one of the three. The agents entered the apartment after receiving no response to a knock on the door; (they heard running in the apartment).

The cocaine was found on the living room floor, in the very boxes which the agents had observed at the airport at the plane of Squella. A deposition was taken in Chile of one of the co-defendants, DeMaria. He had fled the jurisdiction; there is no extradition process or agreement with the United States on this score. One of the issues on appeal is the objection to the Government's use of that deposition, i.e., whether the movants (the defendants) in a given case have the right to withhold a deposition, to enjoy a prerogative of determining whether the testimony of the out-of-country witness is favorable or unfavorable, and then to act upon that determination.

Another issue which Squella attempted to present was the fact that he had left the jurisdiction of the United States under bail, that he returned from his country, Chile, to the U.S.A. rather than flee. The appellee, the Government, is contending that this issue is frivolous. Succinctly, the position of the prosecutor is that Squella's position at high levels of the government of Chile is impaired if not lost, as one convicted of the crime in question. (See Section, infra, "SQUELLA'S POSITION AT HIGH LEVEL. . ." Page ().) Only by clearing himself of the charges and conviction would Squella's usefulness be restored. Therefore, the question of innocence is extrinsic of the actions of the defendant in leaving and returning to this jurisdiction.

¹Brief of U.S. Attorney, page 3, United States Circuit Court of Appeals, Fifth Circuit.

Investigation of the case began July 10, 1970, based upon a report from an informant.² One of the aspects of suspicion involving Oscar Squella was the fact that he drove his car back to the parking lot at the airport where he had parked in the same space, where he had originally obtained several boxes. And he then walked away from the car.³ On argument before the District Court, contention was made that Squella had a possessory interest in the packages (containing white powder or cocaine). The Special Agent, William D. Hudson, Jr., Bureau of Narcotics and Dangerous Drugs, testified that these were the same boxes that he observed Mr. Squella taking from the airplane.⁴

The indictment against Squella follows:

(No. 71-1143)

In the United States Court of Appeals for the Fifth Circuit

UNITED STATES OF AMERICA, PLAINTIFF-APPELLANT,

v.

OSCAR SQUELLA-AVENDANO, MARCO OSORIO, ETC., ANDRES R. RODRIQUEZ, CARLOS ROJAS, RODOLFO QUINTANILLA, AND RAUL DEMARIA, JORGE VAZQUEZ, DEFENDANTS-APPELLES

INDICTMENT

(Filed November 4, 1970)

The Grand Jury charges:

COUNT I

1. That beginning on or about July 10, 1970, the exact date being unknown, and continuing until on or about July 27, 1970, at Miami, Dade County, in the Southern District of Florida and elsewhere, the defendants, Marco Osorio, aka Jose Fernandez, Andres R. Rodriguez, Jorge Vazquez, Carlos Rojas, Rodolfo Quintanilla, Oscar Squella-Avendano, and Raul DeMaria together with Ada Villaneuva and Jorge Puga, named in this indictment as co-conspirators, but not as defendants, and various other persons presently unknown to the Grand Jury, did wilfully and knowingly combine, conspire, confederate, and agree with each other to violate Title 21, United States Code, Sections 173 and 174.

2. It was a part of said conspiracy that the defendants would fraudulently and knowingly import and bring large amounts of narcotic drugs to wit: cocaine, into the United States contrary to law.

3. It was further a part of the conspiracy that the defendants would wilfully and knowingly receive, conceal, buy, and sell and facilitate the transportation, concealment, and sale of narcotic drugs, to wit: cocaine, after said narcotic drugs had been imported into the United States contrary to law.

4. It was further a part of the conspiracy that the defendants would conceal the existence of the conspiracy and would take steps designed to prevent the disclosure of their activities.

That the defendants and their co-conspirators heretofore named did commit in furtherance of said conspiracy and to effect the objects thereof the following overt acts.

OVERT ACTS

1. On or about July 17, 1970, at approximately 5:00 p.m. the defendant Andres R. Rodriguez had a meeting at Key Biscayne, Dade County, Florida, with defendant Rodolfo Quintanilla and two other persons.

2. On or about July 17, 1970, Ada Villaneuva and defendant Andres R. Rodriguez met at the Bilbao Restaurant, 5910 S.W. 8th Street, Miami, Florida.

3. On or about July 18, 1970, at approximately 10:30 a.m., the defendant Andres R. Rodriguez had a meeting at the South Beach area of Miami Beach,

² Appendix, Pages 11 and 13; on Appeal to the United States Court of Appeals, Fifth Circuit.

³ ID., Page 48.

⁴ ID., Page 91.

Dade County, Florida, with the defendant Rodolfo Quintanilla and two other persons.

4. On or about July 21, 1970, Ada Villaneuva and Jorge Puga met at the Flagler Kennel Club, 450 N.W. 37th Avenue, Miami, Florida.

5. On or about July 27, 1970, at about 2:30 p.m. the defendant Andres R. Rodriguez had a meeting at Matheson's Hammock, Coral Gables, Dade County, Florida, with defendants Rodolfo Quintanilla, Jorge Vazquez, and Marco Osorio.

6. On or about July 26, 1970, defendant Rodolfo Quintanilla rented a white 1970 Ford Galaxie at Dade County, Florida.

7. On or about July 27, 1970, at about 8:00 a.m. defendant Rodolfo Quintanilla driving the said 1970 Ford with defendant Marco Osorio as a passenger proceeded to Miami Springs, Dade County, Florida, followed by defendant Carlos Rojas driving a 1968 Dodge.

8. On or about July 27, 1970, at about 12:30 p.m., defendant Oscar Squella-Avendano in the vicinity of Aero Facilities, Miami International Airport, together with another individual removed several containers from a C-46 Aircraft and placed said containers into the trunk of the said 1970 Ford.

9. On or about July 27, 1970, at about 2:20 p.m., defendants Rodolfo Quintanilla and Carlos Rojas arrived in the aforesaid 1968 Dodge at a parking lot in Miami Springs, Florida, where the aforesaid 1970 Ford was parked.

10. On or about July 27, 1970, at approximately 3:20 p.m., defendant Rodolfo Quintanilla removed some containers from the trunk of the aforesaid 1970 Ford and carried said containers into Apartment 5, Santillane Avenue, Coral Gables, Florida.

All in violation of Title 21, United States Code, Sections 173 and 174.

COUNT II

That on or about July 27, 1970, in the Southern District of Florida, the defendants, Marco Osorio, aka Jose Fernandez, Andres R. Rodriguez, Jorge Vazquez, Carlos Rojas, Rodolfo Quintanilla, Oscar Squella-Avendano, and Raul DeMaria did fraudulently and knowingly import and bring into the United States a narcotic drug, that is approximately 200 pounds of cocaine, contrary to law; in violation of Title 21, United States Code, § 174.

COUNT III

That on or about July 27, 1970, in the Southern District of Florida, the defendants, Marco Osorio, aka Jose Fernandez, Andres R. Rodriguez, Jorge Vazquez, Carlos Rojas, Rodolfo Quintanilla, Oscar Squella-Avendano, and Raul DeMaria did fraudulently, knowingly and wilfully receive, conceal and facilitate the transportation and concealment of a narcotic drug, namely, approximately 200 pounds of cocaine, which narcotic drug the defendants then knew had been imported into the United States contrary to law; all in violation of Title 21, United States Code, § 174.

COUNT IV

On or about July 27, 1970, in the Southern District of Florida, the defendants, Marco Osorio aka Jose Fernandez, Andres R. Rodriguez, Jorge Vazquez, Carlos Rojas, Rodolfo Quintanilla, Oscar Squella-Avendano, and Raul DeMaria did sell, barter, exchange, and give away a narcotic drug, that is, approximately, 200 pounds of cocaine, not in pursuance of a written order of a person to whom such narcotic drug was sold, bartered, exchanged, or given away on a form issued in blank for that purpose by the Secretary of the Treasury or his delegate; in violation of Title 26, United States Code, Section 4705(a) and Section 7237.

COUNT V

On or about July 27, 1970, in the Southern District of Florida, the defendants, Marco Osorio aka Jose Fernandez, Andres R. Rodriguez, Jorge Vazquez, Carlos Rojas, Rodolfo Quintanilla, Oscar Squella-Avendano, and Raul DeMaria did purchase, sell, dispense, and distribute a narcotic drug, that is, approximately 200 pounds of cocaine not in the original stamped package and not from the origi-

nal stamped package; in violation of Title 26, United States Code, Sections 4704 (A) and 7237.

A true bill.

Foreman.
ROBERT W. RUST,
U.S. Attorney,
By NEAL R. SONNETT,
Neal R. Sonnett,
Assistant U.S. Attorney.

* * * * *
REVERSAL OF DECISION OF LOWER COURT GRANTING MOTION TO SUPPRESS USE OF 200
POUNDS OF COCAINE SEIZED AS EVIDENCE

Date of the decision of the United States Circuit Court of Appeals, Fifth Circuit,¹ was August 25, 1971; Date of order of the lower court granting the motion was December 1, 1970. The case proceeded to jury trial in 1972, resulting in convictions.

During the two-year litigation, the United States Court of Appeals, 5th Circuit, rules on an appeal from an Order of the District Court, Southern District of Florida, that it was error to suppress use of 200 pounds of cocaine seized as evidence. (The Government had the right to appeal under 18 U.S.C. 1404.)

The case discloses the fact that the Government acted on an informant's report that certain individuals intended to smuggle a large shipment of Chilean cocaine into Miami, Florida.

The case highlights the fact that an automobile under surveillance in this matter was parked beside a C-46 aircraft said to belong to Squella, where cartons were unloaded from the airplane and into the car in question. Then, the defendant Squella-Avendano drove the car back to an airport parking lot and parked it precisely in the same spot it had been parked by a co-defendant.

The case before the Appellate Court turned upon the principle that arrests may be made without warrant "for violations of any law of the United States relating to narcotic drugs * * * upon reasonable grounds to believe that the person to be arrested has committed or is committing such violation."

SQUELLA'S POSITION AT HIGH LEVEL OF CHILEAN GOVERNMENT SUGGESTED RETURN OF DEFENDANT TO U.S.A. TO "CLEAR" HIMSELF . . . TO RETAIN PRESTIGE

Among the several contentions advanced by Squella, attempt was made to raise a question of doubt as to his guilt because (1) he had not fled the jurisdiction, after release on bond and (2) if he were guilty, he could have raised the money (for) bail, as to which he sought reduction.

Neither of the contentions was tenable in the opinion of the Court and the Prosecutor but in the ambit of the first, Squella himself gave answer as to why he returned from Chile. Transcript of testimony March 23, 1972 in the United States District Court, Southern District of Florida, reflects in the words of Squella himself that his value to his Government was predicated upon his high, surely non-criminal standing.

Quoting from the transcript of the hearing in the lower court relative to imposition of sentence: (Pages 2 through 6 *et seq.*)

(Chief Judge Charles B. Fulton, presiding)—

"* * * You are here today for the imposition of sentence and, before the Court imposes a sentence, the Court will be pleased to hear from you or your lawyer or both with respect to anything that you care to say on the subject of mitigation, explanation or otherwise. * * *"

THE DEFENDANT (Squella: Following request to read his plea and after repeating his assertion of innocence)—

"The law says that I have to be sentenced and the law is cruel. The law have no feelings. * * *"

"Justice is blind. But what class of criminal do—I am? What have I done all my life? What is my background that I am facing at the end of my life, or very close to the end, to go to jail?"

"Let me tell something about myself. * * * Since I was a boy, at fourteen years old—I entered a military academy, similar to West Point, at Santiago,

¹ 447 F. (2d) 575.

Chile, my country, because I wanted to serve my country as an officer in the Chilean Air Force. After six years I became officer with excellent qualification and two special honor (*sic*)—the best friend and the medal to bravery.

"I became a pilot at nineteen years old and start my career in the Chilean Air Force. I was sent many times to this country. * * *

"When we came back to Chile, we start the Airborne School in my country, and I became a member of the First Presidential Squadron, who take care of the transportation of the President of Chile when he has to flight.

* * * "When I left the Chilean Air Force, I was very poor, because in my country the military career is an honorable branch of public service and you never make money being in the service. Then I had to work very hard, on aviation—that was the only thing that I knew well. I started with my own company, but I have to face very strong political opposition, because I enter myself in the political field, because I believe that the politic is the best way to help people.

"We started with a new political group, supporting the actual President, in a non-Marxist position, so we had problems for this reason, too, because we were not Communist, but the candidate strongly support our organization, just because this—because being a democratic man, he wanted a well-balanced group of forces in his Government.

"We lost the first election in 1958. We lost again in 1966. All this time I had a strong position from the Government to deal my business, but we win, at last, in 1970. I supposed to be a very outstanding man in Allende's Government and all my people were very happy because our group will be the most important group of independent and nationalist force in Allende's Government. (Present regime.)

"And then happen this horrible thing. I was involved in the worst and ugliest crime that a man can be charged with. This was a tremendous impact in Chile because the election has not been made, and this affair was exploded largely by the opposition. My name was everywhere associated with drugs. So was the candidate's name. * * *

From the trial-court transcript, Page 194, Mr. Donald J. Bierman, appearing on behalf of the defendant, Squella-Avendano, declared, "* * * There is a matter of the pending motion for introduction of the testimony of Mr. Squella's availability and failure to flee while out on bond."

The Court. "Well, let's discuss that for a second and resolve it. We have taken a look at the cases that you have cited. They really don't stand strongly for the points that you are urging. * * * What is it you want?"

Mr. BIERMAN. "What I want is the ability to introduce the circumstances of his failure to flee. And the one case, the one recent case (citing a case) said a charge is not appropriate, but it is evidence in a circumstantial case which a jury may consider * * *"

(Continuing at Page 195)—"The question of knowledge, as the Court will charge the jury, is one that can only be found from circumstantial evidence, so we have a circumstantial evidence case.

"On this point, I would submit that the fact that Mr. Squella is out, and albeit a \$50,000 bond, we have had testimony that this cocaine is worth two million dollars, so fifty thousand, while it is a lot of money, and I would like to make it every year, it is not a lot of money contrasted to what has been called in opening argument the 'kingpin' in a large cocaine operation. * * *"

(Continuing at Page 197)—The Court. * * * "This is a case where the defendant came to court and was placed under a bond. It was perhaps not a surety bond but it was the cash equivalent, and the securities that were put up by his friends, who are people here. And in order to get into this sort of thing and sort of create a trial-within-a-trial, all of those salient facts would necessarily go to the jury if any of it went to the jury, and I (continuing at page 198) think it would obscure the real issue in the case and would tend to confuse the jury. I don't think it's proper.

* * * I don't, from the evidence that I have heard, view this as a circumstantial evidence case in the classical circumstantial evidence case concept. The testimony that I have heard is that the defendant was at the scene and it was he who was unloading, along with another fellow, some boxes, putting them in the back of a Ford automobile, and that this Ford automobile was later seen at this house, and that boxes were seen inside the house and all that sort of thing.

"So the classical circumstantial evidence case is not this case, as I view it. * * *"

(Continuing at Page 199)—The COURT. "And that is one element of the offense for sure. But notwithstanding all of this, I think it would be improper for me to permit counsel for the defense to go so far afield as to bring before the jury all of the salient facts attendant upon this defendant being placed on bond. * * *"

For the plaintiff, U.S.A., Mr. SONNETT (continuing at Page 199)—

"Well it puts the (page 200) Government in a prejudicial position, Your Honor. For example we cannot bring out the fact that our intelligence information in Santiago reveals that Mr. Squella had to stay here, because he was useless to the Allende Government.

"We would have to then ask to bring out the fact that we refused to let Mr. Squella go home until we had a letter from the Chilean Embassy guaranteeing his return if he failed to come back. It just—it gets into that trial-within-a-trial."

The court denied the motion (to introduce testimony to prove that Mr. Squella did not flee the jurisdiction).

At the hearing on motion for reduction of bond February 23d, 1972, the following cross-examination of Mr. Squella by the Government attorney (pages 20 to 23 of the transcript) is revelatory of the need of the defendant to clear himself if he were to be of further service to his President (Allende) and his Government (Chile)—

"Q. Were you to have a job with the government of Chile after this case was terminated?

"A. After this case?

"Q. Yes.

"A. No, I happen to have a job ever since I get out of the Chilean Air Force in 1966.

"Q. Didn't you testify at a bond reduction hearing or something that there was a possibility that you would work for President Allende?

"A. No, but I told I was working in the campaign for Allende, and if Allende will win, probably I will have some kind of job.

"Q. Like Minister of Transportation?

"A. No, I never say that.

"Q. Some government position?

"A. Yes, probably.

"Q. Now, would the fact that you are convicted of a crime make a difference as to whether or not you would get this job?

"A. Completely.

"Q. So, in other words, if you were acquitted of the charges here, then you could go back to Chile and you would have been in a good position at that time?

"A. Not any more since I was accused of that crime. This was a tremendous thing in Chile.

"Q. But if they had found you not guilty, then that would have—

"A. If I would be guilty, nothing to shame because the people are already involved; Chile is very dirty—and then you are already in the newspapers. You can never get it.

"Q. But the point is now that you have been found guilty—you don't have a possibility of getting a high, government position?

"A. No, I am not even working politically any more.

"Q. Did you say that you had a lease on the apartment until January of 1973?

"A. Until January, 1973.

"Q. Has that been paid for through January of 1973?

"A. No; I pay only twice a month—two months in advance and one month—

"Q. You have really only paid through February?

"A. Three months, yes."

Mr. KEEFE. "I have nothing further, your Honor."

The COURT. "Mr. Keefe and Mr. Squella, has the Chilean Government made some move in the direction of securing the release of Mr. Squella through our State Department? Do you know anything about that?"

Mr. KEEFE. "I don't know anything about that, sir."

The COURT. "Do you know anything about that?"

Mr. BERMAN. "I have some knowledge of certain negotiations that have gone on."

The COURT. "Did you reveal those negotiations to my law clerk at one time, or to somebody in my Chambers?"

Mr. BIERMAN. "I was inquired of as to whether I had heard a radio announcement. I said that I had not heard it, but that I had heard of it and I was very disturbed by it."

The COURT. "Are you familiar with the fact that the Chilean Government did, in fact, contact our State Department in an attempt to secure the release of this defendant?"

Mr. BIERMAN. "That is not so, your Honor."

HEARING ON MOTION FOR PERMISSION TO LEAVE JURISDICTION OF COURT, HELD
5/19/71, P. 10 COMMENTS OF DEFENSE COUNSEL

"If he desired to flee and go to Chile, the same country that we are talking about, the same country where—it has been admitted to everyone and it has been admitted to this Court *ab initio* that he is a person of influence in Chile, and he could have been on a Chilean Air Force plane because he was an instructor in the Chilean Air Force Academy, and he has been asked by Chilean pilots, 'Do you want to come with me right now? Get in this plane.' And he has refused, and just in view, the epitome of what has been viewed as a Spanish gentleman, a stereotype, perhaps, but characteristics which I believe the Court is aware of—he is a man of honor who would not go.

"He is a man who has had all of the opportunities which Mrs. Lyons describes for this, not the time that he was staying at Mr. Friedman's house, but since January 19th when this Court modified the Bond—he has had these opportunities to go and, admittedly, there is no reason to reward someone for following the orders of the Court. * * *"

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