

## **TRANSCRIPT OF JUDGE BONNER'S KEYNOTE REMARKS**

**Delivered on August 22, 2023 at the Richard Nixon Presidential Library at Museum**

Jim Byron: Ladies and gentlemen, I'd like to thank Maureen Nunn and her family for sponsoring this luncheon. Thank you. And allow me to round out today's commemoration and conference and policy discussion by introducing Judge Robert Bonner. Judge Bonner was appointed by President Ronald Reagan as U.S. Attorney for the Central District of California and served from 1984 to '89. He was then nominated by President George H.W. Bush as a U.S. district judge.

President Bush appointed him DEA administrator in 1990, during which time the United States worked with the Colombian government to destroy the Medellin Cartel, which included the death of the most notorious drug kingpin in the world, Pablo Escobar. In 2001, he was appointed Commissioner of the Customs Service by President George W. Bush. He was the first Commissioner of Customs and Border Protection when his office merged with that of Border Patrol and Protection in 2003 after 9/11. To say that his career is distinguished is an understatement. Would you please join me in welcoming Judge Robert Bonner?

Judge Bonner: And thank you, Jim, for that nice introduction. And thank you for this opportunity to speak at this program that's highlighting President Nixon's role in the creation of the Drug Enforcement Administration and also his role in combating harmful and addictive drugs. Back in 1971 when President Nixon was president, as a very young lawyer, I was appointed to be an assistant United States attorney assigned to the criminal division of the U.S. Attorney's office here in this federal district. And that meant among other violations of federal law, I prosecuted federal narcotic trafficking cases, illegal importation and distribution of drugs that violated federal law, that violated the newly enacted Controlled Substances Act of 1970.

Most of my cases back then were cases investigated by agents of federal law enforcement agency that was called the Bureau of Narcotics and Dangerous Drugs or BNDD. But some of the cases were investigated by U.S. Customs agents. And there were good and dedicated agents in both of these agencies, but I did wonder

why there were two federal law enforcement agencies investigating drug trafficking. I mean, I asked myself, "Is this the most effective way to attack drug traffickers and their organizations?" Well, let me just say this, President Nixon was way ahead of me.

The main purpose of Reorganization Plan number two, which he implemented was to consolidate federal drug law enforcement into one new agency of the U.S. government, the U.S. Drug Enforcement Administration, which indeed was a merger of the agents of the BNDD and Customs agents, at least, most of the Customs agents that were involved in investigating drug trafficking cases. The core idea of the DEA was to create a law enforcement agency of the federal government with a single mission. A single mission agency to gather intelligence and investigate the highest level of drug trafficking organizations and provide effective enforcement of U.S. Drug Laws.

And we've heard some of this this morning, given America's chronic issue with drug abuse, the DEA was and remains, I would submit, important and relevant. But correctly understood, the creation of DEA was actually the culmination of President Nixon's vision and his determination to take bold action against the new levels of drug abuse that were sweeping and threatening our nation back then, what might be called the first opioid or heroin epidemic. We are, in case you're wondering, in the middle of the second one, which is far worse, likely because our government has, I would submit, miserably failed to take the decisive action needed to stem it earlier.

It has failed to take the types of actions that President Nixon took beginning in his first year as president. President Nixon's commitment, his vision, and the strategy are part of a legacy that is very relevant today and ought not to be forgotten. You've heard some outstanding panelists this morning, but very little is actually been written about what President Nixon did. And so, as I thought about my remarks today and did some research, I felt compelled to speak about President Nixon's efforts to combat drug abuse as it existed in the late 1960s and early 1970s.

To understand what I mean by the DEA being the culmination of President Nixon's vision requires a trip back into history. You heard some great panelists earlier this morning talk about it, but I'm going to try to pull it together a bit here. The drug

problem that President Nixon was dealing with was a heroin problem. President Nixon called heroin addiction, and I'm quoting from him, "The most socially destructive form of addiction in America today, impacting an increasing number of citizens." He said, "Heroin addiction must command priority in the struggle against drugs." And it was unquestionably his priority.

In 1970, there were unheard of, at least at that time, 7,200 heroin overdose deaths in the United States. That was an exponential increase from just a few years earlier. In New York City, for example, more people between the ages of 15 and 35 were dying of heroin overdoses than from any other cause. And the number of heroin addicts in the country was estimated to be 600,000 heroin addicts, up from about 50,000 just a few years earlier. So, Nixon recognized early on that there was a rapidly growing heroin abuse and addiction problem, and that it was causing serious harm to individuals, to their families, and ultimately, to the strength of the United States itself.

The growing heroin addiction problem was in part, the result of GIs returning to the U.S. from Vietnam who were hooked on heroin. A 1971 congressional report estimated that 30,000 to 40,000 of the GIs that were in Vietnam were addicted to heroin. When the Army...and you heard some of this this morning, but when the Army as ordered by President Nixon to start conducting urine testing of all GIs exiting Vietnam, it was discovered that nearly 1 in 20 were positive for opiates, for heroin. So, Nixon was aware of the...Nixon was also aware of a very strong connection between heroin addiction and crime.

Dr. Dupont, by the way, who was on by Zoom earlier this morning, determined from urine samples that 44% of those arrested in the District of Columbia, this is 1969, 44% of those arrested in the District of Columbia for crimes like burglary, robbery, and theft tested positive for opiates. Almost half. Nixon also understood the correlation between availability of drugs and addiction and abuse. You know, when I graduated from college in 1963 years ago, illegal drugs were not available, basically, when I was growing up. There were none to be seen or used when I was in high school, and for that matter in college. And if you're just three or four years older than me, you can't say that.

I'm not being sanctimonious, but let me just say this that if illegal drugs had been available and most of my fellow students were using them, I probably would have used them too. Availability and attitudes of peers are two of the most important factors in the early decision of whether or not to use drugs of abuse. And that point was not lost on Nixon either. In short, Nixon understood the problem. He also did something about it. It was a whole government effort and it worked. Let me dispel one oft-repeated myth, though, and it was even this morning I heard it, that the term "War on drugs" was Nixon's term.

Nixon did call heroin abuse public enemy number one and he clearly viewed it as a serious threat to our country and the American people. But this term "War on drugs" is attributed to Richard Nixon, it appears that the media invented it. All I can say is that I've looked at pretty much everything that President Nixon has written or said on the subject and I can tell you for sure he did not coin the term war on drugs. And as far as I can determine, there's only one instance that Nixon ever used that expression and that was a pretty obscure speech down in Laredo, Texas, to some Customs personnel. But I mentioned this because the war on drugs is a horrid metaphor as we've never treated it as a war, we've never funded it as one would a war, and there's no ultimate victory.

The primary goal of drug law enforcement is to suppress availability and thereby, substantially reduce the number of our citizens who get hooked and waste their lives. Or, as is more and more evident these days, lose their lives. So, when people say to me...by the way, former Governor Jerry Brown did very recently, "Bonner, you lost the war on drugs." I say, "The actual most important metric is not winning, whatever that may mean. But with the policies such as those implemented by President Nixon, resulted in a reduction in availability, and importantly, a reduction in the number of drug addicts in our country." That's the metric.

To accomplish that metric requires an understanding of the problem, but also a strategy to achieve the goal, in Nixon's case, of reducing the Americans dependent on and addicted to heroin, and then it required executing a strategy. Nixon, and of course, he was aided by his staff, studied the problem, and he was a strategic thinker. Don't we wish all presidents were strategic thinkers? Nixon's strategy was two-pronged and was laser-focused on reducing the number of heroin addicts in our country. And that strategy was, and this is going to surprise many people, first,

to provide treatment to heroin addicts. That's the demand side. And secondly, to use law enforcement and international diplomacy to dramatically reduce availability in the United States. That's the supply side.

Nixon put it succinctly in classified cables, by the way, they are unclassified now, to heads of state like the president of France and others. He said heroin addiction "is such a grave threat that I have initiated a comprehensive program to reduce the flow of illegal drugs into this country to eliminate their sale and rehabilitate drug users." The key to success of the Nixon strategy was President Nixon himself and his leadership. He used the full powers of the presidency and he was hands-on. Developing a comprehensive drug control law was also an important piece like DEA and the strategy and yes, Richard Nixon got that done too.

Early in 1969, President Nixon tasked the Justice Department to examine the diverse patchwork of Federal drug control and drug enforcement laws, and he got past the first comprehensive federal drug law designed to both target and regulate the availability of harmful drugs. And it was...I think it's been mentioned, it was the Controlled Substances Act of 1970. Nixon got the Controlled Substances Act enacted with a Congress that had a 75-seat Democratic majority in the House and a 14-plus Democratic Senate majority in the Senate. Oh, to return to the days of bipartisanship.

Some would no doubt be surprised that Nixon's Controlled Substances Act eliminated mandatory minimum sentences for drug trafficking. Mandatory minimums did not return under federal law until the Drug Abuse Act of 1986. So, Nixon got the law he needed and he created a single-mission federal agency devoted to drug law enforcement and focused on availability. And he put into place the first...what I would call the first truly national drug control strategy for this country. But did it work? As I noted earlier, America did not have much of a heroin problem if you went back, let's say, before 1965. But by the time Nixon became president, there had been a 12-fold increase in the number of heroin addicts in the country, as I indicated, up to 600,000 or so by around 1970.

Let me just start with a treatment prong of Nixon's strategy even though that was the most discussed point of the program earlier this morning. After becoming president, Nixon heard about a doctor, a physician in Illinois, Dr. Jerome Jaffe.

And Dr. Jaffe was one of the few, at the time, nationally recognized experts in the treatment of heroin addiction. Nixon invited him to the White House, and based upon his conversation with Dr. Jaffe realized that the United States government must provide treatment to people addicted to heroin. Nixon said and I quote, "Heroin addiction is a problem that demands compassion and not simply condemnation for those who become its victims."

One of the first things Nixon did after speaking to Dr. Jaffe was to establish the Special Action Office for Drug Abuse Prevention and hire Dr. Jaffe to head it. Dr. Jaffe was far more than an advisor, he oversaw a vast expansion of federally funded heroin treatment and education programs and coordinated all of the efforts on what I'll call the demand side of the federal government. As Nixon himself quoted, "I established the Special Action Office for Drug Abuse Prevention under Dr. Jerome Jaffe to mobilize the attack on the demand side of the problem." The Special Action Office was set up in the White House and Dr. Jaffe reported directly to the President of the United States, Richard Nixon.

The treatment and rehabilitation programs established and funded by the Special Action Office with funding obtained from Congress by President Nixon involved residential facilities for detoxification and outpatient support for recovering addicts in community settings. To this end, Nixon obtained funding and expanded heroin treatment. As part of his commitment to treatment, all the veterans' hospitals across the United States were required to establish inpatient and outpatient treatment programs for former servicemen addicted to heroin and other drugs. He also obtained \$265 million in funding from Congress for grants to public and nonprofit private organizations to provide treatment to persons addicted to drugs. That would be the equivalent of about \$1.9 billion in today's dollars.

One question that Nixon put to Dr. Jaffe, "What could be done about GIs that were returning from Vietnam to the U.S. addicted to heroin?" And as you heard, by the way, this morning, Dr. Jaffe recommended that every GI, before returning, provide a urine sample. If a GI tested positive for opiates, he was required to stay an extra two weeks in Vietnam to detox. He was sent to a detox center in Vietnam. Not only does this ensure that GIs did not return home hooked to heroin, but it also had a deterrent effect on other GIs because nobody wanted to stay in Vietnam an extra two weeks. Brilliant idea. Nixon ordered the military to implement it and it did.

But Nixon also knew that availability of heroin made people getting off heroin far more difficult and increased the probability of relapse after residential treatment. He also knew that availability of an addictive drug...addicted product like heroin in time would lead to more drug abusers and addicts. And this led to the second prong of his strategy, which was reducing availability of heroin in the United States. By the way, no heroin, or for that matter, illicit opium is grown in the United States now or then. So, back then, where was most of the heroin that was so widely available? And it was widely available in New York City and pretty much every major urban area of the country. Where was it coming from?

In a word, France, at least most of it. Forget the movie for a moment, this was the French Connection. DEA's predecessor agency, the BNDD had several overseas offices in Paris, Ankara, and elsewhere, which collected intelligence. Several French heroin trafficking organizations that were based in and around Marseille, France, who are known to be converting raw opium or morphine base and manufacturing it into heroin in clandestine labs in the Marseille area. They then smuggled it to the United States and sold it to wholesale distributors in the U.S., and ultimately, it was sold to heroin abusers and addicts in our country. Virtually all the raw material, the raw opium used by the French trafficking organizations was illicitly grown in Turkey and smuggled from there into France.

The DEA actually knew the identity of most of the leaders and key players in the French trafficking organizations. But as drug traffickers will do, they had corrupted many of the local officials and police in the Marseille area and they operated with impunity. Nixon did two things that largely eliminated the availability of heroin in the United States. First, he got the French to go after and destroy the French heroin trafficking organizations. And second, he got Turkey to end the growing of illicit opium poppy. That was the raw material for heroin. Even one of those two feats, let me just tell you, would be a monumental foreign policy coup. But he did both of them and he did them...they were effectuated in less than two years.

In late 1969...let me talk about France for a moment, in late 1969, the first year of his presidency, Nixon sends a personal note to French President, Georges Pompidou, about his concerns...Nixon's concerns about heroin. And that note was followed up in February 1970 with a heads of state meeting between President Nixon and President Pompidou in Washington DC. By the way, this is the first time

Nixon and Pompidou had ever actually met in person. And as typical for such meetings, the French Foreign Ministry and the State Department had carefully crafted and negotiated an agenda and it had absolutely nothing to do with drugs.

Nixon, however, to the surprise of some, raised an off-the-agenda item, he told Pompidou in substance about his concerns about the manufacturing and distribution of heroin by criminal organizations based in France, and he asked Pompidou to do something about it. In substance, Nixon asked him to take action to seize the heroin labs and destroy the Marseille trafficking organizations. Now, Pompidou was not totally surprised, he had gotten the note from Nixon two months earlier, but the important point is that President Pompidou not only committed to cooperating with the United States, especially DEA's predecessor agency, the BNDD, with respect to sharing intelligence. But importantly, to using the French national police, the police judiciaire, and the French justice system to destroy heroin trafficking organizations and their clandestine labs.

The DEA, by the way, supplied the police judiciaire with intelligence regarding the Marseille organizations. And it took about a year of electronic surveillance and investigation by the French National Police working with DEA...by the way, the judiciaire police were dispatched from Paris, not the police there in Marseille. And that took about a year, but all the heroin labs were located and destroyed, all the kingpins and key players of the heroin manufacturing and export organizations were arrested, prosecuted, convicted, and sentenced to 20 to 30 years imprisonment. And that, my friends, was the end of the French Connection.

But simultaneously, Nixon went to our Turkish ally and he explained that their opium was being used by criminal organizations to be converted into heroin and he wanted the Turkish government essentially to tell the Turkish peasants or farmers to stop growing opium poppies. Well, the Turks were also told, by the way, that the United States was prepared to buy the entire current crop of opium being grown in about seven provinces in Turkey. The entire crop, we said we would buy it. The Turks, as a matter of pride, bought it themselves, the Turkish Government. But we offered to buy it, and we offered financial aid and technical assistance regarding alternative crops going forward.

The Turks, by the way, were prickly, and at first, they balked. And Nixon was so unhappy with the slow progress that was being made by our ambassador to Turkey at the time, a guy named Bill Handley, that he recalled Handley to Washington for consultations. And these consultations was a personal meeting with President Nixon, and he wanted to know why the Turks had not stopped producing opium. So, the pressure was on the State Department to produce some results here. And it did. The Turkish government, understanding that the President of the United States was deadly serious, took effective action to prevent illicit opium from being available to heroin manufacturers.

It banned opium production, and that was the end of the major source of the illicit raw material being used to make heroin. And that was also the end of the heroin epidemic in the United States back then, and the end of most heroin entering the United States for quite a number of years. In fact, I would say...I would argue, actually, for decades. It had a disruptive impact. Within a year or two, the number of heroin addicts in the United States declined, so did heroin overdose deaths. The decline in addicts was clearly evident as early as 1973 and the number dropped down from approximately 600,000 heroin addicts in the U.S. to something below 100,000 and remained rather static, more or less, for a decade or more.

Indeed, we did not actually see another major surge in heroin use until the last 10 years, about 10 years ago. And that followed about 10 years of overprescription and diversion of pharmaceutical opioids, principally OxyContin and oxycodone. And that was followed...as that tightened up and they became less available, that was followed by what? The next heroin epidemic, because then the production and distribution of heroin, including now or recently, fentanyl, was taken over by the Mexican drug cartels. So, we're in the middle of the second heroin epidemic. But that's another story. I wish I had time to get into it, maybe there'll be a question.

But with the availability...let's go back to Nixon's period now, with the availability staunch, with treatment provided, Nixon added one more component to his drug control strategy, and that was education and prevention. There were few people in our country back then, teenagers included, that did not know the dangers of using heroin. Bottom line, the number of heroin addicts in the United States, shortly after Nixon accomplished his objectives, had plummeted, and so did heroin overdose deaths. So, let me just say, Nixon conceived...President Nixon conceived and

executed the first National Drug Control Strategy, a strategy that was needed to combat and reduce the number of heroin abusers in our country.

And his strategy involves serious enforcement and diplomatic efforts geared against the largest drug trafficking organizations and their sources of raw material in order to dramatically reduce availability. And secondly, it involves the strong education and prevention message. And third, he provided a vast expansion in the treatment of heroin addicts in the context of reduced availability and few or at least fewer new addicts entering the pipeline. I think I know the question that you would ask at this point, and the answer is no, the effort was not sustained after Nixon prematurely left the presidency. And within a decade, we witnessed the avalanche of cocaine and the devastating cocaine crack epidemic of the 1980s into the early 90s.

But let me just conclude by saying whether one likes or dislikes Richard Nixon, there is little doubt that he was indefatigable in his defense of this country and its people. The many books and papers that have been written about him often describe his reaching out to China, negotiating the first SALT treaty with the Soviet Union, ending the war in Vietnam, creating the EPA, and of course, Watergate. These overshadowed many other things he did, including using his office and the power of the presidency to enhance treatment for drug addiction, halt opium reduction in Turkey, and collapse the French Connection, and thereby, dramatically reduce the number of Americans addicted who would have otherwise become addicted to heroin. And in so doing, President Nixon gave us the roadmap for dealing with drug abuse and addiction and we need to get back to it. Thank you.

Jim: Well, thank you, Judge Bonner. We do have time for some questions, I'd like to ask the first one. You were the...excuse me, you were the first commissioner of U.S. Border...

Judge Bonner: Customs and Border Protection. I know it's hard to get out.

Jim: Customs and Border Protection. I wonder if you might compare and/or contrast the problems and challenges you faced then and challenges face now, in particular, on the southern border.

Judge Bonner: You know, the challenge when I became the commissioner, initially of U.S. Customs Service and then after the Homeland Security reorganization of early 2003, Customs and Border Protection, the challenge was really focused on the post-911 issues, and that was preventing another terrorist attack in the United States and preventing terrorist or terrorist weapons from getting into our country. And I'll just say, we were laser-focused on that. And it was amazing how much could be done, including a merger, by the way, of Border Patrol with Customs and the other border elements. So, that's really what I was focused on, but you were asking me what was the drug problem.

You know, at the time, in 2001, if we went back in that slice of time, you know, I think America...you know, when America kind of gets okay, we actually...first of all, by the 1990s, early 1990s, we destroyed the Medellin Cartel. I say we, the Colombian National Police with the help of DEA had crushed the Medellin Cartel. Within a couple of years later, the Cali Cartel was decimated, and we were at a point where the cocaine crack epidemic seemed like in the distant past, it was in the rearview mirror. There wasn't really a bad heroin problem in the country. We were concerned, I think, with some meth, that that was mainly being locally produced by [inaudible 00:32:48] and people in mom-and-pop labs. And so, we weren't in a bad place, actually.

And it wasn't until, I would say, probably...I'm gonna say around 2005, don't hold me to that year exactly, but we started to see this phenomena of these big pharmaceutical companies really pushing hard and expanding the manufacture and production of opiates and this is OxyContin. By the way, the Sackler family gets everything it deserves, but it wasn't just the Sackler family, let me tell you that, there were other pharmaceutical companies that were involved in this. And DEA's efforts to try to push back...I wasn't an administrator then, maybe Michele was, DEA made efforts to push back against this and DEA made efforts to try to reduce the amount that was being produced and so forth.

The pharmaceutical companies, they went to Capitol Hill, they got their congressmen in line, they pushed back against the Justice Department, they pushed back against DEA. And so, what should have been done right then wasn't done. But what happened was, of course, as we started to realize finally after six, seven years, that we had a hell of a lot of people in our country addicted to opioids that

were being legitimately manufactured and diverted or over-prescribed. When we finally started to do something about it, that left a vacuum, and the heroin...you know, the Mexican drug cartels, which had been pushing cocaine across the border, they started pushing...they started manufacturing heroin again.

White heroin, by the way, not the old Mexican brown heroin that I dealt with when I was an assistant to the United States attorney. This is pure white heroin, but it's been produced by potentially two Mexican trafficking organizations. And so, they stepped into the void with heroin and then they found out it was a lot easier just to...and easier to smuggle fentanyl. And so, that's where we are now, all that took place in the last decade. But we've got, I think, just a horrid heroin, opioid, fentanyl epidemic. And it's not just fentanyl. It's true that more people are dying of fentanyl because of its potency, but we have a lot of people that are addicted to opioids in our country. And if somebody would listen to my speech back in Washington about the Nixon strategy, they might actually start understanding what they need to do about it. Sorry, that was a long-winded answer and it wasn't even directly responsive to your question.

Jim: Well, you ended with the Nixon strategy, so I'm very happy.

Participant 1: So, thank you so much for being here, Judge Bonner. It's really a pleasure and a privilege to hear you speak. But we're sitting here today, and I met two people whose son or daughter have died from a fentanyl overdose. What can we sitting here today do about this fentanyl-heroin problem?

Judge Bonner: Okay. Well, if you were taking the Nixon strategy, the first thing you would say is we need to have a strong diplomatic effort against the drug organizations. We need a diplomatic effort to get, in this case, Mexico, not France, to take serious action against the drug trafficking organizations that are producing both the heroin and the fentanyl that's coming to the U.S. I can tell you what those organizations are. They're the Sinaloa Cartel and the New Generation Jalisco Cartel. Okay. But the first thing would be you have to have a president who's committed, takes this job...he's serious about doing something.

The most important part about the Nixon strategy was the personal commitment of the President himself to this problem. And so, we need leadership at the highest level, and that's the presidency, and then we would need a full-scale diplomatic and

law enforcement effort against those who produce it. Now, you're not going to eliminate fentanyl or heroin, but you can impact dramatically the availability. But you also...obviously, I think we probably...and others could speak better to this than me, but I think we also ought to be thinking about expanding drug treatment availability programs, we ought to be thinking about how do we get people into drug treatment.

You know, in California and many other states, we've eliminated, of course, the power of the court system. I mean, it's like a lot of people don't get into treatment unless they get arrested for robbery or burglary and are given an option, "Either you're going to jail or you get treatment." Well, we've eliminated that in California. So, you're wondering why we have a problem. And then we've also eliminated...you know, it's no longer...well, in Oregon and it's pretty much the same in California, it's not even a crime to possess fentanyl or heroin on the streets of Los Angeles and to use it, you know, in broad daylight, it's not a crime anymore. Nobody gets arrested for it.

I mean, somebody talked about consequences earlier, there are no consequences in our system. So, we need to take a look at the strategy, both the enforcement and the treatment side, and, you know, I think, you know, what happened to drug education and prevention? I mean, to me, I can remember from my days in the Reagan and Bush I administration, you know, there's Partnership for a Drug-Free America, there were people out there putting a message out that was getting to people about it's not such a great idea to use cocaine or crack or crystal meth, one of the nastiest drugs I think ever invented, and it is a synthetic drug that's also supplied by the Mexican drug cartels to the United States.

Okay, so we need to get back to it. I mean, it's kind of like, "Okay, let's see or let's figure out what the problem here is, and let's say what are..." Because we ought to be doing everything. We should be doing everything, our government should be doing everything it reasonably can within its power to prevent what is 75,000 overdose deaths from fentanyl alone last year. That's a call to action if there ever was a call to action. And I love the fact that we have a DEA administrator who says it's a call to action, but that call to action has to be higher up than the DEA administrator. I know that from experience.

Jim: Next question, back in the room, sir.

Participant 2: Hi, thank you so much for your talk. I want to know your opinion on Afghanistan, us leaving Afghanistan, them having one of the largest poppy fields, as well as North Korea. I believe that they're considered diplomats, but they also grow large vast amounts of poppy and they work here. So, what are your opinions on that?

Judge Bonner: I think I missed the first part of the question. I got the North Koreans are into heroin business, you're right. They're into all sorts of other illegal substances.

Participant 2: Afghanistan as well, our exiting Afghanistan, they also have one of the largest poppy fields in the world.

Judge Bonner: Okay, I can't quite get the...

Participant 2: Afghanistan.

Jim: Afghanistan.

Judge Bonner: Afghanistan? Okay. Afghanistan. Oh, man. Well, first of all on Afghanistan, you just have to understand there really is no central government of Afghanistan. So, this is an extraordinarily difficult problem to eliminate poppy and scoring of poppies and opium gum and the whole issue. Most of that heroin actually is going to Europe actually, rather than in the U.S., but it's a...you know, that's a problem. I actually think our focus probably should be on the major manufacturing and distribution, but I would put pressure on the sources that supply raw materials. That's also important if you're trying to weaken and disrupt organizations that are the principal producers or manufacturers of the...in this case, the harmful addictive product.

By the way, the State Department has always been a big believer and I never bought into it, but a big believer in the eradication of poppy and so forth. It's not to say it's not worth trying, but, you know, it's kind of like this, if you wanted to eliminate, I don't know, Chevrolet Volts and you didn't want any more Chevrolet Volts, you know, coming into the United States or being sold or used here, what would you do? You'd destroy General Motors. Right? You would cut off its source

of cash flow, you would bring pressure on it, you would arrest its key leaders and operatives. This is a kingpin strategy, by the way, that the DEA has implemented and would continue to...that's where you would focus your effort.

Because they're the ones that are capable of producing these...I mean, we're talking about multi-ton quantities of crystal meth, heroin, large amounts of fentanyl. So, you want to crush the organization. It's pretty easy to...by the way, it isn't that hard to do it, it's hard to do it only because those organizations right now are in Mexico, and Mexico is a very difficult country to deal with to get them to effectively take action against the drug cartels, partly because of corruption, partly because of intimidation, partly because these cartels actually control part of Mexico, and so forth.

But anyway, you're talking about poppies. Okay, so I'm laughing because I remember...it wasn't that long ago, I was down in Sydney. I guess it was when I was the commissioner. And I'm doing Sydney Harbor and there's this North Korean vessel they've seized, it had just dropped off 50 kilos of heroin offshore and the Australian Navy had confiscated the ship. I mean, that's North Korea. I mean, I'm told that a large number of the ransomware attacks are actually sponsored by North Korea. This is a criminal organization in its own right. But look, I don't profess to have the expertise to figure out exactly what we should do, there are lots of complicated problems with North Korea, including getting the Chinese to take some concerted action with us and Japan and South Korea. So, that's a big problem.

But the point is, I wouldn't focus too much on opium poppy. I think it's...what's amazing about the story is that Nixon actually got the Turks. I mean, they were saying, "Oh, look, this is going to politically harm us, these are peasants, their votes are important." And yet, he got the Turks to actually stop cold-turkey opium production in Turkey. I mean, that's, to me, the amazing part of the story. And he did it because he was the president of the United States and he was exerting the power of his office and influence to achieve an objective and that is to reduce the availability of heroin in the United States, at the same time, provide treatment for people addicted. That's the amazing part of the story.

But the other part of the story that I want you to focus on, everybody here, is the action that he took that resulted in the destruction of the Marseille heroin organizations. They're gone. And the question is...by the way, I put this question to Senator Moynihan who has not been mentioned but he was a big part of the White House team. He was a very young Harvard professor who Nixon brought in, kind of like Dr. Jaffe. I mean, he was a Democrat, he was an intellectual, he was from Harvard, God forbid, and Nixon brings him in.

And do you want to know who actually conceived of...I mean, Nixon did all of this himself, but who conceived of the idea of cutting off the supply of heroin to the U.S. and getting the French to do this? That was Daniel Patrick Moynihan. All right? But Nixon said, "Good idea, we're going to do that," and Nixon is the one that got Pompidou to do it. So, that's the point of the story is you can actually...if you bring down these organizations and, you know, take out their labs too, they're not producing anything anymore, right? You've ended their production because they were the principal source of production. And you need to always...one thing we don't do very well, but we...and the United States government, I say that modestly.

But one of the things we don't do well is to anticipate the next move. And you can always anticipate the next move, right? I mean, it took a long time for the heroin to...large quantities of heroin to come back into the United States. In fact, I would argue it didn't happen until about 10 years ago with the Mexican cartels. But you can always anticipate the next move and you need to not only anticipate it, you need to do something about it. Be ahead of the curve. I think Nixon understood that and if he were around today, I think maybe we'd be doing a little better on this problem that we're doing right now. Next question.

Jim: Next question, sir.

Participant 3: [inaudible 00:45:54-00:46:09]

Judge Bonner: You know, it only indirectly and that's the border issue, the border out-of-control issue. But the border out-of-control issue to me, the principal policy problem there is that you have very large numbers of people that are illegally entering the United States who we don't know a lot about and it's having some severe and disruptive impact in our country. So, there's an argument for controlling

the border that goes well beyond...and a lot of fentanyl is getting in. But you asked me, so if I were going to say, "Let's try to do something about stemming the availability of fentanyl."

And by the way, you have to include heroin here because as long as people are addicted to heroin, you know, fentanyl is just a substitute. But I would say, one problem with fentanyl is that you can produce a much smaller quantity but it has...you know, it can be cut and it has a...you know, I think people that seem to know this stuff say it's at least 50 times more powerful than heroin at the same purity level. So, it's smaller packages, it's not like you have to put hundreds of kilos in the tractor-trailer truck or hundreds of kilos on the ocean-going shipping liner. You can put a few kilos and have the same effect.

So, all I'm saying is that from a border point of view, actually, we want to do what we reasonably can at the border to prevent illegal drugs like fentanyl and heroin getting in. And most of these, by the way, probably the majority are coming in through the ports of entry, not between the ports of entry, concealed in, you know, cars. So, you can't interdict your way out of the problem. We want to do interdiction, we want to be serious about it, and I say this as a former, you know, Commissioner of Customs and Border Protection but you can't interdict your way out of this problem.

We could seize half the fentanyl, 75% of the fentanyl coming across the border. The mixing and trafficking organizations, if you haven't destroyed them, they're just going to up their production. Right? So, you can't interdict your way out of it. So, I don't think the...and I'm really...people who know me know I'm a policy person, not a political type person. I mean, how it's played politically doesn't make sense. I really like to see some leader that's running for president say, you know, "We've got a serious heroin-fentanyl epidemic in our country, here's my plan for doing something about it. And if you don't want to elect me to do that, that's fine." But we don't have that person yet. Maybe it'd be Ramaswamy. I don't know.

Jim: Who was just here on Thursday night. We have time for one last question. Back in the room here, sir.

Participant 4: Do you see the government interdicting the precursors to fentanyl production from China?

Judge Bonner: Yeah, that's a good point and that would be part of the Nixon strategy, wouldn't it be? Where are the precursors coming from that are being used to make fentanyl in Mexico? And they're coming mainly from China, yes. And so, you would put a lot of diplomatic pressure and you would want to try to team up to share intelligence with the Chinese authorities, but you need the political will of Xi and the Chinese government to be able to do something. And again, you know, that's been done at the...I hate to say at the presidential level, but you really need to do it at a very high level of our government to get the attention of the Chinese or for that matter, to get to the attention of, you know, Lopez Obrador.

But absolutely, absolutely, that should be part of it, cutting off that precursor. It's a little different than the poppy situation, but yeah, definitely, we should go after the precursor chemicals. And I think to some extent, our government is. It's not as if we're doing nothing in our government, although I'm not being currently briefed so I'm not actually sure how much we're doing it. It doesn't seem like as much as we should be doing. One more question? Yeah.

Participant 5: [inaudible 00:50:17-00:50:56]

Judge Bonner: You know, I think that's part of it, I think our criminal justice system can play a role. The problem with no bail, by the way, in my judgment, and I was a U.S. Attorney too so I can sort of speak to this, is that it's not a situation of no bail. What you need is a system in which you have pretrial services officers like the federal system who make an evaluation of anybody that's arrested for federal crimes as to what the bail should be. And it can be no bail released on the recognizance, but they make an evaluation, and if you're a danger to others or danger yourself, you know, you can modify what the bail should be. So, it's such an oversimplification and I think it has some very counterproductive effects just to say, "We're gonna have a no bail system."

The other thing we've done, though, is not just no bail, but that person who's arrested...who has committed some crime to get arrested, by the way, and it isn't that he has been shooting up with fentanyl on the streets, he's committed some crime to get himself arrested. That person also is not going to be in jail long enough to use the criminal justice system to say, you know, "You've committed this crime, you've committed this theft," or burglary or whatever it was, "But we want

to send you to a drug court, basically." And you have a choice, basically. You can get sentenced to a term of imprisonment, maybe a couple of years for the crime depending on your prior record on all that, or you can go to drug treatment.

So, we've eliminated that too. I mean, nobody's been arrested for...in the same sense, they were before and then they're being released, you know, with no bail system immediately. So, we're doing a lot of things that are actually making the problem worse, I know that, and we need to think through them very carefully. But, you know, the bail system probably...the old bail bond system is not perfect and it probably needed reforming. But unfortunately, we haven't spent the effort and I think the funds that are needed to actually have a credible bail reform system such as you have on the federal side.

Jim: Well, ladies and gentlemen...

Judge Bonner: Is that it?

Jim: That ends. Ladies and gentlemen, please join me in thanking Judge Bonner.

Judge Bonner: I just wanted to recognize earlier, Mike Antonovich, long-term LA County supervisor who's way in the back there, but he has been one of my mentors over the years. Thank you for being here, Mike.

Jim: Thank you, Mike. And I'd like to also welcome and acknowledge former DEA administrator Michele Leonhart, thank you for being here. Ladies and gentlemen, this concludes...I'm sorry to end this conference and this conversation because it's such an important one, but this does conclude our conference. Thank you for coming. I invite you now to go tour the Nixon Library and sign up to follow us at [nixonfoundation.org](http://nixonfoundation.org). I hope you'd consider becoming members of the Nixon Foundation to enjoy more programs like this, as well as our Distinguished Speaker Series. Follow us on social media @nixonfoundation, and most importantly, thank you for coming, and enjoy the rest of your days.