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U.S. Bilateral and Multilateral Aid to Nations Which Do Not Cooperate With the United States to Combat International Drug Traffic

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U.S. BILATERAL AND MULTILATERAL AID TO NATIONS WHICH DO NOT COOPERATE WITH THE UNITED STATES TO COMBAT INTERNATIONAL DRUG TRAFFIC

By the early 1970s, the spread of heroin addiction in the United States had become an issue of national concern. Although narcotics had long played a destructive role in the inner city, the federal government's response to drug abuse did not become evident until larger numbers of servicemen began returning as addicts from the War in Southeast Asia.[1] Not only GIs stationed in Southeast Asia, but also those assigned to Europe, especially to West Germany, and stateside were becoming more involved with drugs.[2]

Within the United States, the number of suspected addicts had skyrocketed over a short span of time. One doctor estimated an addiction prevalence rate of approximately 150 per 100,000 popu-

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1. International Aspects of the Narcotics Problem, Hearings Before the Subcomm. on Europe of the House Comm. on Foreign Affairs, 92d Cong., 1st Sess. 32–48 (1971) (testimony of Rep. Rangel). President Nixon first declared that "America's public enemy number 1 in the United States is drug abuse" in June of 1971. 7 Weekly Compilation of Presidential Documents 930 (1971).

2. A report from Major Forest S. Tennant, Jr., a surgeon attached to the 3d Infantry Division headquarters at Wurzburg, West Germany, stated that 46% of all U.S. troops in Europe had used drugs at least once; 22% of those then using drugs had begun while stationed in Germany. Johnson and Wilson, "Our Strung-Out Troops and the Big O," Washington Post, Sept. 14, 1971; reprinted in 117 Cong. Rec. 32045–47 (1971) (remarks of Rep. Rangel).

Brigadier General George J. Hayes, Principal Deputy Assistant Secretary of Defense for Health and Environment, suggested to a House subcommittee that the major reasons for increased drug use in Vietnam were:

> 1. Emotional stress on the individual.
> 2. Availability of drugs.
> 3. Susceptible personality.
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> The stresses associated with duty in Vietnam include primarily physical danger, boredom, peer pressure from drug users and maladjustment related to a foreign environment. Further, it is clear that involvement in drug use by our servicemen has risen with the influx of readily available and cheap drugs.
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> Lastly, some individuals are more susceptible than others to drug use in Vietnam similar to that occurring here at home.

Special Action Office for Drug Abuse Prevention, Hearings on H.R. 9264 and H.R. 9059 Before the Subcomm. on Public Health and Environment of the House Comm. on Interstate and Foreign Commerce, 92d Cong., 1st Sess. pt. 1, at 358–359 (1971).

On the problem of drug addiction in the armed forces in the early 1970s, see generally Drug and Alcohol Abuse in the Military, Hearings Before the Special Subcomm. on Alcoholism and Narcotics of the Senate Comm. on Labor and Public Welfare, 91st Cong., 2d Sess. (1970); and Drug Addiction and Abuse among Military Veterans, 1971, Joint Hearings Before the Subcomm. on Health and Hospitals of the Senate Comm. on Veterans' Affairs and the Subcomm. on Alcoholism and Narcotics of the Senate Comm. on Labor and Public Welfare, 92d Cong., 1st Sess. (1971).

lation, and increasing.[3] In May 1972 Dr. Jerome Jaffe, then Director of the Special Action Office for Drug Abuse Prevention within the Executive Office of the President, put the American addict population at 250,000–500,000.[4] Coupled with this rapid growth of heroin addiction at home was the inability of law enforcement officials—federal, state, and local—to substantially prevent the smuggling of heroin into the United States.[5]

This Note will review the legislative mandate to terminate U.S. bilateral and multilateral aid to countries which condone drug production and trafficking. It will survey presidential non-enforcement of this statutory mandate during the Nixon Administration and explore the controversies over continuing aid to Thailand, a narcotics-producing nation. Finally, this Note will suggest the limitations of unilateral sanctions against countries which do not adequately cooperate with the U.S. to control drug traffic.

I. Foreign Aid and Drugs: Congress Acts

The opium poppy is not grown in the United States.[6] In the early 1970s the major areas of opium poppy cultivation were in India and the Golden Triangle region of Burma, Thailand and Laos. Other producers included Pakistan, Afghanistan,[7] Turkey,[8] Iran,

3. Pillard, Shall We Allow Heroin Maintenance? 288 New Eng. J. Med. 682 (1973).

4. Koran, Heroin Maintenance for Heroin Addicts: Issues and Evidence, 288 New Eng. J. Med. 654, 655 (1973).

A Senate committee pointed out that "[a] key deficiency in federal drug enforcement is that the data base for assessing the true dimensions of the heroin problem is, at best, woefully inadequate and, at worst, a horrendous scandal." Senate Comm. on Government Operations, Reorganization Plan No. 2 of 1973, Establishing a Drug Enforcement Administration in the Dep't of Justice, S. Rep. No. 93–469, 93d Cong., 1st Sess. 10 (1973).

5. See, e.g., Comptroller General of the United States, Efforts to Prevent Heroin from Illicitly Reaching the United States, B–164031 (2) (1972); Comptroller General of the United States, Heroin Being Smuggled into New York City Successfully, B–164031 (2) (1972).

6. International Aspects of the Narcotics Problem, supra note 1, at 1 (remarks of Rep. Rosenthal).

7. One U.S. agency has estimated 1972 Afghan production of illicit opium at 100–120 tons, and 1973 production from 100–150 tons. Letter from John E. Ingersoll (Director, Bureau of Narcotics and Dangerous Drugs) to Charles B. Rangel, June 1, 1973. At the same time, the Director indicated that "There [was] no evidence of Afghan opium destined for the United States." Id.

However, the Central Intelligence Agency (CIA) has expressed concern over the fact that opium from Afghanistan could be smuggled into the U.S. The CIA also noted that existing networks for smuggling drugs to Iran through Afghanistan from Pakistan "could be used for a redirected flow of illicit opium that the Central Asian republics of the Soviet Union, Eastern Europe, and scattered parts of Australia, Mexico, and South America.[9]

Because many of the countries involved in the production, processing or transportation of opium poppies, morphine base and heroin were nations receiving large amounts of foreign aid from the United States, pressure grew in Congress to cut off funds to such countries if they continued to condone or ignore drug-related activities within their borders. The withholding of economic or military

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might well reach the United States." Directorate of Intelligence, Central Intelligence Agency, Narcotics in Iran, International Narcotics Series No. 13, para. 35 (Intelligence Memorandum). See also, Directorate of Intelligence, Central Intelligence Agency, South Asia: A Potential Source of Illicit Opium for the U.S. Market, International Narcotics Series, June 26, 1972 (Intelligence Memorandum).

8. On June 30, 1971, a ban on growing opium poppies was ordered by then Turkish prime minister Nihat Erim to go into full effect by June 1972. In the first year, strict licensing and control was mandated. Total outlawing of opium poppy production was required in the second year. 65 Dep't of State Bull. 74–77 (1971).

On July 1, 1974, however, a new Turkish government issued a decree authorizing opium poppy production. Decision on the Issuance of Permission for the Cultivation of the Opium Poppy in Seven Provinces during the 1974–75 Season, Decree No. 7/8522, reprinted in 120 Cong. Rec. H6167–68 (daily ed. July 2, 1974) (remarks of Rep. Rodino). Germination of opium poppy seeds on government farms and agricultural stations had begun several months earlier.

In response to the Turkish announcement, the House of Representatives passed a concurrent resolution calling on the President to "immediately initiate negotiations at the highest level of the Turkish Government" to insure continuation of the ban and other controls on opium poppy production. The resolution also called on the President to use his statutory powers to "suspend all assistance" to Turkey if the negotiations failed. H. Con. Res. 507, 93d Cong., 2d Sess. (1974). House debate on the concurrent resolution appears at 120 Cong. Rec. H7656–66 (daily ed. Aug. 5, 1974). Later, the House passed H.R. 15977, 93d Cong., 2d Sess. (1974), the Export-Import Bank Act Amendments, which contained a provision prohibiting Eximbank from insuring, guaranteeing, or extending credit to Turkey without a presidential report to Congress that Turkey was cooperating with American anti-drug activities. Debate on the bill appears at 120 Cong. Rec. H8805–36 (daily ed. Aug. 21, 1974).

The Senate reacted to the lifting of the Turkish ban by passing an amendment to the Comprehensive Drug Abuse and Control Act of 1970. The amendment required the President to cut off all aid by January 1, 1975 to any government which allowed poppy production unless the President determined that a ban was in effect or certified that the safeguards adopted by the government concerned were adequate to prevent the diversion of opium into illicit markets. 120 Cong. Rec. S12300 (daily ed. July 11, 1974). Another major provision of the amendment authorized Congress to adopt a concurrent resolution finding that a country has not instituted such safeguards or "effectively banned the growing of opium poppies"; upon passage of a concurrent resolution, the President would be required to "immediately suspend" all assistance to that nation. Id. Debate on the amendment appears at 120 Cong. Rec. S12300–21 (daily ed. July 11, 1974).

9. Cabinet Committee on International Narcotics Control, World Opium Survey 1972, at 3–4, A1–A63 (1972).

assistance to coerce other governments into cracking down on narcotics trafficking was strongly opposed by the State Department, which favored continuing the traditional policy of negotiations and moral suasion to encourage cooperation. The State Department was also willing to earmark foreign aid funds for narcotics control projects.[10]

Harvey R. Wellman, then Special Assistant to the Secretary of State for Narcotics Matters, articulated the Foggy Bottom position in testimony before House and Senate committees considering legislation mandating the termination of foreign aid to non-cooperating countries. Wellman told the Senate Foreign Relations Committee that Congress and the President shared the policy goal of controlling drugs and that the State Department's responsibility was to effectuate that goal. In the State Department's view, a threatened cut-off of aid would not be consistent with that objective. The result, Wellman warned, might be internal political pressure within the affected nations which would hamper any cooperative efforts sought by the United States.[11]

Wellman gave similar testimony before the House Foreign Affairs Subcommittee on Europe, reiterating the Administration's stance that a cessation of aid would not be an effective tactic. He emphasized the State Department preference for cooperation rather than what he viewed as coercion.[12]

Other witnesses at the hearings attacked the State Department approach as too mild. Representative Charles B. Rangel (D-N.Y.), chairman of the Congressional Black Caucus' subcommittee on drug abuse, told the House subcommittee, ". . . I suppose we could have negotiated with Cuba when we suspected they had missiles over there but I did somehow believe this Nation felt it was a national threat."[13] Representative Robert H. Steele (R-Conn.)[14] differentiated between Turkey, "which essentially was a Western ally" where he felt that an aid cut-off would have backfired and

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10. See generally the testimony of State Department officials, International Traffic in Narcotics, Hearings Before the Senate Comm. on Foreign Relations, 92d Cong., 1st Sess. (1971); International Aspects of the Narcotics Problem, supra note 1.

11. International Traffic in Narcotics, supra note 10, at 102, 104.

12. International Aspects of the Narcotics Problem, supra note 1, at 75-76.

13. Id. at 41.

14. Rep. Steele, together with Rep. Morgan F. Murphy (D-Ill.) had conducted a special study tour to Europe and Asia on international drug trafficking for the House Foreign Affairs Committee in April 1971, three months prior to this testimony. See The World Heroin Problem, Report of Special Study Mission of the House Comm. on Foreign Affairs, 92d Cong., 1st Sess. (Comm. Print 1971).

"gotten their backs up," and Southeast Asia where such a tactic might be successful.[15]

The Nixon Administration proposed, as an alternative to the Congressional aid cut-off proposals, the earmarking of assistance to help recipient nations control narcotics trafficking. The Administration plan made no mention of sanctions, economic or otherwise. The proposal was in the form of an amendment to pending foreign aid legislation[16] and was not received as a radical innovation.

On July 26, 1971, the House Foreign Affairs Committee reported out the Foreign Assistance Act of 1971, H.R. 9910,[17] which contained a narcotics control provision. The Committee found that effective international cooperation was necessary to end international drug trafficking. The Committee's version authorized the President to enter into agreements with other governments to facilitate control over drug trafficking and to provide foreign aid to both countries and international organizations for narcotics control.[18] The report stated:

> The committee recognizes that some countries may not wish to cooperate in solving the narcotics problem. Such countries should not benefit from concessional assistance provided by the United States.[19]

The Committee's version of the amendment *required* the President to suspend military sales and aid, economic assistance and sales of agricultural commodities when he determined that the government involved had not taken adequate steps to stop the sale of narcotics produced or processed there from being either smuggled into the United States or sold to U.S. government personnel abroad.[20] On August 3, 1971, after amending the narcotics provision to include other controlled substances and to provide the same treatment for countries which accept the transportation of narcotics across their borders en route to the United States or to American servicemen

15. International Aspects of the Narcotics Problem, supra note 1, at 28.

16. The text of the proposed amendment was contained in a letter from David M. Abshire, Assistant Secretary of State for Congressional Relations, to Spiro T. Agnew, President of the Senate, June 21, 1971; reprinted in International Traffic in Narcotics, supra note 10, at 117-8.

17. 92d Cong., 1st Sess. (1971).

18. H.R. Rep. No. 92-380, 92d Cong., 1st Sess. 40 (1971).

19. Id. at 22.

20. Id.

abroad,[21] the House passed the bill by a vote of 220–192.[22] The House rejected an amendment offered by Representative Rangel which would have required the President to obtain a specific waiver of the cut-off mandate from Congress if he believed that the "overriding national interest" put continuation of aid ahead of the need for drug-related economic sanctions.[23]

When the legislation was referred to the Senate, the Foreign Relations Committee reported out a narcotics control provision[24] which included the following major departures from the House version: (1) specific authorization of a minimum of $25 million each fiscal year to carry out the provisions of the new international drug control assistance title; (2) the requirement of an annual determination by the President of whether a country has undertaken appropriate drug control measures prior to furnishing foreign aid to that country; (3) a requirement that the President ask the United Nations to impose international sanctions on those countries which, by his determination, were not cooperating with the United States in fighting international drug production, processing and smuggling; (4) a requirement that the President use United States government facilities and agencies to assist other nations in controlling narcotics traffic; and (5) a prohibition on waiver of the act's aid cut-off provisions by the President.[25] It was on the Senate floor, however, that the bill passed by the House encountered more serious opposition. After four days of debate and consideration (October 26–29, 1971), the Senate defeated the entire bill by a vote of 27–41.[26]

The Foreign Relations Committee analyzed the Senate rejection of the bill as being due in large part to the inclusion of humanitarian and economic development assistance, as well as military programs within the same authorization.[27] As a result, the Committee reported out two bills,[28] thereby allowing the Senators to vote on the individual programs.

21. These amendments were offered by Rep. John S. Monagan (D-Conn.), a member of the House Foreign Affairs Committee, and were accepted without objection as a "technical perfection of the language," in the words of the Committee's ranking minority member, Rep. William S. Maillard (R-Calif.). 117 Cong. Rec. 29103 (1971).

22. 117 Cong. Rec. 29137 (1971).

23. The text and debate on this amendment appear in 117 Cong. Rec. 29103–07 (1971).

24. S. Rep. No. 92–404, 92d Cong., 1st Sess. (1971).

25. 117 Cong. Rec. 37523–24 (1971).

26. 117 Cong. Rec. 38283 (1971). For debate on the bill in the Senate, see 117 Cong. Rec. at 37523–42, 37726–51, 37981–38031, 38228–86 (1971).

27. For the Committee's discussion of the bill's defeat on the Senate floor, see S. Rep. No. 92–432, 92d Cong., 1st Sess. 5 (1971).

28. S. 2820, 92d Cong., 1st Sess. (1971) was the new bill authorizing economic and humanitarian aid.

The revised version expanded congressional supervision over enforcement of the narcotics control provision by requiring that a report be submitted to Congress within 90 days after the President's annual determination as to whether each nation receiving foreign aid had been adequately cooperating. In addition, with respect to any action taken under the aid cessation requirement, a presidential report to Congress would be mandated. In the report, the President would provide Congress with a detailed assessment of each aid recipient's efforts in the area so that, according to the Foreign Relations Committee, "Congress and the American people might have some way of judging the President's actions on continuing or cutting off aid to a particular aid recipient."[29]

On November 11, 1971, the Senate passed the Special Foreign Economic and Humanitarian Assistance Act of 1971 by a vote of 61–23.[30] The bill returned to the House of Representatives where, after amendment, it was passed on November 18, and then went to a House-Senate conference. The conferees adopted the House language on international narcotics control.[31] The Senate agreed to the conference report on December 17; the House followed suit on January 25, 1972.

On February 7, 1972, President Nixon signed the Foreign Assistance Act of 1971 into law. The statute now contains the following provisions:

> It is the sense of Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcoic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the con-

29. S. Rep. No. 92–432, 92d Cong., 1st Sess. 32–33 (1971). This revision reflected a floor amendment offered by Sen. Jennings Randolph (D-W. Va.) and adopted by the Senate during the earlier consideration of the bill. 117 Cong. Rec. 38242 (1971). The new language, as reported out of committee and passed by the Senate, appears in 117 Cong. Rec. 40417–18 (1971).

30. 117 Cong. Rec. 40415 (1971). Senate debate on the bill appears in 117 Cong. Rec. 40157–74, 40379–40418 (1971).

31. H.R. Rep. No. 92–761, 92d Cong., 1st Sess. 23 (1971); S. Rep. No. 92–590, 92d Cong., 1st Sess. 23 (1971).

> trol of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the Government of such country has taken adequate steps to carry out the provisions of this chapter.[32]

The statute thus eliminated the reporting provisions, the requirement of an annual presidential determination of the cooperation of each aid recipient, and an explicit congressional watchdog role—all of which had appeared in the Senate bill. The compromise later led to a sharp reduction in the willingness and ability of Congress to review Executive implementation of the statute. In addition, when the President signed the Foreign Assistance Act, he made no mention of his new aid cut-off powers[33]—perhaps an omen of the President's own lack of interest in using those powers which he and the State Department had opposed.

II. Drugs and the International Financial Institutions: Congress Speaks

Congress had forged a weapon by which aid could be terminated by unilateral American action for reasons unrelated to the economic needs of recipient nations: the Foreign Assistance Act of 1971's drug control provision. The next move was to use multilateral economic aid as another means of putting financial pressure on

32. 22 U.S.C.A. § 2291; 86 Stat. 496; Pub. L. 92-226 (1972).
33. 8 Weekly Compilation of Presidential Documents 214 (1972).

nations to cooperate with the United States in suppressing drug traffic.

In October of 1971, before debating the foreign assistance legislation, the Senate had passed legislation (1) authorizing the payment and appropriation of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank (IDB),[34] (2) authorizing United States contributions to the Special Funds of the Asian Development Bank (ADB),[35] and (3) providing for increased participation by the United States in the International Development Association (IDA).[36] These three bills emerged from the Senate without any provision relating to international drug control.

On February 1, 1972, the House of Representatives considered the legislation and added two significant amendments. The first was sponsored by Representative Henry B. Gonzalez (D-Texas), chairman of the Subcommittee on International Finance of the House Banking and Currency Committee. The Gonzalez amendments required the United States to oppose "any loan or other utilization of the funds" of ADB, IDB and IDA for the benefit of a country which: (1) nationalized, expropriated or seized ownership or control of American-owned property without adequate compensation; (2) repudiated or nullified contracts with United States citizens or corporations; or (3) discriminated in taxes or enforced restrictive maintenance or operational conditions against United States-owned property within its borders such as to constitute *de facto* nationalization or expropriation without full compensation. This provision was to apply unless arrangements for "prompt, adequate, and effective compensation" had been made, the parties were arbitrating the dispute under the rules of the Convention for the Settlement of Investment Disputes, or "good faith negotiations" over compensation were taking place.[37]

The second amendment adopted by the House to each of the three bills was offered by Representative Rangel. The Rangel amendments required that the United States oppose any loans or other utilization of funds from the international development institutions to countries which the President determined to be doing less than an adequate job in combating international drug trafficking. Rangel argued that the problem of heroin addiction within the

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34. S. 748, 92d Cong., 1st Sess. (1971).

35. S. 749, 92d Cong., 1st Sess. (1971).

36. S. 2010, 92d Cong., 1st Sess. (1971).

37. ADB legislation, 22 U.S.C.A. § 285o, 86 Stat. 58; IDB legislation, 22 U.S.C.A. § 283r, 86 Stat. 59; IDA legislation, 22 U.S.C.A. § 284j, 86 Stat. 60.

United States and among GIs overseas was an even more critical issue than that of uncompensated expropriation of American business and investment interests abroad. During debate, Rangel stated that the President should order the Secretary of the Treasury to vote against any loan or credit to a country which condoned the growing of opium poppies, the processing of morphine and the trafficking of heroin with knowledge that the drugs were targeted for shipment to the United States.[38]

The House-Senate conference committee[39] adopted the Gonzalez and Rangel amendments passed by the House.[40] The House agreed to the conference report on February 22, 1972; the Senate did the same on March 1. And on March 10, the President signed the bills, all of which contained statutory language nearly identical to this provision in the ADB bill:

> The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken

38. 118 Cong. Rec. 2031 (1972) (remarks of Rep. Rangel).

39. H.R. Rep. No. 92-830, 92d Cong., 2d Sess. (1972); S. Rep. No. 92-607, 92d Cong., 2d Sess. (1972).

40. The conference committee deleted a House-passed amendment to the IDB bill offered by Rep. Glenn M. Anderson (D-Calif.) which would have required the United States to oppose any loan or utilization of funds to a nation which had seized a U.S. vessel in territorial waters or the high seas on the basis of rights not recognized by the United States and where a fine or other direct charge had been paid to secure release of the vessel and crew. 118 Cong. Rec. 2027 (1972). The Anderson amendment resulted from the seizure by Ecuador of approximately 50 American tuna ships in 1971 and six more in the first month of 1972. There was also a fear that Costa Rica would follow Ecuador's lead and claim an extension of territorial waters in order to seize United States fishing ships off its coast.

adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.[41]

As he had done when signing the foreign assistance legislation, the President did not mention the drug provisions when he signed these bills.[42]

III. THAILAND, DRUGS AND U.S. FOREIGN AID

Thailand, then a partner in the military endeavors of the United States in Southeast Asia, has had a history of producing opium poppies. Thailand, together with neighboring Burma and Laos, comprises the Golden Triangle which has produced an estimated 750 tons of illicit opium annually.[43] The Thai share of this crop has been put at 130–200 tons.[44] Of the total production, 450 tons are believed to be consumed locally in rural sections of the region. The remainder is distributed to wholesalers in Bangkok, Hong Kong and Vientiane. As of 1972, the wholesalers used approximately 100 tons to supply local urban demand and processed the balance into heroin for American servicemen in Southeast Asia, the Philippines, and Okinawa, and for shipment to the United States.[45]

The question of Thai cooperation or lack of cooperation with the United States in fighting this drug traffic has been complicated by several critical factors. Among them are the failure of the central government of Thailand to exercise control over parts of its own territory, corruption among government officials at high and low levels, and the lack of Thai personnel trained in narcotics control and properly equipped. A major problem leading the Thai government to put opium poppy eradication at a low priority is the government's overriding concern with its own survival in the face of Communist insurgents. In addition, the Thai government has felt that it has leverage against the United States due to the American

41. 22 U.S.C.A. § 285p, 86 Stat. 58. The parallel provisions appear in the IDB legislation, 22 U.S.C.A. § 283s, 86 Stat. 60; and in the IDA legislation, 22 U.S.C.A. § 284k, 86 Stat. 61.

42. 8 Weekly Compilation of Presidential Documents 554–55 (1972).

43. Strategic Intelligence Office, Bureau of Narcotics and Dangerous Drugs, Estimates of Illicit Opium Production Worldwide, 1 (1972).

44. World Drug Traffic and Its Impact on U.S. Security, Hearings Before the Subcomm. to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Senate Comm. on the Judiciary, 92d Cong., 2d Sess., pt. 1, at 25 (1972) (testimony of General Walt).

45. Estimates of Illicit Opium Production Worldwide, supra note 43, at 1.

desire to maintain strategically located air bases in Thailand. Finally, crop substitution programs have been inadequate, for economic and cultural reasons, including the fear of an effective Communist propaganda tool if economic hardships should arise from crop substitution.

Still another factor is the presence of Chinese Irregular Forces, remnants of the Kuomintang army driven from China in 1949. Roaming with virtually no restrictions through the Golden Triangle, these military forces have become veritable armed merchant princes who have acquired both wealth and power by purchasing the raw opium from the hill tribesmen and transporting it to urban dealers. Although the forces profess their willingness to retire from the opium trade in exchange for resettlment and Thai citizenship, their avowed good intentions have been doubted.[46]

The apparent indifference and lack of action by the Thai government in cracking down on its opium producers and traders led to complaints in Congress. More acute criticism was levelled against the Thais with the charge that some 26 tons of opium—purchased by the government with American funds from the Chinese Irregular Forces and subsequently burned with great press fanfare—had been primarily fodder and chemicals, only 20% raw opium.[47] The Bureau of Narcotics and Dangerous Drugs (BNDD)[48] vigorously denied the charges and BNDD chemists and officials testified that the packages had been tested prior to immolation and that they were, in fact, pure raw opium. The agency did admit, however, that the purchase had been made with $1 million provided by the United States.[49] Jack Anderson, the columnist who first made the allegations, cited C.I.A. intelligence reports as the source of his

46. On problems of Thai suppression of drug trafficking, and on the role of the Chinese Irregular Forces, see generally World Drug Traffic and Its Impact on U.S. Security, pt. 1, supra note 44; Cabinet Comm. on Int'l Narcotics Control, World Opium Survey 1972, supra note 9; The World Heroin Problem, supra note 14; The U.S. Heroin Problem and Southeast Asia, Staff of House Comm. on Foreign Affairs, 93d Cong., 1st Sess. (Comm. Print 1973); The Narcotics Situation in Southeast Asia, Special Study Mission of the House Comm. on Foreign Affairs, 93d Cong., 1st Sess. (report by Rep. Wolff) (Comm. Print 1973); The Narcotics Situation in Southeast Asia, 1973, Special Study Mission of the House Comm. on Foreign Affairs, 93d Cong., 2d Sess. (Comm. Print 1974).

47. Anderson, Thai Opium Bonfire Mostly Fodder, Washington Post, July 31, 1972; reprinted in World Drug Traffic and Its Impact on U.S. Security, pt. 1, supra note 44, at 45-46.

48. On July 1, 1973, federal narcotics law enforcement agencies were reorganized. Reorganization Plan No. 2 of 1973, Establishing a Drug Enforcement Administration in the Dep't of Justice, H.R. Doc. No. 93-69, 93d Cong., 1st Sess. (1973). The reorganization, *inter alia,* abolished BNDD and transferred its functions to a new Drug Enfoicement Administartion.

49. For Congressional debate and hearings on the issue, see World Drug

information.[50] Did the United States get 'taken' in the Thai opium deal? There is still no certain answer.

The House Committee on Foreign Affairs, prodded by Representative Lester Wolff (D-N.Y.), reported out a provision in the Foreign Assistance Act of 1972 which would have cut all foreign aid to Thailand except that relating to narcotics control.[51] The bill, H.R. 16029,[52] contained the foreign assistance authorization for fiscal 1973. The Committee's report charged that Thailand had served as both a source and a pipeline for opium, morphine and heroin reaching U.S. troops in South Vietnam and being smuggled into the United States. The Committee voiced its fears that Southeast Asia would replace Turkey as the major source of illicit heroin for the United States. Finally, the Committee expressed its hope that Thailand would cooperate in suppressing drug traffic so that the President could resume aid under the waiver authority of the proposed amendment.[53]

The House, faced with the lack of presidential implementation of the aid cut-off provision passed earlier in the year, decided to force the President's hand with the Thai aid cut-off provision in the Foreign Assistance Act of 1972. The House passed the bill on August 10, 1972. However, the Senate Foreign Relations Committee deleted the Thailand provision and instead included a provision for the study of international narcotics traffic.[54] Although the Senate version of H.R. 16029 was passed on September 26, 1972, the bill died in conference, ending legislative consideration of the issue for the 92nd Congress.

IV. Presidential Non-Implementation of the Aid Cut-Off Provision

Congress had twice acted to express its view that American foreign aid should be withheld from nations which did not cooper-

Traffic and Its Impact on U.S. Security, supra note 44, at 36–52; The U.S. Heroin Problem and Southeast Asia, supra note 46, at 32–33; The Narcotics Situation in Southeast Asia, supra note 45, at 4–5, 18–19; 118 Cong. Rec. 26003–04 (1972) (remarks of Rep. Wolff); 118 Cong. Rec. 26184 (1972) (remarks of Rep. Wolff); 118 Cong. Rec. 26318 (1972) (remarks of Rep. Rangel).

50. Anderson, Nixon's Forces Accused of Dirty Tricks, Washington Post, Oct. 17, 1972, at 15, Col. 5.

51. H.R. 16029, 92d Cong., 2d Sess. (1972).

52. 92d Cong., 2d Sess. (1972).

53. H.R. Rep. No. 92–1273, 92d Cong., 2d Sess. 8 (1972).

54. The report, S. Rep. No. 92–1182, 92d Cong., 2d Sess. (1972), did not explain why the House-approved provision on aid to Thailand was not included.

ate in international narcotics control and that United States support should not be granted to such countries for loans from international financial institutions.[55] On May 17, 1972, Representative Rangel asked the General Accounting Office (GAO) to determine what steps had been taken by the Nixon Administration to implement these statutory provisions.[56]

Several weeks later—approximately four months after the narcotics control provision of the Foreign Assistance Act of 1971 and some three months after the parallel provision in the international financial institutions legislation had become law—the GAO sent a preliminary reply, indicating that it had contacted State and Treasury Department officials and that its

> . . . conversations with these officials, as well as the available correspondence addressing itself to the question disclose[d] that no negative determinations ha[d] been made with respect to any country not cooperating in efforts to control illicit production, processing and trafficking of narcotics and other dangerous drugs.
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> . . . .
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> . . . The Agency for International Development plan[ned] to formulate a set of negative criteria, in consultation with other agencies, . . . which would be applied in reaching a conclusion that a determination should be made by the President. . . .
> . . . At the time of [its] discussion with Treasury and State Department officials, . . . no written or formal procedures had been prepared specifically to implement the assistance cut-off provisions.[57]

In a follow-up report to Representative Rangel in July 1972, the Comptroller General stated that

> . . . officials of the Departments of State and Treasury, [AID, BNDD], and the Bureau of Customs [had] met to jointly develop a set of criteria and accompanying instructions to be used in determining the extent to which countries [had been]

55. The Foreign Assistance Act of 1971, supra note 32; and the international financial institutions legislation, supra note 41.

56. Letter from Charles B. Rangel to Elmer B. Staats, Comptroller General of the United States, May 17, 1972.

57. Letter from E.H. Morse, Jr., for the Comptroller General, to Charles B. Rangel, June 5, 1972.

cooperating with the United States in preventing the illegal production, processing and trafficking of narcotics.[58]

The GAO reported that the draft criteria were to be approved first by the Coordinating Subcommittee of the President's Cabinet Committee on International Narcotics Control (CCINC), then by CCINC itself. The criteria were to be applied at the Regional Interagency Narcotics Coordinating Group Level.[59]

On August 16, 1972, CCINC approved procedures for determining whether foreign assistance should be suspended for noncooperation in the control of drug trafficking.[60] When the Coordinating Subcommittee identified a suspected noncooperating country, an in-depth review of the country's anti-drug activities was to be conducted by the appropriate Regional Interagency Narcotics Control Committee. That committee was then to prepare a detailed report for CCINC action. If CCINC concluded that there had not been adequate cooperation, the Secretary of State in his capacity as CCINC chairman was to recommend that the President make a formal determination. Following such an affirmative determination, CCINC was to supervise the implementation of the statutory termination of foreign aid and related support.[61]

Notwithstanding the statutory provisions and the elaborate administrative procedures, President Nixon never made a negative determination on drug control activities in regard to any country receiving foreign assistance from the United States or a loan from

58. Letter from Elmer B. Staats to Charles B. Rangel, Letter Report B-176095, July 14, 1972, at 1.

59. Id. These Groups, chaired by State Department personnel, meet regularly to discuss drug problems in their respective geographic areas.

60. Cabinet Comm. on Int'l Narcotics Control, Proposed Procedures for Determining Whether Foreign Assistance Should be Suspended for Failure to Take Adequate Steps Against Narcotics Production, Processing or Trafficking, at 2-3 (August 1972).

61. Id. at 3.

In contrast to CCINC's punitive obligations, one federal bureau did take affirmative steps to encourage international drug control cooperation. In late 1972, the National Advisory Council on International Monetary and Financial Policies (NAC), chaired by then Secretary of the Treasury George P. Schultz, recommended that the U.S. give special attention and support to country or regional projects which might help curb illicit drug trafficking so long as the proposals for economic or technical assistance met the international financial institution's economic requirements. NAC suggested that the United States also help with feasibility studies and necessary documentation for loan applications for these banks for narcotics control-related projects. National Advisory Council on International Monetary and Financial Policies, Annual Report July 1, 1971-June 30, 1972 (1972), at 47.

the Inter-American Development Bank, the Asian Development Bank, the World Bank or the International Development Association.

V. Implications of the Threat of Economic Sanctions

United States foreign assistance has played a significant role in international economics and politics. Between fiscal years 1968 and 1972, the United States distributed approximately $7.51 billion in bilateral economic aid, $594 million in contributions to international organizations, and $1.71 billion in contributions to international financial institutions.[62]

A. *U.S. Bilateral Aid*

In the realm of bilateral as distinct from multilateral aid, the United States is in a somewhat better position to impose its policy wishes on recipient nations. However, even in the area of narcotics control where there is substantial international agreement on general aims,[63] political, economic and diplomatic reverberations might flow from a U.S. attempt to dictate what a recipient government regards as internal policy. But if, for example, crop substitution programs prove to be economically feasible replacements for opium poppy cultivation, the statutory leverage of the aid cut-off provision of the Foreign Assistance Act of 1971 may be more palatable—whether that leverage is implicit or explicit. Nevertheless, before the United States seeks to enforce the cut-off provision against a non-cooperating nation, such factors as that country's national pride, its reaction to American "meddling" in its internal affairs,[64] and its possible resentment of economic coercion[65] should be considered.

62. U.S. Dep't of State, United States Foreign Policy 1972: A Report of the Secretary of State, at 46. (Pub. 8699, General Foreign Policy Series 274) (1973).

63. The majority of sovereign nations are signatories to one or more international narcotics control treaties, contributors to the United Nations Fund for Drug Abuse Control, or members of the United Nations Commission on Narcotic Drugs. That does not mean, however, that treaty obligations or financial contributions are necessarily accurate indicators of the degree of a government's drug control activities.

64. This is a major reason for Congressman Robert H. Steele's belief that cutting off aid to Turkey to coerce cooperation in drug control would have been unsuccessful. See note 15, supra, and accompanying text.

65. Secretary of State Henry Kissinger's attempts to improve U.S.-Latin American relations, for example, brought closer to the surface Latin America's unhappiness with the link between foreign aid and compensation for nationalized or expropriated American-owned property. Howe, A Sense of New Worth in

Some countries fear either that cooperation with the United States under threat of aid suspension or economic dislocation following suppression of opium poppy cultivation would encourage Communist or other insurgent forces seeking to overthrow the government.[66] Would implementation of the aid cut-off provision constitute coercion or the type of economic arm-twisting which developing countries cannot long withstand? Would it be regarded as a first cousin to the kind of pressure which the United States condemned during the recent Arab oil boycott of pro-Israeli nations? Like the oil boycott, there would be a specific policy goal behind the action. The United States has put itself on record as willing, at least verbally, to place economic punishment of drug-producing or drug-trafficking nations ahead of the potential diplomatic repercussions of aid suspension. Of course, since the statutory mandate has not been used to date, it is impossible to predict precisely what those repercussions might, in fact, be.

In view of growing congressional discontent over foreign aid,[67] as shown by the House's initial refusal in early 1974 to increase the American contribution to the International Development Association,[68] a safe prediction might be that American "largesse"[69] will be tied with tighter strings in the future. Multilateral and bilateral assistance authorizations have already been used to restrict

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Latin America, New York Times, Feb. 24, 1974 (Week in Review), at 3, cols. 3-5; Lowenthal, Improving Inter-American Ties, New York Times, Feb. 20, 1974, at 35, cols. 2-4.

66. A statement issued by an International Narcotics Control Study Mission to Southeast Asia, composed of 5 members of the House of Representatives, asserted that the U.S. considered "insurgencies more serious than opium production . . ." International Narcotics Control Study Mission to Southeast Asia, Statement, Sept. 7, 1973, at 2. See also World Drug Traffic and Its Impact on U.S. Security, pt. 1, supra note 44, at 27, relating to Thailand (testimony of General Walt); The U.S. Heroin Problem and Southeast Asia, supra note 46, at 34, relating to the Thai situation.

67. In the House Foreign Affairs Committee report on the Foreign Assistance Act of 1971, for example, three conservative Republicans on the Committee—H. R. Gross (Iowa), Edward J. Derwinski (Ill.), and Vernon W. Thomson (Wis.) —called for a "farewell to alms." H.R. Rep. No. 92-380, supra note 18, at 54. They charged that foreign aid was inflationary and contributed to unfavorable balances of payments. Id. On the other hand, liberal Committee member Ron Dellums (D-Calif.) opposed the legislation because it terminated aid to neither Portugal, based on its African colonial policies, nor Brazil, for its treatment of the Indian minority there and its holding of political prisoners. Id. at 53.

68. The bill, H.R. 11354, was defeated by a vote of 298-155, 120 Cong. Rec. H151 (daily ed. Jan. 23, 1974). The House later reversed itself and passed the bill by a vote of 225-140. 120 Cong. Rec. H6111-50 (daily ed. July 2, 1974).

69. H.R. Rep. No. 92-380, supra note 18, at 54 (minority views of Gross, Derwinski and Thomson).

aid on narcotics and expropriation policy grounds.[70] The Mansfield Amendment[71] was the tool Congress chose to cut off funds for American fighting in South Vietnam. Congress mandated the cessation of aid to Greece in protest of the military dictatorship's refusal to restore constitutional government, subject to presidential waiver in the case of "overriding requirements of the national security of the United States."[72] The Foreign Assistance Act of 1971 also contained a requirement that aid to Pakistan be ended, subject to a presidential determination that the government there was "cooperating fully in allowing the situation in East Pakistan to return to reasonable stability. . . ."[73]

B. *Multilateral Aid Through International Financial Institutions*

But perhaps the potentially more explosive situations involve those in which multilateral assistance—channeled through international development institutions—is tied to United States-mandated conditions. Among the reasons for which such institutions were established and are operated was the hope that the responsibility of supporting development would be shared by the industrialized nations.[74] At the same time, it was felt that these institutions would promote foreign investment and a long-range balanced growth of international trade.[75] However, many of the less developed coun-

70. In addition to the previous discussion of the Gonzalez amendments (text accompanying note 37 supra), see also 22 U.S.C.A. § 2370 (c) as to bilateral foreign assistance restrictions in cases of uncompensated expropriation or nationalization. This statute includes the Hickenlooper Amendment, 22 U.S.C.A. § 2370 (e) (2).

71. 85 Stat. 423; 86 Stat. 734; 86 Stat. 1184.

72. 22 U.S.C.A. § 2370 (v) (Supp. 1974) 86 Stat. 27. See H.R. Rep. No. 92–761, supra note 31, at 27, and S. Rep. No. 92–590, supra note 31, at 27.

73. 22 U.S.C.A. § 2370 (w) (Supp. 1974, 86 Stat. 27–28. See H.R. Rep. No. 92–761, supra note 31, at 27, and S. Rep. No. 92–590, supra note 31, at 27.

Other examples of statutory aid restrictions include limitations on assistance to: communist countries, 22 U.S.C.A. § 2370 (f); countries preparing for aggressive military activities against the U.S. or nations receiving American foreign aid, 22 U.S.C.A. § 2370 (i); countries permitting or failing to prevent mob destruction of U.S. property without adequate compensation, 22 U.S.C.A. § 2370 (j); countries trading with North Vietnam ". . . so long as the regime in North Vietnam gives support to hostilities in South Vietnam," 22 U.S.C.A. § 2370 (n); and countries seizing U.S. fishing vessels, 22 U.S.C.A. § 2370 (o), but see note 40 supra.

74. United States Foreign Policy 1972, supra note 62, at 47.

75. Articles of Agreement of the International Bank for Reconstruction and Development, T.I.A.S. 1502, 2 U.N.T.S. 134, art. 1, §§ (ii) (iii) (1947). For other statements of the general goals and purposes of these institutions, see Agreement Establishing the Asian Development Bank, 17 U.S.T. 1420, T.I.A.S. 6103, ch. 1. art. 1 (1965); Agreement Establishing the Inter-American Develop-

tries still believe that World Bank investments and policies are determined by the financially powerful nations.[76]

The United States does exert great control over these institutions. During fiscal years 1968–1973, total U.S. contributions ranged from some $120.6 million in 1969 to approximately $323.5 million in 1973.[77] Under the weighted system of proportionate voting used by these institutions, the voice of the United States can be powerful,[78] even decisive,[79] when it seeks to direct decisions on policy or on individual loans and credits.

The National Advisory Council on International Monetary and Financial Policies has expressed the view that the international development lending institutions cannot continue to operate without American participation.[80] The Council emphasized that the lending pattern of these institutions "has generally coincided with U.S. interests."[81] Left unspoken were the Council's predictions of what would happen if those lending patterns conflicted, rather than coincided, with American interests as determined by the President.

The undesirability of U.S. imposition of policies on the multilateral institutions has been expressed both by the Administration and on Capitol Hill. In testimony before a House Appropriations

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ment Bank, 10 U.S.T. 3029, T.I.A.S. 4397, art. I (1959); Articles of Agreement of the International Development Association, 11 U.S.T. 2284, T.I.A.S. 4607, art. I (1960); Foreign Assistance and Related Agencies Appropriations 1973, Hearings Before the Subcomm, on Foreign Operations and Related Agencies of the House Comm. on Appropriations, 92d Cong., 2d Sess., pt. I, at 107, 149 (1972) (testimony of John M. Hennessy, Acting Assistant Secretary of the Treasury for International Affairs).

76. Comment, Regional Development Banks, 4 J.L. & Econ. Development 93 (1969).

77. Dep't of the Treasury, Combined Statement of Receipts, Expenditures and Balances of the United States Government, (fiscal years 1968–1973).

78. As of 1972, U.S. voting power in the international financial institutions was as follows: World Bank—23.01%; International Development Association—25.65%; Inter-American Development Bank—39.69%; Asian Development Bank—8.422%. Foreign Affairs Division, Congressional Research Service, Library of Congress, prepared for the House Comm. on Foreign Affairs, The United States and the Multilateral Development Banks, 93d Cong., 2d Sess. 202, 204, 208, 212 (Comm. Print 1974).

79. As of fiscal year 1973, the U.S. on seven occasions had either voted against World Bank, IDA, or IDB loans to nations with which the U.S. had an expropriation/nationalization dispute, or it had abstained on those votes; but the loans were nevertheless approved. With respect to the Fund for Special Operations of IDB, the U.S. has enough voting power by itself to defeat a loan application. National Advisory Council on International Monetary and Financial Policies, Annual Report, July 1, 1972-June 30, 1973, at 23.

80. National Advisory Council on International Monetary and Financial Policies, Annual Report July 1, 1972-June 30, 1973, supra note 79, at 17.

81. Id. at 23.

subcommittee, John R. Petty, at the time Assistant Secretary of the Treasury for International Affairs, stressed this point:

> The United States does not and should not seek to dominate policy making in a multilateral institution in which it is only one of many members and to which it provides only a portion of the capital. It is legitimate, nevertheless, for the United States to be concerned that its important policy interests and policy initiatives be reasonabl[y] taken into account in the institution's policy formulation.[82]

Following House approval of the Rangel amendments, the sponsor pointed out that the amendments would not enable the United States to dictate policy to the international financial institutions.[83] In Representative Rangel's view, while the United States should not "arrogantly impose [its] mandate" on the multilateral institutions, American policy objectives, such as international drug control, should nevertheless be borne in mind.[84]

Would the casting of a negative U.S. vote during consideration of a loan application submitted by a noncooperating nation in the fight against drug trafficking violate U.S. treaty obligations? Have earlier negative votes on loan applications by expropriating nations violated U.S. treaty obligations?

Article 36 of the Asian Development Bank Agreement prohibits the Bank and its officers from interfering in or being influenced by the political affairs or political character of a member country.[85] The World Bank's Articles of Agreement contain a similar provision.[86]

It might be persuasively argued that a government which expropriates or nationalizes foreign holdings without adequate compensation throws a shadow of doubt on its fiscal ability to repay an institutional loan. The prospects of repayment are among the criteria which each bank must consider in its evaluation of a loan application.[87] Acts such as uncompensated expropriation, general-

82. Foreign Assistance and Related Agencies Appropriations for 1972, Hearings Before the Subcomm. on Foreign Operations and Related Agencies of the House Comm. on Appropriations, 92d Cong., 1st Sess., pt. 1, at 252 (1971).

83. 118 Cong. Rec. 2438 (1972).

84. Id.

85. Agreement Establishing the Asian Development Bank, supra note 75, art. 36, § 2.

86. Articles of Agreement of the International Bank for Reconstruction and Development, supra note 75, art. IV, § 10. See also the Agreement Establishing the International Development Association, supra note 75, art. V, §§ 1 (g), 6.

87. Agreement Establishing the Inter-American Development Bank, supra

ly viewed with disfavor in the international financial community, could be interpreted as evidence of internal economic instability or reluctance to meet financial obligations. If an international financial institution follows the American lead and rejects a loan application on such grounds, it might, after all, defend its actions by labeling them economic, as opposed to political.

However, when questions of internal national policy are involved, such as a government's policy on drug production or processing within its own borders, the issue of political considerations becomes more complex. Since the agreements establishing each of these institutions require that only economic considerations affect decision-making,[88] the United States' injection of the narcotics issue into the deliberations raises serious problems. Although the suppression of drug trafficking is a widely accepted goal within the community of nations,[89] the danger arises that other influential members might attempt to introduce their own domestic policy priorities into the decision-making processes of these institutions.

At the same time, a trend toward inclusion of noneconomic criteria in the loan approval mechanism is likely to mean that the policy priorities of the underdeveloped members, unless shared by their financial big brothers, will have little effect on loan decisions. Under these circumstances, the fear of big power domination of the international financial institutions could become a reality.

On the other hand, should such a trend develop, it would be limited, in almost all cases, to policy concerns shared by the majority of member nations. But this is not to say that the United States would always be among that majority. If members of the IDB decided not to grant loans to nations which sheltered plane hijackers, the United States would probably voice praise. But what would the American reaction be if the World Bank voted to deny a loan to Israel—a member—under political pressure from the Arab states, joined by Western governments dependent on Middle East oil?

VI. Conclusion

The United States has the right, as a sovereign nation, to determine that its direct or indirect contributions to other countries be

note 75, art. III, § 7; Articles of Agreement of the International Bank for Reconstruction and Development, supra note 75, art. III, § 4; Articles of Agreement of the International Development Association, supra note 75, art. V, § 1; Agreement Establishing the Asian Development Bank, supra note 75, art. 14.

88. Id.

89. See note 63 supra and accompanying text.

withheld from recipients which do not act to control drug traffic. The legitimate American concern for the effects of international narcotics traffic on its own citizens should certainly be a high-priority foreign policy item.

But the abuse of dangerous drugs is not limited to the United States. It is a growing problem around the world. As such, it is a credible topic for United Nations action. The U.N. already has a Commission on Narcotics Abuse, an International Narcotics Control Board and a Fund for Drug Abuse Control. Drug abuse—like environmental destruction, ocean resources and economic development—is a global concern with little regard for national borders. U.N. sanctions, like the economic boycott of Rhodesia, have the advantage of unifying significant, though not necessarily unanimous, world support. U.N. action may also more effectively reach those drug-producing nations with which the United States has little contact and to which the U.S. gives no aid. If a determination of noncooperation in the suppression of narcotics traffic were made by a U.N. agency, the stigma of American dictation of the terms under which multilateral aid is granted would be removed. Domestic feathers would still be ruffled, but the United Nations, not the United States, would do the ruffling.

Until such time as the United Nations agrees to determine sanctions against drug-producing and drug-trafficking countries on a systematic basis, it is not unreasonable to expect the United States to wield its own economic big stick. In executing the statutory provisions, however, the United States must keep firmly in mind the purposes of bilateral and multilateral aid and the possible effects on the behavior of other donor nations. Dollars, what one Congressman described as "Uncle Sam's calling cards,"[90] make a powerful weapon.

ERIC FREEDMAN

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90. International Aspects of the Narcotics Problem, supra note 1, at 58 (testimony of Rep. Scheuer).