

Kamala Harris and BNE (California Bureau of Narcotic Enforcement)

By Gary Fouse

One of the themes of the Harris campaign is that she was a “tough” prosecutor when she was DA in San Francisco and later as California attorney general. Those of us who live in California know better. As DA in San Francisco, she refused to



— California Attorney General Kamala Harris gives her first news conference in Los Angeles on Nov. 30, 2010. Damian Dovarganes / AP file

pursue the death penalty in murder cases even when they involved police officers killed in the line of duty. As AG, Harris’s chief interest was in going after “corporate polluters” at the expense of going after violent street criminals and criminal gangs. In short, she was not concerned with the rise in violent street crime that was plaguing the state, a condition that continues to get worse today.

However, there is one aspect of this issue that seems to have been overlooked. As AG, Harris presided over the dissolution of the California Bureau of Narcotic Enforcement (BNE), an

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agency created in 1927 and which was the oldest drug enforcement agency in the US until its dissolution in 2012.

When I was a young US Customs agent in the early 1970s and later a Drug Enforcement Administration (DEA) agent starting in 1973 in Los Angeles, BNE was a highly respected agency with whom we often worked cases jointly. In addition, BNE agents were assigned to joint task forces with DEA, local police agencies, Immigration, IRS, and others. Their contributions were highly valued by the DEA agents who worked with them.

It should be noted that BNE did not get involved with low-level street cases, rather, like DEA, they concentrated on the larger organizations trafficking drugs in and out of California. Like DEA, they had intelligence analysts, diversion investigators investigating the illegal distribution of legally prescribed controlled substances, clandestine labs investigators, and financial investigators. In short, they were a highly respected, professional organization.

Yet, in 2011, when quirky Jerry Brown was governor, he negotiated with the state legislature to sharply reduce funding for the Division of Law Enforcement, the principal crime-fighting entity of the State Department of Justice, which included BNE, for the coming fiscal year. Though it was advertised as a cost-cutting move, it was reported that Brown was angry because the Association of Special Agents for the California Department of Justice had endorsed Brown's opponent in the 2010 gubernatorial election, Meg Whitman (R). As a result of the cut in funding, it was decided to abolish BNE and transfer its functions to the newly created California Bureau of Investigation (CBI).

In November 2011, the Association of Special Agents for the California Department of Justice filed a petition (Case number 34-2011-80001009) in the Superior Court of Sacramento against Governor Brown and the California Department of Finance asking for an injunction. In their petition, they claimed that the

effect on drug enforcement in California would be devastating and that Governor Brown was retaliating because the above association had endorsed his opponent. In addition, the petitioners claimed that Brown's action was an intrusion into the prerogatives of the attorney general. In fact, the greatest portion of the petition was devoted to this issue. The court rejected the arguments stating, among other things, that the budget was the business of the legislature and that the petitioners did not have standing as to the issue of the attorney general's prerogatives. The official record of the case from the Sacramento Superior Court can be read [here](#). At any rate, the petition for an injunction was unsuccessful and BNE was abolished in February 2012 with many of its duties absorbed into the newly created California Bureau of Investigation (CBI). The impact on the various drug task forces was a negative one in that they lost their BNE members.

This leads to the question of Kamala Harris: In short, where was she in all this? Why was the agents' association trying so hard to argue that her jurisdiction had been intruded upon while she was apparently not a part of this lawsuit? Was she working quietly behind the scenes to support the association? Was she working behind the scenes to undermine them? Or was she simply not involved in any way? According to at least one report, the petition was filed by the agents' association because they were getting no support from Harris.

In December 2011, after the petition was filed, the news site, *Full Disclosure-PR Newswire*, published an [interview](#) with a member of the board for the above association, Cary Cavaleri, in which he charged that Brown was possibly retaliating against the agency and that the AG's constitutional authority had been undermined. He further stated that the move would destroy drug enforcement in California.

"In the absence of opposition from Attorney General Kamala Harris, the Association of Special Agents for the California

Department of Justice has stepped in to fight."

-PR Newswire

When Vice President Harris crows about her experience as a "tough" prosecutor and AG in California, somebody should ask her about the BNE issue. In short, what was she doing, if anything, to support BNE and prevent the dissolution of this valuable agency? My suspicion is that she stood back and did or said nothing. It certainly appears that she was not a party to the petition and did nothing to support the agents. She may have a reasonable explanation for this, but she should have to explain. If she agreed with Brown that it was a cost-cutting move, let her make that case. But she needs to be asked about this.

My guess is she was sitting the whole thing out, just as she has sat out her assignment as the "border czar". Just as she doesn't care about the border, she doesn't care about drug enforcement. She just doesn't care.