

UNITED STATES SENTENCING COMMISSION

Proceedings of the
Inaugural Symposium on Crime and
Punishment in the United States

Drugs & Violence in America

151802

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U.S. Department of Justice
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U.S. Sentencing Commission

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June 16-18, 1993
Washington, D.C.

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UNITED STATES SENTENCING COMMISSION

Proceedings of the Inaugural Symposium on Crime and Punishment in the United States

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Chairman

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Commissioner

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EXCERPTS FROM THE SYMPOSIUM ON DRUGS & VIOLENCE IN AMERICA

We've got to start discussing, rather than debating – because discussion helps us reach solutions, and debating tries to prove who's right. We've got to start evaluating to understand what works and what doesn't work. We've got to get rid of party labels and start looking at crime, drugs, and violence in a non-partisan way.

The Honorable Janet Reno
Attorney General of the United States

If you don't have anybody at home for you, if there's no support in your life, I don't care what the government does or what the government can set up, all is lost. It's a one-on-one thing.

Richard Price
Author, Clockers

People are not addicted to cocaine or heroin, or to alcohol or marijuana. Addicted people are addicted to getting high.

Dr. Robert L. DuPont
President, Institute for Behavior and Health, Inc.

Prisons are a scarce and costly resource. They must be used in a way that reflects a rational set of priorities in an effective battle against crime.

The Honorable Edward M. Kennedy
United States Senate

The word "prevention" tends to turn uninformed people totally off. Maybe we could call it "How to Save Money" or something like that.

Luceille Fleming, Director
Ohio Department of Alcohol and Drug Addiction Services

The most significant predictor for substance abuse and criminality is a substance-abusing criminal parent. If we do not help a percentage of the convicted transform, we need only to count the children of the convicted to know the next generation of substance-abusing offenders.

Naya Arbiter
Deputy Director, AMITY, Inc.

Treating addiction is not particularly glamorous or politically rewarding. It requires patience and commitment to the long haul. Unless we are prepared to make that commitment, however, we will never solve our drug problem no matter how many persons we convict or confine.

The Honorable George P. Kazen
Judge, United States District Court

What progress has been made in combatting drug abuse in the United States comes from reduced demand, not reduced supply . . . It is time to build a new strategy that focuses on reducing demand through prevention, education, treatment, law enforcement, and community organization.

Mathea Falco
Author, The Making of a Drug-Free America:
Programs That Work

The debate should not be about being "tough on crime" or "soft on crime." We must move beyond this rhetoric and focus on meaningful solutions that achieve desired goals in the most humane, effective, and efficient manner.

The Honorable William W. Wilkins, Jr.
Chairman, U.S. Sentencing Commission

I want our nation to focus on the fact that addiction is a disease to be treated, not an act to be criminalized.

The Honorable Kurt L. Schmoke
Mayor of Baltimore

Any nation, any country that says it wants to do something about violence and does not have the will to take AK-47s and Uzis off the street is lying to itself and to all of us.

The Honorable Maxine Waters
U.S. House of Representatives

Table of Contents

Executive Summary	i
Introduction and Symposium Overview	1
Opening Remarks	7
<i>William W. Wilkins, Jr., Chairman, U.S. Sentencing Commission</i>	
Keynote Address	11
<i>Janet Reno, Attorney General of the United States</i>	

CAUSATION

Remarks	23
<i>Maxine Waters, United States House of Representatives</i>	
Panel One: Perspectives from the Street	
Urban Violence	35
<i>Benny N. Napoleon, Inspector, Detroit Police Department</i>	
Gang Experiences	39
<i>David Plaza, Coordinator, Gang Alternatives Program</i>	
Reflections of a Sentencing Judge	51
<i>Reggie B. Walton, Judge, District of Columbia Superior Court</i>	
Life on the Street	57
<i>Richard Price, Novelist/Screenwriter</i>	
Questions & Answers	63

Panel Two: Perspectives from the Research Community

Research Into Drug Abuse	69
<i>Robert L. DuPont, President, Institute for Behavior and Health, Inc.</i>	
Causes of Violence	77
<i>John Monahan, Professor, University of Virginia School of Law</i>	
Drug Abuse and Violence	87
<i>Paul J. Goldstein, Professor, University of Illinois at Chicago</i>	
Questions & Answers	99
 Luncheon Address	 105
<i>Edward M. Kennedy, Chairman, Senate Committee on Labor and Human Resources</i>	

PREVENTION

Panel Three: Role of Government in Prevention Efforts

Role of Government	115
<i>Luceille Fleming, Director, Ohio Department of Alcohol and Drug Addiction Services</i>	
Local Initiatives	121
<i>Rod G. Mullen & Naya Arbiter, Executive Director and Deputy Director, AMITY, Inc.</i>	
Violence Prevention and Public Health	135
<i>Alex E. Crosby, National Center for Injury Prevention and Control/Centers for Disease Control</i>	
Observations	141
<i>Stephen Goldsmith, Mayor, Indianapolis, Indiana</i>	
 Remarks	 143
<i>Joseph R. Biden, Jr., Chairman, Senate Committee on the Judiciary</i>	

Panel Four: Role of Community in Reducing Drug Abuse and Violence

Role of Family and Religious Community.	155
<i>Raymond G. East, Pastor, St. Teresa of Avila Catholic Church</i>	
Role of Schools	163
<i>Gus Frias, Los Angeles County Office of Education</i>	
Role of Business Community	173
<i>Peter B. Goldberg, President, The Prudential Foundation</i>	
Community Coalitions.	181
<i>Paul S. Jellinek, Vice President, Robert Wood Johnson Foundation</i>	

TREATMENT AND POLICY OPTIONS

Remarks.	189
<i>Peter B. Edelman, Counselor to the Secretary, U.S. Department of Health and Human Services</i>	

Panel Five: Judicial and Corrections Treatment Options

Treatment Options for Federal Offenders	201
<i>George P. Kazen, U.S. District Court, Southern District of Texas</i>	
Treatment Options for State Offenders	209
<i>Thomas R. Fitzgerald, Judge, Criminal Division, Circuit Court, Cook County, Illinois</i>	
Federal Corrections Approach To Treatment	217
<i>Kathleen M. Hawk, Director, Federal Bureau of Prisons</i>	
State Corrections Approach To Treatment	225
<i>Harry K. Singletary, Secretary, Florida Department of Corrections</i>	
Questions & Answers	235

Panel Six: Approaches to the Problems of Drugs and Violence

Demand Reduction	243
<i>Mathea Falco, Author/Lecturer</i>	
Supply Reduction.....	251
<i>Reuben M. Greenberg, Chief of Police, Charleston, South Carolina</i>	
A Public Health Strategy.....	257
<i>Kurt L. Schmoke, Mayor, Baltimore, Maryland</i>	
Gun Control	265
<i>Joseph D. McNamara, Research Fellow, Hoover Institution</i>	
Questions & Answers	273
Luncheon Address	283
<i>William H. Rehnquist, Chief Justice of the United States</i>	
Closing Remarks.....	291
<i>A. David Mazzone, Commissioner, U.S. Sentencing Commission</i>	

EXECUTIVE SUMMARY

I. INTRODUCTION

No more compelling domestic issue confronts this country today than how to stem the tide of drug abuse and violence in our society. Stories of drug busts, drive-by shootings, and gang violence fill the newspapers and the television airwaves. Consider a few examples:

- police seize a fully loaded AK-47 machine gun from a 10-year-old in a Detroit middle school;
- two young brothers on the fringes of the drug trade in Los Angeles laugh when asked how their mother and father view their behavior – both parents are in prison;
- a 13-year-old standing on the street corner is initiated into the gang experience by a shotgun blast from a rival gang member that kills his best friend; a reprisal killing follows.

Congress charged the U.S. Sentencing Commission with critically examining criminal justice practices and searching for ways to improve those practices. The Commission could find no more compelling issue than drugs and violence for this first Symposium in a series on Crime and Punishment in the United States.

More than 350 people gathered in Washington, D.C., June 16-18, 1993, to share information and exchange ideas about the problems of drug abuse and violence. Participants included the Attorney General, the Chief Justice of the Supreme Court, members of Congress and their staffs, state officials, mayors, federal and state judges, federal and state corrections officials, treatment and education specialists, researchers, probation officers, law enforcement personnel, Executive branch officials, representatives of advocacy organizations, and private citizens.

The Symposium studied drug abuse and violence from three perspectives:

1. Causation – the underlying causal issues of drug abuse and violence with firsthand appraisals from those on the streets and a discussion of the latest findings from the research community.

2. Prevention – the role government and community components play in the prevention of drug abuse and violence.
3. Treatment and Policy Options – the availability of federal and state treatment programs, and a discussion of potential policy options to address drug abuse and violence.

While accentuating distinctive concerns, speaker after speaker at the Symposium echoed a similar theme: we must change our approach to the problems of drugs and violence. Many presenters, explaining that attempts to reduce drug abuse through supply reduction policies have failed, stressed the need for innovative strategies that emphasize demand reduction. Similarly, prevention efforts received a great deal of attention as a major strategy against violence.

II. CONVENING DINNER

In his welcoming remarks, Sentencing Commission Chairman Judge William W. Wilkins, Jr., commented on the importance of revisiting current criminal justice policies. "The debate should not be about being 'tough on crime' or 'soft on crime.' We must move beyond this rhetoric and focus on meaningful solutions that achieve desired goals in the most humane, effective, and efficient manner," Judge Wilkins said. "We must focus on the causes of crime, stress effective methods of prevention, and place more emphasis on treatment."

Attorney General Janet Reno, echoing Judge Wilkins' theme in her keynote remarks, stressed the need to strike a balance between punishment and prevention in addressing the problems of drug abuse and violence. "We have a job to sell all America on balanced punishment and prevention," the Attorney General said. "You never raised a child through punishment alone. You never raised a child by threatening punishment and not carrying it out. You never raised a child successfully unless the punishment imposed was fair and consistent with the violation."

Much of the Attorney General's remarks focused on the need to provide a nurturing environment for children so that drug abuse and violence is less of a threat in their lives. She advocated development of a national agenda for children that would be implemented by communities and the federal government. "We need to develop a partnership where we coordinate all our limited resources to ensure for all our children an agenda that focuses on strong and healthy

parents old enough, wise enough, and financially able enough to take care of their children."

III. CAUSATION

A. Remarks

Congresswoman Maxine Waters, whose district includes South Central Los Angeles and Watts, opened Thursday's session by underscoring the need for effective job training for the unemployed, especially inner-city youths. "We can talk all we want about mandatory sentencing and getting tougher; we've been doing that for years now. The prisons are overcrowded, the system can't stand us just sending people there anymore," she said. "It's almost stupid to take some of these young people with crack cocaine and talk about locking them up for years. They come back meaner and tougher and better connected."

The Congresswoman pointed out that many youths involved in gang-related drug distribution and violence are the products of dysfunctional families. She told the audience about two young brothers she was working with in Los Angeles who were becoming involved in the drug trade. When the Congresswoman asked what their mother would think about their situation, they laughed and told her that their mother was in prison. A question about their father elicited the same response. "[But] they didn't laugh because it was funny; they laughed because deep down inside they were in deep pain," Congresswoman Waters said. "They didn't know what to do with their lives. They didn't know how to get control of them."

B. Panel 1: Perspectives from the Street

Helping children get control of their lives was a recurring theme in the Symposium's first panel discussion. Each of the four panel members – police officer, former gang member, sentencing judge, and author – spoke of the need for a strong family unit or a significant other to help children avoid drugs and violence.

"[My] need to be accepted, respected, and cared for was answered by the gang. But for this, my friends and I would pay a high price, and some would even pay with their lives," said David Plaza, coordinator of a gang alternatives program in Norwalk, California. Mr. Plaza related the plight of his three closest childhood friends: one is dead from a gunshot wound to the head, another is in state

prison, and the third is a drug addict begging in the streets to support his addiction.

Inspector Benny N. Napoleon, Commander of the Special Crimes Section of the Detroit Police Department, painted a picture of how pervasive the problems of gangs, violence, and drugs are in urban America. Recalling what he called "one of the most chilling experiences of my career as a police officer," Inspector Napoleon told Symposium participants how one of his men recovered a fully loaded AK-47 machine gun from a 10-year-old in a Detroit middle school.

"Visions of a classroom full of dead children raced through my head," he said. "When I attempted to find out how those kids felt once they discovered this AK-47 was in their classroom, much to my surprise and dismay, the children didn't think it was that big of a deal. That, ladies and gentlemen, is indicative of the illness that plagues our America."

District of Columbia Superior Court Judge Reggie B. Walton told Symposium participants that a sense of hopelessness and a hunger for acceptance drives many young people toward a life of drug activity and violence. "They have no perspective," he said. "We make them buy in on the proposition that there is nothing else in life for them to do but to sell drugs, or to carry a gun, or to shoot someone, or to engage in acts of thievery, or to do other things that destroy the quality of life for many of the people who live in the community where they live."

Author Richard Price spent three years researching the teenage drug culture for his book, Clockers. He told Symposium participants that the presence of a significant other in a child's life is what makes one youth take a minimum-wage job while another sells drugs on the street corner. "If you don't have anybody home for you, if there's no support in your life, I don't care what the government does or what the government can set up, all is lost," Price said. "It's a one-on-one thing."

C. Panel 2: Perspectives from the Research Community

Street-level perspectives offer important insights to policymakers seeking new methods of addressing drugs and violence in society. Equally important are the views of the research community.

Three nationally known researchers told Symposium participants that most of the problems associated with drugs and violence arise from some combination of biological, psychological, and sociological factors. And while researchers may understand some of the underlying factors related to drugs and violence, there is still much to be learned.

Discussing the latest research on drug abuse, Dr. Robert L. DuPont, President of the Institute for Behavior and Health, told participants he was surprised that with all the inventiveness of modern chemistry, the core of the nation's drug addiction problems boils down primarily to four chemicals: alcohol, marijuana, cocaine, and heroin. Only in the last decade have researchers discovered that the drugs act as a "passkey" to the brain's pleasure centers. "People are not addicted to cocaine or heroin, or to alcohol or marijuana," he said. "Addicted people are addicted to getting high."

Sociological factors – such as living in an environment permissive to the use of alcohol and other drugs – play a major role in causing addiction, Dr. DuPont said. Biologically speaking, the most important factor promoting addiction is having a parent or sibling addicted to alcohol or other drugs.

Dr. John Monahan, Professor at the University of Virginia School of Law, told Symposium participants that he believes research into the psychological causes of violence shows a great deal of promise. "I mean particularly the family – the filter through which most of the sociological factors, such as a parent's being unemployed, and many of the biological factors, like poor nutrition, seem to have their effect on a child growing up," Dr. Monahan said.

While many people assume that drug abuse causes violence, Dr. Paul J. Goldstein, a professor at the University of Illinois at Chicago's School of Public Health, reported that no reliable data exist to illustrate the relationship between drug abuse and violence. In fact, findings from two studies in New York provide evidence that common assumptions about drug-related violence are incorrect or exaggerated. For example, very few drug users commit violent, predatory acts to obtain money for drugs. "Violence is most likely to arise in the context of the illicit drug marketplace and to involve others who are similarly engaged," Dr. Goldstein said.

IV. LUNCHEON ADDRESS

Senator Edward M. Kennedy, Chairman of the Senate Labor and Human Resources Committee, told Symposium participants that up until now this country appears to have relied on a single criminal justice strategy to address the problems of drug abuse – massive incarceration.

"We have unwittingly adopted a national policy of packing prisons to the rafters with non-violent drug addicts," he said. "This policy is not only expensive and ineffective, it actually jeopardizes public safety." Senator Kennedy stressed the need for lengthy incarceration for violent career criminals, but less expensive, more constructive approaches for other offenders. "Prisons are a scarce and costly resource. They must be used in a way that reflects a rational set of priorities in an effective battle against crime," he said.

Senator Kennedy said that the ultimate goal of the criminal justice system should be crime prevention, not punishment. He cited drug treatment, community policing, and gun control as three preventative approaches that have been neglected for too long in this country.

V. PREVENTION

A. Panel 3: Role of Government in Prevention Efforts

Spending money to develop and evaluate drug abuse and violence prevention programs can save money and, more importantly, lives. This was the consensus opinion of the panel of presenters who discussed a variety of drug abuse prevention techniques currently in use at the federal, state, and local levels. While touting the success of the initiatives, presenters cautioned that many people – including policymakers who control the purse strings – do not understand the long-term value of prevention programs.

"I wish we could think of a better word. The word 'prevention' tends to turn uninformed people totally off," said Luceille Fleming, Director of the Ohio Department of Alcohol and Drug Addiction Services. "Maybe we could call it 'How to Save Money' or something like that."

Ms. Fleming said that for every dollar spent on treatment and prevention, \$11 is saved in later health care costs. In today's tight fiscal environment, she stressed the need for state governments to

build coalitions with community groups, businesses, and private organizations to better coordinate limited resources.

Community-based prevention and treatment programs for substance abusers must address a variety of social issues apart from treating the addiction. Access to jobs, adequate health care, educational opportunities, and safe physical environments are equally important components of any successful treatment program.

Rod Mullen and Naya Arbiter, Executive Director and Deputy Director, respectively, of AMITY, Inc., described their organization's work with more than 700 men, women, and children in 16 teaching and therapeutic communities in Arizona and California. "The most significant predictor for substance abuse and criminality is a substance-abusing criminal parent. If we do not help a percentage of the convicted transform, we need only to count the children of the convicted to know the next generation of substance-abusing offenders," Ms. Arbiter said.

Public health agencies can play a critical role in promoting and facilitating prevention programs. The federal government, through the Centers for Disease Control, has taken a proactive approach to reducing violence. "In public health, we try to prevent unnecessary disease, disability, and premature death and to promote healthy lifestyles," said Dr. Alex E. Crosby, Medical Epidemiologist at the National Center for Injury Prevention and Control. "What we've done at the Center is to categorize violence as a disease."

He described three programs that promote violence prevention through coalitions of community-based organizations, academic institutions, and local health departments. Such prevention strategies include mentoring programs, peer mediation, working with schools on dress codes, and parenting skills for single mothers and fathers.

While speaking of the value of prevention efforts, presenters acknowledged the difficulty of altering the mindsets of people who believe that drug abuse and violence should be viewed solely as a law enforcement issue.

Stephen Goldsmith, Mayor of Indianapolis, spoke of the struggle among advocates for treatment, prevention, and tough law enforcement on the bipartisan Presidential Commission on Model Local and State Drugs Laws that he chairs. "This forced dichotomy of choice about which one of those strategies will work is really necessary," Mayor Goldsmith said. However, he advocated a

balanced approach that includes community mobilization, treatment, prevention, and well-calibrated sanctioning. "To achieve any level of success, we must view the rebuilding of these community institutions as a preventive measure, and we must include the family as well as the physical institutions," Mayor Goldsmith said.

B. Remarks

Senator Joseph R. Biden, Jr., Chairman of the Senate Judiciary Committee, came out squarely against federal mandatory minimum penalties in a wide-ranging speech to Symposium participants. "Quite frankly, I think we have had all the minimum mandatory sentences we need; and I think we need to reassess the ones that we have."

However, Senator Biden was pessimistic about the possibility of defeating additional mandatory minimums in Congress if they were introduced as part of a comprehensive crime bill. "I am not at all confident that there will be 51 members of the United States Senate who are prepared to vote with me and others in opposition," he said. "But at least we are beginning to build a consensus among policymakers that minimum mandatory sentences are counterproductive in many cases."

Senator Biden spoke of the need to focus on victims of crime to counter a growing belief among citizens that government and the courts are incapable of dealing with crime. "The single most significant problem Americans face is violence in America," he said. "And until we get to the point where we take more care of victims from the time they report the crime to the time the person is convicted and sentenced to jail, we are going to continue to have this disconnect that up to this point we have not noticed in American society."

C. Panel 4: Role of Community in Reducing Drug Abuse and Violence

"Community" – broadly defined as family, religion, school, and business organizations – can play a significant role in the prevention of drug abuse and violent crime. Community coalitions can be successful in this effort, even though organizing and agreeing on a set of objectives may be difficult and despite the fact that no single approach works for everyone.

Monsignor Raymond East, Pastor of St. Teresa of Avila Catholic Church in Washington, D.C., told Symposium participants

that the most important step in the prevention process is facing up to the devastation caused by drugs. "I was sent to a parish that was literally in denial," he said. "Its members' lips could not be wrapped around the words 'drug addiction,' and yet every family was suffering."

Monsignor East said that since breaking through its denial, the parish has become active in providing affordable housing, organizing community patrol groups to monitor neighborhoods, and providing support for teenage mothers to break the cycle of pregnancy and welfare. "Religious communities are in the perfect position to be there at the critical moments of birth, marriage, and death – and the times when the family is hurting most," he said. "And we take advantage of those critical moments to use the 'bully' pulpit to send a message of hope, and then to follow up with an address and a contact for people once they're ready to get help."

Gus Frias, a criminal justice specialist in the Los Angeles County Office of Education, said our nation's public schools need to address the issue of drugs, gangs, and violence in the community. He spoke about the need for schools to emphasize the positive in students rather than focusing on the negative. Mr. Frias recommends developing interagency advisory committees at each school, adopting violence prevention programs, and training teachers and parents how to recognize and react to signs of drug and gang involvement.

Substance abuse and addiction will cost the nation \$142 billion this year, while violence will add an additional \$5.3 billion a year to health care costs, according to Peter B. Goldberg, President of the Prudential Foundation. "The statistics communicate a simple message: drugs, alcohol, and violence are costing all of us a fortune in wasted human capital, missed opportunities, and ruined relationships."

While some businesses react to the problems of drugs and violence by moving to the suburbs, others, like Prudential, attempt to improve the quality of life in the communities where they do business. "We've done this by focusing more of our efforts on the lives and living conditions of children, by advocating for initiatives and public policies we believe in, and by funding direct services that hopefully make a direct difference," Mr. Goldberg said.

Paul S. Jellinek, Vice President of the Robert Wood Johnson Foundation, said that it is not enough just to devote more money to

reduce the demand for drugs. "We have to pay serious attention to how that money gets spent once it reaches the community, which is where the battle is really being fought," he said. Mr. Jellinek stressed the effectiveness of community coalitions, even though the process may be difficult and despite the fact that no single approach works for everyone.

VI. TREATMENT AND POLICY OPTIONS

A. Remarks

Peter B. Edelman, Counselor to the Secretary of the Department of Health and Human Resources, told Symposium participants that this country needs to develop a genuine service system before treatment and prevention programs will be truly successful. "We say we reach 60 percent of those who seek treatment, but this figure says nothing about all of those who are out there who don't even come in for help because we don't have a service system."

Mr. Edelman stressed the importance of developing partnerships to promote an infrastructure of treatment and prevention services between government and communities. "Ideas have to come from the community. Those are the only kinds of solutions that work," he said.

B. Panel 5: Judicial and Corrections Treatment Options

Federal and state governments, grappling with rapidly expanding prison populations, are often hard pressed to expend resources on treatment programs for convicted and incarcerated offenders. Experts believe that we face a continuing cycle of addiction and violent behavior unless treatment is considered an essential part of the criminal justice system's response to drug abuse and violence.

A panel of judges and prison officials stressed the importance of patience and providing a second chance when faced with addicted offenders who slip back into drug use while in treatment. "As a young prosecutor, even as a once-young judge, if the person failed once my view was, 'Well, you had your chance, and you blew it,'" said Judge Thomas R. Fitzgerald, Presiding Judge of the Criminal Division of the Cook County Circuit Court in Illinois. "It was only in more recent years that I began to understand that the whole course of treatment almost presupposes some failures along the way."

Sometimes concerns about prison overcrowding prompt policymakers to find innovative alternatives to prison. Judge Fitzgerald said that the dramatic increase in the number of inmates sent to Cook County jails in the last 30 years forced the sheriff to institute programs like electronic monitoring, a day center, drug-testing facilities, and other community corrections programs.

U.S. District Court Judge George P. Kazen told Symposium participants that funding for federal drug-treatment programs has been slashed during the past several years, forcing his probation office to scale back drastically its drug-testing program and virtually eliminate any inpatient treatment. "Treating addiction is not particularly glamorous or politically rewarding. It requires patience and commitment to the long haul," Judge Kazen said. "Unless we are prepared to make that commitment, however, we will never solve our drug problem no matter how many persons we convict or confine."

But the number of incarcerated individuals continues to rise, hitting cash-strapped state correctional systems especially hard. Harry K. Singletary, Secretary of the Florida Department of Corrections, told Symposium participants that for every prisoner entering the state correctional system he is required to release one individual. "I tell people all the time, 'I'm not the Secretary of the Department of Corrections. I'm the Secretary of the Department of Release.'"

Secretary Singletary attributed the enormous growth in Florida's prison population to drug problems in the communities. However, he is optimistic about the Community Corrections Partnership Act of 1991 that stresses intermediate punishments and front-end alternatives to incarceration. In addition, the legislature recently restructured the state's sentencing system by incorporating mandatory minimum penalties into the guidelines. "It is significant to note that this legislation requires any changes in sentencing policy to be linked to revenue dedicated to support the policy," he said.

Even in the face of overcrowding and limited budgets, corrections officials are attempting to modify destructive behavior through inmate treatment programs. "The Bureau of Prisons has developed a Drug Abuse Treatment Program that addresses inmate drug abuse by attempting to identify, confront, and alter those inmate attitudes, values, and thinking patterns that lead to criminal and drug-using behavior as well as the angry, often violent actions that become an increasingly large part of that lifestyle," said Dr. Kathleen M. Hawk, Director of the Federal Bureau of Prisons. In addition, 17 Bureau facilities

operate anger management programs in which small groups of inmates, under the supervision of staff psychologists, discuss the nature of anger, its causes, and proven methods to reduce it.

C. Panel 6: Approaches to the Problems of Drugs and Violence

Rising levels of crime, together with rising federal and state prison populations, are combining to force a reevaluation of the country's approach to drug abuse and violence. For example, in 1991 treatment programs received 14 percent of the \$10.5 billion federal drug budget; ten years earlier they received 25 percent. The Symposium's final panel discussed a variety of policy options to reduce drug abuse and violence, including supply and demand reduction, legalization, and gun control.

"What progress has been made in combatting drug abuse in the United States comes from reduced demand, not reduced supply," said Mathea Falco, author of The Making of a Drug-Free America: Programs That Work. "It is time to build a new strategy that focuses on reducing demand through prevention, education, treatment, law enforcement, and community organization." Ms. Falco said research shows that "three out of four addicts can learn to live without drugs if treatment is highly structured and sustained for a year or longer and if meaningful alternatives are available." She said, "Parenthetically, that is about the same success rate for people who can quit smoking, and I have to remind you that the average successful quitter in this country has had four relapses."

Kurt L. Schmoke, Mayor of Baltimore, said that he once advocated legalization of drugs but now advocates shifting the focus to de-emphasize law enforcement and punishment in favor of emphasizing the public health aspects of drug abuse. "I want our nation to focus on the fact that addiction is a disease to be treated, not an act to be criminalized," he said. Mayor Schmoke said the current war on drugs is a failed policy that leaves cities in unending violence, AIDS, and addiction. "We need a new policy – one that is rational, humane, just, and grounded in the field of public health," he said. "But to bring about that new policy, we must have people who are willing to challenge conventional wisdom."

Joseph D. McNamara, Research Fellow at the Hoover Institution, argued for a ban on assault rifles and a national waiting period for handgun purchases. "During the last two decades, the United States has embarked upon an ill-conceived war on drugs while promoting the

sale of military assault rifles and other firearms that encourage a national Rambo mentality and exacerbate racial tensions," he said. Mr. McNamara argued for mandatory classes on non-violent resolution of conflicts in elementary and secondary schools, emphasis on youth programs to provide an alternative to gangs, and a reallocation of funding in the drug war from enforcement to expanded prevention and treatment programs.

One panel member cautioned participants not to forget the important role law enforcement can play in the battle against drug abuse and violence. Reuben M. Greenberg, Chief of Police in Charleston, South Carolina, explained his innovative approach to reducing drug trafficking and violence in his city. "Our objective was to destroy that illegal, retail business called street level drug selling in the same way the street level drug dealers destroyed so many other businesses," he said. By placing five or more uniformed officers on street corners in the city's major drug markets, sales dried up because drug customers were frightened by the officers' presence. "The reason why 'Joe's' butcher shop went out of business was not because he started selling bad meat; it was because his customers became afraid to come into the area."

VII. LUNCHEON ADDRESS

Chief Justice William H. Rehnquist offered observations on the debate surrounding the efficacy and fairness of federal sentencing policy and the Judiciary's role in this ongoing debate.

"These mandatory minimum sentences are perhaps a good example of the law of unintended consequences," the Chief Justice said. "There is a respectable body of opinion that these mandatory minimums impose unduly harsh punishment for first-time offenders – particularly for 'mules' who played only a minor role in drug distribution schemes."

However, the Chief Justice said that the final decision on federal sentencing – be it a guidelines system, mandatory minimums, or both – is not for judges to make. "People with specialized knowledge in various fields should have their views considered, but the basic question of what is an appropriate sentence for a particular offense is not capable of resolution by any objective measure; it is a policy question, and it must be decided by Congress," he said.

VIII. CONCLUSION

Sentencing Commissioner and U.S. District Judge A. David Mazzone promised in his closing remarks that the Sentencing Commission's examination of drug abuse and violence will not end with this Symposium. "In the future, we plan to form task forces consisting of practitioners, policymakers, and academicians to examine in depth some of the specific and some of the larger issues we heard here yesterday and today."

Specifically, the first task force arising from this Symposium will study the relationship between drugs and violence and will make recommendations concerning policy issues, potential legislation, prevention and treatment alternatives, and research agendas for funding agencies and individual researchers.

"This is a beginning. We're all looking for the same things: a reduction in crime, a reduction in drugs, a reduction in violence," Judge Mazzone said. "We all have a role to play, but let's not fall all over each other as we try to make progress. This will not be a course for the short-winded."

INTRODUCTION

Symposium on Drugs & Violence in America

I. Overview of the U.S. Sentencing Commission

The United States Sentencing Commission is an independent commission in the judicial branch of the federal government charged with developing sentencing policies and practices for the federal courts that further the statutory purposes of sentencing (i.e., just punishment, deterrence, incapacitation, and rehabilitation).

Sentencing guidelines promulgated by the Commission and implemented by the federal courts nationwide since 1989 seek to increase certainty, honesty, and fairness in sentencing by ensuring that similar offenders who commit similar offenses will receive similar sentences.

While the development, monitoring, and amendment of the sentencing guidelines is the centerpiece of the agency's work, the Commission provides training, conducts extensive research on sentencing-related issues, and is an information resource for Congress, criminal justice practitioners, and the public.

Activities of the Sentencing Commission are directed by seven Commissioners appointed by the President and confirmed by the Senate. The Attorney General serves as an *ex-officio* member of the Commission, as does the Chair of the U.S. Parole Commission. According to statute, at least three Commissioners must be federal judges, and no more than four may be from the same political party.

The Commission's staff of approximately 100 employees, headed by a Staff Director, is organized into five main units: General Counsel, Policy Analysis, Monitoring, Training and Technical Assistance, and Administration. The Commission is located in the Thurgood Marshall Federal Judiciary Building in Washington, D.C.

II. Inaugural Symposium on Drugs & Violence

The Commission sponsors this first Symposium on Crime and Punishment in the United States in furtherance of its mandate to "reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process" and to "develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing" (28 U.S.C. § 991).

The Inaugural Symposium, focusing on Drugs & Violence in America, brought together more than 350 policymakers from federal and state governments to share information and exchange ideas about the problems of drug abuse and violence in this country. Participants included the Attorney General, the Chief Justice of the United States, members of Congress and their staffs, state officials, mayors, federal and state judges, federal and state corrections officials, treatment and education specialists, researchers, probation officers, law enforcement personnel, executive branch officials, representatives of advocacy organizations, and private citizens.

A convening dinner Wednesday, June 16, 1993, and keynote address by Attorney General Janet Reno opened a day-and-a-half of panel discussions and presentations. Morning sessions on June 17th highlighted issues related to the causation of drug abuse and violence, while afternoon speakers and panels focused on prevention issues. Friday morning's session addressed treatment issues and policy options. Throughout the Symposium, prominent members of Congress, the federal judiciary, and the executive branch addressed Symposium participants on issues related to drugs and violence in society.

A moderator chaired each of the Symposium's six panel discussions. After a brief introduction, each presenter spoke on his or her assigned topic for 15-20 minutes. At the conclusion of all panel members' presentations, each moderator opened the floor for questions and comments from participants. This compendium attempts to capture all aspects of the Symposium from presentations to questions by participants.

III. Summary Agenda of Symposium

The following summary agenda provides a capsulized overview of the Symposium proceedings. Biographic information on speakers can be found at the beginning of each presenter's remarks reprinted in this volume.

Wednesday, June 16, 1993 — Convening Dinner

Remarks:	William W. Wilkins, Jr.
Keynote Address:	Janet Reno
Entertainment:	The First State Force Band

Thursday, June 17, 1993

Morning Session: Causation

Opening Remarks: Maxine Waters

Panel 1: Perspectives from the Street

Panelists considered drugs and violence from first-hand perspectives, either as individual observers or as criminal justice professionals responding to the problem.

Moderator: William W. Wilkins, Jr.

Presenters: Benny N. Napoleon, David Plaza,
Reggie B. Walton, Richard Price

Panel 2: Perspectives from the Research Community

Panel members discussed the latest research about the causes of drug abuse and violence; biological, psychological, and sociological factors related to drug abuse and violent crime; and the relationship between drug abuse and violence.

Moderator: Ilene H. Nagel

Presenters: Robert L. DuPont, John Monahan,
Paul J. Goldstein

Luncheon Address: Edward M. Kennedy

Afternoon Session: Prevention

Panel 3: Role of Government in Prevention Efforts

Panelists examined the roles and types of initiatives for local, state, and federal governments in the prevention of drug abuse and violent crime.

Moderator: Ilene H. Nagel
Presenters: Luceille Fleming, Rod G. Mullen,
Naya Arbiter, Alex E. Crosby
Observations: Stephen Goldsmith

Remarks: Joseph R. Biden, Jr.

Panel 4: Role of Community in Reducing Drug Abuse and Violence

Panelists highlighted the role of "community" components – family, religion, school, and business organizations – in the prevention of drug abuse and violent crime.

Moderator: Michael S. Gelacak
Presenters: Raymond G. East, Gus Frias,
Peter B. Goldberg, Paul S. Jellinek

Friday, June 18, 1993

Morning Session: Treatment

Opening Remarks: Peter B. Edelman

Panel 5: Judicial and Corrections Treatment Options

A panel of federal and state judges and corrections officials assessed treatment options, including pre-arrest community programs, sanctions available to judges following arrest or conviction, and programs available to incarcerated offenders.

Moderator: A. David Mazzone
Presenters: George P. Kazen, Thomas R.
Fitzgerald, Kathleen M. Hawk,
Harry K. Singletary

Panel 6: Approaches to the Problems of Drugs
and Violence

Panelists discussed policy options to address the problems of drug abuse and violence, including the effectiveness of supply and demand reduction, decriminalization, and gun control.

Moderator: Julie E. Carnes

Presenters: Mathea Falco, Reuben M.
Greenberg, Kurt L. Schmoke,
Joseph D. McNamara

Luncheon Address: William H. Rehnquist

Closing Remarks: A. David Mazzone

OPENING REMARKS

WILLIAM W. WILKINS, JR.

Chairman, U.S. Sentencing Commission

I would like to welcome everyone to the Sentencing Commission's Inaugural Symposium on Crime and Punishment with a focus on Drugs and Violence in America. I am pleased to see such a diverse and distinguished group gathered for this important Symposium. Here tonight are representatives from the House and Senate and various governors' offices; members of the state and federal judiciaries; treatment and corrections professionals; specialists in drug treatment and prevention; defense attorneys; prosecutors; chief probation officers; representatives of various law enforcement agencies including Bill Sessions, Director of the FBI; Kathy Hawk, Director of the Bureau of Prisons; Deputy Attorney General Phil Heymann; and senior officials from a variety of federal agencies. Indeed, we have such an array of distinguished guests and participants that I will forego the pleasure of making individual introductions.

I would like to introduce the other members of the Sentencing Commission and ask them to stand and be recognized as a group.

United States District Judge Julie Carnes

Commissioner Michael Gelacak

Commissioner Ilene Nagel

United States District Judge David Mazzone, the moving force behind this symposium.

Ex-officio member Roger Pauley, the Attorney General's designee.

Ex-officio member Ed Reilly, Chairman of the United States Parole Commission.

A question that I should address at the outset is "Why is the Sentencing Commission sponsoring this Symposium?" When Congress authorized the creation of the Sentencing Commission, it assigned to this new body a variety of responsibilities, the most pressing of which was to develop a sentencing system based on sentencing guidelines for use in our nation's federal courts.

The Commission met this challenge. Sentencing guidelines based on crime control are in place and, in my judgment, have significantly improved our justice system.

But Congress gave the Sentencing Commission a broader mission that was not limited to writing sentencing guidelines, for this body was to serve as a clearinghouse of information on criminal justice issues and to promote the advancement in knowledge of human behavior as it relates to the criminal justice process. We are charged with critically examining current criminal justice practices and, most importantly, searching for ways to improve those practices.

In this endeavor we recognize that crime control is our objective. It may be that very punitive measures are necessary to achieve this goal. On the other hand, in a given case, crime control may be more readily achieved through punishment other than lengthy incarceration.

The debate should not be about being "tough on crime" or "soft on crime." We must move beyond this rhetoric and focus on meaningful solutions that achieve desired goals in the most humane, effective, and efficient manner. We must focus on the causes of crime, stress effective methods of prevention, and place more emphasis on treatment.

I imagine that everyone in this room could tell a story of how drugs or violence has touched their lives or the lives of a family member or friend. I would like to relate to you an incident that happened just last week that, while not as troubling as some experiences you may be aware of, is disturbing for a different reason.

A colleague of mine was called away from a meeting last week to take a telephone call from her son's high school principal regarding an "incident" at the school. The principal told her that a classmate had pulled a gun on her 16-year-old son during a ceramics class, accusing him wrongfully of stealing a video game. After pointing the gun at the young man, the armed student forced him to walk from the classroom to his locker to verify that he did not have the missing video game. At least two other students were similarly threatened by the same student during the day.

After school, officials were alerted. They called the police, and the student was arrested and subsequently expelled. Unfortunately, the gun was given to a friend and never recovered.

Sadly, my colleague's experience is by no means unique. But what I found almost more disturbing than the incident itself was her

children's reaction to the presence of a loaded handgun in the classroom. Her son was unnervingly accepting and untroubled by the incident, and acted as if pulling a gun in class was not a significant event. Her 11-year-old daughter dismissed it by saying, "Oh, Mom, it wasn't a big deal."

Well, it is a big deal. We are not going to change our children's attitudes about violence and drugs in this country until we change our own.

The issue identified for this Symposium is, as the title suggests, Drugs and Violence in America. And it is a problem from which we cannot and should not run. We must examine and reassess the ways we respond to these pressing issues of public safety. We must engage in frank debate with a free exchange of ideas. We must share our successes and failures so that we can learn from each other.

KEYNOTE ADDRESS

JANET RENO

Attorney General of the United States

Ms. Reno was appointed Attorney General by President Clinton on March 12, 1993. Prior to her appointment, she served as the State Attorney in Miami, Florida. Initially appointed to that position by the Governor of Florida, she was subsequently elected to that office five times. Ms. Reno served as an Assistant State Attorney and as Staff Director of the Florida House of Representatives Judiciary Committee, and also worked in the private practice of law. Ms. Reno graduated from Cornell University with an A.B. in Chemistry and received an LL.B. degree from Harvard Law School.

Judge Wilkins, I thank you, and I thank the Sentencing Commission for this program tonight. I don't think that either before or since I came to Washington have I felt so encouraged about the ability of America to look at the problems of crime, drugs, and violence in a comprehensive way and to come up with a solution. I have never seen such a collection of both federal and state officials and of correctional and preventative experts as we have here. This is one of the most encouraging evenings I have spent in a very long time, and they haven't even started talking yet.

I think you sounded the theme for where we have to go on the issues we confront in this Symposium. We've got to start discussing, rather than debating – because discussion helps us reach solutions, and debating tries to prove who's right.

We've got to start evaluating to understand what works and what doesn't work. We've got to get rid of party labels and start looking at crime, drugs, and violence in a nonpartisan way – because nobody is interested in promoting these problems no matter which party they belong to.

We've got to reduce the rhetoric and increase the good will as we face these issues – because doing as you have done in this

conference, bringing all these people together, we can make a difference with respect to crime, drugs, and violence in America.

Let's start at the end of the line. I know what we have got to do. I have sometimes been on the losing end with the federal government saying, "Here, let the states do it," and the states saying, "Here, let the counties do it." And the counties and communities with their backs up against the wall have had to develop new and innovative and bold programs.

I think the time has come to emphasize the spirit of federalism and to realize that we should have a partnership among communities, states, and the federal government so that nobody's dumping on each other – but together we develop a rational policy on how to proceed.

Instead of engaging in issues about "Let's federalize this" or "Let's dump on the states for that," I think the National District Attorneys' Association, the United States Attorneys, the National Association of Attorneys General, and all others concerned should work together – as I hope we will in the months to come – to develop a rational policy as to what should be charged in federal court and what should be charged in state court.

We should look at the availability of prison cells and develop remedies – and file charges based not just on where we're going to get the most time. But let's pool resources so we can use our prison cells to make sure that dangerous, violent recidivists are put away, kept away, and incapacitated as they should be; that major distributors, dealers, and traffickers are put away and kept away; and that the prison resources of this nation are used in a comprehensive fashion to do that.

I've been working in a jurisdiction about 350 miles from the border. If I were working in the Southern District of New York – with New Jersey across the river and the Eastern District across the other river – I'd start looking at violent crime as if it were more a federal problem. If one jurisdiction couldn't house people for the length of time the judges are sentencing them to, we'd find space in another jurisdiction.

But I am convinced that – working in an informed partnership without the federal government being the know-it-all, without the federal government saying to states, "You do it," without the federal government saying, "You can have our money if you do it the way we want it done" – we can use our limited resources to meet the

priorities the American people have emphasized again and again; to do something about the crimes of violence, the major traffickers, the people who tear apart the very physical fabric of our society.

We've got to have communities (which can identify their needs and resources far better than anybody else) say, "This is what we need." And then the federal government and the state need to work together to fill in the blanks and put together the pieces of the puzzle in a partnership with communities, rather than telling them what to do.

The federal government, quite simply, has to get its act together. Have you ever sat around a table in a community trying to address these problems with somebody from the Department of Labor, somebody from the Department of Justice "Weed and Seed" Program, somebody from HHS, somebody from DOE? They've all got different programs around the community. They're not coordinated. They don't understand each other. They haven't met each other. And they haven't worked together to develop a coordinated federal effort that can truly serve a community in a coordinated and planned way.

Ladies and gentlemen, I don't know how much the federal government is spending, but I know from my 15 years in Miami that, working together, working with communities, we can spend it more wisely. Look at how we do it today. A lady in a public housing development said: "Ms. Reno, you've got to help me. I've got a minimum-wage job – first job I ever had since my four babies were born. I'm going to get off welfare. But then they tell me I'm going to lose benefits, and I'm going to be worse off than if I hadn't gone to work in the first place."

Another lady called me and said: "Ms. Reno, my daughter has a severe and crippling disease. I've always had good health care benefits, but I lost those because my employer has had problems. I still make too much money to be eligible for Medicaid, but I can't afford treatment for my daughter because it's too costly. Do you know what they told me today at the hospital? Why didn't I quit my job so I could be eligible for Medicaid?" That is what too many Americans are being told, and that's what we've got to change.

I think it's imperative that we all join together and approach these problems from a business point of view as well. The time has arrived. The American people are fed up with those who say, "Let's pass tougher sentences," without putting the price tag on those

sentences and without assuring the people of this country that we have enough prison cells to house people for the length of time the sentences call for.

I spoke to group after group throughout my community for 15 years, and they began to understand the dollar-and-cents approach of trying to build our way out of the crime crisis.

Let us at least build enough prisons so that we have truth in sentencing for dangerous offenders – the major distributors – and so that the sentences of our courts will mean what they say. We can easily afford to do that in both the state and federal systems.

And then let's be frank with ourselves and the rest of America. Americans know it already. I've travelled through too many states where people are serving only 50 percent of their sentences or less.

I come from a state where the average sentence served is only 20 to 30 percent of the sentence imposed. I come from a state that's about five years ahead of the federal system – a state that's passed a lot of minimum mandatory laws, a state that developed sentencing guidelines in 1983, a state whose legislature didn't match the dollars with the guidelines. Two weeks before I came to Washington that state held a conference on how to end the gridlock that occurred because people who were serving minimum mandatory sentences for less dangerous offenses were remaining in prison while more dangerous offenders were being released to meet a federal population cap.

Let us understand that the wrong prisoners will be coming out sooner rather than later, ultimately, unless we focus on how to do it right. It makes no sense in the federal system or in the state system to put a person who has a terrible drug problem in prison, have him serve part of his sentence – or all of his sentence if you happen to have enough prison cells – and then put him back into the community with no follow-up at all. But every time I turn around, it's done again and again throughout America.

Even if these inmates get treatment in prison, they're picked up and put back into the community without after-care, without follow-up, without job training and placement, without respite, and without 24-hour call-in service where, if they're about to fall back, they have somebody to reach out to and to hold onto. That's just an absolutely stupid expenditure of taxpayers' dollars.

Too many treatment people have taught me again and again that we can make a difference by providing a transition, by getting them detoxed and stabilized, by moving them into less-expensive residential, non-secure facilities, and by moving them into day treatment and then into after-care – all of it conditioned by random drug testing, so that offenders can get off on the right foot with support as they return to the community.

But we're going to have to go further, because many of these offenders go right back to the apartment building where the problem started in the first place; that's where their family is, and there's no place else to go. We have to start thinking of new and alternative housing sites where recovering offenders can be drug-free and have a chance of making it away from the sources and influences that created the problem in the first place. Let's not drive them back to where they came from.

We have got to provide opportunities for recovering offenders. We have a whole category of young men, primarily 18 to 30, who have one or two prior records. They've licked their drug problem, if just momentarily. They'd like to get off on the right foot. They try to get a job, and they can't, because nobody wants to hire a recovering addict with a prior record.

The average response I used to get from employers was: "Janet, why should I hire that recovering offender when the next person I interview has just been let go from his work because his company has folded, and he's a wonderful employee who has had a tremendous record, and he's never used drugs?" We're going to have to think of new and creative incentives to get people back into the labor force, back into roles as constructive members of society. Unless we break that cycle, unless we give to those recovering offenders the opportunity for a job, we're never going to make it in terms of success with these offenders. We've got to look at job training and placement as we return people to the communities – and provide every way possible to give them a chance to get off on the right foot.

But with our approach to violence, we've got to look at one particular form: family violence, domestic violence. Shortly after I took office in 1978, the Dade County Medical Examiner, a wonderful man, Dr. Joe Davis, called me and said: "Janet, nobody's ever come over here to look at why people get killed in Dade County."

We went with some university interns to look and then spent a few months doing a thorough study. From that, we developed

startling statistics indicating that 40 percent of all people killed in Dade County during a 25-year period had been killed as a result of domestic violence – of husband-wife, boyfriend-girlfriend, or ex-spouse violence.

Nobody paid any attention to domestic violence in those days. We got an LEAA grant, and we developed a program that became a model for the nation. We have struggled over these last 15 years to get the concept accepted. We developed a domestic violence court and a domestic violence center.

And slowly, throughout America, people are beginning to understand how we have to intervene and send a clear, absolutely firm message that domestic violence won't be tolerated. It won't be tolerated because the child who watches his father beat his mother is going to come to accept violence as a way of life. It won't be tolerated because it is tearing apart the very physical fabric of our family and our society as a whole.

We can do so much if we spread that message: working together we can develop effective methods with regards to family violence. We can send that message to the lady who doesn't want to prosecute – and there were many who didn't like our no-drop policy – saying, "Look, we know you don't want him to go to jail, but prosecute with us, and we'll get him into a drug treatment program. We can help you, and we'll work with you."

We've got to keep trying. We've got to find the programs to make these opportunities available for these people if we are to make a difference.

One of your questions is going to be: "Where are we going to get the money?" We're probably going to have fewer dollars in America to deal with this problem, and we're probably going to have to be a lot smarter in how we spend our money.

I come from a state that has a balanced budget requirement and makes it a crime to deficit spend – a state that has had revenue shortfalls in the last several years, dependent as it is on sales tax revenues. And I can tell you that it's hard to learn to cut six months into a fiscal year when you have to cut a million dollars out of a \$20 million budget, but it's possible. And it's amazing what people can do if they have to use those dollars in a smarter, wiser way.

I think we're going to be faced with that problem at every level of government throughout America.

But then let's ask how we're spending the money. Where are we spending it? Are we spending it on costly interdiction? I go back to what I said at the beginning: We've got to evaluate how we're spending the dollars and what's working.

In the early eighties, our Dade County grand jury did a study on narcotics. We heard from federal officials who said that before a task force arrived in South Florida to deal with the problem of drugs, 15 percent of the stuff was being interdicted; after the task force came, a little over 25 percent was being interdicted. But to have any real impact on drug abuse in America 75 percent of the stuff would have to be interdicted, and that would be cost prohibitive.

I always used to think, wouldn't it be wonderful if I could go to Washington and find out if that was all really true? And now we have a chance to do thoughtful studies to find out if it's really true.

We've got to understand that 34 separate federal agencies all fuss around with drug enforcement – sometimes in conflict, sometimes fragmented, sometimes overlapping, and oftentimes not even on the same page in terms of a coherent strategy.

I'm dedicated to trying to make sure that there is no duplication, that everybody's on the same page, that we spend every single drug enforcement dollar as wisely and as cost effectively as we can. We can make a difference if we use our dollars right, both in terms of prevention and of punishment that means what it says.

When I took office as State Attorney, I started focusing on the juvenile justice program because I was really interested in the causes of crimes and what could be done to prevent crime in the first place. I focused on 16- and 17-year-old young men, sometimes with prior records. I looked at programs that could be developed, and I recognized that by waiting until that late hour in a person's life we would never have enough resources to change that young man and his similarly situated colleagues.

I began to focus then on dropout prevention, and our Dade County grand jury did a study on dropout prevention. I realized that if we wait until a child is 12 or 13, when they're about to drop out of school, it's too late because they've already fallen behind at their reading level and their grade level. They've lost self-esteem.

They've lost self-respect. They're already acting out to gain attention through means other than academic success.

So I started developing neighborhood intervention programs focused on Head Start and the first years of elementary school. Then the crack epidemic hit in 1985, and the doctors took me to the neonatal unit at Jackson Memorial Hospital, and I learned so much.

I suggest to you that when we look at the issues of crime, drugs, violence, teen pregnancy, youth gangs, homelessness that sees an ever-increasing number of women and children in its ranks, and youth violence that has become one of the most startling and tragic phenomena I have seen in my adult life in Miami – all these problems are reflective of a far deeper problem in society. It is that for the last 30 years in America we have forgotten and neglected our children – and you who are concerned with what we can do about it know that better than anybody else.

We've got to go beyond, then, just discussing solutions. We've got to go beyond reducing the rhetoric. We've got to go beyond evaluating just what works. And we have got to send a message throughout all America that we will never be able to build enough prisons in the next 18 years to house children who are born today of drug-involved mothers. We have to start now, instead, to give such a child a good chance at a strong and healthy life.

We have got to tell that businessman that if he doesn't care about children, for common humanity's sake, in five, ten, and 15 years he is not going to have a work force with the skills necessary to fill the jobs – and to maintain his company as a first-rate company or to maintain America as a first-rate nation.

We have got to tell that senior citizen – who too often has told me in the past, "Janet, don't talk to me about children; I sent my son and grandchild and even helped send my great-grandson to college" – that her pension isn't going to be worth the paper it's written on in five and ten years unless we have a work force that can maintain this nation as a first-rate nation and fuel an economy that can sustain that pension.

All of us who care about crime and its solutions know in our hearts, in our minds, in our guts what the solutions are in terms of balanced punishment and prevention. And we've got to tell that doctor who says, "That's not my problem; I have this fancy practice out in the nice end of town," that the very health care institutions he

depends on are being brought to their knees because we are not making an investment in children early on.

And even if people don't care and don't listen, put it to them in terms of dollars and remind them that for every dollar spent for prenatal care, within three years we save three dollars in health care costs related to low birth weights arising from lack of prenatal care.

And if they still don't care, tell them that unless we invest in children, they're going to be held up in the middle of their driveways with guns to their heads by 14-year-olds we will never be able to save unless we make an early investment.

We have a job to sell all America on balanced punishment and prevention. You never raised a child through punishment alone. You never raised a child by threatening punishment and not carrying it out. You never raised a child successfully unless the punishment imposed was fair and consistent with the violation. No, you raised a child with love, nurturing, bonding, and affection which gave that child a fabric, a community in which to grow as a strong and healthy human being.

We've all got to turn from our narrower roles as prosecutors, as judges, as correctional officials, as nurses, doctors, teachers, and child development experts and focus on the bigger picture. We all tend to focus on our narrow little sphere where we concentrate on a person's life to try to make a difference. But, unless we reach out and join our hands together, and re-weave the fabric of society around our children and our families, we are never going to find answers to the problems you are addressing in this conference.

And how do we do it? We've got to develop a national agenda for children – one that is implemented by communities and the federal government coming together as a partnership.

We need to develop a partnership where we coordinate all our limited resources to ensure for all our children an agenda that focuses on strong and healthy parents old enough, wise enough, and financially able enough to take care of their children.

Let's do something about teen pregnancy in America. We can make a difference each time we have a stronger, older parent.

Let's talk to our young men. I just read of a remarkable program – and I hope it's working as well as its press indicated it's working – where young men coming out of prison are getting

parenting skills programs to enable them to come out as stronger, healthier parents.

There's something pretty wonderful about watching a young man with his son. Too often we've said it's the mother's responsibility. He sees the magic in it. Through high school programs and all other programs, let's give that young man a sense of the wonder of parenting. Let's focus on the time it takes.

I heard that a college president recently said that his students, compared to 30 years ago, were intellectually much more sophisticated but emotionally much less mature. And he attributed it to the fact that both parents were working, or single parents were working, and the children didn't have enough parenting on a regular basis.

Look at what happens today. Get the children's breakfast, get to work, try a case in my office in Miami, finish at 6:30, call witnesses, leave, get home at 7:30, dinner on the table, the children bathed, the homework done. The weekend is taken up by running errands. Sunday night they start over again. They don't have quality time with their children.

Let's focus on providing parents time to be with their children, no matter what type of employer we are. All of us must figure out how we put the family first in our business, in our work, in America.

We have got to focus first on providing every American parent with prenatal care. Then we have got to focus on the age of zero to three. Help me send the message that child development experts have been sending again and again: These are the most formative years of a child's life, and 50 percent of all learned human response is learned in the first year of life. And yet, as families have disintegrated around children, we haven't combined together to form institutions that can provide the education – in that first, most critical year of all – that can make a difference in that child's life.

The concept of reward and punishment is learned in the first three years. What difference does it make how many prisons we build in the next 18 years if the child doesn't learn what punishment means because there wasn't a nurturing society, a nurturing world around that child?

You've got to go out and tell everybody what it means to walk into a neonatal unit at the beginning of the crack epidemic and see a

baby not held or talked to except when changed and fed for six weeks. It is a crack baby beginning to evidence non-human reactions while the severely deformed baby in another bed, who had her parents with her almost around the clock, was beginning to respond with smiles and human response. Then you understand why those first three years are so important.

We've got to make sure that we provide preventive medical care for all our children. Something is terribly wrong with a society that says to a 70-year-old person, "You can have an operation that extends your life expectancy by three years," but then says to the child of the working poor, "Sorry, you don't have health care benefits, but you make too much for Medicaid." That child can't get simple medical treatment that will extend its health by more than we can imagine.

We have got to work to make sure that every child in America has strong, constructive edu-care, blending into Head Start, that Head Start is improved and expanded on in every way possible, not as just erratic programs here and there where happenstance will have them, but comprehensive programs throughout the school system.

In our schools we've got to free our teachers' time to teach. And we have got to develop conflict resolution programs in our elementary schools that teach our children that they can resolve their differences peacefully. Those programs are working throughout America, and they've got to become an accepted part of our curriculum.

We've got to be alert for signs of family violence and children's violence in our emergency rooms throughout America. When we see the black eye, we've got to respond more often with something more than treating the black eye by referring that lady for counseling and by following up so that we understand the cause of violence. And we must follow up with counseling to help the child understand that this is not an accepted way of life.

We have got to send a message to advertisers that we don't want violence advertised on television when our children are watching it.

We have got to look at what our children do in the afternoons and evenings, wandering around, drifting around, watching violence on TV. If we took all the resources we spend in apprehending and incarcerating people and put them up front in programs for children after school and in the evenings, with police officers and others who cared, we could make a whale of a difference in crime and lost lives.

Our police officers are involved in wonderful, constructive efforts, forming teams with public health nurses and social workers that work with children in families at risk and deal with their problems as a whole and help to restore them. We will never solve the problem of the child by itself unless we rebuild the family around that child.

We have got to look at economic development for the child. We're not going to develop economies if we just say, "Here's a job." We must provide the child with the skills necessary to fill that job. Let's start looking in the seventh grade at aptitude and interest and then – beginning through summer job programs that have a realistic match to the aptitude and interest – work experience programs. We need school programs that develop a comprehensive path children know they can follow and that will enable them to earn a living wage when they graduate from high school.

There is something frustrating as you watch a child in a summer job program chipping away at the paint on a curb with no sense of where that's going to lead in one year, five years, or ten years down the road.

We can make that difference. We can give our youngsters an opportunity for public service that they want so desperately. I remember the monuments throughout my community that the young men from the CCC – the Civilian Conservation Corps – built during the Depression. I remember the people who went off to World War II, who were heroes and heroines to me. I remember the young men and women who went halfway around the world in John Kennedy's Peace Corps.

Our crisis, our challenge, our drama, is on the streets of America today. Let us harness the magnificent energies in our children at every level and let them work together with us in serving the people of America in rebuilding our streets, our families, and the world around them.

Children, given half a fighting chance, can be so strong and so wonderful. They are so tough. They have such wonder in their eyes. We've got to give them that half a fighting chance.

REMARKS

MAXINE WATERS

United States House of Representatives

Congresswoman Waters was first elected to the House of Representatives in 1990 and subsequently re-elected in 1992. Her district includes South Central Los Angeles, Inglewood, Hawthorne, and Gardena. She had previously served 14 years in the California State Assembly and became the first woman in the state's history to be elected chair of the Assembly's Democratic Caucus. Congresswoman Waters is a member of the House Committee on Banking, Finance, and Urban Affairs; the Committee on Veterans' Affairs; the Small Business Committee; and the Democratic Caucus Organization for Study and Review. A leading proponent of women, minorities, and children, she has championed legislation to transfer monies from the Defense Department to meet human needs. Congresswoman Waters received a B.A. from California State University.

Good morning. I am happy to be here with you today to share a few of my thoughts on the twin scourges of drugs and violence that plague our cities. It is altogether appropriate that this Symposium is sponsored by the U. S. Sentencing Commission. I suppose that the only way the Commission can effectively and justly carry out its mandate is to base its decisions on a foundation of understanding. I have prepared a speech that I may refer to, but I think it is important for me to try to share with you some of my experiences working in what is known as South Central Los Angeles, Watts, the housing projects, and how I have come to some conclusions about what has taken place in our society, without sanitizing it.

Some eight or nine years ago, I decided I was going to try and do something about the increasing numbers of young people who were hanging out on the street corners in and around the public housing projects in Watts. I was working in the California State Legislature, and each week as I returned to my district, I was more and more concerned about the fact that the numbers were increasing. Young Black and Latino males, for the most part, hanging out day in

and day out – in the housing projects, on the corners, in the alleys – and I began to ask myself, "Why are all these young people just hanging out, nothing to do? Where is the job training? Where are the programs? Why can't City Hall connect with all of these young people who are hanging out in these housing projects?"

And so I began to research the Jobs Training Partnership Act (JTPA), the major job training resource in this country. This is a program that replaced CETA that many of you may be somewhat familiar with – the training program that was in effect some 12 years ago that was designed to train hardcore unemployed, but it was with a wage or salary. Now replaced by JTPA, the program is designed to train but does not have a wage or salary attached to it. I wanted to try and understand why we had a program, funded by the federal government, coming down through the state to the city and to the county and service delivery areas – a program that did not seem to connect with the growing number of young people on the street corners.

I learned an awful lot in a short period of time. I learned that JTPA was not an effective program because, in fact, it did not have a salary or the kinds of resources attached to it that would allow people to go into training. People who are hungry, who are homeless, and who don't have any resources, don't sit in job training programs day in and day out. I did not do any kind of poll. I did not do any kind of sophisticated research to come to that conclusion. It really is common sense. It does not work.

If you have a job training program, it may be a decent training program; but if you go to one of these young people on the streets, hanging out in a housing project, you will find that you cannot say "come and go to this training program; it's good for you."

"No, I don't know how you're going to eat lunch. No, I don't know how you're going to pay for cleaning. No, I don't know how you're going to get a haircut. But this is good for you. Stop what you're doing. You're not doing anything, so come and be here at 8:30 every morning, and sit throughout the day and maybe when you're finished, maybe we can get you a job."

It does not work. The job training program, for the most part, is a farce, and that's our major job: training for unemployed people in this country.

These people I'm talking about – who are wreaking havoc on America – don't show up in the data or the statistics that a lot of professionals look at. They are not in school – they dropped out when they were 14, 15, or 16 years old. If they graduated from high school, life just stopped. They don't show up on the unemployment rolls because the way we gather that kind of information in this country, if you have not worked within the last year perhaps, you don't show up anywhere. Most of these young people we're dealing with now have been on the streets for almost ten years. They are now in their twenties. Many of them have never worked a day in their lives.

I'm not simply talking about Los Angeles, even though that is my experience. It's true in Cabrini-Green in Chicago and Carr Square Village in St. Louis; it's true in the Bronx; it's true in Pittsburgh – all over this country. This profile I'm trying to give you is a profile of young, Black, Latino, and even White males, somewhere between the ages of 16 and 30.

Most public policymakers don't even know who we're talking about. We've got a bunch of people sitting over on the Hill who have been elected to serve, fiddling around with the budget, talking about a summer youth program to keep them quiet. The folks I'm talking about are not the "I need a little money for summer" crowd. These are young, Black, Latino, and even White, males for the most part, many of whom have served some time, some are ex-felons, most of them are in contact with the probation or a parole officer or supposed to be. Many of them have fathered children, not just one, but two and three.

You will find the problem is acute in housing projects, because these young males don't have any real resources or any place to live, and so they live with welfare mothers and with grandmama and mama, or wherever they can. The housing authorities pretend they don't exist because they're not on the rolls. If you are 18 years old, or 17, you're now supposed to be on the rolls if you live in the housing projects, but it will cost more money. And so, welfare mothers and others don't list them because they don't have the money to pay for them to be there legally. So, they hang around in large numbers, but we pretend they don't exist. Some of the policies that are developed in the housing projects do not recognize that they have this whole population of young folk who live there. When they talk about programs, when they talk about jobs that perhaps could be created in the housing projects, they have weird kinds of rules that say "in order to get these jobs, you must be on the rolls as a resident," knowing that

all of these young males are not on the rolls because it would cost more money, and they are literally hanging out with the girlfriend or grandmama or whoever they can live with.

Can we do something about this population? Are they violent? Are they dangerous? Are they the criminals that we hear an awful lot about? Let me tell you. Most of them have been in trouble and will be in trouble again. They hustle. They sell crack. They earn a living however they can. Is it wrong? Of course it is. Is it causing us trouble in our society? It most certainly is. I referred to them because sometimes I want to shock people and say they are wreaking havoc on this country. Are they in gangs? Yes, they are, in many cities, certainly in Los Angeles. The stories about the Crips and the Bloods and others you've heard over and over again.

Why are they in gangs, and what does it have to do with violence and drugs? It seems to me, what I've learned about all of this is this: at one time it appears that, in order to be a drug dealer in this country, you had to get some money from someplace and go out and buy some drugs, and then spread it around for sale and recoup your money, I guess, and buy more drugs. But then drugs became very plentiful for whatever reason – some of you may know better than I do – and now they have these consignment drugs. You didn't need any money.

Some people say it happened because the Colombian cartel, or what-have-you, was able to spread drugs that were plentiful around in this country. But guess what? Even more than in yesteryear, these consignment drugs that are spread around all over the place, are readily available for those who would sell it. And many of these young people will die because they won't get the money back to where it is supposed to go. And some other young person will be sent to kill the young person who didn't get the money back to the drug dealer the way it was supposed to go. Are all of them making thousands upon thousands of dollars? I don't think so. I know young people who have a few rocks they begged or leveraged from somebody, and they make a little money off of it, and they give a little money back to the person they got it from, and they have a little money in their pocket. It has become the income of the underground in many communities.

Can we do something about it? I think we can. But the people on the Hill do not understand this. And maybe many people in this room don't understand it. We can talk all we want about mandatory sentencing and getting tougher; we've been doing that for years now. The prisons are overcrowded, the system can't stand us just sending

people there anymore. It's almost stupid to take some of these young people with crack cocaine and talk about locking them up for years. They come back meaner and tougher and better connected.

I suppose they gather in gangs for a lot of reasons. Without trying to make excuses for them in Los Angeles or anyplace else, what we have discovered is this: many of them are the products of dysfunctional families. We now have in the housing projects and other places, young people whose parents are no more than 14 or 15 years older than they are. They haven't been given very much in the way of family support. Oftentimes, many of these young people are seeing things that you and I have never dreamed of. They have mothers and fathers on drugs.

I had a couple of young men in my car one day that I had challenged, and I took them to get drivers' licenses and to enroll in a vocational school. I talked with them, and I'll just tell you this little story – I can tell you hundreds.

I said to these young men – they were brothers – "Well, what does your mother think about all of this? I know she can't be happy with you if she knows what you're doing." One of the brothers said, "Ha, ha, ha, my mother's in prison." "Well what about your father?" I asked. "He is too," the brother said, and they kind of laughed.

They didn't laugh because it was funny; they laughed because deep down inside they were in deep pain. They didn't know what to do with their lives. They didn't know how to get control of them. All they knew was they had to eat, and the way you do it is sling a little crack, as they call it. And these young people I've seen over and over again. They go to jail; they come back out; they go to jail; they come back out. If they're lucky, they'll live. If they're in places like Nickerson Gardens Housing Projects – or Jordan Downs, Imperial Courts, Hacienda, Carr Square Village, the Barns, or Cabrini-Green – they'll probably die before they get to be our ages.

What is America going to do about this madness? When we have politicians who get through posturing and imaging – talking about how they're the best budget cutters and how they're doing more than anybody else to deal with the deficit – and want to deal with this problem, they first have to recognize that, yes, it's going to take an investment. It's going to take some resources. It's going to take some real dollars to deal with teenage pregnancy. We've got to stop these babies from being born to young mothers who cannot give them much of anything.

We've got to talk about mainstreaming and stopping this cycle of poverty and about investing in ways that will help us to realize that we've got all of these dysfunctional people. If we're going to deal with them, we've got to go and get some good old case managers and social workers. We've got to assign case managers and social workers, one to every 20 or 25 persons. After stopping an individual, they've got to see that they're enrolled where they need to be – vocational education, remediation, literacy programs. And, you've got to come up with plans for and work with each individual.

In Los Angeles, we've got young people who don't have Social Security cards; they don't know anything about all of these systems and how they work. They don't have driver's licenses, but they'll drive somebody's car. Young people who go down and get these cars that cost two or three hundred dollars, sometimes using them to commit crimes, get stopped, get tickets, get warrants, get locked up, spend their time in jail for a few days to work off the tickets, come back, and do it all over again. You think they're going to go out and get car insurance in Los Angeles that costs about \$3,000 a year? Give me a break.

We need job training, remediation, GED, getting people re-enrolled in school, assigning case managers to work with them, mainstreaming them in ways that help teach them what the family should have. I know it's not easy to talk about. It almost does not sound as if it's as perverse as it is when we say dysfunctional families. But there are kids out there who have been raising themselves. There are kids out there who know nothing about how to negotiate their environments.

America is going to have to spend money. It's going to have to make up its mind that it wants to do something about this population. It is almost unreasonable to talk about how we need low income housing and how we need more small business loans. Until we deal with this crowd, it doesn't make any difference about all of those other things. If they can't purchase housing, if they can't be mainstreamed to function in this society, businesses are not going to operate in those communities because they're going to be robbed and ripped off. They're not going to want to be there no matter how many tax incentives you give.

I could go on and on and on, and I know this sounds very dismal. And some of you may be closer to it than I am. But I am somewhat disgusted that when we come out of this budget, there will be nothing in there for this crowd. I have been fighting for six months to try and

target some of the job training money for summer programs to the hardcore 17-to-30-year-old crowd that would provide a little stipend – \$100 per week if you enroll in vocational education remediation – and to get HUD and other foundations to provide dollars for case workers and case managers to work with these young people, to mainstream them. If we don't take direct action, if we don't admit it's going to cost us some money and aren't willing to spend it, there will not be enough jails and prisons. You won't be safe, and I won't be safe.

I don't want to go around trying to frighten anybody, but this madness won't be contained to ghettos and barrios forever. When we had the riots in Los Angeles, it was not isolated to Watts or to South Central; it went all the way to Mid-Wilshire and Hollywood. Our society cannot continue on this path. It is not simply about whether or not we're going to have mandatory sentencing or whether or not we're going to get tougher on crime. It is about investment in human potential and recognizing that, for whatever reason, we've got some serious problems in this society.

And we can talk about how it's the family's fault or whomever's fault, but the fact of the matter is this thing has happened. We can break the cycle if we are determined to do it. I'm going to spend my time not only talking about it and trying to direct some resources toward it, I'm going to say to my friends in the feminist community and the women's movement (with whom I've worked very closely), "I believe in freedom of choice, but all of my next five years are going to be spent on pregnancy prevention and stopping these babies from having babies, because that's where we start breaking that cycle."

I'm going to keep staying in the faces of my colleagues for resources to try to mainstream those who want to be mainstreamed. I've got young men who are coming out of prison every day, who are saying to me, "Help me. I don't want to go back. Help get me a job." Most of them are not ready to work. Most of them can't stay on the job without some kind of remediation and support that I'm talking about.

We've tried that too. In our job training program in the housing projects, I took what is known as Waggoner-Peyser monies that came through the federal government, went into five or six housing projects in South Central Los Angeles, and created a little program called Project Build. It brought me closer to the population so I could understand it better. We took four days in each housing project – Nickerson Gardens, Jordan Downs, Imperial, Hacienda and we kept rotating over and

over again. And I saw all of the young gangbangers and crack sellers and all of these young people over this period of time. We put out fliers, and we said, "Come to the gymnasium in this little program. If you want to get connected with a job training program, and if you want to learn how, you can change your lives."

They would stand in line, coming to the gym; sometimes I would have 100 coming to the gym. I would fly from Sacramento every week and conduct these job training programs myself. We were trying to teach people how to fill out an application, what an employer is looking for, how to change your life, and a lot about motivation and drugs. Fifty percent or more of the people who came into those classes were involved with drugs. Many of them desperately wanted to change their lives, but we had no place to send them for drug rehabilitation. We had no beds in all of Los Angeles County. We had very few outreach programs, and so I had to start developing a lesson plan that simply said, "Take each day at a time. If you really want to get off drugs, you can do it." And, we had as part of our lesson each day a little chant that basically said, "I want to get off drugs. I'm going to take each day at a time." I gave each person a \$10 stipend so that people would have food money. We would have them put the \$10 in the air and say, "I'm not going to give the dope man my \$10 today."

This is tough business, but I don't want anybody to think that it's going to go away by itself. I don't want anybody to believe that if we get longer sentencing and tougher judges somehow we're going to take care of this problem. I believe I'm on the right track in talking about this investment in human potential. I think I'm on the right track in talking about case management and mainstreaming. I think I'm on the right track in believing that we can recycle many of these people if we have the will to do so. That is our challenge, and that is our chore.

I did not mention gun control, but you all know how I feel about it, I'm sure. Any nation, any country that says it wants to do something about violence and does not have the will to take AK-47s and Uzis off the street is lying to itself and to all of us. You cannot make a case for those who tell you they're hunters and farmers, and America gives them the right to have their guns. If they're willing to have their guns in ways that allow others to have AK-47s and Uzis on America's streets, then they're sick.

Somehow we've got to get a handle on this, and good people have got to stand up to the gun lobby and to their legislatures. We have to start determining whether or not we want somebody elected to office based on more than whether or not we're going to be able to keep a dollar in our pocket. We're going to have to base our support on what is going to serve this country and this society.

The fact of the matter is it is unsafe to be on America's streets, and particularly in America's cities. And until we get rid of these guns, we can't begin to talk about what we're going to do about violence.

I'm not going to go on any longer. You have allowed me, in my own way, to share with you my very deep and passionate feelings about what is happening. Whatever you all do here, today or tomorrow, I hope you can deal with this in ways that will force public policymakers to grapple with these issues in sincere ways. Until we do that, we're all at risk.

Thursday Morning Session: CAUSATION

Panel One: Perspectives from the Street

Benny N. Napoleon

Inspector, Detroit Police Department

David Plaza

Coordinator, Gang Alternatives Program

Reggie B. Walton

Judge, District of Columbia Superior Court

Richard Price

Novelist/Screenwriter

Moderator:

William W. Wilkins, Jr.

Chairman, U.S. Sentencing Commission

Just how bad is the problem of drugs and violence in America? Every morning the newspapers are filled with examples of lives wasted due to drugs and related violence. Every evening the television news broadcasts reports of once-bright futures destroyed by bullets and syringes. To seek solutions to these problems, we must first understand the impact of drugs and violence in our society. This morning's first session examines issues related to causation of drugs and violence. On our first panel, four individuals bring very different perspectives to the Symposium; we will hear views from law enforcement and the courts, a former gang member, and an author who has done extensive research on the youth drug culture in urban America.

URBAN VIOLENCE

BENNY N. NAPOLEON

Inspector, Detroit Police Department

Benny Napoleon, an 18-year veteran of the Detroit Police Department, currently commands the Special Crimes Section. His experience includes Chief of Staff for the Deputy Chief of the Criminal Investigation Bureau; Assistant Chief of Staff for the Deputy Chief of the Eastern Operations Bureau; Commanding Officer of the Felony Prevention Division; and Commanding Officer of the Tactical Services Station. He was a Gubernatorial Appointee to the Michigan Civil Rights Commission, where he served as Chairperson from 1988 to 1991. Inspector Napoleon holds degrees in Criminal Justice from Mercy College and a J.D. from the Detroit College of Law.

On behalf of Chief Stanley Knox and the Detroit Police Department, I bring you greetings. I've been given the distinct privilege of providing you with a perspective on gangs, violence, and drugs through the eyes of a veteran police officer from a major urban police department.

I say it is a privilege, not because the topic is exciting or stimulating, but because I believe the people assembled here have the collective resources, intellectual capacity, insight, and resolve to address this most compelling problem confronting America. Each day, as Americans, we are confronted with violence.

The intimate details of violent crimes are prominently delivered through the electronic and print media. Drive-by shootings, gang rapes, homicides, home invasions, fire bombings, and other serious crimes dominate the news media. The graphic and gory details of crime haunt the consciousness of Americans like a recurring nightmare, trapping us in the inescapable prisons of our minds. Burglar alarms, watchdogs, steel bars, firearms, and other personal and home protection devices provide little comfort from our daily fears and frustrations surrounding crime and violence in our America. The once quiet and sleepy streets of suburban and rural America are now awakened with the violence and intimidation once restricted to

the crowded streets, alleys, and playgrounds of America's major urban areas.

Congresswoman Waters mentioned why children join gangs. Unfortunately, I've had the opportunity to see thousands of children involved in gang violence, and unfortunately I can truly understand how some of those children become involved in that type of activity. When you have been raised in a home where your parents are on drugs or in a one-parent home where your parent tells you that you are of little value – that you are basically on your own, that you do whatever you have to do to survive, and where you're told: "I have mine; you get yours" – then you join a gang.

In a gang, you go into a situation where you have a bunch of people who have a common interest, who have common aspirations, and who have common feelings. These people take you in and say, "We are one now. When I eat, you eat. I am willing to die for you, and I am willing to kill for you." And you know that these people mean that, because when the bullets start flying and when the knives are pulled, these people don't run.

You see many children on the street in wheelchairs. These are not the results of birth defects. Many of these children have been injured, often by bullets, as the result of gang wars.

We have recently seen a migration of youth gangs from large cities into suburban and rural areas, fueled by mass transportation and mass communications. Organized youth gang members have discovered the profitability of illicit activities in small town America. The ready army of recruits can be imported into smaller communities and take over and expand whatever illicit activities are already in existence. This migration also allows for the introduction of illegal drugs that may not have been previously available. Along with this exodus of gang members comes the tradition of chaos associated with their arrival: turf battles, the wearing of colors, graphic graffiti, drive-by shootings, and disorderly behavior.

The price we pay for this in the community is rising. We have increased taxes to accommodate the additional burden placed on local law enforcement, the courts, and the corrections system. School drop-out rates and teen pregnancies have increased, accompanied by declining property values, increased social services, and overcrowded prisons. We all pay that price.

The effect of gangs and violence and drugs has been profound. All Americans are affected, either directly or indirectly. Today we are confronted with a new, younger, more violent, and remorseless criminal. I listened intently as Judge Wilkins and Attorney General Reno spoke of their experiences with today's youth. Their remarks brought back memories of one of the most chilling experiences of my career as a police officer.

One day while sitting in my office sifting through mounds of paperwork, one of my officers asked if he could come in and show me something. He walked into the room and set upon my desk a fully loaded AK-47 with a banana clip which had been taken from a ten-year-old in one of the middle schools in the City of Detroit. I was chilled. Visions of a classroom full of dead children raced through my head. Having a six-year-old child myself in the public school system, these thoughts troubled me for several days as I imagined how the parents of the other children attending the school must have felt. When I attempted to find out how those kids felt once they discovered this AK-47 was in their classroom, much to my surprise and my dismay, the children didn't think it was that big of a deal. That, ladies and gentlemen, is indicative of the illness that plagues our America.

Our children have become so accustomed to crime and violence that it is no big deal. They have become immune to the effects of crime unless it touches them personally. They are settling arguments with weapons instead of with words. That has been the acceptable means of resolution for even the most simple of disputes. Our children are learning to live in a "me first, right now, disposable" society.

In talking to the thousands of children who come through my command on a yearly basis, there is a common sentiment among them; they have lost faith in the ability of this nation to deliver the American dream of prosperity. They believe that the bank of economic prosperity of this nation is bankrupt. In their minds, we have pawned their hopes, we have sold their dreams, we have mortgaged their future. They have little to live for and are willing to die and kill for even less. I have seen too much blood spilled over leather jackets, gym shoes, gold jewelry, and other items that happen to be popular for any given day. We must cure this illness of violence affecting our nation.

A line in a popular rap song reflects the plight and the mindset of our youth. A famous rapper says, "It's been a good day - I did not

have to use my AK." His definition of a great day is not having to use his weapon.

The introduction of crack cocaine and the resurgence of heroin use have created additional strains on our nation – children robbing and killing parents for crack rocks, mothers selling their children for crack rocks, and neighbors invading each other's homes for crack rocks. The spread of illegal drug sales is nourished by profits, sustained by the silence of citizens content to retreat into the false security of their homes, and sustained by a criminal justice system unable to meet the challenge of eradicating the problem. The spread of illegal drug use is unraveling the very thread of our society.

In conclusion, some observers assert that crime, violence, and drugs are the price we pay for living in the freest society in this world. I for one cannot accept that assertion. America is sick with crime and violence. We must decrease our tolerance for violence and for crime. It was not my charge here to offer solutions, but rather to provide insight into the effects of crime, violence, and drugs from a police perspective. However, the reduction of crime, violence, and drugs must become a priority of our America or we will self destruct. There is no greater imperative, there is no interest more compelling, and there is no mission more honorable. We must cure our nation for our children. I've seen too many of them die.

GANG EXPERIENCES

DAVID PLAZA

Coordinator, Gang Alternatives Program

Mr. Plaza is Coordinator of the city of Norwalk, California's Gang Alternatives Program, a school-based program that teaches children how to improve their self-image in order to stay away from gangs and drugs. Mr. Plaza graduated from Belmont High School in Los Angeles and received a Bachelor's degree in criminal justice from the California State University at Los Angeles.

As children, we all have dreams. Some of us want to be police officers; others want to be doctors, lawyers, and even politicians. Today in America, these dreams are rapidly being snatched away from our children by gangs and drugs. A good example is that of a true story of four good friends. These four children dreamt together, rode bikes together, and played sports together. But today one is dead from a gunshot wound to the head, the second is in state prison (he calls that his home), the third is a dope fiend begging in the streets for change to support his drug habits, and the fourth survived with the help of God, and he stands before you today.

What was it that motivated me to overcome the same obstacles that destroyed the lives of my friends? What was it that helped me come out from the abyss? The answer is two positive role models, one of whom you will hear speak later – Gus Frias. The other was a peer counselor by the name of Robert Aguayo. Both of them had experienced the same type of lifestyle that I have seen.

Today in the streets of Los Angeles County, two American children die each day because of gang violence. More than 800 died last year, half of them innocent people. If that many were to die in a foreign country, the United Nations would likely get involved, invest billions of dollars, and try to bring a resolution to it right away. Yet, here in the cities of America our children are dying, and many of us have become immune to that type of violence. It's like an everyday thing. "So what?" becomes our attitude.

Who plays a role in all of this? Of course, the first one I blame is the media. You turn on the TV, and getting a gun and killing another human being looks so easy, without remorse. A good example is a movie that premiered last month, "Bound by Honor." That movie showed 50 different ways to kill a human being. A sketch on the screen even showed each vital point where you could hit and kill someone. This movie, by Walt Disney Productions, insults the memory of Walt Disney because he stood for children.

We also have music. Just turn on the radio, and you hear music lyrics telling kids to go out and kill a police officer or kill another human being. A lot of these kids make these rappers, or the lyrics they sing, part of what they believe in.

Many of us, or many of you who are here, are part of law enforcement. You probably believe in more suppression. But we also need prevention. In America, many families have lost their family values. I'm not speaking about Murphy Brown either. I'm talking about the family unit. No longer do you have a family sitting at the dinner table together. Nowadays, a father comes in at one time and eats his dinner, and the children come at another time. You don't have that family unit anymore, where a family sits together. The family is breaking up. We're losing that unity.

There is a need for a child to feel that family unit. When it's not there, we think about the effects of Maslow's hierarchy of needs – the need for love, the need for respect, and the need for acceptance. If that is not provided in the home, the child goes out and finds it in a gang. A gang will tell the child, "We love you; we'll accept you, and we'll respect you," but in a deceptive way. A gang will tell him, "Yeah buddy, I love you, but if you love me, you gotta go kill that guy over there, because he is our enemy." Then everybody will respect him and treat him as a leader. No longer does the child consider his real family primary. His new family, the gang, becomes his primary family. His real family becomes secondary.

Solutions? Let's speak about solutions. We need to stop being so divided. One of my own problems was that I didn't feel part of America – even though I was born and raised in America – because all of my life I had been labeled. My friends would call me a Chicano, yet when I came home and said, "Chicano," my parents slapped me across the head and told me, "You ain't no Chicano, you're Mexicano." Yet, when I opened the newspapers, they called me "Latino." But then, when I was filling out a government form, I was "Hispanic." So what was I? It was very confusing.

I'd like you to know that one thing I teach my children in the alternative program is that we're all American. "American" does not mean one color of eyes, one color of hair, or one color of skin. There are many groups in America. I was proud as I read the book Among the Valiant by Raul Morin. He mentions in the book many names of Americans of Mexican descent who fought in the different wars. For those of you who served in the wars, you may remember an American of Mexican descent giving up his life for his unit. Congressional Medals of Honor were given to many people with Spanish surnames. That gave me a lot of pride, and I said, "Hey, I do belong to this country. I am an American."

Many times I asked the kids in my program, "How many of you are American?" Not one hand would go up. And then I would ask, "How many of you were born here?" And 95 percent of their hands would go up. So then I would ask, "What are you?" And they say, "I'm Mexican . . . Chicano . . . Asian . . . Chinese . . . Filipino." And then I would ask, "So what's an American?" They would reply, "An American is someone with blond hair, blue eyes, and white skin." That is what they've been taught.

So they develop this attitude of "I don't care about this country. This country doesn't belong to me. So I shall destroy it whether it's with graffiti or by committing a crime. Therefore, who cares what happens to this country?" That becomes their attitude. If we don't start instilling American values in them and making them proud and patriotic toward this country, they're not going to care about what happens to this country.

In the city of Norwalk, California, I also deal with the problem of labeling of children by teachers and others. If a child dresses in a different way, he is often automatically labeled a gang member. A gang member in California, according to the California Penal Code, is a criminal. If you start calling this child a criminal from the age of nine, he will live up to that label.

A young girl I'm working with, 12 years of age, was the leader of her school. Everybody would follow her in committing some type of mischief or wrongdoing. She was always getting in trouble, and the school was trying to push her out, to label her a "continuation," or a "dropout." They were always just down on her, saying, "You're a bad person." I ended up thinking, "This little girl is a leader, only 12 years old." Her attitude was, as she put it, "I don't care what they say. I'm going to die by the time I'm 16 anyway."

Then I asked the administration and the staff, "Why don't we take her leadership qualities and turn them around? Let's make them into something positive? Let's have all these kids follow her in positive ways." So I started using her to speak to groups of people, talking about her own experience as a 12-year-old and what she had gone through. And she started feeling very good about herself. Her low self-esteem went away. Afterwards, people would congratulate her and say how good she did. Today that young girl is a leader, and she's getting As and Bs in her school work. She has made a complete turnaround.

Another problem involves the millions of dollars being invested to counteract gangs. In L.A. County alone, one million dollars is being invested per day in this effort. Yet, none of that money reaches the kids. Many agencies are getting rich out of the kids' miseries. I have a name for those: I call them "Poverty Pimps." According to Wes McBride, a deputy sheriff in L.A. County who has been working with gangs for 20 years, 95 percent of these gang members are salvageable. We need to lock up only five percent and throw away the key. If 100 percent of these gang members were criminals and not salvageable, we would have had more than 800 killings last year. With 100,000 gang members in L.A. alone, then, of course, if each one was a criminal and a murderer, the result would be much more than 800 killings. Yet, these 95 percent are lost, because they have picked up petty criminal records. Then when they look for employment, they do not end up getting good jobs. They become the waiter or the busboy or work in a factory eight hours a day, sweating away. Well, we should work with these 95 percent. My whole point is that I dedicated my life to installing in the minds of these kids that they're all good enough to go to college. I see them not as potential school dropouts, but as potential college graduates.

I am a single parent. I had a child out of wedlock, and a lot of people criticize me for that. But I'm not ashamed, because I love my child. The one thing I never forget to tell that child – he's going to be two years old – is how much I love him. That's something I never heard in my life. Every day I never leave the house without telling him, and when I come home, I always let him know how much I love him. As a single parent, you start respecting women as well, because you know how hard it is to be a single parent. But just because someone is a single parent doesn't mean that their family is no good or that it is a dysfunctional family. A lot of single parents came out of this same lifestyle, the same kind of surroundings. Yet, their child grows up to be a police officer, a lawyer, a law-abiding citizen. Some

families have just lost that unity; they have lost that caring and forgotten how to tell their child how much they love him.

I'm an example. I did come out of that lifestyle. I don't like to be called a former gang member because a gang member is regarded as a criminal. I am not a criminal. I am a law-abiding citizen, a college graduate. And I am proof that there is hope out there. There is hope.

This child I talked about – the 12-year-old – no longer feels that she's going to die when she's 16. She says she's going to go to college. So, I want you to understand that we need prevention programs just like the one in the City of Norwalk, working with fourth graders and teaching them how to stay away from gangs.

There is a saying that reads, "Continue forward, never look back." But with the life I have lived, it is hard not to look back and wonder why I'm still alive. Then again, they say that God works in mysterious ways, and maybe he shielded me from death so I could teach others from all walks of life the painful reality of growing up in the middle of a world gone mad – where dying from a gunshot at the age of 12 is no big thing, where the smell and taste of death fill the air.

Having grown up since the age of five without a mother and after becoming a part of my natural father's new family, all I had that was certain was the love of my ailing grandmother.

My father was raised without a father himself and was sent to work in hard labor at the age of ten. His early childhood experience made him a very insensitive and unemotional person. Many times he would release his anger on his children. But unlike my half-brother and sister who received the affection, comfort, and reassurance of love from their mother, I had no one to give me a hug and whisper, "I love you."

Thinking back on my early childhood brings back plenty of painful memories. I can't say I have pleasant birthday or Christmas memories because I never had a birthday party. Yet whenever my half-brother's or sister's birthday came around, a big celebration would happen with plenty of guests and presents. As for Christmas, I began hating Santa Claus at the age of seven. Every Christmas morning, while all the children in my family opened their presents from Santa, I would open a letter signed by Santa giving me a lecture

on being a good kid next year or, once again, I would not get a present from him.

This cruel form of my father's punishment led me to lie many times to the neighborhood kids when they asked me to show them what I got for Christmas. My excuse was that my parents did not allow me to take my presents outside the house.

By the time I reached the sixth grade, some of my father's ways had rubbed off on me, and I began doing cruel things to other kids. Soon the school kids I was hanging out with also became cruel in the way they related to others.

The funny thing about it is that I understood why some of these kids acted up in school, always being sent to the office for misbehavior. Many of them were crying out for attention, love, and affection that was missing at home. I knew this because I felt like that, and I was one of these kids. But all the school staff did was label us as bad kids and troublemakers. The similar problems my friends and I shared brought us very close to one another.

We had been labeled troublemakers, and some of us were living up to that label. And this attracted influential, negative individuals to us when we started our junior high school years.

In our case, the negative elements at school, together with the street gang members who befriended us as naive kids, made us think these older guys were really our friends. In fact, in a deceiving way, they led us into a life of misery and stole the little childhood left in us.

At home I had become immune to the daily beating from my father. I realized that I had no mother to embrace and that my father would not protect and guide me through the changes and confusion I was experiencing.

Thus, the gang became the answer to my problems and provided me with friends. The need to be accepted, respected, and cared for was answered by the gang. But for this my friends and I would pay a high price, and some would even pay with their lives.

My first experience with death came during the eighth grade. The moon was bright that evening and the cool summer breeze sent chills down my spine as about 30 of us hung out on the corner of 18th and Bonnie Brea Street. We were cracking jokes about each other

and concentrating on making fun of the weakest of the guys. Usually this one person would stop laughing when he realized that everyone's amusement was at his expense.

Older gang members also hung out with us. They were the ones who had decorated their bodies with tattoos and around the neighborhood were known to have been incarcerated for various crimes they had committed. They hung out toward the back of the crowd where they could go unnoticed. We believed that to gain their status we needed to be involved in the type of criminal activity they had committed, and the older gang members did nothing to make us think differently. Instead, they encouraged the newer members to get the recognition by participating in their crimes.

I had just finished talking to one of my three best friends when a car sped out of the darkness with its lights off. Out of the window a shotgun barrel let out its loud blast and its deadly pellets hit my best friend standing near me. Just as it had appeared, the vehicle disappeared into the night with the echo of its passengers yelling out the name of their gang.

Lying in a pool of blood was my friend who had shared with me his dream of one day becoming a police officer. I held him in my arms, crying for him not to die. He pleaded with me not to let him die. Like a lost baby, he began crying for his mom. And that call for his mother was the final gasp of his life.

At 13 years of age, kids are usually dealing with their first pimple or their changing voice. Yet I had to deal with death and the empty feeling I felt inside. Pressure from the older gang members sent us to retaliate against the persons who caused our pain.

Soon after, the gang that took the life of my best friend ended up with one of its members killed. In the following years the violence increased, and it seemed that every month both gangs would bury a loved one. After a while, I accepted seeing a friend in a coffin. It became a part of life. Just as with my father's beatings, I had become immune to death.

The first day of high school, about 50 members from our gang entered the hallways yelling our gang name and letting everyone know of our presence.

Of my two remaining close friends, one had begun experimenting with drugs and alcohol. One thing I can still say today is that I

have never engaged in any type of drugs. For whatever reason, drugs never interested me, and many of the guys would tease me by calling me "nature boy." People would call me a liar to my face when I told them I had never taken drugs. As for alcohol, I never could get used to the taste. I only have a beer on special occasions.

In the eleventh grade, I was sent to a youth counseling center where I met my peer counselor Robert Aguayo. He had served time in jail, and his body was decorated with tattoos. But he didn't encourage me to go out and commit a crime. Instead, he shared with me his background which was similar to mine. What impressed me the most was the fact that he had grown up in a gang but now was about to graduate from college. The encouragement he gave me to graduate from high school was nothing new to me because I had heard these same words from many of my school counselors.

When some of the counselors would try to convince me that they understood what I was going through, I would laugh inside because I knew they had never experienced or seen the things I had. What made Robert's words different was that he had felt the same kind of childhood pain and loneliness that I had felt, and I could not laugh at him and say he did not know what I was going through.

Through Robert, I came to meet Gus Frias who had played a part in helping Robert get his life together. Gus had also grown up in the barrios of East L.A. and saw many of his childhood friends die from gang violence. After graduating from the University of Southern California, Gus returned to East L.A. and in 1977 he created an organization called the Coalition to End Barrio Warfare.

The purpose of this organization was to acquaint organizers with the skills, abilities, and resources needed to prevent children from killing each other. The intent was to train youth and to motivate them for college. I was fortunate to be part of this group, and in no time my whole attitude toward school and life changed. Graduating from high school became a priority.

Unfortunately, by this time my other two best friends were no longer in school. The one who had resorted to drugs, who had shared his dream with me of someday becoming a lawyer, had become hooked on drugs and did not care about anything but where he could find his next high. My last best friend was eventually forced to drop out of school. The free time on his hands led him to a life of crime. Going in and out of prison became routine to his life.

Fortunately, my new-found friends from the coalition gave me strength and support to overcome many obstacles and challenges. One such challenge was when I decided to run for student council, and the school vice-principal called me into his office. He proceeded to mock me about the small chance I had to win the election. I could have easily lost my cool and began cursing him, but I remembered what Gus and Robert had taught me on how to fight the enemy intelligently. This helped me walk out of that office without lowering myself to the vice-principal's level. My actions surprised the vice-principal, and made him even more furious. Thus I came out triumphant.

That year I was elected president of my class and the fact that so many forces were fighting against me made this victory even sweeter. By the end of my senior year, of the 50 friends that had entered those high school hallways with me, only I was left. Everyone else either dropped out, was incarcerated, or was dead.

Graduation is supposed to be joyous. Yet as I walked on stage to receive my diploma, my eyes watered because I wished that the people I grew up with had been there to share that moment. Even though my father was in the audience, I knew he was there only because he thought it was his responsibility. He had never supported me in school. The only one in my family who shared my joy was my grandmother. She had put up with my wrongdoing for so long but never forgot to kiss and hug me. But no matter what people say, a grandmother can never play the role of a mother.

After high school graduation, I began a new episode in my life. The gang was no longer important, but my new goal was. And that was to graduate from college just like my two mentors had. I proceeded to finish my first two years in a community college where I received an Associate of Arts degree. From there I continued my higher education at California State University, Los Angeles, where I majored in Criminal Justice.

At first the adjustment was not easy, and the fact that most of my classmates in my major were law enforcement people (including the instructors) didn't make things any easier. As a matter of fact, most of the students in the class saw me as a threat because they had been used to dealing with people of my background in negative circumstances. But this attitude was overcome when my classmates noticed that I was receiving better scores in the tests, so they figured it was wise to study with me. Soon we all became very good friends and even learned to respect each other's point of view.

During my years at Cal State L.A., my grandmother died of lung cancer. This made a big impact in my life, because she had been the only person in my life I knew really loved me. It was hard trying to get over this tragedy because even though I had gotten used to dealing with death, I had never had to deal with it this close to home.

Consequently, my grades dropped, and it was a miracle that I was able to finish school that year. Feeling lonelier than ever, I began looking for love in the wrong places, and I became involved in a relationship that led to the birth of my son. Ironically, I gained the courage to forgive my father and named my son after him. My relationship to his mother did not last because she wanted to continue living a life of danger. But unlike my own father, I was not going to let my son suffer like I had. So I took his mom to court to win custody of my son. On December 4th of that year, I won full custody of him, and this would begin yet another chapter in my life. God does work in mysterious ways because just when I thought my world had ended, when he took my grandmother, he gave me a son with a future full of hope.

After my graduation from Cal State L.A., I got a job for the City of Norwalk coordinating and implementing an anti-gang program. The program, Norwalk Alternatives to Gangs, is a 15-week course for fourth-grade school children using videos and visual aids (posters) to send a message on the danger and consequences of joining a gang.

The first lesson gives an introduction to the program. It shows how gang members deceive kids into thinking that gangs are fun, exciting, cool, popular, and tough. But gangs do not tell kids the truth – that gang life leads to graffiti, drugs, crime, violence, and death.

Lesson two covers graffiti and how such acts hurt not only by destroying our communities but also by costing parents through additional taxes to clean up this mess.

In lesson three the gangs of the past are compared with the gangs of today. In the past, gangs used their hands to resolve their differences with others, while the gangs of today mostly use guns. In the process many people die.

Lesson four deals with the violence that exists in gangs. The very first thing that happens when someone joins a gang is violence because a person must be beaten as an initiation to join the gang. This

lesson also discusses the retaliation that never ends through gang feuds.

In lesson five, gangs and turf are discussed. The student is reminded that while other countries in the world are fighting to gain freedom, here in America we are fortunate to have the freedom to travel anywhere we wish or speak our mind without fear. But when a child joins a gang, he automatically loses this freedom because no longer can he travel outside his turf without fear of getting killed by rivals. And, no longer does he have the freedom to speak his mind without having the gang's input.

Lesson six teaches the students the impact that gangs have on the family. When you join a gang, not only do you put your own life in danger, but you put the life of every person in your family in danger. This has been proven many times – for example, when a baby or a mother is killed from gunfire shot into a home by gang members.

Peer pressure is the subject of lesson seven. The student is taught different ways to deal with everyday peer pressure. In lesson eight the student is taught that tattoos might be seen by others as "cool," but when that individual tries to find a job, the tattoos prevent him because they stereotype him.

Lesson nine deals with how drugs in today's gangs play a big part in gang membership. Lessons ten and eleven cover how gangs relate to crime, how this leads to being institutionalized, and how many members become used to being locked up. These lessons also cover the relationship between gangs and law enforcement and how gang membership leads to a constant watch and to being questioned by law enforcement personnel.

In lesson twelve the students learn that gang members end up in only two places: locked up or dead.

Finally, the last three lessons concentrate on teaching the students self-esteem and emphasizing that they are all Americans.

Reflecting on my past, I cannot stop thanking God every day for helping me. With His help, not only will I be a great father, but also a more caring human being who has much to contribute to society.

REFLECTIONS OF A SENTENCING JUDGE

REGGIE B. WALTON

Judge, District of Columbia Superior Court

The Honorable Reggie Walton has been an Associate Judge of the Superior Court of the District of Columbia since 1981. He interrupted his term in 1989 to become the Associate Director of the Office of National Drug Control Policy in the Executive Office of the President. In 1991, he further served the Bush Administration as the Senior White House Advisor for Crime. Judge Walton's experience ranges from Staff Attorney in the Defender Association of Philadelphia to the Office of the U.S. Attorney, Washington, D.C., where he held several positions. He is a graduate of West Virginia State College and received his J.D. from The American University, Washington College of Law. Judge Walton has been the recipient of numerous awards and honors.

I always wonder when I get an invitation to a symposium or a conference like this whether I can really take away from my busy schedule at the courthouse to participate. But I think it's important that we continue these efforts because, hopefully at some point, a chord will be struck and people will understand that we have to do something about the plight of our young people in America.

I constantly participate in activities of this nature. I'm a Big Brother also, and I take a very active role in working with youth throughout this area. I do that because my young brothers are at risk. It is sad to see, day in and day out, the young Black men coming into my courtroom. It is shocking that statistics indicate that a young Black male has one chance in 21 of dying as a result of a homicide before he reaches the age of 30. It's shocking to know that the number one cause of death for young Black males in this country is homicide – and we as a nation have to do something about it.

I am totally convinced – and I may step on some toes when I tell you – that if we had one in 21 White American males dying as a result

of homicide, this country would respond, and this country would somehow rectify that problem. America has to get serious about addressing the problem that is eating away at the fabric of this society.

As I considered what I would say to you today, I thought back on my own existence, my own upbringing. I didn't come from one of those flowery backgrounds where I was predestined to be a lawyer and a judge. I had good parents, but times were tough for them. My father was out of work for three years; we were on welfare. I got myself into some trouble. I was in a courtroom on three occasions as a juvenile charged with juvenile offenses. Not for selling drugs because fortunately, when I was growing up, we didn't have drugs in my community. Not for breaking into someone's home and robbing them, because in the small community where I grew up that was not socially acceptable.

As with all young people, there was an inner drive for me to be something. I was not being told in my schools, as many of our young Black males are being told today, that I had the intellectual ability to go on to be something in life. I was told – yes, I had the athletic ability – to be a good football player, and I was. But because I wasn't made to feel that I had the ability to be a scholar, I was not. And when I had idle time, when football wasn't in season, I started hanging out with the fellas.

Obviously, I wanted to be accepted by them. And acceptance meant doing what they do – engaging in acts of violence against other people for no reason other than to gain acceptance. I ended up in court for fighting, engaging in acts of violence against other people for no reason other than acceptance.

And that's what many of our youth are doing now. Many of them are engaged in drug activity, not because they want to sell drugs, not because they really want to put their life on the line, not because they don't understand the potential situation they put themselves in when they sell drugs on the streets of this city. But they're doing it because they want acceptance. They're also doing it because they feel a sense of hopelessness – a sense that I know I felt when I was growing up – because of the lack of acceptance by the broad base of society.

I remember situations when I was a paperboy and would go into some of the White clubs in the little town where I grew up to deliver papers. I was made to feel less than a human being by some of the patrons.

We do that to many of our young Black males in this society now. They have no perspective. They have no feeling that there is anything for them to do in life except to be a criminal. We make them buy in on the proposition that there is nothing else in life for them to do but to sell drugs, or to carry a gun, or to shoot someone, or to engage in acts of thievery, or to do other things that destroy the quality of life for many of the people who live in the community where they live.

America has got to come to grips with attitudes it has about those who are less fortunate in this country. I believe if we do that, it will be a tremendous step toward trying to deal with the problem of hopelessness that many of our young Black males feel. All of us have an inner desire, an inner strength, to be somebody. And in some way we will – until society ultimately beats us down and we give up. And I see that among many of our young men coming into my courtroom – they are striving for acceptance in some way.

We have to make them understand, though, that there are consequences. I don't buy in on the proposition of some that we don't need tough judges. I do think we need tough judges. I do think messages have to be sent. However, I think the criminal element believes there are no consequences – when you talk about the masses engaged in criminal activity – as far as the court structure is concerned. Most believe that they will not be caught. Most believe that if they are caught, they will probably not be punished.

I think we've got to do something about the problem of prison overcrowding. I think it's horrendous that we've got more than a million people in this country locked up on any given day. There are a lot of people incarcerated in our prisons who could be in alternative sentencing programs. But, as I said in a Florida conference about a month ago, "Don't give me an alternative sentencing program if you're not prepared to fund it. Don't tell me you're going to give me a drug treatment program unless you're going to provide adequate counselors to deal with this person's problem and help them not involve themselves in drugs."

All too often, that's what we do when talking about alternative sentencing programs. We're not really talking about wanting to help people, we're talking about trying to free up prison space so that we can ease up some dollars – and that is not the answer. I consider myself a conservative, but I also have to be concerned about the proliferation of guns. I see so many young Black males dying in this country as a result of gunshots. And I see the young men up at the

Washington Rehabilitation Hospital, 50 percent of whom I understand are young Black men who have been shot and as a result are paralyzed. We don't look at those statistics many times. I have to be concerned when I see this AK-47 or this MAC-TIER Tech 9 come into my courtroom – and I know the damage that it has done.

I have to be concerned. I can't buy in on the proposition that someone has the right to have that type of weapon to cause the carnage that I see taking place to my young Black brethren. I can't buy into the proposition that hunting should take precedence over those lives I see being destroyed. We must get serious about this problem. I've made this statement before and some people get mad at me for saying that somehow we've got to get these guns off the street.

If that means I'll never go anywhere else in life other than being a Superior Court judge (which is a very good job), I've gone further than most people ever thought I'd go, and I'm happy where I am. People who have a platform like this, and are able to speak out on issues, have to be willing to do so – even if it results in personal consequences.

I can't live with the prospects of continuing what is happening to young Latinos and young Blacks and many young Whites in this country. They are salvageable – I know it. I've been in the Big Brother program, and I know that those types of programs and efforts can make a difference.

I also agree that somehow we have to do something about the incidence of teenage pregnancy. Virtually every young man I see come into my courtroom has come from a home where he was raised only by his mother – a mother ill-equipped to provide for him because she was a child herself when she had that baby. The father never played a role in that kid's life because he probably was incarcerated. This young man is starting that cycle all over again. He probably has two or three kids himself and doesn't play any role in their lives. He doesn't have the ability to be a role model in their lives. We must do something to break that cycle. It's a tremendous problem. I do believe we can, but I sometimes wonder if the will to do it is really there.

In the final analysis, we have to quit trying to deal with the problem of drugs and violence and crime in isolation. We cannot just say, "Lock up everybody; apply mandatory sentencing and tough

sentencing guidelines; put everybody in jail!" We can't believe that's going to solve the problem.

That's not to say, however, that we should not be tough on individuals who engage in acts of violence and other activities that destroy the lives of people who live in the communities where they operate. I believe, as Richard Pryor said after visiting and talking to inmates in an Arizona prison for about two hours: "Thank God we've got prisons." I do believe there are some people who need to be incarcerated, some for a long time, some forever. But I don't believe that everybody has to be incarcerated or that everybody has to be incarcerated for a long time.

If we're going to go to these alternative programs, which I think we should do to a greater extent, let's be serious about funding them. Let's be serious about trying to put in place prevention efforts such as improving our schools and providing recreational activities for our kids. I believe idle time is the devil's time. I had football as a junior high school student. We don't have that for our kids here. There is no junior high school football program for kids here in Washington, D.C. They have nothing to do but to hang out on the street. If they hang out on the street, they're going to get in trouble.

The bottom line is that we just have to get serious about this problem. In spite of all of America's problems, this is the greatest country in the world. But we can only maintain that stature if we come together as a people and if we act as one for the betterment of America.

LIFE ON THE STREET

RICHARD PRICE

Novelist, Screenwriter

Richard Price is the author of numerous screenplays and novels of which the most recent is Clockers. He has taught fiction writing at Yale University, New York University, and Columbia University and was a member of PEN's Executive Committee. He has been awarded various grants including one from the National Endowment for the Arts. After graduating from Cornell and receiving a Mirillees Fellowship in fiction at Stanford University, Mr. Price received an M.F.A. in creative writing from Columbia University.

Compared to the other speakers and most of the people in the audience, I feel like a tourist. I don't do this for a living. It was my choice to spend a few years in the street but it's not my career, so I feel uneasy that a screenwriter is up on this platform.

I wrote the novel, Clockers, which is, in part, a portrait of two brothers in the inner city. One works a legitimate job, and one sells coke in the projects. The book began to take shape in my mind after I had seen two very different kids working the same New York street.

I had gone to Washington Heights for something, and I went into a Burger King and saw some kid who looked about 17 years old, a Black kid. I'm sure he was hustling for minimum wage. It was August, and he was throwing hamburgers in a sack and looked like he was going to drop dead any second from the heat and grease. And that kid was looking out the window at another teenager on a traffic island on Broadway, selling dope out of his high-tops and probably making God knows how much more money than this kid in the Burger King. I couldn't understand why the kid working in the hamburger place didn't just take off his apron, throw it in the french fry fryer, and go out on the street.

What gave that kid in the Burger King the strength to stay on the job? And conversely, what is it that makes the other kid stay out there selling dope – a short and deadly job because one way or another the

boy is going to go down in flames some time soon. Why isn't he working at Burger King and opting for a longer and saner life?

Well, I spent a few years basically getting some hypothetical answers, and I came up with a rough profile of both kids. Of course, there are exceptions to any generalization, but, in short, if a 16-year-old kid is working a job for minimum wage, he's got some things going for him.

First of all, he's still in school, or just graduated, or school is not a problem for him, not torture for him. He doesn't feel disenfranchised from his own education. And he has a sense of time that stretches past the next 24 hours. He's not impulsive by nature. He knows that this minimum-wage job is not an end but a means to an end – that he's not going to be working at Burger King his whole life and that he's going on to better things.

He might go on to technical school. He might go to college. He might join the Army. He might envision getting married and having his own family. He knows there's something more out there, and he's on his way. And the money he's making at this crappy job is going to help him get where he wants to go.

But most importantly, he's got somebody at home rooting for him. It might be a grandmother. It might be a mother. It might be a father and a mother. It might be an aunt. But he knows that if he messes up, if he throws that apron onto the grease fryer and goes out and joins the guy on the traffic island, somebody at home is either going to kick his ass or have their heart broken.

Call it guilt, love, oppression, support, or whatever the psychiatrist may tell the kid 15 years down the line, his relationship to this person at home is vital. He knows he's got somebody to answer to. He's got somebody who's expecting something of him, and he's going to perform. He's got that backstop. He's got that significant other.

Now, in general, for the kid on the street, school is over for him, or he goes to school in a very spotty way. School is or was experienced as a profoundly negative experience. In addition, he's probably emotionally on his own. No one in this world really cares if he lives or dies, including himself. It's every man for himself – always has been. And as a result, he lives for the moment.

For a lot of these kids out there, time – their time, their past, their future – is a football helmet. You've got about a half-inch clearance in front of your face, and that's the future. And you've got about a half-inch clearance behind, and that's the past, that's memory. And you just live moment to moment. It's a survival mentality. It's a hand-to-mouth mental metabolism. And these kids have been living that way all their lives.

But the kid on the street does know that, given his experience in school and his dis-connectedness to other people, if he goes into Burger King and puts on the apron, he'll probably never take it off – because he doesn't have any sense of himself ever getting past Burger King. And combined with that self-absorbed survival-oriented mind frame, that impulsive football helmet mentality, he thinks that dealing represents perhaps the only opportunity he'll ever get to get paid much in his life. He might make \$50 a day. He might make \$200 a day.

The Miami Vice-type television shows and movies distort the reality of what the life of the average drug dealer consists of. From watching TV, one would think that all drug dealers have ponytails, great clothes, fabulous interior decorators, ocean-views, and speak exclusively in ironic one-liners. But, by and large, in my experience, drug dealers are like boxers. For every Sugar Ray Leonard, for every king-pin that makes the papers, there's a mountain of damaged players out there. A massive heap of broken kids who feel that dealing, that getting into the ring for \$200 bucks a night, is the only way they can go.

Most of the drug dealers on the street go down almost as fast as the crack heads. One day you're hustling vials, making some change; it feels pretty good. There's a power rush, but because you're not conditioned to think about more than one day at a time, you're fairly oblivious to the fact that within six months it's pretty much guaranteed you're either going to get locked up or shot – something bad is going to happen to you.

And, also because of that impulsive mental metabolism, whatever you make, you're going to spend, and you're going to wake up broke every morning. But this kid, who has never had any kind of success, never had any experience with getting paid, is going to take advantage of the only chance he's had in his life to make money.

You say to this kid, "Well, don't you realize that six months from now you could be on Riker's Island, you could be in Potter's Field, you could be in a wheelchair?" He's going to say to you,

"You're telling me six months. I can't even think six hours ahead. I've never thought six hours ahead. All I know is it feels good right now, and that's all that counts."

Of all the opposing assets and deficits between the two kids, I think the key asset is the significant other – that one person in the kid's life who's either there or not there. If you don't have anybody at home for you, if there's no support in your life, I don't care what the government does or what the government can set up, all is lost. It's a one-on-one thing. I agree with Attorney General Reno, Congresswoman Waters, and all the speakers about increased government programs. I think they're direly needed. They're extremely important, but you've got to have somebody at home just to make sure that you physically show up to participate in what is being offered.

Of course, if there's someone at home, there's still no guarantee that you're going to survive. I'm talking about kids who are, say, 16 and under. I'm talking about adolescence, which is a mental disorder for every kid across the board. And there's no guarantee, even if you have that strong family or that strong one person. The minute you hit the streets as a teenager, you go into another arena – the arena of peer pressure. You are fair game, and you are desperate for self-esteem.

If you're a kid from a welfare family, or from a single parent, or have no parent and you wake up every morning and see no reflection in the mirror, you are desperate for some esteem. And when you're down in the street, you're thinking, "What do I got to do to get over?" which means "What do I have to have in my pocket? What do I have to have on my back, on my feet, to feel like I belong?" Some kids will do anything to have those things, to get that cash, just to feel like they're breaking even with everybody else on the street.

To the extent that the kids sell the drugs to get the money to get the things they want, I think that the drugs are not the end – they're the means. For a lot of these kids, drug dealing is just how to get that Timberland jacket, how to get those Air Jordans. If you're 15 years old and you know your mother makes \$250 a month and gets it in the mailbox; and you know your friend's mother gets the same money the same way – and he's got those \$150 sneakers and you don't – you're going to want those damn sneakers, and that's all you're thinking about.

It's an impulsive, tunnel-vision energy that goes into this. Drug dealing is amoral; not a lot of time is wasted on whether this is the

right thing or the wrong thing to do. It's aracial, acultural; not a lot of thought is given to "Am I hurting my own people?" (whoever my own people might be). And it's apolitical; it's all about teenagers living in that bubble of self-absorption combined with intense low self-esteem – wanting desperately the things that are going to make them feel like they're to be admired or that they can at least admire themselves.

Now how do you reach them? The government cannot save a soul. The government should do everything it can to keep the family intact – for example, by re-structuring the welfare system so that people are not penalized for wanting to get a job by the taking away of benefits. But I think, ultimately, survival is a one-on-one thing with that significant other, and that can't be legislated.

QUESTIONS & ANSWERS

Chairman Wilkins: Judge Dudley Bowen from the Southern District of Georgia.

Judge Bowen: I have had a wonderful time this morning. You've brought together a lot of different views on a subject that is of great concern to all of us.

I don't come from a background that has been mentioned so much today – an underprivileged one. And although I don't believe in labels, my background might be described by many as somewhat conservative. Yet, we are all concerned about the very same thing. I have done a lot of sentencing in 14 years. I have not agreed with everything I have seen in the sentencing guidelines process, although I have agreed with much of it. I know that all criminal sentencing is reactionary, by the very nature of what we do. And in our efforts, however well applied and with whatever good faith they may be applied, we do not get to the real root of the problem with crime and drugs and violence particularly.

I simply want to explore an idea. I realize that we're speaking now on causation, and what this may be more directed to is what has been referred to as remediation. Not only are a lot of people hanging out in the barrios and in the housing projects, a lot of overeducated youth of America today with graduate degrees can't get a job and are driving around in their fathers' BMWs and sitting around country clubs. That happens too. The youth of America we've heard so much about, who are involved in drugs and crime and violence, need that little stipend Congresswoman Waters mentioned. There is a failure in our society to provide drug rehabilitation, job training, nurturing, and supportive environment. They need a respect for authority, and need to learn about the discipline that Judge Walton talked about on the playing field. They need to have a source of pride. They need to be members of a unit and have a sense of belonging. Perhaps they even need an opportunity for travel and to share in differing points of view. They need to be in an environment where the rich can see the poor and work with them, and the poor can see the rich and work with them, and the two can learn from each other. Yes, and they may even need to learn the responsible handling and use of firearms.

It seems to me that what we did away with during that same 20-year period when this problem has proliferated and fulminated was a system of universal national service. It did not always include women, but included most of the males that we've talked about. And it was a system that, although it was to provide a military arm for this country, had the byproduct of offering many of the services that we so sorely need for so many people. I am certainly not a militarist, but I am one who believes that a program of universal national service for the youth of America, for all of the youth of America, may focus and may direct itself toward many of the ills that we see in our society. I have personally learned from first sergeants and drill instructors, and I think others could learn as well. I would like to simply put that prospect out, and I wonder if that might not be a part of the solution.

Chairman Wilkins: Let me ask our panel members for a reaction. Judge Walton?

Judge Walton: I think that there's no question that a lot of people historically have benefitted from involvement in the military, and I think there are tremendous needs in many parts of our country that are not adequately being serviced. And I think that we do have a core of people who could benefit, not only themselves but the society in which they exist, by engaging in some type of public service activity. I'm on the board of directors of the Big Brother program, and one of the most difficult things I confront is the inability to encourage people to participate in the program. And I know that it can make a difference, that the one-on-one perspective indicated by the last speaker is very important. I think what many of these young men need is a role model. They don't have that. The only males they see doing anything in life are those who are engaged in illegal activity. And if that's who you see as the individuals who are successful from your perspective, then those are the people you're going to follow. But if you have somebody who you hang out with every now and then, and you see them doing something constructive in life, and you have an appreciation that there is another way to get there – to grab hold of that brass ring – then I think that does give some hope. So, I think that what the judge indicated does have some substance.

Benny Napoleon: I would agree with the idea that if, in fact, a child survives to the age to be drafted into the military, it may serve some benefit. Unfortunately, what I see in our urban areas is that the children are at risk much earlier than that. I remember distinctly a 12-year-old child running through a home brandishing a gun after a

home invasion saying, "Let's rape and kill 'em all." What do you do with a child who has broken down to that particular level? If they survive and are accepted for military service by the time they reach that age, that's great. But I think that the problem arises much earlier than that, and if we can't save them at a much younger age, they won't be the type of people we would feel secure in having defend our nation.

Richard Price: Well, I don't know about the military. That might be good for some people. I know that there's a lot of sentiment against that in some of the poorer communities. For example, some say, "They want to dump us in the Army and get us out of here." For some people there is a benefit in that. I read some articles quoting guys in Saudi Arabia who said, "Well, we joined the Army to get out of the line of fire at home." That's no joke. It's probably safer in the Army than it is in some housing projects.

I do feel it would be great if we had something like the Civilian Conservation Corps or the various WPA projects, options for people who want to work. They could be told, "Well, you can go into this, and you're going to learn a skill, and you're gonna do public works." Sometimes, it's good just to get the hell out of the environment at any cost. But the down side of that is that you're sometimes breaking up the family.

While I was teaching at Daytop Village, a rehab center in the Bronx, we'd take these kids with drug problems and put them in this ten-hour-a-day therapeutic community. Then at the end of the ten hours, they'd go back home to the very houses and very streets that got them on the road to Daytop to begin with – which is sort of like giving an alcoholic a job at a bar. The success rate was something like ten percent. Then you'd take these same kids, the ones that they felt were most salvageable, and put them in a residential community in upstate New York. If these kids stuck with that program, and they had the close supervision for two to three years, and then they brought them back to the city like you would bring somebody up from the bottom of the ocean so they wouldn't get the bends, step-by-step, the success rate was 90 percent. That's a very intensive therapeutic environment. But there is something to say, in general, about getting somebody the hell out of where they are.

David Plaza: I witnessed a lot of my friends who joined the service, and it did help and did them some good because before they entered the service, they had a real negative attitude toward life. Once they came out they had a very good perspective. A lot of these

kids are getting involved at a very young age in very serious crimes, and the military won't help. We're talking about nine- or ten-year-olds. They caught a ten-year-old with an AK, I believe it was. So we're talking about needing something that would help younger kids. The military is good once he's the right age. If he's involved in many different troubles that are not serious, he should be sent to the military.

Thursday Morning Session: CAUSATION

Panel Two: Perspectives from the Research Community

Robert L. DuPont

President, Institute for Behavior and Health, Inc.

John Monahan

Professor, University of Virginia School of Law

Paul J. Goldstein

Professor, University of Illinois at Chicago

Moderator:

Ilene H. Nagel

Commissioner, U.S. Sentencing Commission

In the previous panel, we heard from people who have had first-hand exposure to some of the problems of drug abuse and violence. In this panel, we turn to the research community to talk about the causes of drug abuse and violence. Panel members will discuss the latest research dealing with the biological, psychological, and sociological factors related to drug abuse and violent crime as well as the relationship between drug abuse and violence. While we on the Sentencing Commission have responsibility for setting sentencing policy for major drug distribution and violent federal crimes, we hold no illusions that sentencing will be the solution to these problems. While it is our fond hope that rational and uniform sentencing practices may slow the escalation of drug abuse and violence, we recognize all too well that the solution lies in understanding why. Just as Attorney General Reno, the nation's lead prosecutor, has urged a policy of punishment and prevention, so we urge

today, as we try to manage this problem, that we continue to seek to understand its origins.

RESEARCH INTO DRUG ABUSE

ROBERT L. DUPONT

President, Institute for Behavior & Health, Inc.

Dr. Robert DuPont, M.D., is President of the Institute for Behavior and Health, Inc.; Vice President of Bensinger, DuPont and Associates, Inc.; President of DuPont Associates, P.A.; and a Clinical Professor of Psychiatry at the Georgetown University School of Medicine. He was the founding administrator of the Narcotics Treatment Administration in the District of Columbia. In 1973, Dr. DuPont became the first Director of the National Institute on Drug Abuse and was appointed by the President to direct the White House Special Action Office for Drug Abuse Prevention. A leader in the field of substance abuse prevention and treatment for more than 25 years, he has authored numerous books and articles. Dr. DuPont received his B.A. from Emory University and his M.D. from the Harvard Medical School.

I am grateful for this opportunity to review the scientific knowledge about the causes of drug addiction and the implications for the criminal justice system.

Some of you will remember that 22 years ago today, June 17, 1971, for the first time drug abuse was labeled "Public Enemy Number One" and a White House drug czar was named by the President of the United States. It is remarkable to have a White House office dealing with a problem continuously for 22 years, through six presidents of both parties. This is powerful evidence of the importance and the persistence of the drug epidemic in the United States.

The first step that Jerome H. Jaffe, M.D., the first White House drug czar, took was not to deal with the problems of crime and addiction – an important part of the drug problem in 1971 as it is today – but was to deal with the drug problem in Vietnam. I could spend my time happily talking about history because I have grown up professionally in this community dealing with the addiction problem,

having served as the second White House drug czar (1973-1975) and the first director of the National Institute on Drug Abuse (1973-1978). I have participated in the development of both the criminal justice field and the addiction field over the last quarter century.

I began as the head of Community Services for the District of Columbia Government's Department of Corrections in 1969. My office was a few blocks from our meeting today. I was working in the D.C. Department of Corrections when I helped to develop the first modern addiction treatment program for the city of Washington. One of the students who was with me in the D.C. jail doing the first tests of offenders to identify the connection between drugs and crime is here today, Chris Erlewine. He is now a distinguished attorney working in the Federal Bureau of Prisons.

I have been asked today not to talk about history, but to focus on research into why people get addicted to drugs. What is the nature of the drug problem? What have we learned about "addictive disease?" I am a physician, a psychiatrist, so it will not surprise you that I approach this problem by starting with biology. In the next 15 minutes I will give you some new ways to think about addiction to help you in your day-to-day work. Addiction is not only a biological problem. It obviously has large and deep economic, social, psychological, and historical roots as well. In fact, the addiction field is a mansion with so many rooms that, no matter what your interests are, you will find a comfortable niche.

Today I will focus on one room, the biological part of addiction, to answer the questions, "What is the drug problem?" and "What is a drug?" Many things people put into their bodies are not drugs. There are only a few things that are drugs. It is surprising how few chemicals we are concerned about when it comes to drug abuse. With all the inventiveness of modern chemistry, our drug problems still come down primarily to four very old chemicals: alcohol, marijuana, cocaine, and heroin. These four drugs are the heart of the addiction problem today, and they were the heart of the problem 22 years ago. Except for marijuana, a 1960s newcomer, they were the heart of America's drug problem 90 years ago. Although some new drugs have made deadly appearances, including PCP, LSD, and the synthetic stimulants, the core of the addiction problem remains a small number of substances to which Americans have had a long exposure.

What do these four drugs have in common? They are diverse chemicals with remarkably diverse effects. Only in the last decade has it become clear what property they share. These drugs are pass keys to the brain's pleasure centers. Literally, they produce strong

feelings that users like a lot. Drugs work in the control room of the brain to produce intense pleasure, or "reward." They tell the brain, "Do it again." Those brain pleasure centers are not there to respond to cocaine or other drugs. The brain pleasure centers are there for important biological reasons. The closest biological analogies to the experience of using drugs in terms of stimulating the brain's pleasure centers are feeding and sexuality.

The brain mechanisms underlying addiction have not changed in the last 100,000 years. Most of the drugs that bedevil us have not changed in the past 100 years. So why have we suffered recently from a drug epidemic, and why has it coincided over the last 25 years with epidemic increases in a variety of other behavior problems that reflect the same basic brain biology? The question is simple but, as is often the case, the answers are not. Part of the reason is a change in values as increasing numbers of individuals have made choices to pursue their own immediate pleasure with less regard for the religious, legal, medical, or community standards managing their behaviors. Part of the answer is the increased travel, transportation, and communication that has exposed more people to experiences with which they would not otherwise have come into contact including drug use. Part of the answer is to be found in the large and lucrative markets created by many of these behaviors, especially drug use. This has established a strong economic incentive to promote these pleasure-producing behaviors.

In terms of behavioral effects of drug use, it matters a great deal how drugs reach the brain. The way a person takes a drug influences the drug experience. Cocaine was relatively benign when it was snorted. It became malignant when it was smoked. Why did so many cocaine users switch so quickly from snorting to smoking cocaine? When cocaine enters the nose, one of its effects is to close down the blood vessels, thereby slowing the absorption of cocaine from an area of the nose about the size of a fingernail. When people smoke cocaine, they bring it into their lungs, where it is absorbed into the blood from the tiny air sacs of their lungs, from a surface area the size of a football field. The reinforcing potency of any drug is much greater when the brain is hit by rapidly rising, high levels of the drug. Smoking a drug is similar to intravenous drug use in terms of rapid rises to high levels of drugs getting to the brain.

For years, when I worked with heroin addicts, I observed that they would not snort cocaine because snorting was so much less effective as a route of administration. They shoot cocaine because that way they could hit their brains with a boom of cocaine. That is exactly what smoking crack does for people who are unwilling to use

drugs by the intravenous route of administration. The reason our cities came apart when crack arrived in the late 1980s, even though we had previously had a lot of cocaine use in the United States, was simple biology. The illicit drug market and inventiveness of drug users had found a way to hit the brain harder with cocaine. The rest, as they say, is history.

Drug addicts move away from oral administration toward shooting and smoking because of biology. Oral administration is relatively ineffective at getting a drug to the brain, because the drug has to be absorbed slowly through the intestine and go through the liver to reach the brain. Experienced addicts move to shooting and smoking because they are after the maximum brain reward. For the same reason, addicts prefer rapid-onset drugs to long-acting drugs. The rewarding, addicting drug high is in the hit – the "rush," as addicts call it.

The selfish brain is the addicted brain that has lost control of the pleasure system in relationship to drug use. The common pathway of the brain's pleasure centers also explains something that is otherwise hard to understand. People are not addicted to cocaine or heroin, or to alcohol or marijuana. Addicted people are addicted to getting high. That is why addicts quickly and repeatedly switch from one drug to another. They switch out of pharmacological classes if the drug market changes, if the fashion changes, or if they do not have access to their usual drug. The reason addicts switch so easily is that they are seeking the stimulation of their brain pleasure centers. They can get to the brain's pleasure control room with many drugs through many doors.

I wish I could spend my entire 20 minutes talking about drugs and the brain, but I have to come back to our specific topic today: What causes drug addiction? Everyone is not equally vulnerable. To see the risk of addiction as if it were simply a matter of race, income, or education is not to see reality. Let us start with this fact: 80 percent of illicit drug users in this country are White.¹ Lots of drug addicts are rich. Most poor people do not use alcohol or illicit drugs.²

1 R.L. Dupont, "Drugs in the American Workplace: Conflict and Opportunity, Part I: Epidemiology of Drugs at Work," 3 *Social Pharmacology* 133-146 (1989); R.L. Dupont, "Drugs in the American Workplace: Conflict and Opportunity, Part II: Controversies in Workplace Drug Use Prevention," *Social Pharmacology* 147-164 (1989).

2 U.S. Department of Health and Human Services, National Institute on Drug Abuse, Division of Epidemiology and Prevention Research, DHHS Publication No. (ADM) 92-1887, *National Household Survey on Drug Abuse: Population Estimates 1991* (Revised November 20, 1992).

Teenage Blacks are less likely to use illicit drugs than are teenage Whites.³ Somehow to condense in your mind that drug addiction equals poor, urban and Black is dead wrong. Seventy-five percent of illicit drug users in this country do not live in big cities. If race, urbanicity, and education are not the primary causes of drug addiction, what are?

Character disorder is a major risk factor. Character disorder is a way of thinking, a way of living. It is related both to biology and to the environment, but not to intelligence. It is also related to age and gender. Character disorder, also called antisocial personality disorder, means thinking mostly about immediate rewards and not about long-term outcomes of behaviors. People with character disorder are impulsive and self-centered. They maximize their immediate pleasures without regard to other people's feelings or needs and even without regard to their own long-term interests. They are attracted to alcohol and other drugs (which produce reward right now and pain only later on) and to criminal activities. They are not attracted to homework in school or to saving money. Character disorder usually wanes by about age 30 or 40. It is more common in men than women. Character disorder is a major psychological factor in addiction to drugs and alcohol.

On the biological side, the most important factor promoting addiction to alcohol and other drugs is having a parent or sibling who is addicted. The brain is more vulnerable to the rewards of addicting chemicals in some people than in others because the addiction switches in some people's brain pleasure centers are set at hair trigger. The common report from such high-risk people is that they loved alcohol and drugs the first time they tried them. As one of my patients, an addicted physician, told me, "The first time I took a narcotic I found the answer to a question I didn't even know I had been asking. Nothing else in my life came close to the feelings I had with those first narcotic highs." My best clue to that reaction in this man was that his mother had died of the complications of alcoholism at the age of 47.

Sociological factors also play a major role in causing addiction. The most important is living in an environment that is permissive toward the use of alcohol and other drugs. The higher the level of

3 J.G. Bachman, J.M. Wallace, P.M. O'Malley, L.D. Johnston, C.L. Kurth, and H.W. Neighbors, *Racial/Ethnic Differences in Smoking, Drinking, and Illicit Drug Use Among American High School Seniors, 1976-1989* (undated).

social tolerance in which a person lives, the higher the levels of the use of alcohol and other drugs and the higher the level of problems from that use. Note that of the three factors of addiction listed here – the psychological, sociological, and biological – the sociological factor is the most subject to change. It is the factor, social tolerance of nonmedical drug use, that has changed the most to produce the big rise in addiction in the past 25 years. It is this factor that is most likely to change in the future if the addiction epidemic is to be ended. Reduce the social tolerance for drug use and the use declines along with the problems caused by drug use.

Never before in the history of the world has there been a drug epidemic such as the United States is now enduring. The hallmark of the modern drug epidemic is the widespread exposure of most of society's youth to a wide variety of high-potency drugs by effective routes of administration. That has never happened before anywhere in the world. People sometimes say that the United States had a drug epidemic at the turn of the century. That was a patent medicine epidemic. It was a serious problem, which led to our modern, tough drug laws, but it was not the addiction problem that we have today.

The world beyond our shores is beginning to go through a modern drug epidemic. During the rest of this decade the growth of the drug problem is not going to be in the United States. It is going to be in the other nations of the world, especially in less developed nations where conditions are perfect for epidemic rises in drug use. The three kinds of causes of addiction – psychological, sociological, and biological – are not limited to the United States.

In terms of sentencing, I believe that the sentencing of addicted offenders in the criminal justice system is not merely punishment; it is addiction and crime prevention – the only prevention that will work for most criminal addicts. The drug addicts who are creating the most social costs are the addicts in the criminal justice system. If we want to help the drug addicts who are creating the most problems and causing themselves the most pain, addiction in the criminal justice system is where the action is today. We now have more opportunity to do something about criminal addicts than we do any other group of addicted people. At this moment in history, the two strands of my career come together, the criminal justice system and addiction, producing a uniquely important opportunity to save the criminal justice system (which is being crushed by the effects of addiction) and to begin to solve some of the most serious problems of addiction in this country.

The central goal of sound sentencing policy is to say to all people in the criminal justice system, "As long as you are under supervision, you will not use any of these substances. That means no alcohol, no marijuana, no cocaine, no heroin, and no use of any related drugs of abuse. If you do use any of these chemicals, you will face swift and certain punishments, including graduated, but initially relatively brief, incarceration with release and careful supervision in the community." The criminal justice system needs to use both urine testing and hair testing for illicit drug use linked to meaningful consequences. The beneficiaries of such an approach, based on solid research into the causes of addiction, will not be only drug addicted offenders, but their families, their communities, and the social systems that depend on the functioning of those communities. Addiction treatment can be integrated into this process, but the primary force promoting recovery is the clear and consistent no-drug and no-alcohol standard linked to swift and certain consequences for violation of this policy. The most effective approach to lasting recovery for addiction, for the vast majority of addicted people, is Narcotics Anonymous, Alcoholics Anonymous, and the other 12-step fellowships. These mutual-aid programs are a modern miracle.

This is a moment of great opportunity. I am honored to be able to share it with you as the fruits of scientific research are ripe for a new and more effective policy in the criminal justice system.

CAUSES OF VIOLENCE

JOHN MONAHAN

Professor, University of Virginia School of Law

John Monahan, a psychologist, holds the Doherty Chair in law at the University of Virginia where he is also a Professor of Psychology and a Professor of Legal Medicine. He currently directs the Research Network on Mental Health and the Law for the John D. and Catherine T. MacArthur Foundation. Dr. Monahan is the founding President of the American Psychological Association's Division of Psychology and Law. He has been a Guggenheim Fellow, a Fellow at both Harvard and Stanford Law Schools, and at the Center for Advanced Study in the Behavioral Sciences. Last year, he was a Visiting Fellow of All Souls College, Oxford. Dr. Monahan's books, Social Science in Law (Third Edition, with Laurens Walker) and Violence and Mental Disorder (with Henry Steadman), will be published next year.

I have been asked to summarize everything we really know about the biological, sociological, and psychological causes of violence – in 20 minutes or less. Unfortunately, I think I can do it.

But I warn you in advance that what I cannot do – what no one can honestly do – is offer a neat, simple story that explains why there is so much violent crime in America. Only people on the extremes of the political spectrum have that luxury and that conceit. The root cause of violence, says the right, is bad genes or bad morals. Not so, says the left; the root cause of violent crime is bad housing, bad schools, or dead-end jobs.

I am here to tell you that while doing something about the causes of violence surely requires a political ideology, the only way we have a prayer of finding out what those causes are in the first place is if we check our ideologies at the door and try to keep our minds open as wide, and for as long, as we can bear it. I urge you to give it a try. If you do, what I think you will find is that violence does not have one root cause. Rather, violence has many tangled roots. Some grow toward the left, and some grow toward the right. We have to find the

largest ones, whichever way they grow, and only then can we debate how best to cut them off.

Let's talk about the biological causes first. They are the easiest to talk about because there is not much to say. Many biological or health factors have been nominated as candidates for causes of violence – hormones like testosterone, transmitters in the brain like serotonin, and blood abnormalities like hypoglycemia are only a few that have been mentioned. Biological factors do not have to be hereditary. They can be caused by environmental events, such as exposure to lead paint, head injury, or poor nutrition.

Fortunately for us, the National Academy of Sciences just reviewed hundreds of studies on the relationship between biology and violence, and it came to one clear bottom-line conclusion: "No patterns precise enough to be considered reliable biological markers for violent behavior have yet been identified."¹ The National Academy found many promising leads that should be vigorously pursued by researchers, but so far nothing it could point to as a proven or even close-to-proven biological risk factor for future violence.

Next come the sociological causes. We know the most about social factors and violence because social factors such as demography are relatively easy to measure and because people have been measuring them for a long time. What do we know? We know a great deal about a relatively small number of things.

- We know that to live in America is to live in the land of the brave as well as in the home of the free. We are all familiar with depressing statistics about our trade deficit with Japan. But more depressing is our crime surplus. Compared with Japan, a nation of roughly comparable industrialization, with cities much more crowded than ours, our homicide rate is more than five times higher, our rape rate is 22 times higher, and our armed robbery rate is an astounding 114 times higher.²
- We know that, within America, violence is subject to great regional variation. The murder rate, for example, is almost twice as high in the South as it is in the Northeast, but the

1 A. Reiss and J. Roth (Eds.), *Understanding and Preventing Violence* 116 (1993). [Hereinafter referred to as the National Academy Report.]

2 T. Westermann and J. Burfeind, *Crime and Justice in Two Societies: Japan and the United States* (1991).

robbery rate is almost twice as high in the Northeast as it is in the South.³

- We know that communities within all regions of America differ drastically among themselves in how violent they are. In general, the smaller the community, the lower the rate of violence. Within the same city, some neighborhoods have rates of violent crime 300 times higher than other neighborhoods.⁴
- We know that people who commit violence on the street are disproportionately poor and unemployed; jail inmates had on average an annual income prior to their arrest at about the federal government's official "poverty level," and about half were unemployed at the time they committed a violent crime.⁵
- We know that the overwhelming majority – close to 90 percent – of the people arrested for crimes of violence are men and that, despite enormous changes in gender roles in recent decades, this 90 percent figure has not budged for as long as we have kept criminal records.⁶ Indeed, there is no place in the world where men make up less than 80 percent of the people arrested for violence, now or at any time in history.⁷
- We know that violence is primarily the work of the young. People in their late teens and 20s are much more likely to be arrested for violence than younger or older people.⁸
- We know that the arrest rate – and the victimization rate – for violent crime for African-Americans is now about six times higher than for Whites.⁹

3 R. Nisbett, "Violence and U.S. Regional Culture," 48 *American Psychologist* 441-449 (1993).

4 National Academy Report, at 88.

5 U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime and Justice* 49 (1988).

6 National Academy Report, at 72.

7 J. Wilson and R. Herrnstein, *Crime and Human Nature* (1985).

8 A. Blumstein, J. Cohen, J. Roth, and C. Visher, *Criminal Careers and "Career Criminals"* (1986).

9 National Academy Report, at 71.

- Finally, we know that official violent crime rates, as high as they are, drastically underestimate the actual rate of violence in America, particularly violence within the family.¹⁰

After this, what we know about the sociological correlates of violence falls off rapidly. Note that I said "correlates," and not "causes." Two problems keep us from knowing which of these things really matter in causing violence and which are irrelevant. One problem is that each of these factors relates not only to violence but to other sociological factors as well. Call this the "ball of wax" problem. Poverty and race, for example, are related not just to violence, but to each other. If you take poverty into account, the effect of race on violence decreases drastically, and in some studies disappears entirely. The second problem is that it is sometimes hard to tell which came first, the sociological factor or the violence. Call this the "cause and effect" problem. It is true, of course, that violence does not cause people to be male or to be young. But whether unemployment leads people to commit violent acts or whether for at least some people their violent acts lead employers not to want to hire them is not so clear. (It is also possible that, at least for some people, a third factor – like an "impulsive" temperament – causes them both to be violent and to be unlikely to keep a steady job.)¹¹

Finally come the psychological causes. If research on violence were like stock on Wall Street, then where I would put my money right now is on psychology. By this I most emphatically do not mean mental disorder. The best epidemiological evidence indicates that major mental disorder accounts for at most three percent of the violence in American society.¹² What I mean instead are the developmental processes that we all go through, most of us more or less successfully but some of us with great difficulty. I mean particularly the family¹³ – the filter through which most of the sociological factors, such as a parent's being unemployed, and many of the biological factors, like poor nutrition, seem to have their effect on a child growing up.

10 J. Weis, "Family Violence Research Methodology and Design," in L. Ohlin and M. Tonry (Eds.), *Family Violence* 117-162 (1989).

11 J. Monahan and L. Walker, *Social Science in Law: Cases and Materials* (1994).

12 J. Monahan, "Mental Disorder and Violent Behavior: Perceptions and Evidence," 47 *American Psychologist* 511-521 (1992).

13 R. Loeber and M. Stouthamer-Loeber, "Family Factors as Correlates and Predictors of Juvenile Conduct Problems and Delinquency," in M. Tonry and N. Morris (Eds.), 7 *Crime and Justice: An Annual Review of Research* 29-149 (1986).

There is a risk, of course, whenever someone talks about families and children, that he or she is invoking images that may never have existed except on 1950s television and, even if they did once exist, surely no longer reflect the great variety of relationships in contemporary America. But whether we prefer Ozzie and Harriet Nelson or Murphy Brown, there is one important thing we should not forget, and that is that all types of families share something in common. Whether they are married or cohabiting, biological or adoptive or foster, single or dual, gay or straight, and whatever their ethnicity, virtually all parents try to raise their children to be neither the victims nor the perpetrators of violence. Fortunately, most of each of these types of families succeed. Unfortunately, some of each of these types of families fail.

What do we know about families and children and violence?

- We know that while many aggressive children go on to be law-abiding adults, aggression at age eight significantly predicts violent convictions well into the 30s in every culture in which it has been studied.¹⁴
- We know that while most children who have been physically abused by their parents go on to be perfectly normal adults, physical abuse doubles the risk that a boy will have convictions for violent crime as an adult.¹⁵
- We know that failure of a child in school is one of the most enduring correlates of later violence. Four out of five violent offenders in prison never finished high school.¹⁶
- We know that stability matters; the more changes of placement a foster child experiences while he or she is growing up, the more likely he or she will later be arrested for a violent crime.¹⁷

14 D. Farrington, "Childhood Aggression and Adult Violence: Early Precursors and Later-Life Outcomes," in D. Pepler and K. Rubin (Eds.), *The Development and Treatment of Childhood Aggression* 5-29 (1991).

15 C. Widom, "The Cycle of Violence," 244 *Science* 160-166 (1989).

16 U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime and Justice* 48 (1988).

17 National Academy Report, at 243.

- We know that a lack of parental supervision has been consistently related to delinquency, including violent delinquency. One study, for example, found that ten percent of non-delinquents were poorly supervised by their parents, one-third of one- and two-time delinquents were poorly supervised, and more than three-quarters of repeat offenders were poorly supervised.¹⁸ Another study found that for children growing up in very disadvantaged and violent neighborhoods, who look like they have everything going against them, the one factor that seems to protect against the child growing up to be violent is having a parent – overwhelmingly, a mother – who supervises her child very strictly and who nips misbehavior in the bud rather than waiting for the principal to call or the police officer to knock on the door.¹⁹
- Finally, we know much about the relationship between illegal drugs and violence – information that others on this panel are presenting. But it is important to remember that the connection between one legal drug – alcohol – and violence is beyond dispute. About one-third of all violent offenders are alcoholic, and the earlier an adolescent starts to drink, the more likely he or she will be violent as an adult.²⁰

These findings are not immune from either "ball-of-wax" or "cause-and-effect" problems. Failure in school, for example, is associated not only with violence but with poor parental supervision as well. And it is not obvious whether frequent changes of placement for a foster child lead to violence, or whether a child's violence at home leads foster parents to give him or her back to the agency. But surely the accumulated findings give us reason to believe that families have an enormous influence, for better or worse, on how children develop.

None of this in any way negates the influence of social conditions in giving rise to violence. Poor people without adequate child care, for example, may have a much more difficult time monitoring their children's behavior than affluent people with live-in

18 G. Patterson and M. Stouthamer-Loeber, "The Correlation of Family Management Practices and Delinquency," 55 *Child Development* 1299-1307 (1984).

19 H. Wilson, "Parenting in Poverty," 4 *Journal of Social Work* 241-254 (1974).

20 National Academy Report, at 185.

help. Nor do they necessarily negate the possible influence of biological factors. Nutrition, to give another example, is something that parents literally put on the table for the child to eat. But it is through the family that these things have their effects and through the family that those effects might best be redirected.

So we know some important things about violence, and particularly about the home environment and violence. But we do not know nearly enough about how to prevent violence in the first place or how to stop it from happening again once it begins. How can we learn more, so that ten years from now, at the U.S. Sentencing Commission's Tenth Symposium on Crime and Punishment, it will take a bit longer to summarize the field?

We can learn more if we do four things:

First, we have to make a long-term national investment in research and development for a safer America. It takes resources to isolate the biological, sociological, and psychological factors that are associated with violence, to untangle the ball of wax we find them in, and to determine which are the causes of violence and which are its effects. The National Academy of Sciences just conducted an audit and concluded that the federal government spends a total of \$20 million a year on violence research, which works out to about \$3 per violent victimization.²¹ I know researchers always say that more money is needed for research, and I know we have to be smarter about how we spend existing resources. But try as I might, I cannot resist pointing out that the nation's budget for research on violence is considerably less than one-half what the federal government will spend this year on mohair price subsidies.²² I have nothing against goats, but a shortage of fuzzy sweaters is not what is keeping people behind locked doors at night.

Second, we have to have a coherent and coordinated federal strategy for studying violence. Organizational responsibility for research on violence is spread across a number of federal agencies: the National Institute of Justice, the National Institute of Mental Health, the National Science Foundation, the Centers

²¹ National Academy Report, at 345.

²² U.S. Congress, *Budget of the United States Government: Fiscal Year 1993*, Appendix One-349 (1992).

for Disease Control, and several smaller programs.²³ We surely do not need a "Violence Czar" to provide central management of the nation's research on violence. But we do need to be sure that everyone is reading from the same page, and that there is a forum where innovative ideas can be shared and followed-up quickly. Partnerships with private foundations may be particularly cost-effective. The collaboration between the MacArthur Foundation and the National Institute of Justice in funding the Program on Human Development and Criminal Behavior is an exciting example of strategic leveraging of public and private resources.²⁴

Third, we need to implement a comprehensive and inclusive violence research agenda. That agenda must have headings on it for all three of the kinds of research I have been talking about: biology, sociology, and psychology. And it has to study them not in isolation from one another but together, as different pieces of the same puzzle. As I said, I think that the time is ripe to give some priority to studying developmental influences and the effect of the family environment on violence. But this has to include health-related and biological factors that are mediated through the family as well as social and psychological influences. You cannot paint a full and life-like picture of the causes of violence if, before you start painting, you take a corner of the canvas and mark it ideologically off limits.

Fourth, we need to put at the top of this agenda a program of rigorously evaluated interventions to reduce violence. We will know that we have finally understood the causes of violence when we can take a group of children at high risk of becoming violent and ethically offer them opportunities and services to defy our predictions. The interventions should be intensive and broadly based in practice but, at first, small-scale in scope. We simply do not know enough to mount major national programs to attack the causes of violence, even if we had the money to do so. But we certainly do know enough to start trying many things in a completely voluntary way, without unnecessarily labeling anybody, and see what works.²⁵

²³ National Academy Report, at 349.

²⁴ *Id.*

²⁵ E. Mulvey, M. Arthur, and N. Reppucci, "The Prevention and Treatment of Juvenile Delinquency: A Review of the Research," 13 *Clinical Psychology Review* 133-167 (1993).

Here is one modest idea. It derives from the research on childrearing that finds parental supervision so important in preventing crime and violence. Taking our cue from studies like this, we could offer to a random group of parents whose children are enrolled in federal child care programs²⁶ an intensive, long-term, state-of-the-art education and training program in how to monitor their children's behavior effectively, how to recognize potentially serious misbehavior when it occurs, and how to discipline their children consistently but fairly in response to misbehavior.²⁷ If this worked – if, compared to a control group, the children whose parents received the program had lower levels of aggression and other social problems – we should gradually expand the program, rigorously evaluating its effects each step of the way. If it did not work, we should go back to the drawing board, roll up our sleeves, and try something different. A dozen ideas like this – none of them panaceas – could be derived from research on children and families and tried simultaneously in different parts of the country. If even a few of them worked, we would have taken a giant leap forward in violence prevention.

The short of it is that we need first to make a national scientific commitment to understanding the causes of violence, and then to make a national political commitment to doing something about them.

Acknowledgements

My work on this paper was supported by the Research Network on Mental Health and the Law of the John D. and Catherine T. MacArthur Foundation. The views expressed are my own. I am grateful to the members of the Network and to Felton Earls, William Gardner, Charles Lidz, and N. Dickon Reppucci for their comments.

26 E. Zigler and S. Styfco (Eds.), Head Start and Beyond: A National Plan for Extended Childhood Intervention (1993).

27 M. Gottfredson and T. Hirschi, A General Theory of Crime (1990).

DRUG ABUSE AND VIOLENCE

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Currently there are no valid and reliable sources of data in either the health care or the criminal justice systems that provide adequate illumination of drugs/violence relationships for policymakers. It is currently impossible to examine trends in drugs and violence relationships over time, within specific localities, or validly to compare one city to another.

Media reports on violence are misleading. They tend to fixate on specific sorts of violence, present voluminous daily coverage, and then move on to new topics. For example, the media recently led me to believe that people were being bitten on a daily basis by pit bulls. Then, apparently, all the pit bulls suddenly got religion.

Probably my favorite story about media coverage of violent crime occurred about a century ago in New York City. It was reported by Lincoln Steffens in his autobiography, in a chapter entitled "I Make a Crime Wave." At the time, Steffens was a reporter for the New York Post. It was the 1890s. A reform administration had been elected in New York City, and not-yet President Theodore Roosevelt had been appointed as Police Commissioner. Steffens writes:

Every now and then there occurs the phenomenon called a crime wave. New York has such waves periodically; other cities have them; and they sweep over the public and nearly drown the lawyers, judges . . . and other leading citizens who feel that they must explain and cure these extraordinary outbreaks of lawlessness. Their diagnoses and their remedies are always the same: the disease is lawlessness; the cure is more law, more arrests, swifter trials, and harsher penalties . . . I enjoy crime waves. I made one once; Jacob Riis helped . . . and [Teddy Roosevelt] stopped it (p. 285).

Basically what happened was Steffens liked to take an afternoon nap in the basement at police headquarters. The basement was a place where police officers would hang out and discuss their daily experiences. Steffens never reported this gossip for fear he would be deprived of his afternoon hide-out for naps. But one day, he heard such a delicious account of a robbery that he just had to write it up for the Post.

Jacob Riis was then a reporter for a rival newspaper. His editor was angry that the Post had scooped them on the robbery story. So Riis decided to utilize some secret sources of police information that he had not used before. Soon Riis and Steffens were in a competition to see who could write the most crime stories each day. Crime reporters from the other newspapers in New York were forced to abandon their daily poker game and find some crimes themselves. All the newspapers soon were filled with crime stories.

Tammany Hall capitalized politically on this "crime wave." They argued that it showed that the reform administration could not deal with criminals in New York. A worried Teddy Roosevelt made some inquiries and learned the facts of the situation. He called Steffens and Riis into his office and demanded that they stop their competition. Steffens concludes his chapter:

When Riis and I ceased reporting robberies, the poker combine resumed their game, and the morning newspapers discovered that the fickle public were 'sick of crime' and wanted something else. The . . . scientific quarterlies had some belated, heavy, incorrect analyses of the periodicity of lawlessness . . . [but now] honest citizens could sleep, and judges could afford to be more just (p. 291).

While politicians and the media are generally quite vocal about the terrifying "threat" of drug-related violence and how it is "destroying the fabric of our society," they seldom specify what they mean when they refer to "drug-related violence." For example, it is not usually clear whether alcohol is included as a drug in these assertions. Furthermore, the tendency is not to make distinctions between drug use and drug trafficking.

Law enforcement officials from different cities frequently claim that 20 percent, or 80 percent, or whatever percent of their violence is drug related. They too seldom define what they mean by drug-related violence, nor do they specify how they determined a proportion of violence that is drug related. Did they utilize forensic toxicologies by medical examiners? Did they utilize investigative reports of detectives? When there was variation between cities – for example, one city claiming that 20 percent of its violence was drug-related and another city claiming that 80 percent of its violence was drug-related – were there real differences in the nature and amount of drug-related violence between the two cities? Or were the two cities just defining drug-related violence differently? Or counting it differently? It is usually impossible to tell.

It is important that our understanding of the relationship between drugs and violence be based on valid and reliable data, and those data must be organized in a conceptually coherent fashion. One of the major problems in this regard has been the lack of a consensually agreed upon definition of what is "drug-related violence." In 1985, I first published my definition of drug-related violence. It was based on five years of fieldwork among opiate users in East Harlem. The definition took the form of a tripartite conceptual framework.

Tripartite Conceptual Framework

I argued that drugs and violence were related in three separate and distinct ways: psychopharmacologically, economic-compulsively, or systemically.

The **psychopharmacological** model suggests that some persons as a result of ingesting particular substances may become excitable and/or irrational and may act out in a violent fashion. Psychopharmacological violence may also result from the irritability associated with withdrawal syndromes or "crashes" from particular substances. Psychopharmacological violence may involve substance use by either perpetrators or victims of violence. In other words, substance use

may contribute to a person behaving violently, or it may alter a person's behavior in such a manner as to bring about that person's violent victimization. Finally, some persons may ingest substances purposively to reduce nervousness or boost courage and thereby facilitate the commission of previously intended violent crimes.

The **economic-compulsive** model suggests that some persons feel compelled to engage in economic crimes to finance costly drug use. Sometimes these economic crimes are inherently violent, as in the case of robbery. Sometimes the violence results from an unintended or extraneous factor in the social context in which the economic crime occurs. Such factors include the perpetrator's nervousness, the victim's reaction, the presence or absence of weapons carried by either victim or perpetrator, and the intercession of bystanders.

The **systemic** model refers to the normally aggressive patterns of interaction within systems of illicit drug distribution. Most systemic violence arises from conditions of doing business in a black market. Examples of systemic violence include territorial disputes between rival dealers, assaults and homicides committed within particular drug-dealing operations to enforce normative codes, punishment for selling adulterated or bogus drugs, and assaults to collect drug-related debts.

Having formulated this tripartite conceptual framework, I undertook a series of studies to validate it and to elaborate upon it.

Empirical Studies of Drugs/Violence Relationships

I conducted two field studies on the lower east side of New York City. One involved male drug users and distributors. The other involved female drug users and distributors. A total of about 300 persons were followed for at least eight weeks. Data were collected about their involvement in violence, patterns of drug use and criminality, and related aspects of their lives. These field studies were funded by the National Institute on Drug Abuse.

Another study was conducted retrospectively, using existing police records for all homicides committed in 1984 in New York State ($N = 1,768$). Information was collected about the characteristics of the event, the victim, and the perpetrator, especially with regard to drug-relatedness. Every police department in New York State that reported at least one homicide in 1984 participated.

In that study we found that police departments frequently had not recorded important information about possible drug involvement. Generally, information about drug-relatedness was only recorded when detectives thought it useful for an ongoing investigation.

We therefore designed a second homicide study in which a sample of data was collected during ongoing police investigations of homicides committed in New York City in 1988. Our data collection form was included in each detective's case folder in the sampled precincts. The detectives recorded information pertaining to drug-relatedness that would not have been recorded normally. A member of the research team interviewed detectives and/or squad commanders to confirm and clarify responses on completed forms. During the study period, 414 homicide events occurred in the sampled precincts. Both homicide study projects were funded by the National Institute of Justice.

Data available from these four studies enable us to examine the nature and scope of drug-related violence. While research findings have been presented in far more detail and depth in a variety of publications, the following summary of key findings should prove useful for the purposes of this Symposium.

Findings

About one-half of all violence was drug-related. This included 48 percent of the violent participation by male street subjects, 39 percent of the violent participation by female street subjects, 42 percent of the New York State homicides that occurred in 1984, and 53 percent of the New York City homicides that occurred in 1988.

The following findings emerged from the two street studies:

1. Relatively high proportions of violence engaged in by male and female street drug users and distributors were unrelated to drug use or trafficking. Specifically, 43 percent of the male violence and 60 percent of the female violence was not drug related.
2. About 55 percent of the males and 59 percent of the females reported at least one violent participation during the eight-week study period.

3. Psychopharmacological and systemic violence were the most common forms of drug-related violence reported by both males and females. Economic-compulsive violence was rare. Specifically, male subjects reported that only five percent of their violent participation was economic compulsive. Female subjects reported that only two percent of their violent participation was economic compulsive.
4. For both men and women, alcohol was the substance most likely to be associated with psychopharmacological violence. Heroin and cocaine were the substances most likely to be associated with systemic violence.
5. Both the frequency and volume of cocaine use were related to involvement in violence, but the nature of this involvement was quite different for men compared to women. Higher frequencies and volumes of cocaine use among men were associated with perpetration of violence. Higher frequencies and volumes of cocaine use among women were associated with being a victim of violence.

The following findings emerged from the two homicide studies:

1. The two most common types of drug-related homicide were psychopharmacological and systemic. Very few drug-related homicides were economic compulsive. That is, very few were motivated by the compulsive need of a drug user to get money for drugs. In the New York City sample, in 1988, about 39 percent of all homicides and about 74 percent of all drug-related homicides were systemic, that is, related to drug trafficking.
2. Psychopharmacological homicides were most often alcohol related.
3. Systemic cases were most often cocaine (predominately crack) related. In New York City, in 1988, 93 percent of the systemic homicides involved cocaine.
4. Other drugs, including heroin, were rarely involved in either the 1984 or 1988 homicides.
5. A very low proportion of the 1988 New York City homicides were family related. Domestic homicides accounted for only six percent of the study total. There were about seven times as

many drug-systemic homicides as there were domestic homicides.

These findings provide evidence that certain common assumptions about drug-related violence are incorrect or exaggerated. For example, it is commonly believed that an important threat to public safety by drug users is their violent predatory acts to obtain money for drugs. Our data indicate that very few homicide victims were killed by drug users during property crimes to get money to buy drugs.

Drug users typically try to avoid violent predatory offenses. This fact is also reflected in the small proportions of economic-compulsive violence that we found in our two street studies. Use of drugs is often financed by users working in a variety of roles in the illicit drug business. Violence is most likely to arise in the context of the illicit drug marketplace and to involve others who are similarly engaged.

Another common assumption is that the public safety is endangered by persons who are "crazed killers" due to their use of illicit substances. Data indicate that various forms of violence, including homicide, do occur as a result of perpetrator and/or victim inebriation. But generally these cases involve people under the influence of alcohol, a legally obtainable substance.

Our research shows that existing police records are inadequate for documenting complex drug/crime/violence relationships. Police organize their data systems to support their primary functions of maintaining public order and arresting law violators. Such data systems do not always serve the interests of researchers and policy planners. However, our New York City homicide project clearly demonstrates that researchers can work with an enlightened police department, modify data collection procedures in a fashion that does not interfere with the law enforcement function, and produce data of use to police, prosecutors, and policymakers.

In recent years, the impact of violence on medical and public health establishments has become increasingly clear. Emergency room physicians see more victims of violence than do police. There are now more than one million aggravated assaults and more than 20,000 homicides in the United States each year. Homicide is the tenth leading cause of death in the United States. The United States has the highest homicide rate of any industrialized nation. Homicide strikes disproportionately among the young, among racial minorities, and among the poor. The leading cause of death among teenaged

boys is gunshot wounds. In the United States, homicide is the sixth leading cause of premature mortality.

I have estimated that more than 350,000 years of life are lost each year due to drug-related homicides. More than 250,000 days of hospital care are required annually for the victims of drug-related assault. At least 100 million dollars are spent each year to hospitalize the victims of drug-related assaults. Additional costs are incurred for physician visits, emergency room treatment, pharmaceuticals, and extended care after initial hospitalization.

Drug-related violence is clearly both a crime problem and a public health problem. Criminal justice and public health practitioners must work together to develop harm-reduction strategies.

Implications for Harm-Reduction Strategies

Examination of trends in the national homicide rate over the last 20 years indicates a substantial peak from 1979 to 1981, the years of what I call Cocaine War I (hereinafter "CWI"). Crack had not yet appeared on the scene, and the illicit market of this "war" involved powder cocaine. Miami was the murder capital of the United States then.

The national homicide rate then declined in the early and mid-1980s. Dramatic decreases occurred in Miami (CWI was over!). In the mid-to-late 1980s, the homicide rate began to climb again, heralding the arrival of crack and CWII. New York City and Washington, D.C., replaced Miami as the nation's murder capitals. Crack, a new form of an old drug, easily manufactured, attracted a large number of small entrepreneurs.

The New York experience suggests that in the embryonic stages of the crack market, a steadily increasing number of new users provided distributors with sufficient business. Rates of violence at this preliminary stage of market development were low. As the market matured, and the number of users began to stabilize, competition between distributors for "market share" grew. Organized gangs tried to consolidate turf and bring independent dealers under their control. For example, some gangs tried to create a monopoly by forcing small dealers to buy raw products from them exclusively and eliminating those dealers who refused.

Intensified law enforcement efforts probably contributed to increased levels of violence. Street sweeps, neighborhood saturation, buy-bust operations, and similar actions led to increased violence in a number of ways. For example, removing dealers from their established territory by arresting them creates a vacuum that other dealers fight to fill. By the time these hostilities have ended, convicted dealers may have returned from prison and attempted to reassert their authority, resulting in a new round of violence.

The federal government has been unable to stop the smuggling of drugs into the United States. Drug crop eradication programs forced on foreign countries have been largely ineffective and have created foreign policy problems. In any event, there is so much growth and manufacture of controlled substances in the United States that even if we could completely stop the flow of drugs from foreign countries, it probably would not have an appreciable effect on our drug problem. When certain drugs are made less available, users find substitutes. The substitutes may have more deleterious effects than the original substances. And violent competition between producers or distributors is likely to continue, whether drugs are imported, home-made, or home-grown.

There are no easy solutions to the problem of drug-related violence. If easy answers did exist, somebody would have provided and implemented them by now. The issues are very complex. We must produce data that will enable us to understand better the complex relationships among drugs, violence, and public policies. While I am in full accord with the Clinton administration's emphasis on drug prevention and treatment, I would urge that research be included as an equal partner. High priority research topics include the following:

1. A national data collection system should be established that will enable us to assess trends in drug-related violence over time and between localities.
2. Increased information must be provided to judges regarding which defendants are likely candidates for court diversion programs and what sorts of treatment particular defendants, at particular stages of their lives, are most likely to benefit from.
3. We must improve our understanding of the biochemical and interpersonal mechanisms by which certain substances seem to trigger violent behavior.

4. We must better evaluate the impact of patterns of law enforcement and judicial and legislative policies on drug-related violence.
5. Strategies must be developed to link data collected in the criminal justice system with data collected in the health care system.

There is much work to be done before we can fully utilize social data to increase our understanding of drug-violence relationships and to develop the most effective prevention and amelioration strategies. The reduction of drug-related harm is a worthy goal. A partnership between the public health and criminal justice communities is a step toward that goal.

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QUESTIONS & ANSWERS

Commissioner Nagel: Thank you very much. We'd like to open the floor now for questions.

Questioner: Do I understand Dr. Goldstein's figures correctly? Is he saying that virtually all of the psychopharmacological violence is alcohol-related?

Paul Goldstein: Roughly 70 to 80 percent of it is.

Questioner: And then, the rest of the violence is systemic – that is, due to turf wars?

Paul Goldstein: Correct.

Questioner: Because the prohibition of other drugs has created the systemic violence, and because the rest of the violence is related to use of the drug alcohol, might not this conference more aptly be called "Alcohol and Government?" Is that a correct inference from your numbers?

Paul Goldstein: That's a pretty good inference, yes.

Questioner: Dr. Monahan, most of us here are involved in the sentencing function in some way or another. Your presentation suggests that factors such as family supervision, alcohol abuse, school failure, and those sorts of situations are related to violence. Would it seem logical, then, that these factors should be relevant sentencing factors when looking at a defendant in a particular courtroom situation?

John Monahan: On the issue of which factors should be taken into account in sentencing an offender, I think that would very much depend on one's philosophy of sentencing. To the extent that the sentence was to reflect the offender's just deserts – his or her moral culpability – then I think that predictive factors, risk factors, wouldn't be so relevant. To the extent that one's philosophy of sentencing focuses on reducing crime in the future by identifying people who present the highest risk of committing violence and sentencing them relatively more severely, it seems to me those factors do indeed come into play.

Questioner: Dr. DuPont, you went a little fast for me when you discussed sentencing. Would you mind elaborating a little bit about that?

Robert DuPont: I think about addiction as having two features: one is loss of control and the other is denial or dishonesty. The person has literally fallen in love with getting high with the drug. And when people get well, they get well because they bump against what is called a "bottom." They get hit with a consequence of their drug use. The situation becomes intolerable and that leads them to find another way; it leads them to do something different. And "bottoms" come in various kinds. But the criminal justice system is very powerful, so sentencing becomes a painful consequence of the drug use that leads a person to think about what he or she might do differently to have a better life. And so it becomes a stimulus for recovery.

Now one question I wanted to pose is, "How do people get well from addiction?" And I would ask you to do what I have done. Any of you who want to see people who get well should go to a meeting at your local Narcotics Anonymous or Alcoholics Anonymous. And you will see before you the story of addictive disease, and you will see how people get well. It's a very powerful experience. A culture of recovery has sprung up all over this country, and I think many of us who are experts have not noticed.

Even if you take addiction treatment, the treatment that works is the treatment that incorporates the 12-step concept. And I think it is extremely important that you each attend enough meetings so you understand that. You will actually see the effect of sentencing as people get well. It's right there for you to see in those meetings.

So if I have one message that I'd like to leave you with, it's to go to the meetings and see the experience of addiction; see the experience of the criminal justice system; and see what change goes on in the character and the lives of people who are getting well. It's a profound change.

Questioner: Dr. DuPont, you indicated that the most promising place to start is with the addicts who are already in the criminal justice system. Could you sing a few bars about how that's working now and how it might be improved?

Robert DuPont: I think it's beginning to work much better. I think it's important to encourage the widespread adoption of drug

testing to identify drug use, and it is important that a positive drug test have consequences.

To keep it in perspective, approximately four million people are under supervision in the criminal justice system in the United States, most of whom are on probation and parole. Of those people, roughly two and one-half million have a problem with addiction. The total number of illicit drug users in this country is about 12 million; and a large proportion of these users are in the criminal justice system. In other words, a large percentage of those in the criminal justice system are suffering from addictive disease.

Let me just say that the toughest problem that the criminal justice system will need to deal with is this topic of alcohol. Because if you take seriously the concept of addictive disease being unitary, you're going to have to have a policy that says "no alcohol use." And if you go to a Narcotics Anonymous meeting, you will see that they approach it as a unitary phenomenon. They don't say no cocaine use; they don't say no heroin use; they say there is to be no use of addicting drugs.

So I think the foundation is laid in the criminal justice system. But, it needs to be pulled together with a clear policy that says "While under supervision, you will not use addicting drugs, including alcohol; and if you do, consequences will be quickly and regularly imposed." The first part is the policy. The second part is to have testing with consequences. And the third part involves a path to recovery. And that path to recovery includes addiction treatment. But most of all it includes the integration of the system of recovery that is used in Narcotics Anonymous and Alcoholics Anonymous.

Questioner: Is that being done now?

Robert DuPont: Yes it is. And I think it can be done much more. It's being done fairly piecemeal, but I think it is being done. And it needs to be done much more frequently and much more systematically so that everyone who is arrested understands that during the period of supervision this will be the program they will be subjected to. And I think you will find very positive responses from people who have serious addiction problems. It will work. It does work.

Questioner: Dr. DuPont, of the 12 million people you estimate who use illicit drugs, what is your best estimate of how many use them to the extent that they are debilitated by them?

Robert DuPont: At the least, those two and one-half million in the criminal justice system have a serious problem, and I think many others do as well. Perhaps five million altogether have serious consequences. Many people using illicit drugs don't experience a particular consequence. It's a little like asking the question, "What percentage of the people who speed 75 miles per hour have accidents?" A lot of people speed 75 miles per hour and don't have accidents, but that is still a very great risk factor. That's the way I feel about illicit drug use.

Questioner: I've been in this field a long time and I have a question for any of the panelists. Virtually all of the speakers have mentioned the role of the family. In very poignant ways, earlier speakers talked about the "important one" or the "significant other." What strikes me as a concern is that, in our society, the family is also the most protected in the sense of privacy. It is probably the unit of society that is hardest to engage – I think of issues in the courts such as custody in divorce cases and parental educational responsibilities. How do we access the family?

John Monahan: There's no question that privacy issues are major reasons why family-based interventions are quite difficult to mount. I guess my earlier idea about intensive intervention programs that teach parents how to monitor and discipline their children effectively ought to be considered. I think it is a modest approach. The issue, of course, is what the family is most in need of. Those kinds of voluntary interventions are precisely the approaches that families do not take advantage of. It seems to me that until it's been shown that those kinds of voluntary interventions are successful, the much more difficult issue of how to intervene in family structures of people who don't want the intervention need not be faced. I think there was widespread agreement with what Representative Waters said this morning about the emphasis that should be placed on the prevention of teenage pregnancies so that some families don't get started until people want to start them.

Robert DuPont: Could I just mention one point about families? I think about a mother who is raising a boy going into teenage years. The boy starts to have problems, and what is that mother going to do? One of the interesting things to me is to see the function of denial about drug use so that the mother doesn't know how to tell if her child is a drug user. I think one of the things we could do is to provide families, especially mothers, with opportunities for drug tests to determine whether their kids are using drugs. The parents don't know, and because they don't know they don't have any way of

intervening. So I think making those kinds of things accessible is very important. I also believe that another very important thing is to give parents a sense of community so the family is not in isolation, but works with other families and other people. I think the cure to the fragmentation of the family is integration into the community, and that means finding ways to build bridges among adults raising kids. There are a lot of opportunities to do that.

Questioner: Given the resources being expended in the criminal justice system and the ineffectiveness of the system to deal with addiction, and considering the importance of prevention and treatment, I'd like to know what the presenters' views are on decriminalizing or legalizing some of the substances that we're talking about.

Paul Goldstein: On the legalization question, I guess I would characterize myself as an agnostic. I think it is certainly something to be explored. We have to learn more about it. There are a lot of unanswered questions on this.

Certainly I mentioned that psychopharmacological violence at the present time is primarily a function of alcohol, a legally obtainable substance. At one time we did prohibit alcohol, but there was a lot of violence connected with alcohol during the prohibition years, and at that point a large part of it was systemic.

Different drugs have different pharmacological effects on people. Alcohol tends to make people violent. Other drugs may have different effects. Legalization has to look at the individual drugs. It is not a simple matter.

Also, what do we mean by legalization? There are production issues, there are distribution issues, there are consumption issues. Legalization for whom? Are we talking about the 16-year-old, the 18-year-old, the 21-year-old? What about people with mental disorders? Who dispenses it? Is it dispensed through the pharmacy? Is it available in the Seven-Eleven? Is it in the coffee shops? I was in Amsterdam and Rotterdam recently and in the coffee shops you can get marijuana.

Commissioner Nagel: Let me stop you and ask you to assume we were on the McLaughlin program – legalization, yes or no?

Paul Goldstein: Agnostic.

Robert DuPont: I love many of the people who promote legalization. I think they are wonderful people. In 25 years, I have been searching for a dumber idea. I haven't found it.

John Monahan: I'll second that.

LUNCHEON ADDRESS

EDWARD M. KENNEDY

Chairman, Senate Committee on Labor and Human Resources

Senator Kennedy of Massachusetts was elected to the United States Senate November 6, 1962, to fill the unexpired term of his brother, President-elect John F. Kennedy. His subsequent service in the Senate has been continuous, and includes Chairman of the Labor and Human Resources Committee, Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs, Chairman of the Armed Services Subcommittee on Projection Forces and Regional Defense, and Chairman of the Joint Economic Subcommittee on Fiscal Monetary Policy. He is also a member of several other Senate Committees and Subcommittees and is involved with numerous Congressional commissions and groups. Senator Kennedy, the author of several books related to these interests, received his B.A. from Harvard University and his LL.B. from the University of Virginia Law School.

I want to thank Judge David Mazzone for that generous introduction. His intelligence and compassion have graced the Massachusetts federal bench and the U.S. Sentencing Commission. I value his leadership, I'm grateful for his friendship, and it's a great honor to be here with him today.

In addition, I want to thank Judge Wilkins and the other members of the Sentencing Commission for inviting me to this Symposium. I have the unique opportunity of serving in the United States Senate, on the Armed Services Committee which deals with some of the efforts on interdiction, on the Judiciary Committee which deals with prosecution and the criminal justice system, and as Chairman of the Labor and Human Resources Committee which deals with rehabilitation, prevention, and other aspects of the issues of violence and crime in our society.

In a sense, this gathering has been in the works for a decade. When Strom Thurmond and I sponsored the Sentencing Reform Act

of 1984, we wanted to create a Commission that would do more than just write sentencing guidelines for the federal courts. We sought to establish an independent, non-political agency that would serve as a catalyst for wide-ranging improvements in the criminal justice system.

I hope this Symposium represents an ongoing effort by the Commission to broaden its outlook beyond the guidelines. This agency is uniquely suited to examine the causes of crime, to evaluate different methods of intervention, and to work with Congress and the Administration to implement more effective anti-crime strategies. This is a continuing agency that is at the cutting edge in terms of crimes of violence in our society. Members of Congress take very seriously the Sentencing Commission, the work it does, and the kinds of recommendations it makes.

The Commission is a resource that we in the Congress desperately need as we enter a debate about crime in which reality and perception are so completely different. In all the time I have been in elective office, never has there been such a disparity. And to the extent that you can help to educate Congress so we are dealing with reality and not slogans, not cliches, not sound bites, but substantive matters that can make a difference in our society – it's going to have an enormously constructive impact on criminal justice policy.

So, I commend the Commission for having this conference. I know from our colleagues in the Senate that people are watching, listening, and eager to learn more about how we can more effectively combat crime and violence.

Crime is an urgent priority for every citizen and every level of government. There is a pervasive sense that America has lost control of its streets. We count on certain institutions in society – families, schools, churches, the justice system itself – to enforce and reinforce the social contract and strengthen respect for the community. But as these institutions have weakened in recent years, we have paid a heavy price in rising violent crime.

Schoolyard insults that were once settled with a punch are now resolved by a bullet. Violent crime has become even more deadly because of the proliferation of highly lethal assault weapons. Another frightening trend is the youthfulness of violent offenders. It has become commonplace for 14- and 15-year-olds to stand accused of the most gruesome crimes. The deterrent power of the law only works if potential wrongdoers have a stake in society and in their

freedom. But many of these young offenders have no stake in anything.

Brazen drug trafficking exacerbates all of these problems. Disputes among sellers and buyers and turf battles among dealers give rise to automatic weapon fire. Scores of innocent bystanders – young children, pregnant women, elderly citizens – have been caught in the line of fire and killed or wounded in recent years.

My colleague from New York, Senator Pat Moynihan, has written eloquently of the danger in "Defining Deviancy Down," of becoming numb to the violence around us. Sixty years ago, the Saint Valentine's Day massacre of seven gangsters in Chicago shocked the conscience of the nation. This Valentine's Day, the gangster-style massacre of a family of six in a Bronx apartment received only fleeting press attention.

In the face of this deteriorating situation, government's response has been excessively slow and painfully unimaginative. Until now, we have relied almost exclusively on a single criminal justice strategy – massive incarceration. During the 1980s, the prison population more than doubled. The total number of Americans in jails and prisons now exceeds one million, and the U.S. has surpassed South Africa and the former Soviet Union in the rate at which we incarcerate our citizens.

A few years ago I chaired a hearing at which a corrections expert who was counseling a number of young, Black offenders told us how little deterrent effect the harsh sentencing laws have on many of the young people he works with. While this might not be typical of all young, Black offenders, this witness said it is more so than most of us think.

When asked about mandatory sentencing, he pointed out that when individuals are sentenced to jail, in too many instances they make better contacts there than they make on the outside. The drugs are better in jail than they are outside. They continue to get paid by the drug traffickers while they are in jail. In many instances, it's safer than being out on the street. And when they get out of jail, they have a badge of honor because they have served time.

So there is a chasm that exists between those of us in the legislative branch and those of you who are dealing with these problems every day.

A doubling – or even a tripling – of the prison population might be justifiable if we were locking up twice or three times as many violent criminals. But that's not happening.

In 1991, the National Council on Crime and Delinquency found that less than 20 percent of state prison inmates had been convicted of violent crimes. Fifty-three percent had been sent to prison for minor theft or drug crimes. And at the same time, studies show that more than 70 percent of defendants in some jurisdictions test positive for drugs after their arrest.

We have unwittingly adopted a national policy of packing prisons to the rafters with non-violent drug addicts. This policy is not only expensive and ineffective, it actually jeopardizes public safety. To make room for the surge of non-violent prisoners, some states have cut sentences served by murderers, rapists, and robbers by as much as 40 percent.

Lengthy incarceration should continue to be the sanction for violent career criminals. But for many other offenders, there are less expensive, more constructive approaches. Prisons are a scarce and costly resource. They must be used in a way that reflects a rational set of priorities in an effective battle against crime.

It is easy to frighten and mislead the public on crime. It is easy to pretend that if we build more prisons and impose longer and harsher sentences, we can make the streets safer. We could balance the federal budget if we had a dollar for every time an elected official in this country has endorsed capital punishment as the solution to crime.

In her early months as Attorney General, Janet Reno has stood against all that. She is doing an excellent job of educating the public and Congress on the need for a new and more effective direction in anti-crime policy. Above all, she is setting a new and wise standard for dealing honestly with the failure of the past, and she deserves our strong support.

One subject on which Attorney General Reno has been especially persuasive is the effect of laws imposing mandatory minimum penalties. These statutes are as counter-productive as they are politically attractive. They cause gross sentencing disparities, they crowd prisons with non-violent offenders, they are inconsistent with the guidelines, and they must be repealed.

Finally, under this Attorney General's leadership, there is a good chance we can end the divisive debate in Congress over crime legislation and pass a crime bill that reflects a sensible and more effective federal role.

The hallmark of the Reno approach is crime prevention. If we stop criminal activity before it occurs, we can save dollars and save lives too. The ultimate goal of the criminal justice system should be crime prevention, not punishment. Prevention can take many forms, but today I want to mention three approaches that have been neglected too long – drug treatment, community policing, and gun control.

As Chairman of the Senate Labor and Human Resources Committee, which has jurisdiction over the federal effort to support and improve drug treatment, I have heard firsthand from the foremost treatment professionals in the country. The evidence is clear: treatment works.

Like many medical interventions, drug treatment is not a panacea and does not have a 100 percent success rate. Some addicts need to enter treatment programs more than once before the treatment takes hold. Not every type of treatment works for all addicts. But in the aggregate, treatment reduces drug abuse. It reduces crime. It reduces hospitalization – and it increases employment. Every dollar we spend on drug treatment saves \$11 in other expenditures, including criminal justice costs.

In spite of this evidence, treatment is still widely unavailable. Last month the National Association of State Alcohol and Drug Abuse Directors counted 75,000 Americans on waiting lists for treatment – even higher than the number four years ago. The Institute of Medicine estimates that the need goes far beyond the waiting lists. Some four to six million Americans who need substance abuse treatment don't receive it. According to the GAO, a drug addict in prison stands less than a 20 percent chance of receiving treatment – even though we know it works, and even though they will soon be back on the streets. Seventy-five percent of addicts who complete treatment in prison or as a condition of probation refrain from drug abuse and crime for at least three years. Almost the exact same percentage of offenders who do not get treatment are rearrested during that period. So, we can dramatically enhance the success of a criminal sentence if it is accompanied by treatment.

Dr. Herbert Kleber, the noted treatment expert, speculates that Americans are reluctant to pay for treatment because they blame addicts for causing their own problems. He's right, and this view is widespread and dangerous. We have only ourselves to blame if we lack the compassion and foresight to fund drug treatment adequately.

It is preposterous to spend over 20 billion dollars a year to build, operate, and maintain a prison system bursting with non-violent drug addicts instead of spending a fraction of that sum to provide treatment to addicts before they are arrested. That is the central failure of our ineffective war on drugs.

In the past four years, the vast majority of anti-drug resources, about 70 percent, have been spent on high-tech military-type efforts to reduce the supply of drugs on our streets. This strategy ignores the most basic law of economics: as long as there is demand for a product, supply will rise to meet it.

Drug treatment is the best way to reduce the demand for drugs, and we need more of it.

The second emerging crime-prevention technique I want to discuss is community policing. Some say this is a return to the old cop-on-the-beat strategy, but it is much more than that. Police officers who have a stake in the neighborhoods they patrol can recognize the early warning signs of crime and take steps to counter them before a crime is committed, before an arrest is necessary.

Lee Brown, the new Director of National Drug Control Policy, had impressive success with community policing in Houston and New York, and he is an impressive addition to President Clinton's brain trust against crime.

One important feature of community policing is President Clinton's proposal to create a Police Corps. The concept is modeled after successful public service scholarship programs like the National Health Service Corps.

An applicant will receive federal aid to attend college in exchange for a pledge to spend four years as a police officer after graduation. The plan will expand educational opportunities for disadvantaged youth. It will send thousands of well-qualified, well-trained young men and women into the ranks of overburdened local police.

Finally, no anti-crime policy is credible today unless it also includes a serious effort to halt the proliferation of firearms in our society.

Last month, I had the bittersweet honor of delivering the commencement address at Simon's Rock College in Great Barrington, Massachusetts, the site of one of the all-too-common tragedies we hear about for a few days before it is replaced by a new atrocity. In December, an 18-year-old student walked into a sporting goods store near the Simon's Rock campus, put \$150 in cash on the counter, and walked out with an SKS Assault Rifle. Incredibly, the transaction was perfectly legal. The next day he shot a professor and six students, killing two.

How can it be, in this nation overflowing with laws of every kind, that no law banned the manufacture of such a uniquely lethal weapon? How can it be that no law even mandated a brief waiting period for law enforcement authorities to find out whether this young man was fit to buy such a weapon?

Some say that instead of gun control it is sufficient to add another five, ten, or 20 years to the already stiff sentences that exist for those who commit gun crimes. We've been down that road countless times before, and it is not a satisfactory response to the arms race on the streets of our cities.

This Congress has the opportunity to enact the first serious gun control legislation since the assassinations of 1968. We must pass the Brady Bill. We must strengthen licensing requirements for firearms dealers. And we must ban assault weapons.

These crime prevention strategies will not solve the problem alone. But when drug treatment is available to all addicts who need it, when community policing is used throughout the country, and when Congress passes reasonable restrictions on access to firearms, we will be well on our way to a more effective policy on crime.

Working together, we can restore public confidence in government. We can fulfill the eloquent goals of the Constitution itself – to form a more perfect Union, to establish justice, and to insure domestic tranquility.

Thursday Afternoon Session: PREVENTION

Panel Three: Role of Government in Prevention Efforts

Luceille Fleming

Director, Ohio Department of Alcohol and Drug Addiction
Services

Rod G. Mullen & Naya Arbiter

Executive Director and Deputy Director, AMITY, Inc.

Alex E. Crosby

National Center for Injury Prevention and Control/Centers
for Disease Control

Stephen Goldsmith

Mayor, Indianapolis, Indiana

Moderator:

Ilene H. Nagel

Commissioner, U.S. Sentencing Commission

The topic for our next panel is the role of government in prevention efforts. Our panelists will, in turn, examine the roles of federal and state governments in the prevention of drug abuse and violent crime, the need for local initiatives in responding to the drug problem, and ways of preventing violent crime and drug abuse through public health agencies.

ROLE OF GOVERNMENT

LUCEILLE FLEMING

Director, Ohio Department of Alcohol and Drug Addiction Services

Luceille Fleming, Director of the Ohio Department of Alcohol and Drug Addiction Services, heads a cabinet-level department created in 1989. She supervises a \$200 million biennial budget and 500 funded boards and programs. Ms. Fleming serves on the National Association of State Alcohol and Drug Abuse Directors Board and was the first Chair of the federal Alcohol, Drug Addiction and Mental Health Advisory Board. She initiated several new programs in Ohio, including therapeutic communities for treatment of prisoners, Ohio Violence Prevention Process, Medicaid reimbursement for alcohol/drug services, and preschool prevention training. Ms. Fleming, a graduate of Chatham College and the Harvard University Program for Senior Executives in State and Local Government, received a 1992 Outstanding Public Employee Award from the American Society for Public Administration.

The question posed to me for this Symposium is, "What can state and federal governments do to facilitate the drug abuse prevention effort?" I think the answer you would get from many practitioners is, "Send money and get out of the way." I think that's something we have to think about. Alcohol and other drug addiction definitely has slipped from the national spotlight as the problem Americans are most concerned about, and this is truly a tragedy. I think we have done a poor job of educating.

I loved that comment this morning on the difference between perception and reality. Rising health care costs, violence, and many other ills trouble all of us, but the connection is not made between alcohol and other drugs and those problems. This is the keystone issue that impacts everything we do – from increased crime to crowded prisons to declining educational performance and illiteracy. We need your help. We need the help of everybody in this room and everybody you know and everybody you talk with because that's the

way information about this will be shared. Remember as a child playing "Farmer in the Dell?" You start with one person and "each one gets the next one." That's what we need.

One of my predecessors used a couple of statistics this morning. I'll try not to snow you with statistics, but some of them are important. Some of them have already been used. My favorite is that for every dollar you spend on treatment and prevention, you save \$11 in later health costs. Forty-six percent of the youthful drug users live in the inner city. Where do you think the other 54 percent live? This is a common problem, and a problem that affects us all.

How many of you – not very many from looking around this room – are old enough to remember the Edsel? The Ford Motor Company spent years developing the Edsel. As a big surprise after a great deal of questioning, they named it after Henry Ford's son. Why do you think the parking lots and the highways are not full of Edsels today? There was plenty of supply, but there wasn't any demand. And that's the best argument I know for focusing on prevention.

I wish we could think of a better word. The word "prevention" tends to turn uninformed people totally off. Maybe we could call it "How to Save Money" or something like that. We've used a lot of simplistic things in Ohio, and they have worked. And I'm not offering them as panaceas, but suggestions.

I think I probably have the best job in all of state government. I was sitting at my desk in Pennsylvania, and Governor Celeste's Office from Ohio called and said, "We have just passed legislation to have a cabinet-level alcohol and drug department. Will you come and run it?"

It's rewarding to go into a state where nothing existed before but two little divisions to deal with this problem, one in the Department of Mental Health and the other in the Department of Health. The first day I went to work, I found that they had different working hours, different dress codes, different smoking regulations, and they wouldn't answer each other's phones. I had great fun tying it together. I think, now, we're the best department in the country.

One of our most successful efforts was called, "Take a Police Officer to Lunch." The original title was "Take a Cop to Lunch," but then I found out that police officers don't like to be called cops. I found this great communication gulf between treatment programs and police officers understandable, as though one of them were

speaking sanskrit. The police officer would pick somebody up downtown, take them to a treatment center, drop them off, and drive away. Four weeks later, the officer would pick up the same person and take him back downtown. On the way, this person was throwing up all over the back of the cruiser.

When I told this story to the Chiefs of Police Association, somebody in the front row kept making gestures. It finally dawned on me what he meant, and I said, "You mean they throw up down your back?" And he said, "You got it."

This simple little effort that didn't cost any money brought forth some wonderful letters. One in particular from a sheriff that I recall said, "I had never before been inside a treatment program. Now, I'm on their advisory board." We must try to get everybody to understand that treatment is not some singular thing. Treatment is a whole range of things. And taking someone to treatment has to be an important one.

Now, what do you do so the person doesn't get that far? Because I'm supposed to be talking about prevention. When I worked in Pennsylvania, I once chaired the Pennsylvania Committee on Addiction, Domestic Violence, and Sexual Assault. It had to have that long name so all three groups would come and sit down in the same room. This goes back a long time; I think it was about 1978. It took about six months of talking to get them to communicate. I finally figured out the big problem with the domestic violence and the sexual assault people. They were afraid that the addiction people would think, "Take away the addiction and the violence is gone." And that's not so.

You're not going to turn these people into "Little Boy Blue" by treating the addiction. But at least you're going to clear the ground, and then you can prevent violence with the proper approaches. You'll be hearing about some of these approaches the rest of the afternoon.

Pre-school prevention is a major thrust of our efforts. I don't know if any of you are familiar with the Cleveland Plain Dealer, but I gave a talk once on pre-school prevention, and one of their reporters came up and said, "I have a three-year-old and a four-year-old, and I don't want them hearing all about drugs." And I said, "How do you teach those children not to cross the street?" And you could almost see the electric light bulb go on over his head.

We're not going to teach youngsters the molecular structure of cocaine. We're going to teach them how to think enough of their own bodies and their own selves to stay away from drugs. Our focus right now is on Headstart programs. We have alcohol and other drug prevention in one-half of the Headstart programs in the state. We'll do the other half next year. The state can do partnerships. The state can teach.

One of our most successful programs was a foundation project. One day I went to call on the man who is Chairman of the Community Foundations of Ohio. I had never met him, but I knew him to be forward looking. And I said, "I have a million dollars if you will get the Community Foundations in Ohio to match it better than one-to-one (I have to confess, I started out at three-to-one, but I couldn't swing that) for the funding of prevention programs for pre-school children and for young women before they reach the child-bearing years." And you all know I'm talking about children aged ten and 11. We talked about five minutes and he said, "You're on." We shook hands, we wrote an agreement that was one-and-a-quarter pages long, and the project is one of the most successful things we have ever tried.

What is the outcome from that joint venture? We now have 19 wonderful prevention programs we didn't have before. We have four foundations that had never funded alcohol and other drug programs, because they thought it was a bottomless pit but were converted. And, we have two of those foundations, including the Cincinnati Foundation which is a very large one, that have opened special accounts to collect money whose income will be used for alcohol and other drug projects. That didn't take much work. That wasn't so difficult.

Everywhere we go -- every one of us -- we must get outside our little groups that speak our language and know the initials and acronyms. I don't know yours, and I don't think you know mine. But, we have to talk to real people who impact funding decisions, who lead communities. We have to overcome the idea that we "did" alcohol and drug addiction a few years ago and we don't have to do that again.

Let me turn now to the TASC program, one of the best prevention programs in criminal justice. When I got to Ohio, I asked how many TASC programs there were, because I had left 11 behind in Pennsylvania. The answer was, "We don't have any." Now, this is not a new idea. You may think its time has come and gone. But,

believe me, it hasn't – or if it did, it has come back again. TASC stands for Treatment Alternatives to Street Crime.

We decided to experiment with the juvenile TASC in a small county in Ohio, Preble County, where there's one juvenile judge – a much easier sales talk than where you have ten or 12 judges. He wrote me a letter last week that I am now having framed to hang on my wall. It said, "Before you brought this juvenile TASC program into the county, I sent 22 youngsters to the Department of Youth Services for incarceration. A year after the program came, I sent two."

We don't need stacks of research to prove what works. You wouldn't believe the number of juvenile judges who were calling and asking for one of those programs. Prison programs, therapeutic communities, all of the research that we've been able to do, all lead us to believe that therapeutic communities work best for prisoners. Some group therapy meetings held three times a week are okay. But what really works – particularly if the problem is severe, if the continuum of the disease has progressed pretty far – is the therapeutic community.

Reggie Wilkinson, whom you may have seen on television during the Lucasville riot and who in my opinion is an absolutely superb head of Department of Rehabilitation and Correction, gave me a whole building at the Women's Penitentiary because he believed in this. He also corrects me when I say "overcrowding." He says as a grammarian it makes him uncomfortable. The word is "crowding."

We don't know yet exactly how well this program is going to work because it has only been running about a year and a half. But tracking the people who first came out – 146 of them – only four have had further contact with the criminal justice system. I need a scientific researcher to evaluate data on this program which we now know is working.

Lucasville, unfortunately, was going to be the site of one of our therapeutic communities. It will be a long time before that happens. Reggie Wilkinson and I had two more therapeutic communities in our budget plans. The legislature, in its wisdom, is giving him 900 more guards instead. Well, there isn't enough money in the world to build all the prisons, to raise the bonds, and to hire and pay the people if we continue with such a response. You have to attack from the other end – and it seems to me that the other end is prevention.

We also have an Ohio Violence Prevention project we're very proud of. Again, we did some research. We brought in the Oakland Men's project from California. We paid them quite a bit of money to conduct several training sessions. We didn't charge anybody to come to the training, but those who participated had to sign a paper that they would do 80 hours of free training in exchange. We now have 1,600 trained trainers going all over the state and working in the prisons, and we have been invited to the schools. I have high hopes for this. And, again, we get letters saying, "This has changed my life."

Some of these things are not expensive and are good prevention-type programs. The last one I'll mention we call UMADAOP - Urban Minority Alcoholism and Drug Abuse Outreach Programs. We fund 12 of them around the state. They focus on outreach and prevention to the African-American and Hispanic communities. They do a superb job and are involved in all kinds of things you've heard about: getting people interested in education and to feel ownership, belonging, and recognition, because there is nothing so lonely as exclusion.

I have a wonderful African-American woman as head of my prevention program. She tells me that what she has learned and what her culture has taught her is that it takes a village to raise a child. We are the village, my friends. We have the obligation to raise the child.

LOCAL INITIATIVES

ROD G. MULLEN & NAYA ARBITER

**Executive Director and Deputy Director,
AMITY, Inc.**

Since 1984, Rod Mullen has been Executive Director of AMITY, Inc., an Arizona-based program providing education, prevention, intervention, and treatment services for adolescent and adult substance abusers. He has also served as a consultant to several states in the design of education and treatment programs for correctional inmates and parolees. Mr. Mullen has authored numerous articles on substance abuse treatment and has presented this material at several national and international conferences. A graduate of the University of California at Berkeley, Mr. Mullen has a 25 year history in substance abuse prevention and treatment.

Naya Arbiter is Deputy Director of AMITY, Inc. Ms. Arbiter has worked for more than 20 years in teaching and in Therapeutic Communities treating adult and adolescent substance abusers. She was selected by President Reagan in 1987 as conferee to the White House Conference for a Drug-Free America. Ms. Arbiter has testified before Congressional committees and was a member of the Inter-American Commission on Drug Policy. She continues to develop programs for and provide direct services to those in need as well as to train professionals in helping substance abusers.

Rod Mullen: Of the developed nations, the United States has the worst violence and drug problem. In 1989, there were 4,900 cocaine-related arrests in Boston. During that same year, there were only 677 such arrests in all of France. According to 1989 surveys of drug use among U.S. high school students, the proportion trying cocaine was more than five times that of high school students in Germany, England, and Italy and about 20 times higher than for students in Sweden, Holland, and Norway (Currie, 1993). In 1990, more than six million violent victimizations were attempted or completed in the United States. Homicide rates in the U.S. are much

greater than those of any other industrialized nation (Reiss and Roth, Eds., 1993).

The United States has the least adequate provision of health care, income support, and social services. " . . . [E]ven before the Reagan administration began a deliberate assault on the welfare state, the United States already ranked lowest among advanced industrial societies in the generosity of its safety net for the disadvantaged and in the degree to which income benefits kept people from sinking into poverty" (Currie, 1993).

As a nation we have been like townspeople afflicted with a malaria epidemic, fighting the plague by issuing fly swatters to the populace and ordering them to kill every mosquito they see. We have issued mosquito netting to every citizen and spent millions to develop sophisticated treatments for infected victims and billions more on developing more powerful pesticides to fight the "war on malaria."

We looked for causes, but have mostly blamed the victims. We've quarantined them, hoping that their isolation would contain the spread of the disease. We've even introduced malaria prevention programs in our schools to teach our children how to avoid mosquito bites.

Have the efforts been enthusiastic? Yes.

Has the attention of the community been focused on malaria through the efforts of local and national leaders and the media? Yes.

Have billions of pages of articles, scholarly and popular, been written? Yes.

Have there been interminable meetings in every locality about the epidemic? Yes.

But have we addressed the problem that we are surrounded by swamps, fed by our own wastewater, that breed diseased mosquitos? No!

Sound familiar?

Naya Arbiter: Elie Weisel, holocaust survivor, tells us, "The opposite of love is not hate but indifference. The opposite of life is not death but indifference to life and death. Indifference is the enemy."

AMITY is one of many organizations that fight against indifference. Daily, 700 men, women, and children in 16 teaching and therapeutic communities in Arizona and California receive services. We at AMITY work in jails, prisons, the streets, and residential and ambulatory settings. We work with gangs, prostitutes, violent offenders, and every combination thereof. We work with children who are born addicted.

Successful local initiatives are the result of people who know the local culture, people who understand the culture of hopelessness as it impacts upon a culture of indifference, the culture that extends beyond ethnicity, beyond academic understanding of cultural competence.

This is the culture that develops when your first sexual experience is rape, when your mother is in a crack house and you don't know who your father is, or when you are one of 6.4 million children who live in a no-parent household (Gross, 1992). This is the culture for the felon the world views as male but who is female.

This is the culture where your most stable relationship is with a parole officer and has been since you were a teen. This is the culture that develops when you don't want to get off your "paper" because when things get bad you can always get locked up; when you have been documented, observed, transported, fingerprinted, urine tested, photographed, weighed, inoculated and no one has asked your first name; when you have been in the joint and haven't seen yourself for several years because there are no mirrors or glass. People say you have a low self image, but you have NO self image.

This is the culture where you cannot remember your little brother's name anymore. You have been placed in different foster homes to protect you from your parents, and it wasn't anybody's job to set up a visit so you could see each other. This is the culture where you learned about love and loyalty from the *vatos* on the street dealing drugs. You were 15 when you got jumped into your gang. You were so proud. You were smoking pot in the living room when your mother asked you to answer the door, but you didn't get up. She answered . . . the bullet that killed her was meant for you. How do you live with it?

This is the culture where your father's death was billed as a suicide, but you watched his girlfriend shoot him and never told. You are 16 and five of your homeboys have already been killed.

This is the culture of a woman who never paid a taxi driver with money, only with sex. She wakes up each morning and hates herself. She panders to the least exalted needs of men. She knows she is a failure as a mother. She turns on the television and sees a life in which she can never participate.

Last night, many of you seemed surprised that the high school student held at gunpoint was not distressed and viewed guns as commonplace in school. The student with the gun was expelled. What happened to that student? We are suffering from a cultural reality gap. Listen to the rap music from Ice-T.

Here I come, so you better break north.
As I stride, my gold chains glide back'n forth.
I care nothing about you, and that's evident.
Sound crazy? Well it isn't. The end justifies the means.
That's the system. I learned that in school.
Then I dropped out.
Checked a grip and now I got clout.
I had nothing and I wanted it.
You had everything and you flaunted it.
Turned the needy into the greedy.
With cocaine my success came speedy.
Got me twisted, jammed into a paradox.
Every dollar I get, another brother drops.
Maybe that's the plan and I don't understand.
God Damn! You got me sinking in quicksand.
But since I don't know and I ain't never learned.
I gotta get paid. I got money to earn.
Cool out and watch my new Benz gleam.
Is this a nightmare or the American Dream?

Ice-T, *Original Gangster*, "New Jack Hustler," 1991.

Rod Mullen: Local initiatives develop in the context of federal and state policies, regulations, directives, and conventional wisdom. Often these policies boomerang. Weed and Seed programs sound logical. Let's get rid of the gangsters and drug dealers in drug-ridden areas and then go in and rebuild these communities. This could really help. But if our recent history is any guide, we will spend 70 percent of our funds on law enforcement "weeding" of these communities while alienating the residents (Budget of the United States, 1993). Then those who are supposed to do the "seeding" will be told that for

some reason the funds have run out, or priorities have changed, or they discover that the seeding plan must be done in a way that does not reflect the needs of that particular community.

Remember, a majority of those imprisoned will come back – so very shortly "weeded" gangsters will be "seeded" on parole back to their neighborhood, not improved by their prison experience, just hardened. If we've put them through shock incarceration or a "boot camp," we might inadvertently militarize the drug gangs, helping them to be better organized without changing their anti-social values.

If we are not careful, we could replicate our misguided adventures in Latin America where, in an attempt to eradicate cocaine, we have destabilized democracies, strengthened military dictatorships, provided a steady source of crop supports for coca farmers, encouraged new growers to get into drug production, and have actually increased the amount of drugs coming into the United States, all at great expense to the American taxpayer, who believed this was the panacea that would rid us of our drug problem.

Research data have accumulated to show that our policies of widespread imprisonment are actually helping to increase drug abuse and violence in our country! The incarceration of so many young, Black men from impoverished, minority communities has left very few to form intact families (Sampson, 1993). Nationally, almost 25 percent of African-American men and ten percent of Hispanic men in their twenties are under correctional supervision. In some states like California, the proportion for Black men is closer to 33 percent (Currie, 1993). The correlates for drug abuse and violence are congruent: high concentrations of impoverished, single-parent families; high residential instability; large, multi-unit, anonymous housing; and low integrity of social networks. A better "swamp" could not be conceived for breeding criminality and drug abuse than the state and federally supported system of public housing. We support *de facto* racial and class segregation in public housing with tax dollars and support conditions that guarantee increased levels of drug abuse and violence because of vociferous opposition by more advantaged neighborhoods to low income housing being spread throughout our cities. If we really want to reduce drugs and crime, these swamps must be drained.

Naya Arbiter: Thoreau tells us, "Action from principle, the perception and the performance of right changes things and relations, is essentially revolutionary and does not consist wholly with anything which was." Can we afford a correctional system that only provides

short-term security? Corrections can stop people but not change them; treatment can change them but not stop them. Put them together where possible. No warden in this country is yet rewarded for recidivism reduction.

The California legislature funds our recidivism reduction program in the R.J. Donovan Correctional Facility near San Diego. The prison holds 5,000 men. AMITY was given one cell block of 200 men. These men have an average of 11 years in the system. They are the Crips, the Bloods, the Mexican Mafia, the Aryan Brotherhood. The program was set up without parole incentives. How do you motivate the unmotivated? We gained the support of men doing life without parole. They helped us establish the program. In the first year we had 1,700 unsolicited applications. We also had only three dirty urines, no instances of violence, and fewer disciplinary write-ups than any other cell block. At the end of the year, we hired two of the lifers. They are on our payroll within the prison. At the time of the Rodney King riots, 40 percent of our population was from South Central Los Angeles. They watched the rioting on television. Men got up and moved next to someone of a different color. To them, overcoming their racial prejudice is as important as overcoming their addiction.

The convicted can agree that they do not want their children to join them in the penitentiary. We have helped these men find their children in foster care, in crack houses, and re-unify with them when they are ready. There is as yet no funding for this. The most significant predictor for substance abuse and criminality is a substance-abusing criminal parent. If we do not help a percentage of the convicted transform, we need only to count the children of the convicted to know the next generation of substance-abusing offenders. As we develop programs for women and children, we must not forget the fathers. Proposals for funding drug treatment programs for women and children must also include fathers who are sole guardians for their children.

"Action from principle . . . essentially revolutionary and does not consist wholly with anything which was."

You cannot learn how to do this work in universities. We have no funding for the experiential training institutes that we need. In the 1980s, women were mandated to our programs by the courts. If they did not stay in treatment, they went to prison; if they did stay in treatment for the planned duration, they lost custody of their children. We fought it case by case. We secured three federal grants to work

with mothers and their children. Arizona Senator Dennis DeConcini, a former county prosecutor, has championed this cause in Arizona and nationally. We still have problems when the women leave. They cannot afford to get off welfare. This is our next battle.

"Action from principle . . ."

We take men and women on third party release from the jail. Arizona is a mandatory sentencing state. In 1983, one Black man with prior convictions and a 15-year addiction history, and a ten-year-old son, came to us. The man spent several months with us and did well. His son's grades improved. He was pulled out and sentenced to 11 years for stealing a tire. It was a mandatory sentence. We will go to his parole hearing next year. Today his son is in a gang and has been arrested. Removing the man from AMITY, where he was doing well, has cost taxpayers more than half a million dollars, not counting the cost of his son.

Arizona transfers more youth to the adult prison system than any place else in the United States. Young men have the opportunity to be punished as adults but not treated as adults. Over 16 months, 206 boys were transferred into the adult prison (Unpublished statistics collected by Arizona Probation/Parole Official, 1992-93). Fourteen percent were African-Americans; yet in Arizona, the African-American population is three percent. Twenty-two percent were Caucasian, and 54 percent were Hispanic. Four percent were transferred for murder, 49 percent for property crimes. These juveniles usually get two transfer hearings. The first is a warning; on the second, they usually go into the adult system. Of those transferred on their first hearing for a property crime, 64 percent were Mexican-American. On a local level, racial bias is a horrendous problem. Although 70 percent of the Black youth in Maricopa County are arrested before they reach 18 years of age, we have not received one African-American referral in five months (Whiting, 1992).

Gender bias is another serious problem. There are only 24 residential beds in the state of Arizona for girls. Arizona passed a law with the legislative intent to protect children. If you have sold drugs or are a felon, you cannot work with kids. You are a bad influence. There was no loophole for the habilitated. This means you can be incarcerated at 16 with murderers, but a recovered person cannot work with you. We fought that battle and got an exception for good cause.

Each month we send out a mailing to more than 200 incarcerated people. I asked Juan Lopez, called "El Wolfie," from "Barrio Garfield" a question. "What is the difference between real honor and false pride?"

"For us Chicanos," he told me, "the *vatos* who have false pride lead us kids into the penitentiary *la pinta*. The *vatos* with real honor help us get out." No one has helped Martin Rodriguez get out. He has been waiting now for a year in the adult Maricopa County jail. He has fallen through the cracks. He asked my colleague who interviewed him, if he went to a program, could he learn to read and write?

In our state, the Supreme Court and legislature advocate family re-unification. But what if there is no family? Or a family of drug dealers? Calvin did well with us for a year, but parole insisted he return to his grandmother because he had been in treatment long enough. We wanted to keep him even without funding. A staff member offered to move him into his house. Calvin's grandmother sold crack. Parole refused, saying there was no proof of the crack selling. Calvin went back to South Phoenix, was arrested two months later in a drive-by shooting, and is now in adult prison. Because of cases like this, local-initiative Americans end up at the cemetery. You can see us there every day of the week, burying our young, our police officers, or friends. Anwar Sadat asked Golda Meir when it would end? She answered, "When we love our children more than we hate each other."

Rod Mullen: An African proverb says, "It takes an entire village to raise a child." This was true and it remains true today. In our high-tech society, there is one job that adults cannot delegate, the initiation of a child into adult society. Our genes do not make us "human," they merely give us the potential for humanity. In this century, both parents have left the home, so the home is no longer the productive and social center of adult life. The most important aspects of adult lives occur outside the home, where children cannot see them nor participate in them (Coleman, 1972). Children have been relegated at very young ages to day care centers where turnover among poorly educated, poorly paid, and poorly trained caregivers occurs at rates of 40 to 300 percent per year (ABC World News Tonight, June 3, 1993).

Childrearing is no longer a communal enterprise. Parents take on the task alone, though research, history, and cross-cultural studies show us that even a marginal parent can do an adequate job if he or

she is embedded in a social support network of other adults who share the task of childrearing (Furstenberg, 1993). We have convinced ourselves that children can raise themselves – but they can't. The process of becoming an adult human being requires intense and sustained involvement of concerned and competent adults over many, many years. In our modern, high-tech society, we are paradoxically failing to provide the conditions that make human beings human – and this is true of all our children (Bronfenbrenner, 1970).

But the children in our society who are the most affected are those in the ghettos and barrios where the poor are concentrated, those areas with the highest rates of teen pregnancy, unmarried female heads of household, inadequate health care, mediocre education, and every other imaginable social ill. The overwhelmed parents in these areas were themselves inadequately socialized and are passing on their own inadequate experience to their children, further worsened by the terrible increase in poverty in the past decade, the ravages of crack cocaine, the increase in sexual and physical abuse of children, and neighborhood violence.

One of the best tools in such neighborhoods is the development of extended Therapeutic Communities. TCs were developed in the 1960s, not as traditional, medical drug treatment, but as intensive and holistic socialization engines for underclass drug abusers. They are really a modern manifestation of the extended family and healthy neighborhoods of an earlier time in our history. TCs have been successful precisely because they have learned how to take the most negative leaders in gangs and prisons and make them into responsible, adult role models in healthy, crime-free communities (Mullen, Arbiter & Glider, 1991; Mullen & Arbiter, 1992). TCs should be wedded with local business ventures to go out and rebuild the economic and social infrastructure of poor communities. Such a domestic peace corps would draw heavily on the adults in poor neighborhoods to fight drug abuse, violence, poverty, and racism at the source.

Until we take such steps, we should not be surprised when we learn that:

- 23 percent of high school students on Chicago's South Side say they have witnessed someone being killed, and 40 percent of these victims were family, friends, classmates, or neighbors (Greene, 1993).

- In the past decade there has been a 79 percent increase in the number of juveniles who committed murders with guns (FBI, 1991).
- According to the 1990 National Crime Survey, more than six million violent crimes were committed. That averages out to more than 16,000 violent victimizations per day (Reiss and Roth, Eds., 1993).
- Juvenile arrests for cocaine and heroin have increased 713 percent in the last decade with a staggering increase of 2,373 percent for African-American teens! (FBI, 1991).

Last night, Attorney General Reno spoke the great truth about drugs and violence in our society. We cannot punish our way out of it. We cannot program our way out of it. And we cannot ignore it. Our only hope is to make the socialization and education of the young the most important and sustained national priority. This is where the rubber must meet the road and where national strategy and local initiatives must converge if there is to be change. We must go into the devastated poor communities in this country and provide economic opportunity, adequate health care, good education, and a decent and safe physical environment and help rebuild our human infrastructure.

Let me tell you the story of a Greek immigrant living in Oakland, California, in the 1930s. He lived in an ethnic Greek neighborhood with his wife and three teenage children. He worked in the local shipyards. It was his habit to address his family at dinner with his observations about the day, the state of the neighborhood, the country, and themes ranging from the pedestrian to the universal. He addressed them in Greek as his command of English was poor. One night, after saying a prayer before the evening meal, he said, "You Americans, you are going to lose your country." One of his sons, a state senator in California who told me this story 40 years later, explained that when the "old man" was upset with conditions in his new country, he would emphasize the difference between himself and his English-speaking progeny by calling them "you Americans."

The old man was agitated that night. Earlier that day he was walking through the neighborhood when he saw a boy hitting a younger girl in some sort of squabble, perhaps a game they were playing or a dispute about a possession. He immediately collared the boy and, taking him by the ear, delivered him to his home, scolding him loudly for his behavior all the way. Of course, all the neighbors

on the street were on their porches, observing this scene, and nodding their heads in agreement with his actions. Ethnic neighborhoods of that day, like rural towns and villages, were places where everyone in the neighborhood minded everyone else's business. News of even the most insignificant behavior among neighbors was communicated by word of mouth very quickly. When he reached the boy's house, he knocked on the door and asked for the boy's mother. When she appeared, he began explaining what the boy had done wrong and suggested what punishment might be meted out. There was probably some sense of disapproval in the old man's demeanor; the boy's bad behavior reflected on his family. To the old man's shock and dismay, the mother, instead of thanking him, yelled, "Let go of my son, and don't ever touch him again! Go away! What he has done is none of your business!" The old man turned away in consternation and departed.

That is why the lecture that night at dinner was, "You Americans are going to lose your country." The old man had grown up in circumstances in which all parents, uncles, aunts, grandparents, cousins, and neighbors shared congruent expectations for children's behavior. Many adults, not just parents, were involved in the lives of children, were available to children, and took an active part in the raising or socialization of the young. Intuitively, the old man knew that what happened that day was a harbinger of things to come. Unless we change the way we are living, his prediction will come true.

Naya Arbiter: The immigrant Greek expected that the community would respond. He had the courage to extend himself. Maya Angelou tells us, "We must have the courage to create ourselves daily." Is that our expectation for ourselves? What are your expectations about drugs and violence? Can we be realists . . . with high ideals?

I ask you realistically, what are your expectations for the 55-year-old Mexican man with 30 years of addiction and criminality? Ten of those years in prison, a son murdered by dealers, and an addicted daughter-in-law? Can he be trusted to raise his orphaned grandson?

What are your expectations for the woman who spent five years in a crack house selling every orifice for a hit of the pipe? We may be ready for recovered ex-convicts, but are we ready for ex-crack whores? Do you think she can regain dignity?

How about for the woman who left her child as collateral at the dope house? Or for the man who did 14 years in the penitentiary and described himself as a hating machine . . . and liked it that way?

What about for the 14-year-old girl with two years of prostitution and three of heroin addiction? Or for the Native American boy charged with murder at 17 after 20 other arrests? What about for the woman who gets angry as her friend is overdosing because it is blowing her high and leaves her friend dead on the floor?

Or finally, what about the woman who ran away from the step-father who was raping her at 14 as her mother watched, was beaten by her boyfriend, had a baby, and then when the boyfriend beat her, beat him back, and was sent to prison for aggravated assault? Her child was put up for adoption and she spent 20 years prostituting and strung out. Do you really expect that these people can rejoin society? Could they sit in this room and discuss these problems?

I know all of these people. They don't use drugs. They pay their taxes, and they raise their children. I have seen them make the journey from degradation to dignity. Three of them drove me to the airport to come here. One of those stories is mine.

Emerson tells us, "A mistaken reverence for our past acts confines us to be true to yesterday's realities." Do we have the courage to recreate ourselves, to fight against the culture of indifference, to believe that Spring is possible in human life? To be realists with high ideals? Hope starts with one story. **INDIFFERENCE IS THE ENEMY.** Responsibility . . . the ability to respond.

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VIOLENCE PREVENTION AND PUBLIC HEALTH

ALEX E. CROSBY

**National Center for Injury Prevention and
Control/Centers for Disease Control**

Dr. Alex Crosby is a Medical Epidemiologist with the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention in Atlanta. His work involves descriptive and analytic research and community technical assistance in suicide, child abuse and neglect, interpersonal violence among adolescents, and assaultive injuries among minorities. He has completed residencies in family practice at Howard University Hospital and in general preventive medicine and public health. Dr. Crosby received his B.A. in Chemistry from Fisk University in Nashville, his M.D. from Howard University College of Medicine, and his M.P.H. in Health Policy and Management from Emory University.

First, I would like to thank the United States Sentencing Commission for the opportunity to come here today to address you. I want to congratulate the Commission for bringing so many different kinds of people together so we can share some ideas. Hopefully, we can take something back that will change the way we do things in violence prevention and substance abuse. My presentation will deal with violence prevention from the perspective of the Centers for Disease Control and Prevention and its subdivision, the National Center for Injury Prevention and Control.

Because you are here today, I know you have some interest and concern about the problems of violence prevention and substance abuse. So I don't have to convince you that this is a problem or tell you that we have such a problem in the United States. What I do want to convince you about, however, is that public health has a role to play in this area. Our approach may be somewhat different than the

approach of criminal justice or social service agencies, not that our approach is any better or any worse and not even that we have all the answers. Because if we did, we'd put it in a syringe, draw it up, and vaccinate the whole population.

My purpose today is to demonstrate that we can offer insights on some piece of the puzzle. We think that if we add our contribution, it will help move toward a solution or help answer some of the questions about violence prevention.

Today I'll try to answer three different questions: First, what is the public health approach to violence prevention? Second, what are the Centers for Disease Control and Prevention doing about violence prevention right now? Third, what do we plan on doing in this arena in the future?

As to the public health question, we have to focus on the mission of public health. In public health, we try to prevent unnecessary disease, disability, and premature death and to promote healthy lifestyles. The focus, of course, is on that first word, "prevent." I have heard it used here several times today, and from what I hear, it was discussed yesterday, also. Our goals are to prevent disease, to prevent disability, and to prevent premature death.

Nowhere in the mission is the word "violence" actually mentioned. What we've done at the Center is to categorize violence as a disease. Well, how can you do that? How can you say that violence is a disease? Violence is not like cancer, is it? It's not like tuberculosis. It's not like heart disease, not like AIDS, not like influenza. Well, yes, it is. When one examines the impact of violence on our society – how it impacts the health of our population – then, yes, it is a disease.

Look at two examples of violence in our society, homicides and suicides. Homicide in 1990 was the 11th leading cause of death for the whole population. And among young adults and adolescents – those 15 to 34 years of age – it was the number two killer. That's premature death. Suicide, which is self-directed violence, was the number eight killer in 1990 in the United States and was number three in the 15- to 34-year age group.

Those are just deaths. That's just the tip of the pyramid when you talk about the impact on the health of our society. When all the non-fatal injuries are taken into account, then it widens out even more. There are estimates of 100 assaults for every one homicide,

and estimates of anywhere from ten to 100 suicide attempts for every completed suicide. So, the numbers start to grow.

I only used two examples. I didn't talk about child abuse and neglect. There were over 2.5 million reports of child abuse and neglect to social service agencies in 1991. More than one million women are impacted by domestic violence. Abuse of the elderly, sexual assaults, assaults of other kinds – the numbers start getting bigger and bigger. So, violence must be considered a disease. It's got to be what some have called an epidemic in our society. And, so, I think I can make the case that violence is something that public health should be looking at.

And what is the public health approach to violence prevention? It is divided into four different parts. First, we define the problem – and that involves our data collection processes and our surveillance of the issues. Who's got it? Where is it located geographically? In what populations does it occur? In what gender? In what age groups? How can we find out who's got it?

The second part is to identify the causes and risk factors for getting the disease. Is it a risk factor that you're a minority? Is it a risk factor that you're a majority? Is it just in the inner cities? Is it just in urban areas? Do we find it in the rural areas, also? Where, geographically, do we have the most violence? In what areas does it impact our health?

Third, we must develop the interventions and some hypotheses. What are those things that we can modify? Can we change the color of your skin? Can we change your race? Or perhaps it's socioeconomic status or housing that is a determining factor. What is there about your circumstance that's the risk marker that can help us identify the underlying modifiable cause?

Finally, after we develop our hypotheses, we want to test them. We want to implement some interventions and measure our prevention effectiveness. We want to test some programs to see what can be done to prevent violence or to stop it. And, we can't always wait for the perfect answer. There are no perfect studies, ladies and gentlemen, in which we can say, "Yes, we know the exact cause of this disease. Now we're going to go in and treat it." Sometimes you just identify the risk factors and say, "We've got to do something right now."

Those of you who have been following what has been happening in the southwest with this new disease, which has particularly affected our Native American population, know that we can't wait until we know what the virus is or what the bacteria is to start implementing some prevention services. We have to try to separate the people from what we know is a risk factor.

What is the CDC doing now? We are doing some things with respect to surveillance. We're trying to look at firearm injuries to get a better idea of exactly how many there are. Well, if you have the dead bodies, you know how many dead people there are from firearm injuries. But we want to know the full impact of it. How many people are shot that aren't killed? What is the impact in the hospitals and on our health care system? What is the impact in our communities? These are the factors we are trying to use in defining the problem. We're trying to define what's happening with respect to suicides and homicides in our country. Are the rates going up? Are the rates going down? Where is the problem?

Also regarding hospital data – how many people are being admitted with assault problems? How many people don't even come to the hospital? How many people are injured in their homes from domestic violence, from child abuse and neglect? What estimates can we make of the problems that never even come to the attention of the social service or the health care community? How can we estimate the scale of the problem so we know what we're dealing with?

And then, what about our research and our interventions? We're doing some community demonstration projects. We've just started three of these to study youth violence prevention in three different parts of the country – five-year projects funded at about \$350,000 a year – in Houston, Texas; Durham, North Carolina; and in Brooklyn, New York. We have defined some of the main strategies in youth violence prevention, including educational strategies, legal and regulatory strategies, and strategies for environmental change, whether it is the social or physical environment.

The Centers funded these projects to identify multi-faceted approaches to youth violence prevention and specifically ask that coalitions be formed involving groups that may never have worked together. The projects require community-based organizations, academic institutions, and local health departments to work together and attack the problem of youth violence prevention. This multi-faceted strategy is needed because the Centers know how complex the

problem of violence is among our youth and adolescents. Combination strategies may encompass mentoring programs, peer mediation, and altering the school environment. Interventions may involve instituting dress codes or firearm regulations. Modifying the environment may involve having nurses come to visit the homes to strengthen parenting skills or to provide support for single mothers or fathers. Using a multi-faceted approach means that programs are much harder to evaluate, but such approaches are needed to solve or to look toward solutions for the problem of violence.

We also have some training projects. A number of state and local health departments are working in injury control. People from these departments come in, and we sponsor training programs in the latest things being done in violence prevention. While the CDC does not have all the answers, sometimes – I should say very often – it's these local and community-based organizations that are trailblazing in solutions for violence prevention. And so, we have them come to the CDC and share their ideas.

We have also established "Centers for Excellence" involving eight universities across the country that we selected as resource centers for the problem of violence and injury control – whether the focus is on injury biomechanics, rehabilitation, acute care, or epidemiology.

What is the CDC going to be doing in the future? To identify the risk factors more precisely, the CDC will conduct some pilot studies this Fall. Hopefully, we'll get some results and answers in the Spring of next year to questions such as: What are some of the risk factors for violence against women? For firearm injuries? For suicides? How can we identify these factors and follow-up over time to see where we're going with the problem? Are we getting better? Are we getting worse? What's going on?

As many of you know, there is a ten million dollar item in President Clinton's budget for programs to combat violence against women and domestic violence. The Centers for Disease Control and Prevention is going to be the lead agency on that initiative. We have already started to develop plans relating to programs dealing with domestic violence – whether it's primary and secondary prevention, education, or simply marketing to make the public aware of the problem.

And that's another major factor, because not everyone is convinced that public health has a role to play in this area. Not

everyone is convinced that domestic violence is a problem. Not everyone knows what child abuse is. For example, people ask, "How should I take care of my children? Is it okay to shake them if they keep crying?" Much of what we'll be doing is also education.

What else is the CDC planning for the future? We also need better evaluation of some of the existing programs to combat violence prevention in the public health arena.

Hopefully, I have provided some answers to the three questions I posed earlier. Primary prevention is the main approach of public health to violence as well as to other diseases we study. The CDC attempts to prevent disease before it starts. But the CDC has not completely neglected acute care and continues to encourage strengthening emergency departments, emergency medical systems, and rehabilitation efforts. The CDC is moving forward in those areas as well.

In summary, what is the public health approach? We define the problem, identify the risk factors and the causes, develop some hypotheses, and implement some interventions. We are now trying to grasp some of the risk factors in the community. Where is the problem? Who's got it? What can we do about it? How can we identify it more precisely?

And what are we going to do in the future? We're going to improve evaluation of our programs, implement new ideas, and listen to those in the community who have a better pulse on exactly what's going on in your neighborhoods.

And what are those of you in related fields doing that's working? Come and share your experiences so they can be transferred to others. If we can identify a communicable disease, we can also communicate the prevention and the solution.

OBSERVATIONS

STEPHEN GOLDSMITH

Mayor, Indianapolis, Indiana

Stephen Goldsmith was elected Mayor of Indianapolis in 1991 following active involvement as an attorney in private practice. He was Chief Trial Deputy as well as Deputy Corporation Counsel for the City of Indianapolis. He also served as Prosecuting Attorney for Marion County. In addition, Mayor Goldsmith is a Research Fellow in Criminal Justice at Harvard University's Kennedy School of Government and an Assistant Professor at Indiana University's School of Public and Environmental Affairs. He has found time for involvement in national and community organizations, has received numerous awards, and edits a journal on criminal justice research entitled Prosecutor's Perspective. The Mayor is Co-Chairman of the President's Commission on Model State Drug Laws. Mayor Goldsmith graduated from Wabash College with an A.B. and from the University of Michigan with a J.D.

It is terrific that officials who work in this environment of drugs and violence – which sometimes borders on hopelessness but still has a little chance for success – are so optimistic and enthusiastic about the chances to correct it.

Those of us who have been involved in these anti-drug activities for a long time tend to take superficial initiatives with a grain of salt. There are middle-class messages – whether they be 30-second public service announcements or unverified in-school prevention programs – that do affect some individuals. But the sense of institutional decay, whether it be family or neighborhood, makes those messages seem a bit trite. These messages may make us feel like we are doing something, but often they have very little effect.

As Rod Mullen spoke, I was intrigued by the possibility of redefining the word "prevention." In communities that have experienced the disintegration of the physical assets of their neighborhoods, or their families – if these institutions have reached such a state of decay that prevention really means rebuilding

them – viable solutions become difficult to implement. We attempt to go into these communities and rebuild them, but the pervasiveness of fear, the absence of jobs, and the decline in the economy make the process very difficult.

To achieve any level of success, we must view the rebuilding of these community institutions as a preventive measure, and we must include the family as well as the physical institutions. The physical environment affects crime, but even if corrected, many communities are still not left with a hopeful set of circumstances. With little chance for education, college, or a job, and few positive examples in the community at all, it is surprising that we do not have a higher percentage of drug sales.

So to try to integrate these messages, we can bring about community mobilization and rebuild communities with the tools discussed by the presenters in this Symposium.

As Chair of the bipartisan Presidential Commission on Model Local and State Drug Laws, I can report that we will recommend laws that can be implemented by local or state legislatures. This Commission just had a six-month struggle over which segment should prevail – the treatment people, the prevention people, or the district attorneys.

This forced dichotomy of choice about which one of those strategies will work is really necessary. My colleague, Kurt Schmoke, who I think will be here tomorrow, uses the public health model as his approach to drug control. It seems to me, if you look at the literature, that there are enough success stories of people leveraged into treatment as a result of the sanctioning process, when it is sensibly used, that we do not have to say which one of those will work. We do have to say loudly that sanctioning in and of itself will not work without treatment. But an intelligent, well-calibrated sanctioning system can divert some people to treatment who would not otherwise have gotten there.

We must look at this umbrella and where we might fit together community mobilization, treatment prevention, and sanctioning. Hopefully, we can come together with a well-rounded response, one that redefines prevention in a comprehensive sense that includes use of sanctions and community revitalization.

REMARKS

JOSEPH R. BIDEN, JR.

Chairman, Senate Committee on the Judiciary

Senator Biden was first elected to the United States Senate in 1972. He previously served as a trial lawyer in Delaware and was a member of the New Castle County Council. The Senator is currently a member of several Senate committees and subcommittees including the Judiciary Committee, of which he is Chairman, and the Committee on Foreign Affairs, where he is the Ranking Democrat. He is also on the Senate Democratic Steering Committee and is Co-Chairman of the Caucus on International Narcotics Control. In addition to his senatorial duties, Senator Biden is an Adjunct Professor at Widener University School of Law. He received his B.A. in History and Political Science from the University of Delaware and his J.D. from Syracuse University College of Law.

The subject matter of this conference is wide-ranging. And the truth of the matter is that what we do up on the Hill and what the President does complicates the lives of the Sentencing Commission and Article III judges. I hope we have on some occasions been helpful, but by and large whatever we do to change the criminal justice system ends up on your laps. You are faced with overwhelming problems, and I am fully aware, although probably not as appreciative as all of you, of the workload that increasingly compounds your dilemma.

I am also aware that there is a good deal of controversy over a number of issues that will be considered shortly by the United States Senate when it debates the Omnibus Crime legislation. I expect debate on minimum mandatory sentences and on the advisability of enacting legislation that increases or diminishes federal criminal jurisdiction. A whole range of issues may surface related to changes that may take place in the health care field. These may have an impact on you in terms of health care fraud and federal jurisdiction.

I want you to understand that I, and most of my colleagues on the Judiciary Committee, do not take your concerns lightly. Nor do I suggest that there are not some real problems. Quite frankly, I think

we have had all the minimum mandatory sentences we need; and I think we need to reassess the ones that we have. The Attorney General of the United States, the Republican leadership, Senator Hatch, myself, Senator Kennedy, the Judiciary Committee, and many who have for the last six-to-ten years been in charge of the issues relating to the criminal justice system and the federal courts have come to a similar conclusion.

I have been in the United States Senate for almost 21 years and, to be very blunt about it, I am not sure whether we will prevail. As a member of Congress, I have watched how the system works, and I kid and refer to a friend of mine, Senator Phil Gramm of Texas, as "Barbwire Phil." When "Barbwire Phil" comes to the Senate floor and introduces wide-ranging minimum mandatory proposals, I am not at all confident that there will be 51 members of the United States Senate who are prepared to vote with me and others in opposition.

But at least we are beginning to build a consensus among policy-makers that minimum mandatory sentences are counterproductive in many cases.

Another thing that is happening is that the Sentencing Commission is under the gun. This is not because of any action the Sentencing Commission has taken or not taken. This is not because the Commission has not fulfilled its responsibilities, but rather because a number of former and present members of the bench, as well as some academics, disagree with the policy decision to create a Sentencing Commission, a policy about which I and Senators Kennedy, Thurmond, Dole, and others felt strongly.

It is true that we have overcrowding in our jails, that the criminal caseload has vastly increased at the state and local levels, and that more "flat-time" sentences have been imposed. To conclude that all these things are the fault of the Sentencing Commission misses the whole point.

I do not think these facts have anything to do with the Sentencing Commission. I think the Sentencing Commission has done a great service. I remain wed to the concept that says we should construct a framework that provides relative leeway to judges and also ensures that criminals who commit the same crime under the same circumstances receive the same sentence.

What everyone fails to remember is that the Sentencing Commission was not a conservative initiative. It was Joe Biden and Ted Kennedy

and also, strangely enough, some conservatives who were involved. But what moved us most were the inequities in sentencing.

If you all remember back in the 1960s and 1970s there were surveys that found that if you were Black and fatherless or young and White – and had a father and a mother and lived in suburbia – and you committed the exact same crime, the prospects for each defendant under the existing system were far different. You're going to go to jail somewhere between 40 and 100 percent longer or not going to jail at all. If you were Black and you were young and you were fatherless, compared to if you were White and in the same circumstances, the degree of punishment changed considerably.

So, what started this whole thing was that some of us believed the system was prejudicial. It was prejudicial against Blacks, against poor people, against minorities. And, I would argue that the evidence was overwhelming to sustain that position. Now, that does not suggest that because we have gone to a new system, there are no longer those difficulties or even different difficulties maybe as severe, maybe as serious.

But I want to remind everybody how those of us up on the Hill got into the business of establishing this Commission in the first instance. It was not because we had any overwhelming distrust, notwithstanding the rhetoric, for federal judges. It was not that we did not understand that if we set up a sentencing commission and denied judges the flexibility they previously had, that there would not be inequities that would flow from that. We understood that.

But I know of no nationwide system that has been instituted on any subject that has not also resulted in some inequity. The balanced decision we made, rightly or wrongly – I think rightly – was that the existing system brought about more inequity than any that might ensue from a new system. And I would argue that has been the result.

Now, there are those who feel very strongly that maybe we should do away with the Sentencing Commission. Some of my colleagues, I believe, are confusing the negative effects of minimum mandatory sentences with the sentencing guidelines. There were more critics last year than there were the year before. Again, I want to make clear that I know of no criticism of the Commission in terms of its operation, the way it is managed, and the people who serve on it. Rather, a growing cadre of people are criticizing the concept of the Commission.

And as I said, I would argue that the aberrations we read about and talk about flow more from minimum mandatory sentencing or prosecutory requirements – not misconduct, but lack of judgment. There is no reason – maybe there is an explanation, but there is no justification, in my view – for why on petty drug cases you should drag before the federal District Court in Delaware a kid from Middletown, Delaware, who has in his possession six ounces of cocaine or six grams of cocaine. Under the present system, you are able to do that, but it is not wise to do that. That was never the intention of the law. Such cases should be left to the states.

And so I have argued that these are the places where I and my colleagues should focus, rather than criticize the concept of a commission. We should focus on minimum mandatory sentences and what constitutes sufficient criminal behavior to justify being brought into the federal court system. This is where our focus should be, in my view, and not on jettisoning the notion of a Commission.

Let me suggest one other thing that is beyond the purview of the Commission, but clearly not beyond the purview of those of you in this room. You are the leaders in this country who implement both the positive and negative things we do on the Hill. You are also the opinion makers who determine what your communities think about and how they are beginning to think about the issue of violence in America.

One of the things that we have failed to do, in my view, is honestly address the reasons and causes for violence in America. Why has society become so violent?

The bottom line is this: it seems to me that what we have to do is address the one aspect of violence in America that we have refused to address. We have been unwilling to look at what I believe makes the most significant impact thus far on the ability of society to have any faith in the judicial, legislative, or political systems in this country. I think the United States Congress has ignored the impact of violence on individuals in American society.

I just spent half an hour with a young woman who lost her husband, a Marine, in a helicopter accident. We talked about some problems she and her three children are having relative to the Marines. Everybody sees this woman and her children and sits down and says, "You know, she's going to have to go through a serious period of mourning." And you can name the stages she will go through, and the question is how rapidly or how slowly she will go through them and how she will

come out at the other end. We all understand the effects of an accident like that. What we do not seem to understand in this society is that when someone is victimized, particularly at the hands of a violent criminal, they go through the same process. But the system no longer assists them in that regard.

I remind those of you who are legal scholars that prior to the establishment of this country as a nation-state, there used to be a system whereby you, as the victim, would go out and hire the constable and the sheriff to go arrest the individual. You would pay to incarcerate if a jury found that person guilty, and you would be in the position of Smith vs. Biden – or Biden vs. Smith – not the State of Delaware vs. Smith.

We changed the system for many very good reasons including the fact that it only worked for the benefit of the wealthy. If you had no power, you could not get into the system. But in the process of doing that over the last 200 years, we lost something. We lost the victim as the center of our concern. The victim is no longer centerstage in the process at all.

In a big municipality, the likelihood of a victim knowing whether or not his or her case was dropped, *nolle prossed*, or plea bargained is slim. The victim's view on whether that should happen has become irrelevant. During the sentencing phase, in most jurisdictions, it does not matter what, in fact, the victim thinks should or should not be done.

In short, the victim is taken completely out of the process. The debate among conservatives and liberals used to center on how to deal with the rights of victims. Conservatives used to argue that you deal with the rights of victims by, in my view, eviscerating the Bill of Rights, by eviscerating the constitutional protections, by suggesting that we should treat criminals differently in determining whether or not they are guilty or innocent.

We finally, I think, have concluded that victims must be brought into the process not only as a consequence but as centerstage, whether or not they are witnesses. In fact, the matter hinges on what happened to them. They have a stake in the outcome, and the state should recognize they have a stake in the outcome.

And until we get to the point where we take more care of victims from the time they report the crime to the time the person is convicted and sentenced to jail, we are going to continue to have this disconnect

that up to this point we have not noticed in American society. The single most significant problem Americans face is violence in America.

When you ask Americans what is the one thing in their lives they would wish to change, the number one thing they mention is that they want to be safer in their homes, their schools, their workplaces, and on the streets. But when you ask them what they wish government to attend to, violent crime is number five, six, seven, or eight on their agenda. There is a reason for that.

Americans have concluded that the courts cannot handle it, the legislatures do not understand it, and the government generally is incompetent to deal with this problem. They do not think we can make it any better or safer for them. And, I would argue, one of the reasons why is they have disconnected from their own personal experience and the 5.6 million felonies that occurred last year.

They have disconnected from the process because the process does not include them, generally speaking. There are overwhelming and notable exceptions, but by and large the process does not include them. They are not players. We do not compensate the victim. If there is a fine, where does it go? It goes to the state. If there is a penalty imposed, where does it go? It goes to the state, notwithstanding the fact that Senator Thurmond and I built into the law compensation for victims of violence. They still are bit players on this whole stage.

And, my one unorthodox suggestion to you all is that we as policymakers – you and I – better figure out a system within the constitutional framework we are guided by that recognizes more clearly and communicates to the American public that we understand their problem – that they are going to be part of the solution, that they have an interest in the outcome, and that they have an opportunity not to be fully recompensed, but to be recompensed in some degree. Society must recognize what has happened to the victims and try to make up in some small part for what they have suffered.

We do not like to talk about that. We do not like to talk about it because liberals have been afraid to talk about it for years – because they believe they play into conservatives' hands, and conservatives have talked about it only in terms of trying to repeal the Bill of Rights.

I want to raise a second notion for your consideration in the area of violence in America: the startling youth of offenders. Why is it that when I got here in 1972, the most violent offenders in America, if I am not mistaken, were males average age 18 years and five or six

months, and now the most violent offenders in America are male, average age around 15? How did that happen? Why did that happen? How are we going to solve it unless we can figure out why that has happened?

Well, women's groups and civil rights groups do not like us to talk about things that the academics and research folks are writing a lot about now. I do not know the answer, but the only common thread that has come from two new, very respectable studies is this: among young, violent male offenders, many have absent fathers. This fact does not have as much to do with their economic status, grade level, I.Q., or general environment. Rather, the most common thread is that there is no male authority figure.

I have been advised by my staff not to say that. The reason I have been advised by my staff not to say that is Black Americans may say, "It's designed to target us because we are increasingly a matriarchal society." Women in America may say, "This means he is going to put additional pressure on women in society," suggesting that there are problems with single mothers who have their children in day care. Gay Americans may say, "That means he's against homosexual marriages and adoption." And, the list goes on. We are all afraid to talk about it. No one wants to mention it.

When I met with the various groups while working on the Violence Against Women legislation, we sat and asked the questions, "Why are women being victimized more today than they have been in the past?" Well, obviously, more women are reporting crimes, and there are more support groups. Victims are more willing to come forward because the system has gotten better. But this does not explain the dramatic increase in ten years in violence against women in America.

When I got involved in this in 1989, I went back and looked, and during the previous ten years, violence in America against young men between the ages of 18 and 30 decreased 12 percent. Violence against young women went up 50 percent. Why? Well, increased reportings are probably part of it. But why domestic violence? Domestic violence is not what it sounds like. It is not tamer or less mean or less violent.

Domestic violence is ravaging our society and the women of America. Why don't we talk about it more? Well, the religious right does not like to talk about it because that means we may start getting into families and how we run families. "You know those liberals in Washington are going to tell us I can't spank my child" or "I can't disagree with my wife."

A number of years ago, during a debate on marital rape, one of my colleagues who is no longer a member of the Senate said to another senator, "Sir, you just don't understand," and pounded the table. He said, "You got to understand. Sometimes a husband just has to use force." There is something sick about a society that refuses to acknowledge that there are people who still think that. Something is wrong. Something is deadly wrong.

In the State of Rhode Island in 1989, a survey done in conjunction with the Rand Corporation asked children in the sixth, seventh, and eighth grades: "If a man spends \$10 on a woman for a date, does he have the right to force sex on her if she refuses?" Thirty-three percent of the young boys in sixth, seventh, and eighth grades said yes, and 26 percent of the young girls said yes. Something is wrong folks. But we are afraid to address some of the core problems.

We liberals sit and talk about unemployment and the economy, legitimate things to talk about. Conservatives talk about equally legitimate issues. The fact is, a dangerous person who is on the street should be taken off the street. But few of us are willing to sit down and examine what none of the interest groups wants us to examine. Does it matter whether there is a male in the house? Does it matter whether or not we teach our children certain basic values about whether or not there are any circumstances under which a man has the right to touch a woman – or anyone for that matter – without her consent? Why do we continue to ignore violence when it exists within family structures? Does that make it different than when it occurs outside a family structure? Why is violence among families considered a private and not a public concern? We do not want to talk about those things because doing so offends people.

But, as you have observed in my 21 years, I am going to continue to offend people. Until we start to debate these questions, these problems will continue to end up with you who sit on the bench. You are going to get the rap that you do not deserve for the inability of the system to deal with the violent behavior of American society. You are the ones, either on the Sentencing Commission or as Article III judges, that the country will focus on. And you are the ones, in my view, who hold out the only genuine hope for us to get a handle on the notion of ordered liberty in our society under the Constitution. You are the only thing that we have.

The former President used to say, "There's a thin blue line between chaos and order, and it's the police." I would argue there is a thin black line – black lines of robes that stand between a constitutional

democracy and chaos that borders on the notion that people can decide to take matters into their own hands with vengeance and vigilante activity being the norm. I think what you saw in Los Angeles was illustrative of what is going to happen. I do not mean the violence you saw on the front end, but you saw all those people who found themselves threatened – Black, White, Hispanic, liberal, conservative, old, and young – going out and buying guns, going out and arming themselves, arming themselves better than the Bosnian government is armed, literally, not figuratively.

We better start addressing this. We must become more responsible on the Hill. We need your help in doing that, but I respectfully suggest that the focus should not be whether or not we have a system whereby a Sentencing Commission sets guidelines within which federal judges are bound to sentence people with notable exceptions. The focus is on why people enter the system to begin with.

Thursday Afternoon Session: PREVENTION

Panel Four: Role of Community in Reducing Drug Abuse and Violence

Raymond G. East

Pastor, St. Teresa of Avila Catholic Church

Gus Frias

Los Angeles County Office of Education

Peter B. Goldberg

President, The Prudential Foundation

Paul S. Jellinek

Vice President, Robert Wood Johnson Foundation

Moderator:

Michael S. Gelacak

Commissioner, U.S. Sentencing Commission

As we move into the last panel of the day, we examine how various community components – specifically schools, business organizations, families, and religions – can play an active role in the prevention of drug abuse and violent crime.

ROLE OF FAMILY AND RELIGIOUS COMMUNITY

RAYMOND G. EAST

Pastor, St. Teresa of Avila Catholic Church

Monsignor East is the Pastor of St. Teresa of Avila in Southeast Washington. He was ordained into the priesthood in 1981 and named Monsignor in 1991. Before arriving at St. Teresa, Monsignor East had had four parish assignments in the District of Columbia. A board member of the National Black Catholic Clergy Caucus, Monsignor East is a member of the Council of Priests. In addition, he is an Archdiocesan Consulter and works on the board of the Spanish and English diocesan papers. He graduated from the University of San Diego with a degree in Business Administration.

I echo the sentiments of all who have stood at this dais and have expressed what an honor it is to be here. Indeed, I'm tremendously honored to be at this first Symposium on Crime and Punishment. And, I brought with me somebody who is not only a parishioner, a brother, a confidante, and a mentor, but someone who is a product of effective treatment, a real walking success story.

It is my pleasure to present to you Darryl Colbert, an addiction specialist in outreach recovery. He operates his shop three blocks from here, right near the Washington, D.C., C.C.N.V. homeless shelter, so he can provide daytime outreach for people in recovery who come from the shelters and are dealing with problems of addiction.

The focus of this first Symposium is appropriately drugs and violence, something that has consumed my time and energies for all my 12 years in ordained ministry. The continuing crisis of drugs and violence reminds me of an African story.

In a certain village was a chief who was wondering why his tribe was starting to malfunction. He found out that the women of his tribe would go down to the river every day and find bodies floating down the river. They would take the bodies out of the river and bury them. Occasionally they found somebody, sometimes a little child, who was still alive. They would take the person and try to nurse him back to health. Soon, all the women were occupied in burial and lifesaving ministry. The men were similarly occupied. Not only were they trying to clean the river, but they were helping the women with the burials. Soon, nothing else was getting done. And they kept asking, "Why are all these bodies floating down the river?"

One day, the chief decided he would have the women and the men go up the river to find out the cause. Once they went up the river and discovered why the bodies were floating down, the women and men worked both to deal with the cause of the problem and to bring about healing. My dear friends, I suggest to you today that prevention means going up the river, because we've buried too many bodies already.

My own story begins with a little bit of denial. When I was first assigned to Holy Comforter St. Cyprian, about 12 blocks down the street, I had just buried my cousin, Michael, who had struggled with addiction for 12 years. I had an uncle in rehabilitation and had buried another uncle who had been in and out of programs. I was in denial over how drug addiction affected our family.

And I was sent to a parish that was literally in denial. Its members' lips could not be wrapped around the words "drug addiction," and yet every family was suffering. Soon, just like in the story, we started burying the bodies. A knife wound. This one had been shot. Pretty soon, we were not burying the old, we were burying the young instead of burying the old and baptizing the young. And to get out of denial, we had to "go up the river" to find the cause – start speaking of the problem from the pulpit.

One technique that we used was to talk about "VD." We said, "Our parish has VD." That got everybody's attention. We had an epidemic of VD – that is, we were addicted to Violence and Drugs. That was our problem. And until we faced the problem squarely and started preaching about it every Sunday until folks got sick of it, we didn't start to scratch the surface and break the denial that all of us faced together.

There was somebody out there that heard that message. There was a young man who was the local parish drunk. And he would show up at functions drunk out of his mind. He was an embarrassment to himself and to his dear mother, who continually prayed for his recovery. One day when he got sick and tired of getting sick and tired, things started to turn around in his life. He took a step. We were able to get him into detoxification and then into treatment. And we were there with open arms when he came out of treatment. And that young man is sitting with you today.

I'll tell you what can happen when one church takes that move from denial and starts to work on recovery. (If I speak of the church, I am speaking of religion in the broadest possible sense.) There were some other people who were out there listening to the message. One of them started a program called the Community Action Group (CAG). Five years later it's still operating on Capitol Hill. And they started as a traditional social concerns committee. Many of our synagogues, churches, mosques, and temples have them.

Usually, some kinds of outreach committees are ineffective. This committee went to a public housing development, Potomac Gardens, which had one of the city's most violent open-air drug markets. It decided to work on a grassroots level with the residents, family by family, youth by youth, parent by parent. The goal of the committee was to put in place programs and processes that would help the people escape the hell that they lived in every day, take the triple locks off their doors, and walk out onto the street in relative safety in plain daylight. And CAG is still going. It's something that started from a small beginning when a parish came out of denial.

There was somebody else sitting out there. His name was Peter. Peter started working on the lack of affordable and safe housing in our neighborhood. And now he's across the river in my new parish, St. Teresa, working with an institution that has gained respectability in our part of Anacostia. This institution helps its offenders when they come out of jail. It helps them to read and write. It teaches them plans and blueprints. It helps them get employment. And it then starts to work with families in a comprehensive way to combat the plague of violence and drugs in our neighborhood.

There are many other examples I can provide, but I would like to emphasize the power of the individual congregation in the community. When I went to St. Teresa of Avila in 1988, the crack epidemic was just hitting full stride. My rectory was broken into ten times over an eight-month period, twice while I was physically in the

building. (This probably would have fallen into that economic, compulsive category of drug violence that Dr. Goldstein talked about a little bit earlier.) The users were both from the neighborhood and outside the neighborhood.

And so the first thing our community did was connect with a couple of other churches in the neighborhood and organize a march on drugs. The National Crime Prevention Council assisted us, and we formed the first "Orange Hat" group, I believe, in Washington. Wearers of the Orange Hats were basically church mothers and fathers willing to walk the streets and willing for the first time not to be afraid of their own children, the "jump out" boys who sold drugs on the corner.

And from that effort of churches, communities, and civic organizations working together in one neighborhood, we not only started Orange Hats, we spurred on a lot of other Orange Hat community patrol groups all around the District of Columbia. And we were able to get most of the crack houses out of the neighborhood.

The Orange Hats were so effective that another group formed right after that. It was called MOMS, the acronym for Mothers on the Move Spiritually. Mothers who had lost a child to drug-related violence used the energy from grieving to form a support group for young mothers at risk, especially teenage mothers. And with help again from the National Crime Prevention Council and some other groups, they were able to form a Friday night support group for young moms at risk. There they helped mothers get away from continuing cycles of pregnancy and welfare. They taught self-respect to children who in some cases had never even had a dress. They taught them how to cook a meal. And because we are living in a neighborhood with a track record of infanticide and violence against little children, they taught them how not to be violent with their children and take control of their child-raising situation.

One thing that helped this move from denial to admittance and into recovery was the framework we provided. We call it "12-Step Spirituality." It became the framework for our preaching, our teaching, and our ministry. The 12-Step programs are the best approach – they work and they don't cost any money. The recovering community showed us how we could adapt the traditional spirituality to a way where people could understand that there was hope. I can certainly say that we have reaped the benefits of this.

One of the things that helped us so much was that we started "opening the doors of the church." Now, the doors of the church are a very significant symbol, especially in the African-American community. Usually, they are padlocked and bolted to keep everybody out. But we realized that the doors of the church were the only thing that separates the church from the street because the church is in the street, and the street is in the church. We opened the doors to allow the street and the church to come together. And every time we gathered, the people knew the doors were open whether it was hot or cold or pouring down rain.

We opened the church doors and invited those willing to make a change in their lives to come forward. By taking that simple step, we found that we were able to get one person at a time because the successes were only given to one person at a time, one-to-one. But we were able to form a pathway so that people, when they were ready to make a change in their lives, when they were ready to admit their addiction to drugs or violence, when they were ready to give up their weapons, when they were ready to do all these things, they would be able to walk down an aisle and be received into the loving arms of a community that would stick with them through de-tox, through treatment, and especially through the long months and years of recovery.

There are some things that the religious community does best. The religious community is probably best at what I call "El Proceso Puente," the bridging process of putting people with people. We have a small congregation of about 400 or 500 families. Our members run the full gamut of the human family. We have a police chief for public housing. We have addicts in recovery. We have police officers on the beat. We have folks who have been locked up and are on probation. We have folks who drive the ambulances, the emergency technicians, and we have the people who ride in them as patients and as victims. We have social workers, and we have folks who are their clients. We have the homeless, and we have folks who work in banks and run their own businesses. But we have everybody together – and that time together is our opportunity to become a therapeutic community.

Every church, mosque, synagogue, temple, and congregation has the ability to become a therapeutic, healing community no matter what side of town they're on and no matter what side of the tracks they are from. Because violence and drug addiction affects everybody.

Religious communities are in the perfect position to be there at the critical moments of birth, marriage, and death – and the times when the family is hurting most. And we take advantage of those critical moments to use the "bully" pulpit to send a message of hope, and then to follow up with an address and a contact for people once they're ready to get help.

For example, in Washington, D.C., on almost any night of the week, you can go by Pennsylvania Avenue, Minnesota Avenue, or Benning Road and you can see a crowd of young people around the funeral parlors – because a homey of theirs is getting buried. I've gone to too many of those kinds of funerals. I often see a funeral home packed with 200 or 300 young people, many of whom are wearing shirts saying, "We Miss You" or "We love you (fill in the blank)." The vendors even silk screen the name of the child that has been killed. And I look at that and at the mentality of the young people. They are fatalistic, and see early death as inevitable.

We have an alternative value system, and we try to share it in the best possible way. Not only at that moment, not only at the time when they bury, but at the time they give birth to their children, at the time when they're ready to make the commitment of marriage, at the time of "celebrando quinceañeras" (the fifteenth birthday party – a rite of passage in some Latino communities), whenever they go through that time of adulthood, religious communities are in the position of being there at the critical moments of life – and they have a job to do.

While there are a lot of other things I would like to include in the record, I would like to close this way. We used to have confirmation and bar mitzva and bat mitzva as rites of passage. They have been replaced by a new standard. Now, the standard rite of passage in D.C. is to go to the receiving home. Then you're in Oak Hill, which is our youth correctional center. Then you're in Youth Center I or Youth Center II locked up. Then you're in the "University" of Lorton. We call it a university because in the District of Columbia, we have more people of college age who are locked up than people of college age who are in college. Then they finally end up in federal prison.

I want you to know that, unfortunately, in my neighborhood, to have a rap and to have done federal time is a badge of honor, of self-esteem. We need to go from that to a new rite of passage, perhaps celebrating in a formal way the Orita ceremony, the African rites of passage, and replacing those negative values with the seven African principles of community. We need to form new rites of

passage where people go from hopelessness and despair to positive self-esteem and new hope. Already, we are working with the prison chaplaincy. We assist in treatment, and we work with those in recovery. But we need to do more, and we have to work together.

ROLE OF SCHOOLS

GUS FRIAS

Los Angeles County Office of Education

Gus Frias is a Criminal Justice/Education Specialist providing consulting services to local, state, and federal agencies. He has worked for various divisions of the Los Angeles Police Department, and at one time was Manager of Operation Safe Schools, a gang prevention program operated by the Orange County Department of Education. Mr. Frias has been an instructor at the University of California at Irvine where he helped develop a "Gang School for Educators and Cops." He has served on several committees related to gangs and education and has received numerous awards. Mr. Frias is a graduate of the University of Southern California where he received both his B.A. and M.A.

According to the National Education Association (NEA), America's schools have a population of more than 40 million students. In 1990, the NEA reported that approximately 60 percent of all high school seniors were involved in drug abuse, more than 5,000 students committed suicide, 1,800 were murdered, more than 50,000 were held in correctional institutions, more than one million dropped out of school or were chronically absent, and thousands were involved in criminal street gangs that brought firearms to school on a regular basis. Similarly, according to a National Crime Survey released in May 1991 by the U.S. Department of Justice's Bureau of Justice Statistics, nearly three million thefts and violent crimes occur on or near school campuses every year. That translates to approximately 16,000 incidents per school day or one every six seconds.

Educators were similarly affected. The National Institute of Education estimates that more than 5,000 teachers are assaulted or attacked every month, many of them seriously enough to require medical attention.

The 11 recommendations that follow address the challenges of drugs, gangs, crime, and violence in our public schools.

I. Amend the United States Constitution to Include the Right to Safe Schools as Part of the Bill of Rights

The foundation of our school safety efforts in America needs to be addressed through a comprehensive federal constitutional amendment.

In 1982, the California Constitution was amended to include Article 1, Section 28(c), which states that "All students and school staff have the inalienable right to attend schools that are safe, secure and peaceful."

The intent of the California approach is to destroy, by means of a legal mandate, the denial and complacency that can lead to the victimization of students and educators on or around the school grounds. Such an amendment would also motivate states and local municipalities to generate creative remedies for noncompliance.

II. Create Legislation or Court Orders that Mandate the Establishment of Comprehensive School Safety Action Plans at all Public Schools

School executives have a duty to protect the health and safety of their students and educators. To accomplish this best they should develop and implement a School Safety Plan of Action. *California's Safe Schools' Planning Guide for Action* is highly recommended as a guide to this process. Using this guide as a model, the following comprehensive standards are recommended:

Establish an Interagency Advisory Committee at Each School

The first step in formulating this plan is to identify a group of highly committed individuals to serve on an Interagency Advisory Committee. This Committee's purpose is to share in the responsibility of assessing, planning, implementing, coordinating, and evaluating pertinent violence prevention efforts. At a minimum, each committee should comprise an administrator, a teacher, a parent, two students, the head custodian, a representative from the business community, and a police officer.

Establish a Violence Prevention Vision

The second step is to develop a violence prevention vision. As part of this vision, detailed attention must be devoted to creating a

safe, secure, and peaceful school environment. The unyielding focus of this vision must be to do whatever is reasonably necessary to prevent students, parents, and staff from becoming victims of drugs, gangs, crime, and violence.

Adopt Violence Prevention Goals and Objectives

Step three is to develop goals and objectives that are clear, realistic, and measurable. These objectives must address the emotional, spiritual, and economic needs of targeted children, youth, and their families.

Create a Plan of Action

To realize violence prevention objectives, formulate a plan of action with specific time lines. The most effective models prescribe activities that promote specialized teacher training, parent education, student leadership development, use of violence-prevention curricula, crisis management, after school recreation, business partnerships that offer employment opportunities, and interagency team-building that emphasizes the sharing of respective policies and administrative regulations.

Teacher Training

All educators need to know what is expected of them regarding the issues of drugs, gangs, crime, and violence at school. This training component addresses the following subject matters: awareness of risk factors and early indicators of drugs, gangs, crime, and violence at school; understanding of community and school environments; cultural awareness; prevention strategies to reduce risk factors; selection and implementation of a comprehensive violence prevention curriculum; crisis management; pertinent laws; and the role of the educator in effectuating a community mobilization against drugs, gangs, crime, and violence. This training should take place every month for a minimum of two hours.

Parent Education

All parents must be taught how to help their children avoid the lure of gang membership. Accordingly, they need to know about: the risk factors and early indicators of drugs, gangs, crime, and violence at school; self-esteem approaches that reduce risk factors; positive alternatives and resources; and the networking systems within the community and school environments. This training should take place every month for a minimum of two hours.

Student Leadership Development

This component is best addressed through the creation of a daily teacher-directed leadership class. It should target 25 of the most influential student leaders. The class should consist of 50 percent high-risk and 50 percent low-risk students. The intent of this effort is to nurture healthy, responsible students who can assist in the prevention of drugs, gangs, crime, and violence.

Use of Violence Prevention Curriculum

The philosophy of this component is to discourage the dissemination of drug/gang information and the reckless application of negative labels to students. Rather, it emphasizes the teaching of responsible citizenship, strengths of cultural diversity, choices and consequences, refusal skills, and success and achievement away from drugs, gangs, crime, and violence. All curriculum should be age-appropriate, incremental, and teacher-friendly.

Crisis Management Training

The Committee's law enforcement representative is responsible for crisis management training. As part of this training, all existing plans for crisis are examined. Hypothetical situations based on immediate real-life cases are analyzed. The training and analysis help identify a membership team with duties and responsibilities clearly delineated. Roles, expectations, and limitations are discussed and established. Once this has been done, a crisis drill is planned, implemented, and evaluated. Findings are used to modify existing crisis plans.

After School Recreation

This component addresses the needs of students after school. It encourages the use of tutors and mentors to assist students with their homework and to organize sports activities. It advocates keeping school grounds open until 8:00 p.m.

School/Business Partnerships

This component establishes school/business partnerships that advocate the creation of mentorships and employment apprenticeship programs for students and their families.

Interagency Team Building

This involves the sharing of team expectations and limitations and the exploration of ways to adapt to them, both personally and collectively. In particular, it encourages the creation of Memorandums Of Understanding and Court Orders to facilitate the sharing of confidential information that pertains to drugs, gangs, crime, and violence on or around the school grounds. In addition, this component emphasizes the sharing of respective policies and administrative regulations. If such policies or regulations do not exist, this component promotes their development and establishment. It is essential that these policies and procedures be clear, realistic, and consistent with existing anti-drug/gang violence-prevention community efforts. It is very important that training about the dynamics of enforcement be provided to school personnel, parents, and students. All team members need to be aware that selective enforcement of these policies can be interpreted as discriminatory and unconstitutional. On the other hand, they should be encouraged to find creative ways of addressing challenges to established policies.

III. Remove a School's Immunity if its Executive Leaders Do Not Comply with the Right to Safe Schools and the Legislative Mandate to Have a Comprehensive School Safety Plan of Action

Some schools provide isolated semi-annual violence prevention training for educators, students, and parents to curtail liability and responsibility. In other schools, executive leaders rely on police officers to address school safety issues. For these latter schools, when a violent incident occurs and a police officer is unavailable, educators and students find themselves at a great disadvantage. School authorities at other schools completely deny the need to address school safety issues. Consequently, there is a tremendous need to compel school authorities to elevate their duty of care and responsibility and maximize the use of existing resources. If no comprehensive school safety plan of action is in place and a child or educator is killed on the school grounds, it is not enough to say "I'm sorry." A higher duty of care encompassing a right to safe schools and the creation of a school safety plan of action must be established to curtail liability and responsibility. If this duty is violated, a school's immunity must be critically evaluated and, if need be, removed.

IV. Direct State Commissions on Teacher Credentialing to Mandate the Inclusion of Violence-Prevention Training as Part of Teacher Training Preparation Curriculums at Public Universities

In 1991, the California legislature passed Senate Bill 2460, and Governor Pete Wilson signed it into law. This legislation directed the California Commission on Teacher Credentialing to create a series of leadership activities geared toward improving the preparation of all credentialed educators so they can more effectively cope with violence. Other states should follow California's lead.

V. Direct State Commissions on Teacher Credentialing to Mandate the Recertification of Current Teachers, Support Staffs, and Administrators in the Area of Violence Prevention

Presently, the vast majority of educators in America's public schools are ill-equipped to address violence prevention issues. Consequently, there is a tremendous need to enhance their preparation and skill-acquisition in this area. Ignorance of the law is no defense in a court of law, and neither is ignorance of effective prevention skills and strategies that can help to save human lives on or around the school grounds.

As educators, we have a duty to be prepared to make our schools safe, secure, and peaceful.

VI. Direct Each State Governor's Office to Create an Intergovernmental Team of Violence-Prevention Practitioners

To coordinate local interagency team efforts, each governors' office should create a team of Violence-Prevention Practitioners who have great experience working in the trenches of America's violence-infested communities. The team's primary responsibility should be to ensure that programs funded with public monies are held strictly accountable for maximizing the use of existing resources and creating positive results. The team should be mandated to:

- Secure the legal authority to share vital violence-prevention information with educators, police officers, and other local officials. In addition, the team should coordinate the dissemination of this information among the above parties.

- Provide direct support services to communities that have major inter-city or inter-county drug/gang conflicts.
- Create comprehensive partnerships with the private business sector that include mentorships, internships, and employment opportunities for high-risk youth.
- Initiate a statewide media campaign against drugs, gangs, crime, and violence.
- Facilitate the replication of successful comprehensive prevention programs in primary and secondary schools, such as those created by the L.A. County Office of Education's Gang Risk Intervention and Prevention Program. The emphasis of these programs varies from targeting elementary school children to focusing on high-risk juveniles who are responsible for pulling triggers and maiming innocent people.

VII. Create an Interagency School Academy Against Drugs, Gangs, and Violence

Currently, there is a tremendous need to train interagency personnel in how to work together to address drug/gang violence prevention, intervention, and suppression. This training should enhance the current Drug/Gang Policy Training being offered by the United States Departments of Justice and Treasury. In particular, aside from policymakers, it should train youth, parents, and practitioners involved in local violence-prevention team efforts. In addition, through the use of the case method of instruction, its curriculum should address the dynamics of violence-related cases that impact schools and communities across America.

VIII. Authorize the U.S. Department of Justice to Work With State Attorneys and Use the Racketeer Influenced and Corrupt Organizations (RICO) Act to Remove Known Drug/Gang Habitual Offenders from the Community

The epidemic of drug abuse and gang violence has created extraordinarily violent situations that increasingly impact the schools and communities of America. For example, in many of these environments, adult habitual offenders are perceived by children and youth as demigods. A sad consequence of this is that these offenders often influence the young people into committing criminal acts. Using the RICO statutes to remove known drug/gang habitual

offenders from these environments should alleviate some of this deleterious influence.

In California, the Street Terrorism Enforcement and Prevention Act is a mini-RICO initiative created to make gang membership illegal and to enhance the sentencing of drug/gang habitual offenders. Although the Act has many pending legal challenges alleging, *inter alia*, a violation of the habitual offender's due process rights, its goal of removing known suspects who are habitual offenders needs support.

When communities are bombarded daily by drug/gang crime and violence and when habitual offenders continue to influence others into committing crimes, the rights of these perpetrators need to be subordinated to those of the general public, including children, youth, and their families.

IX. Mandate the Federal Communications Commission (FCC) to Create Local Interagency Advisory Boards to Regulate Television Violence

The American Psychological Association estimated in a recent study that the average child who watches television views 8,000 murders and more than 100,000 other acts of violence before finishing elementary school. It is further estimated that current television programming provides viewers with a daily diet of 24 different ways on how to kill a human being.

Because the children of today have become extreme visual learners, the television set in the home has become one of the most powerful adversaries to parents and educators. Accordingly, on a daily basis, it plays a major role in shaping the values, beliefs, attitudes, and behaviors of children, youth, and adults. Because its executives have a poor track record of advocating and showing life-affirming thinking and behavior, it is highly recommended that the FCC be persuaded to mandate the creation of Local Interagency Advisory Boards to assist in regulating violence on television. Through these Boards, community residents will be empowered with the ability to recommend, review, and evaluate local television programming. The primary purpose of these Boards is to share in the responsibility and accountability for using the power of television to affirm life, rather than destroy it.

X. Enhance the Resource Capabilities of the National School Safety Center

The National School Safety Center is a partnership among the United States Departments of Justice and Education and Pepperdine University. The Center's primary purpose is to identify, generate, and coordinate resources in the area of school safety.

The Center's functions include the identification, generation, and coordination of information pertinent to drug/gang violence prevention, intervention, and suppression. Because of its impeccable track record and experience, the enhancement of the Center's resources is highly recommended.

XI. Establish a National Interdepartmental Collaborative Unit on Violence Prevention, Intervention, and Suppression

To minimize duplication of services and to maximize cost-efficiency and effectiveness among the United State Departments of Education, Justice, Health and Human Services, Housing and Urban Development, and Treasury, it is highly recommended that a National Interdepartmental Collaborative Unit be established. This Unit would be responsible for the administration, funding, monitoring, evaluation, and replication of successful anti-violence programs throughout the United States.

CONCLUSION

Children are not born criminals or losers; rather, they are born with the evolving capability to think, identify choices and consequences, and make responsible decisions. Accordingly, we are compelled to exercise our best leadership to identify and use our best thinking and best resources to save the lives of our children. Effective violence prevention, intervention, and suppression require that we work as a family. Educators, law enforcement officers, parents, youth, clergy, and representatives of private, public, and media organizations, and others have a holy duty to minimize our territorial egocentrism and maximize our humanity to care for each other's health, prosperity and happiness. There is no excuse for us to lose this battle against drug and gang-related violence. Excuses only reflect incompetence, ignorance, and irresponsibility.

Thus, if one billion dollars was spent per day to win the war in the Persian Gulf, and if our team efforts determine that one billion dollars is needed per day to win our war against domestic narco-terrorism,

we must be willing to grip our steel will and exercise a sacrifice of love to make our schools and communities safe, secure, and peaceful. May God almighty help us.

ROLE OF BUSINESS COMMUNITY

PETER B. GOLDBERG

President, The Prudential Foundation

Peter Goldberg is President of The Prudential Foundation and Vice President of Contributions. He oversees Prudential's corporate social responsibility programs. Mr. Goldberg has also been an independent consultant and Senior Associate at the Institute for Educational Leadership. He served Primerica Corporation as Staff Director, and as Vice President of the Corporation's Public Responsibility area and Primerica Foundation. In addition, he has served as Project Director for the New York State Heroin and Alcohol Abuse Study, Special Assistant to the Director of the U.S. Department of Health and Human Services' National Institute on Alcohol Abuse and Alcoholism, and consultant to the President of the Joint Center for Political Studies on drug and alcohol abuse projects. Mr. Goldberg received his B.A. in Political Science from the State University of New York at Albany.

This conference is really an important opportunity to develop new approaches to the twin threats of drugs and violence in our society in general and to our young people in particular. As a corporate funder, I welcome the opportunity to share some thoughts with you on how corporations can help and also to remind you about our limitations.

Drugs, alcohol, and violence are intertwined. They attack every aspect of our culture. In the business community, drugs and alcohol undermine productivity. In our personal lives, drugs, alcohol, and violence can erode our relationships with friends and family. And if we can halt this relentless attack on our nation's well being, we'll enter the next century more healthy and more able to meet the challenges that will face us.

As I prepared for today's presentation, I was struck by two things. First, the statistics I reviewed are unsettling to say the least,

and they will unsettle any corporate executive you speak to. Second, I was struck by an absolutely overwhelming sense of déjà vu. This is the first time in 11 years I've given a speech on alcohol and substance abuse, and despite a few positive changes, the overall picture remains quite bleak.

For 12 years before that, I was actively involved in the examination of our country's drug and alcohol problems. My involvement culminated in 1981 and 1982 when I served as Project Director for the New York State Heroin and Alcohol Abuse Study. This effort was led by former HEW Secretary Joseph Califano and resulted in one of the most thorough examinations of the problems of heroin addiction and alcoholism in any state to that point in time.

During those two years, we gathered a massive amount of information about New York State's substance abuse problems. We compiled in a major report interviews, public hearings, government records, numerous site visits, and 18 specially commissioned studies. The evidence painted a very disturbing picture.

As disturbing as that was 11 years ago and as thorough as that report was, there was no mention of crack and no reference to the AIDS virus. The landscape surrounding the drug abuse problem has certainly changed since 1982. And, indeed, if you think seriously about it, some could justifiably say that we should yearn for the days of the 1960s and 1970s when our drug problems were far less complex than they are right now.

The overall use of illegal drugs may have eased a bit in recent years, but the crimes of violence and the drug use that goes with them persist at intolerably high levels.

Here are some sobering statistics. First, some facts about violence:

- The United States leads industrialized nations in the rate of violent deaths.
- Suicide and homicide combined are the fourth leading cause of death for people under the age of 65.
- Homicides alone increased from 19,000 in 1985 to 24,703 in 1991. Many of these fatalities were related to "turf" battles within the drug trade.

And here are some chilling figures about drugs:

- There were more than 370,000 drug-related emergency room episodes in 1990.
- 37 percent of Americans 12 years of age or older have used illicit narcotics.
- Americans consume 60 percent of the world's cocaine, although we account for only five percent of the world's population.

And we should not forget alcohol, the number-one drug of choice, which has a very strong, well-established tie to violence.

- 18 1/2 million Americans are addicted to it or abuse it.
- Approximately 350,000 people are killed or injured each year in alcohol-related traffic accidents.

What about the cost of these disturbing numbers? Well, we can't calculate the emotional price tag – the damage is being done in private, on a daily basis, in homes around the country. But we can compute the financial cost – and it's very high.

- Violence costs our healthcare system \$5.3 billion a year.
- Substance abuse and addiction will cost the nation \$142 billion this year.
- The federal government alone spends \$2 billion on drug rehabilitation.

Here's an even more dramatic way of looking at the problem:

- Health care will cost a trillion dollars this year. And substance abuse and addiction will eat up one out of every seven of those dollars.

The statistics communicate a simple message: drugs, alcohol, and violence are costing all of us a fortune in wasted human capital, missed opportunities, and ruined relationships. But the issue that you asked me to address today was, "What can corporations do about it?" Now, I must tell you that all too often our influence doesn't extend beyond our workforce. The environment outside our corporate headquarters is determined by the communities where we do

business. And in many instances, those communities are simply unable to stop the rampant violence and abuse of illicit substances and alcohol.

Some corporations, in an effort to get away from these kinds of problems, run to the suburbs. They think they can escape the problems, but they really can't. It's important to acknowledge up front that corporate America cannot stop the flow of illegal drugs. Corporate America cannot control street and domestic violence. We're not going to ban alcohol. We know that doesn't work.

But we can improve the overall quality of life in the communities where we do business. We can provide information. We can help create a more wholesome environment, and this can help turn some people away from some destructive behaviors sometimes. We can help some people, some places, some times.

Here's an example. For a number of years, the Partnership for a Drug-Free America has spread the word about the dangers of drugs. Their public service media campaign is the largest in history. Jim Burke, who serves on the Prudential Board of Directors, chairs the Partnership board and oversees its effort. I'm sure we've all seen the Partnership's powerful anti-drug messages on television.

And these messages do have some impact. Since the Partnership's efforts have begun, marijuana use has decreased by a sizable amount. That doesn't mean to say that there is a cause and effect relationship between that campaign and the use of marijuana, but at least it does seem to help denormalize some drug use in some situations, sometimes.

The Partnership for a Drug-Free America has done its work with an amazing array of support from corporations all around the country. It is a massive public education campaign, and we think it helps. It uses a broad-based national approach.

There are also concentrated ways that corporations can help with the problems of drugs, alcohol, and violence. At the Prudential Foundation, we've worked hard to improve the quality of life in the communities where we do business, particularly in Newark, New Jersey, the site of our corporate headquarters. We've done this by focusing more of our efforts on the lives and living conditions of children, by advocating for initiatives and public policies we believe in, and by funding direct services that hopefully make a direct difference.

How do we focus our efforts? Three years ago, we concluded that if a large segment of a population – in this case children – was at risk, their futures – as well as ours – were truly at stake. We recognized that their situation was urgent and that we had to take up their cause and try to improve their lives and living conditions. So we focused on children's programs and concentrated on creating healthier environments for youth. Are all of our grants in this category specifically geared to drugs, alcohol, or violence? No. I don't think they should be held to that kind of standard. But we do think they help battle these problems in their own quiet and steady way.

Several "Focus on Children" grants bring the health and education communities together. We believe they can form a powerful partnership that will help children grow strong in both mind and body.

One of our grants supports the development of on-site health clinics at Head Start Centers, and we're pushing hard for elementary school-based clinics, too. We funded a study that developed a model for what these facilities should be like. We firmly believe it's a concept whose time has come. By bridging the worlds of health and education, we are absolutely persuaded that we can make a contribution to improving the lives and living conditions of children. By improving the lives and living conditions of children, we offer alternatives to the attractiveness of drugs and alcohol and the problems of violence in American society.

We also believe in high profile advocacy, and we've deployed our most ardent advocate when it matters most. In March 1991, Prudential Chairman Robert Winters led a group of five corporate chairmen to testify before the House Budget Committee in favor of full federal funding for the WIC (Women, Infants, and Children) program that is a lifeline for many at-risk families. Their appearance – the Corporate Chairmen of AT&T, BellSouth, Honeywell, Prudential, and SkyChefs – made a great impact on how the public sector views the importance of the WIC program. This special supplemental program is one of the best this country has to support women and children. We think those kinds of advocacy efforts can make a vital difference.

Supporting direct services, though, is the ultimate goal of any philanthropic venture. Like many corporations, the Prudential Foundation funds many direct service efforts to foster healthy alternatives to alcohol, drugs, and violence. You won't see many

corporations with a program category called drugs or alcohol or violence, but you will see numerous corporations that do substantial work in the areas of health, education, and community development. And, they help communities offer young people wholesome alternatives to lifestyles in the inner city.

We have a summer grants program for the youth of Newark involving many of the city's non-profit organizations. Our grant support provides education, recreation, and employment for more than 600 of Newark's young people during the summer.

In addition to the Partnership for a Drug-Free America, we also support the Center on Addiction and Substance Abuse. This organization, headed by Joe Califano, also focuses on substance abuse. In collaboration with the Department of Justice, we will enable Newark to participate in a major six-city pilot program geared to sixth, seventh, and eighth graders. The program is designed to fight substance abuse and addiction among inner city, high-risk kids – kids who already have experimented with drugs and alcohol, kids who may be pushing drugs on the corner. This program is a massive intervention into every aspect of their lives and education. School officials, parents, and police are working together to turn these youngsters around. Although the program is still fairly new, we have high hopes for its success.

We are also very deeply concerned about the impact of violence. We have wanted very much to document the brutal effect violence has on children's lives. So, we gave a grant to Children's Express, the national news service staffed by kids eight to 17 years old. And they wrote about the impact of violence from their unique perspective. In effect, it's kids talking to kids about the impact of violence on the lives of children.

Like all good journalists, these young reporters hit the streets and interviewed scores of people about drug violence, alcohol violence, bias-related violence, and any sort of violence you might imagine. Then with the help of a few adults, they put together a manuscript that is powerful and poignant. Crown Books took a look at the manuscript and said they wanted to publish it. This experience touched all of the young reporters in profound ways, and 16-year-old Sarah was no exception. I would like to close with a couple of her observations because I can think of no more articulate way to summarize the crisis we face. And this is Sarah:

In New York, there's at least one murder, one robbery, one rape, one something happening to somebody every day. But you don't know the people and so you just let it go by. Then, when you actually talk to kids your age or younger, and their parents beat them or they have guns, or they go to schools where they have metal detectors 'cause everyone has a gun or knives . . . When you talk to people that horrible things are actually happening to, then it gets to be a part of your life, too.

It was very upsetting to discover there is so much violence in our society. Something really needs to be done or else no one is going to be left. I don't know what to do about it, but we have to do something.

Quite frankly, I think we need to give Sarah better answers in the future than we have in the past.

COMMUNITY COALITIONS

PAUL S. JELLINEK

**Vice President, Robert Wood Johnson
Foundation**

Paul Jellinek, Ph.D., is Vice President of the Robert Wood Johnson Foundation and has served on its staff since 1983. Dr. Jellinek has devoted special attention to broad-based community initiatives, supporting such programs as Fighting Back and Join Together. He has also been active in the foundation's work in child and adolescent health, chronic care, and AIDS. He previously worked in journalism and in mental health programs and was a Fellow at the Bush Institute for Child and Family Policy in North Carolina. The author of numerous journal articles, Dr. Jellinek is a graduate of the University of Pennsylvania and the University of South Florida and received both his M.A. in Health Administration and his Ph.D. in Health Economics from the University of North Carolina at Chapel Hill.

My major point today is that it's not enough just to devote more money to the issue of demand reduction. We have to pay serious attention to how that money gets spent once it reaches the community, which is where the battle is really being fought. I believe we need not just a national strategy but a strategy for every community – developed by the community and supported, or at the very least not constrained, by the federal government and the states.

The Robert Wood Johnson Foundation is a private national foundation that's been in existence since about 1972. Our mission is to improve the health and health care of the American people. We have not treated the problem of substance abuse as a primary focus until very recently. We spent our first ten to 15 years primarily focused on how to improve Americans' access to basic health services. And the whole issue of health care reform remains a priority for us.

In the mid-1980s, our trustees asked us to take a look at a new issue – the problem of substance abuse – to see if there was a

meaningful role that the Robert Wood Johnson Foundation could play. This was a big challenge for several reasons. First of all, substance abuse is an extremely complex problem that the government was already spending billions of dollars on every year. And the most we'd be able to do is spend a couple of million dollars. Furthermore, despite those huge investments, the problem seemed to be getting worse instead of better, especially in the area of illegal drugs.

A third obstacle for us was that we didn't have any experience in this area. So, what did we do?

The first thing we did was to review the literature. We then talked with numerous experts in the field in Washington, D.C. We also went out into the community and spent considerable time talking to people about the substance abuse problem. We talked to parents, children, law enforcement representatives, and individuals from the judiciary.

From our experience in the community, we realized two very important things. The first is that there was enormous frustration out there; no matter how much people were doing – and they were doing a great deal – it didn't seem to make any difference. No matter how many more police they put out on the streets, no matter how many curricula they put in the schools, or how many billboards they put up, the problem seemed to be getting worse and people were scared. And, increasingly, we were hearing about extreme measures. On the one end of the spectrum was the legalization of drugs. On the other end, we heard about tearing up the Fourth Amendment and declaring martial law. Something had to be done.

The second thing we realized was that there were many programs already operating in the communities and the schools. There were the parent groups and programs run by the treatment sector, but the entire effort was completely fragmented. Nobody knew what anybody else was doing. There was no common set of goals. And, there wasn't even a shared sense of what the problem was.

On the one hand, of course, this was a pretty depressing state of affairs. But on the other hand, it was good news to us in the sense that if we could get all the various players in the community to work together, maybe we could still solve this problem without having to resort to the legalization of drugs or tearing up the Fourth Amendment.

The first steps would be to reach a common understanding of what the community substance abuse problem really is. The second step would be to reach agreement on what the community's priorities should be. And the final step would be to develop and execute a bonafide strategy that lays out the specific activities everyone will carry out – collectively and in cooperation with each other – to achieve the agreed upon priorities. If a handful of communities could make demonstrable progress in turning the corner on their substance abuse problem, the related violence, and the community devastation that goes along with it, then a very important point would have been made: we can beat this problem, and we can do it without having to resort to the extremes of legalization or martial law.

As Father East indicated, there is a basis for hope. And, believe me, this is important not just in terms of the substance abuse problem itself, but in terms of people's faith in the whole system, in their communities, and ultimately in themselves.

A while back, I was watching one of my children in a soccer game, and something dawned on me. At that time, he'd been on the soccer team for a couple of years.

When the team first started, every kid on the team thought he was Pelé. He thought he could get the ball, dribble it downfield, score the goal, and go home with the trophy. Of course, they never won a game.

It wasn't until the coach slowly began to educate them – telling them they needed to have a strategy, they needed to be willing to pass the ball, and they needed to be willing to share the glory – that they began to win a few games.

And the insight for me was that there wasn't much difference between a bunch of 11-year-old kids running around on a soccer field and those of us who are trying to solve our community's problems. We all think we're Pelé. We all think we can score the goal by ourselves, and we're not very willing to share the glory. That was what dawned on me.

In 1989, we announced a new national grants program called "Fighting Back" to support community-wide initiatives to reduce demand for illegal drugs and alcohol. We've committed more than \$50 million to this program to date and it includes a large independent evaluation so we can learn as much as possible from it. The program

is currently supporting initiatives in 14 communities around the country.

We've also committed another \$10 million for a national technical assistance program called "Joined Together" which is based in Boston. At this point, the program has identified more than 2,500 community coalitions, including several hundred funded under the Federal Community Partnership Program.

What have we learned so far from all of this? Our Fighting Back sites had two years of planning and are now about a year into the process of trying to implement those plans. They still have four more years of foundation funding to go. So, it's too early to talk about any kind of conclusive results. But I can give you preliminary impressions, and I do think we are learning some things.

First of all, the process is difficult. Because we insist on including everyone affected by the problem as well as everyone in a position to do something about it, we run into some major issues of trust. Ten minutes into the first meeting you're into race relations, interagency relations, public-private sector relationships, relationships with law enforcement, the whole gamut.

And the process has been intense. Only two of the 14 original project directors are still on board – and that's three years into the program.

We also see cases of denial as Father East indicated. It isn't that people don't think there's a problem. They recognize there's a problem. It's just not their problem.

The second thing we've learned is that no single approach works for everyone. This process isn't like one of our usual demonstration programs. What we normally have is a model that we just try to replicate around the country – a series of steps, often very painful steps, that communities have to go through to figure out their own approach to the problem. It's almost like a 12-step approach at the community level.

But the third thing we're beginning to learn is that this is "do-able" despite the difficulties. To give you an idea of some of the things that are coming out of this process, let me just tell you about the Fighting Back initiative in Little Rock. The Little Rock initiative involved everybody – from the board room to the projects – in this

process, and it was an intense experience. What did they come up with?

When they started looking at the problem in Little Rock, one of the first things they realized was that the media coverage was giving people a very distorted sense of what the problem really was. I remember that on one of my early site visits, the head of the school board turned to me during one of the sessions and said, "Why is it that every time we see a drug story on the six o'clock news, all we see is Black faces? I know very well that at least half the cars coming down out of North Little Rock and pulling up to the crack houses have White drivers." I told him I thought that was a very good question. I suggested that at the next site visit they pull together the television people and the newspaper people, and we would have an open discussion about that.

So they did that, and the television stations and the newspapers have begun to provide much more balanced coverage. It was a fascinating discussion because one of the things you learn in the process is that in some respects the media have become victims of their own hype. They start with the notion "if it bleeds, it leads." People want to see this kind of coverage, and for a lot of other reasons of political convenience, the coverage starts along those lines. And pretty soon they actually begin to believe it. So it was a very interesting learning process for everybody.

Let me say that dealing with this kind of issue is absolutely vital in terms of the community denial that I mentioned earlier; it's a question about whose problem is it.

The second problem they identified was the absence of any kind of early intervention or treatment services for school-age children with a substance abuse problem – unless the parents had extremely good benefits packages. Without these kinds of services, a growing number of kids were winding up in the juvenile justice system.

So, through the Fighting Back process, they got Blue Cross and the treatment providers – who had some empty beds as a result of some of the insurance cutbacks – together with the school system and the local media around the table. And they developed something called "Fight Back – Insure the Children," a program that covers every child in the Little Rock public school system for a full range of substance abuse services for just \$12 per child per year. Then they used the media to go out and raise the money for this program. Hillary Clinton went on television and started talking about it.

One of the things the effort accomplished was to raise money, but it also educated the community about the real nature of the substance abuse problem in that community. The downside is that they're having trouble keeping the money coming in, but I don't think any of the different groups could have done this alone. They hadn't even recognized the problem before they sat down together. But together they provided a terrific program that was a lot better than having these kids eventually wind up in the juvenile justice system. Hundreds of youths have already been served since the start-up.

The third major problem that the people in the hardest-hit parts of Little Rock identified through a series of community forums was that it was difficult for people to get a response to their problems from the city. You couldn't even get people to answer the phone at the city agencies, and this includes the police, housing, social services, and the school system.

The city agencies and some of the county agencies responded by setting up neighborhood alert centers. They set up three of these centers in the neighborhoods on a pilot basis. Staff of the agencies would be located at these centers, readily accessible to community residents on a walk-in basis. Instead of going downtown to work, these agency people went out to the community and were readily accessible to the people living there.

In the first year, drug-related crime in those three communities decreased by 19 percent. An outside agency came in and recommended that if these centers would be distributed city-wide, it would be a very good return on the city's investment.

I need to make it clear that while our examples suggest three isolated components, there are another 18 components to this effort.

And substance abuse really becomes an entering wedge by which to look at a much broader set of social and economic problems that cut across all parts of Little Rock – not just the inner-city section, but suburban Little Rock and North Little Rock. The whole community is included in this. What you see here is the beginning process of a community coming to terms with itself and finding ways for its various parts to work together to solve some of the major problems.

Now, I've given you a few numbers. I want to make it clear it is far too early to take any of these numbers very seriously. My point is that if we're going to begin paying more attention to demand re-

duction, we've got to do more than just shift the money. We also have to shift the way we do business in a very fundamental way. We've got to support the very difficult process of enabling communities to use those resources wisely.

We also have to make sure that the federal government as well as the states don't get in their way. That doesn't mean that the federal government should back down. That's one message some people take away, but that is not my point at all – far from it. But it does suggest a different approach.

Just to make the point, the study we just funded to look at the relatively narrow problem of substance-abusing pregnant women identified 180 different funding sources that play some role in helping communities address this problem. Imagine being the community agency on this problem and trying to coordinate 180 funding sources.

Finally, there is the issue of leadership. A recent poll conducted by the Opinion Research Corporation for the Partnership on a Drug Free America found that 56 percent of Americans were more concerned about drugs in their communities than they were three years ago. When compared with three other social issues – crime, the economy, and health care costs – drugs were rated the number one concern by the largest number of respondents.

I want to emphasize, they're talking about drugs as a local problem in their communities. Interestingly, only six percent see it as the number one national problem. This is down from 63 percent in 1989. But, I would argue that when most people see it as the number one problem in their communities, it is by definition a national problem as well and one that needs strong national leadership.

And don't forget about those 2,500-plus substance abuse coalitions that Jim Burke calls the best kept secret in America. They're out there for a reason. And while these coalitions are all over the lot in terms of their size and their scope and their sophistication, they represent an enormously important potential vehicle for making real progress on this problem – which has frightened and bedeviled us and eroded our children's quality of life for too long. I really think it's time for us to get on with it.

REMARKS

PETER B. EDELMAN

Counselor to the Secretary, U.S. Department of Health and Human Services

Peter Edelman is Counselor to the Secretary of Health and Human Services. He is on leave from his position as Professor of Law at Georgetown University Law Center where he teaches constitutional law and directs a family poverty clinic. He served as Associate Dean at the Law Center from 1989 to 1992. Mr. Edelman has been Director of the New York State Division for Youth, Vice President of the University of Massachusetts, Legislative Assistant to Senator Robert F. Kennedy, Issues Director for Senator Edward M. Kennedy's Presidential Campaign, and Law Clerk to Justice Arthur J. Goldberg, Supreme Court of the United States. Mr. Edelman is a graduate of both Harvard College and Harvard Law School.

I'm delighted to be here. I want to congratulate you in particular, Judge Mazzone, for your leadership in bringing this important conference into existence and gathering such an important array of people, and the Sentencing Commission – everyone associated with its members and staff – for this new initiative and new direction. I think it's extremely important, and I'm very pleased to be a part of it. I'm particularly glad to be here representing the Department of Health and Human Services, because as you know, questions of treatment and prevention for substance abuse, drugs, and alcohol are at the heart of what we do. And the Department has concerned itself in looking at, and trying to think about, ways to deal with the plague of violence that we have had in this country for a considerable period of time, and that is only going to increase if we do not respond appropriately.

It is so important that this conference and these kinds of initiatives be taking place because we have too much violence in our country, too much division, too much hatred, too much feeling that people who are different are not worthy. In particular, we have an epidemic, a really sickening tidal wave of violence that is washing

over our beloved country every day in too many places, especially among our young people.

I don't have to repeat the litany for you; you know it. A principal in Brooklyn, a beloved principal, goes looking for a truant student and is caught in the crossfire and killed. A five-year-old child here in Washington, D.C., is stabbed to death with a screwdriver when he tries to protect his mother from her enraged boyfriend. The list goes on and on. We have violence that affects people of all ages.

We have violence, still, that is perpetrated by people who wear the badge of the law. People take their politics into violence. A physician in Florida is murdered because he performs abortions – and whether your view is pro-choice or against abortion, it is simply unacceptable to have that violence. And we continue to have the violence associated with hate among the races in our country.

Drug use and violence are inextricably linked. In the 1980s, more than half of confirmed reports of child abuse and 75 percent of child deaths from parental abuse and neglect involved drugs. Similarly, up to 50 percent of all reported spousal abuse cases involved alcohol and other drug use. As if these statistics are not grim enough, 52 percent of rapes and sexual assaults, 49 percent of murders and attempted murders, and 49 percent of other violent crimes are perpetrated by persons under the influence of drugs or alcohol.

And it's not just the violence that's the problem – it is the breakdown in stability and respect that is occurring. It's very much associated with students in schools who call their teachers disrespectful names – who even attack them physically – and young people, especially young people who tell interviewers that no one, not parents or teachers or ministers, has anything worthwhile to tell them.

We really have to ask, "What has happened?" What has happened to young people's lives – all people's lives but especially young people – that they have so little meaning? You have to ask, "What has become of basic civility and basic decency? Where is the respect for one another and, ultimately, for human life?"

We have to reclaim our country from this violence. We have such enormous strengths as a nation. We've made so much progress on questions of racial and social justice in so many ways. But now we face the loss of the life possibilities, even of the lives themselves

of a whole generation. And this does come back so much to young people and what's happening to young people.

This isn't happening as a consequence of some insane dictator who is plotting genocide, as we have seen earlier in this century and as we're seeing in terms of the behavior in our world today in Bosnia. But it's happening as a result of our own inaction. From our own sitting by for too long while conditions festered and got worse. We have to end the violence.

There aren't any simple answers. If there were, I think we would have done something – I would hope so. If we're going to reclaim order and civility at all, it won't happen quickly; it won't happen overnight. It will only happen step-by-step. But one thing is clear – one thing that we can be sure of. It's not going to happen without us. And when I say "us," I don't mean just public policy. We do need new public policies, but I mean "us" as people, as citizens. It requires the participation of each of us and all of us.

What do we have to do? We need public policy and private action. We must have justice. Justice. And we must have the appearance of justice. It must be clear that there is opportunity. It must be clear that we will fight discrimination and hatred and prejudice wherever they appear.

It must be clear to little children that they can succeed – although it must be equally clear that they will succeed only if they try. We have to use our schools to teach children that there are ways other than violence to resolve disputes.

We have to control the flood of guns in our streets. We have to examine the images that we project through the awesome power of television and find ways to stem the nightly carnage that is projected there in the name of entertainment. Ken Auletta reports in the New Yorker – you may have seen it, you may know the statistics anyway – that the average American child watching around three hours of television a day has, by seventh grade, witnessed 8,000 murders and more than 100,000 other acts of violence. This is a study by the American Psychological Association.

Turning specifically to questions of drugs and to the questions of treatment and prevention that are going to occupy your focus in particular today, we have to work toward having a genuine service system. We don't have that. We have treatment programs – not enough. We say we reach 60 percent of those who seek treatment,

but this figure says nothing about all of those who are out there who don't even come in for help because we don't have a service system. It says nothing about whether the people who receive treatment are getting the kind of treatment they need and for the length of time they need it, because we don't have a service system. And if we're going to do that – for treatment and for prevention – we need all of us. In beginning this process of change, we need to make sure this genuine service system is one that has balance, where the federal government and the states are working side-by-side rather than one institution dictating to the other. We need to establish true partnerships in order to ensure that we are providing the best and most comprehensive treatment and prevention services possible.

We need partnerships. We need government at all levels to work together, and we need to work with our communities. We have to listen. We have to involve. Ideas have to come from the community. Those are the only kinds of solutions that work. They're the only kind of solutions that take. They're the only kind of solutions that are lasting. We have research. We have things that we know about treatment and about prevention, but we don't apply them sufficiently. We need to pay attention to technology transfer of the results of our research from the institutes at HHS and from the research community around the country. We need to apply what we know. As a part of our health reform – we don't know the details of that, but I think it's fair to say that we can anticipate some elements in the President's proposal that will relate to substance abuse – I think we will see access to services for individuals who have serious and persistent substance abuse disorders. We'll see encouragement for alternatives to hospitalization, including home and community-based treatment. We'll see encouragement for early intervention by using incentives to initiate treatment.

But the health reform, when it comes, is not going to be some magic cure-all. We're going to continue to need a structure of grants and programs to create a service infrastructure and to supply supplementary financing for treatment and prevention.

Perhaps even more importantly, reform alone is not enough to eradicate all of our nation's health problems. We're going to need changes in health behavior because in the end how each and every one of us and all of our fellow citizens conduct our daily lives has more impact than any treatment or any health care reform on preventing disease and preventing drug abuse.

The number of drug abusing offenders in the criminal justice system is staggering. In 1991, the Federal Bureau of Investigation reported more than one million state and local drug arrests in the United States. Drug offenders constitute more than 56 percent of the population in federal correction facilities. More than half the inmates in local jails report being under the influence of drugs or alcohol at the time of their offense.

We have a system in crisis. A 1991 General Accounting Office report shows that nationwide fewer than 20 percent of state inmates with substance abuse problems were receiving any type of drug treatment in prison, and only 364 inmates were receiving treatment in intensive residential programs in federal facilities. There is a tremendous gap between the number of offenders who need treatment and the services that are actually available to them.

The benefits of drug abuse treatment far outweigh the costs, especially when you consider that for every dollar invested in treatment programming, four dollars are saved as a result of decreases in criminal costs. The cost of residential treatment is less than half the cost of incarceration, and studies show that offenders who received correctional or community-based drug treatment are less likely to return to criminal activity upon release. Therefore, in the case of non-violent offenders, it makes more sense economically and socially to take them out of the prison system and put them into the treatment system.

And of course, most of all, we need prevention. Wouldn't it be wonderful if we came, in our grandchildren's lifetimes, to a time when the drug crisis and its tragic consequences were really a thing of the past? Now you know what a hard sell prevention is. It's always the dollar that we can save. It's kind of regarded as the soft thing. And yet we know that prevention works. We know that prevention efforts do strengthen communities and families, and that they do reduce the incidence of many kinds of social problems.

We need better studies in the area of prevention to indicate what works, more resources, more culturally appropriate prevention messages, expanded resources for education generally about the nature of addiction, and we need to support the work of the Centers for Disease Control on addressing youth violence. We need to use our prevention efforts to build strong families and build self esteem. But we need to understand, and this is so important, that we too often have been doing our prevention efforts in isolation from one another. Over here we do drug prevention, over there we do crime prevention,

some other place we do violence prevention, someplace else pregnancy prevention. It's all part of the same challenge.

There is a positive side. The other side of the coin is how to encourage young people to grow and develop so they succeed and participate positively in our society. Prevention means public policy across the board. Prevention means better schools, better housing, better health care, better law enforcement, better communities, and most important of all, it means better economic opportunity. That is so central. And prevention also means private and individual responsibility. It means changing behavior. It means attention to our value system because public policy by itself is not enough. Prevention includes:

- Better studies to assess exactly what prevention services and policies work best and for whom.
- Additional resources to implement prevention policies and practices at the community level. The 250 Community Partnerships currently funded by the Substance Abuse and Mental Health Services Administration are the type of coordinated, community-wide efforts that are essential if we are going to change norms successfully – especially within high-risk environments.
- More culturally appropriate prevention messages and networks to reach special populations, while reducing the disproportionate share of messages aimed at promoting alcohol and tobacco products in low-income neighborhoods.
- Expanded resources for educating individuals about the nature of addiction and to increase awareness of the harm caused from using these substances. In short, this Department wants to make prevention a priority – and we need your help in order to do that.
- Centers for Disease Control support of programs to address youth violence, particularly around the issues of intentional and unintentional injury, and SAMHSA's High Risk Youth programs.
- Concern for other important issues like child abuse and abusive behavior toward women through SAMHSA's Pregnant and Post-partum Women programs and through ACF's National Center for Child Abuse and Neglect.

Without a doubt, prevention is better than confronting the wreckage later on. But prevention of substance abuse cannot be viewed in isolation. Our prevention efforts must be additive and cumulative.

We do need public policy – I've indicated some directions. We do need laws. We do need tax dollars applied to pressing public problems. But I want to stress, above all, that we need more than that. Laws by themselves don't solve problems. They provide an essential framework and context, but they don't solve problems by themselves.

For example, it's interesting to take a look at the Yugoslavian constitution. Supposedly the supreme law of the very Serbs who are engaged in barbaric ethnic cleansing, the Yugoslavian constitution, states that all people are equal; that they have freedom of speech and assembly and religion. It establishes that all citizens expressly have a right to education, health care, privacy, employment, and due process. There are even guarantees that other citizens may not use their rights to "stir up national, racial or religious hatred or intolerance."

So laws by themselves are not enough. We have to be involved. We have to serve. And we have to serve both individually and as part of a community. If we're going to end the violence, if we're going to make our laws work, if we're going to produce real opportunity, we have to build community.

You know, there's a kind of American myth of individualism – that all of us can make it if we just try individually. And yet, the fact is that each one of us stands on someone else's shoulders – our parents, our family – but not just that. Out in the community, schools, churches, other kinds of institutions, adult role models of all kinds matter. Community is so important if we're going to reduce the violence, if we're going to end drug abuse, if we're going to produce real opportunity for people.

As we begin to examine the links to violence and substance abuse and violence to other problems affecting our nation more closely, it is imperative that we take into consideration the communities in which these problems have had the greatest impact. We are fully aware that unless there is community involvement, unless we empower communities, empower the people who live in these communities our efforts will fall short of our goals. We need to work with each individual community, find out what problems are specific to them, and discuss the most effective changes that can be

made from their perspectives. There is still so much that all of us need to learn about the resurging violence in our communities, and it is only through genuinely listening, really hearing from them, that we will eventually be able to create effective and lasting solutions.

Only by applying innovative, multi-faceted, culturally, and ethnically sensitive strategies and by involving families and our communities in the process can the prevention and treatment of substance abuse-related violence be successful.

Something happened that's very exciting in this regard this week. I'm sure you saw it in the papers, and I think it has so much to do with our conversation here this morning. The committees in both houses of Congress handling President Clinton's national service proposal reported it to the floor by a voice vote in the House and by a vote of 14 to 3 in the Senate Labor and Human Resources Committee.

This idea of community and national service is absolutely, inextricably tied to our effort to reduce violence, to our effort to reduce drug abuse. It is a way in which we can involve thousands and thousands of young people. In fact, it contemplates service by people of all ages in dealing with the problems that we face as a country. It has a commitment to total diversity in the young people and the people who will be involved, in terms of race, ethnicity, urban and rural, age and gender, and especially economic diversity. And we can put people to work on meeting community needs of all kinds.

The Act contemplates service in four broad areas, and you'll see the relevance to our discussion here: education, human needs, the environment, and public safety. And within these rubrics, the roles can be as broad as grassroots ingenuity in our great nation can make them, because the program relies on local initiative. It is built on giving people and groups around the country the flexibility they need to meet the goals of the program. We can imagine working with young children in Head Start centers and clinics, both urban and rural outreach, and helping to provide safe places where inner city kids can go after school to study and be in organized recreation leagues – and really on and on in terms of the possibilities.

So, I wanted to emphasize that this morning because it is particularly timely and particularly important to the question on moving forward. And it is a statement that we cannot have public policy by itself – we have to have the involvement of all of us. Let me say also about our responsibility that it's not just a responsibility

to serve. It's also a responsibility to do what we might call "connect the dots." Let me give some examples:

If we keep a family from being evicted, let's say, in our daily work as lawyers or servers or whatever we do – and we should do that; we should protect people from unfair eviction – we should also see what lies underneath that, the shortage of low income housing, the lack of jobs, the lack of income.

If we protect a woman from being battered or a child from being abused – and of course we should do those things – we need to look at and talk about what else is going on. Why the violence? Why doesn't the family function right? Why the inability to cope?

And if we fight discrimination by the individual case – and we should – we should understand and say out loud that employment and housing discrimination and credit discrimination go on wholesale as well; they occur routinely and pandemically, not just in individual cases.

So, you see, it's really not just the responsibility of government, the President, Congress, state legislature, whoever. We're all responsible. We have to understand why things are as they are, and we have to act. Each of us has a responsibility, and acting together in that responsibility, a thousand and then a million and then, really, 250 million Americans understanding and acting for change, I believe it will begin to change. We can do this. We've done it before.

I have on my desk a paperweight that bears the words of Robert Kennedy, and I look at them often. But they're particularly appropriate because we have celebrated the 25th anniversary of his Presidential campaign just now. His words are so appropriate this morning. Speaking in South Africa in 1966, with absolutely remarkable prescience, he said, "Each time someone stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

I might close with a story. The great civil rights worker, Fannie Lou Hamer, used to tell the story of the wise old man and the two little boys who thought they were very smart. The two little boys decided to fool the old man. They would catch a bird and cup it in their hands, and they would bring it to the wise man and say, "Old man, we have

a bird in our hands – is it alive or dead?" If he said it was dead, they would release it and let it fly away. If he said it was alive, they would crush it and show him the dead bird. He looked at them and answered, "It's in your hands."

That's the challenge. We have to serve. We must serve. It is in our hands.

Friday Morning Session: TREATMENT AND POLICY OPTIONS

Panel Five: Judicial and Corrections Treatment Options

George P. Kazen

U.S. District Court, Southern District of Texas

Thomas R. Fitzgerald

Judge, Criminal Division, Circuit Court, Cook County,
Illinois

Kathleen M. Hawk

Director, Federal Bureau of Prisons

Harry K. Singletary

Secretary, Florida Department of Corrections

Moderator:

A. David Mazzone

Commissioner, U.S. Sentencing Commission

This morning we focus our attention on treatment and policy options as they pertain to drugs and violence. Our first session examines treatment options available at both the state and federal level. Our speakers will look first at the courts. What sentencing options are available to federal and state judges? What limitations are placed on judges in fashioning sanctions for offenders convicted of drug and violent offenses? Our next speakers will focus on correctional systems and outline the programs available in and outside prison walls at the state and federal levels.

TREATMENT OPTIONS FOR FEDERAL OFFENDERS

GEORGE P. KAZEN

U.S. District Court, Southern District of Texas

The Honorable George Kazen, a Judge for the United States District Court for the Southern District of Texas, was appointed by President Carter in 1979. Judge Kazen previously served as a briefing attorney for the Texas Supreme Court and as a legal officer in the U.S. Air Force. Prior to his judicial appointment, Judge Kazen had been in private law practice. He is a member of both the Judicial Conference Committee on Criminal Law and the Judicial Council of the Fifth Circuit. In addition, Judge Kazen is an Adjunct Professor of Law at St. Mary's University Law School in San Antonio. Judge Kazen is a graduate of the University of Texas School of Law.

Who are the defendants in federal court? Before answering that question, it might first be helpful for me to share with you the perspective from which I view it. For more than 14 years I have served as a U.S. District Judge in the Southern District of Texas. This district has traditionally either led or been near the very top of the nation in federal drug prosecutions. In my tenure, I have processed upwards of 6,000 federal criminal cases, and I would estimate that at least 70 percent of those involved drug charges.

The Laredo Division is one of four in the Southern District of Texas located either on or very close to the Texas-Mexican border. In law-enforcement terminology, this is known as a trans-shipment area. This means that, although we see our fair share of local defendants, we also encounter a disproportionate share of defendants from all over this continent – people who have come from the north or south and who become part of the transportation pipeline for moving narcotics into this country.

These are the transporters. They are the cogs in the transportation chain that service the urban areas of Los Angeles, or Pittsburgh, or Detroit, or wherever, bringing heroin, cocaine, and

marijuana from points South – Mexico, Peru, Columbia, Brazil, and Bolivia. As in any other merchandise chain, some are wholesale, large dealers; some are "Mom and Pop" organizations; and many of them are what we call, rather unglamorously – but I think not inaccurately – plain "mules."

These defendants come from anywhere and everywhere. They come in all ages, both sexes, and varying ethnic backgrounds. They are sometimes juveniles and have included a band of homeless glue-sniffing youngsters from across the border, for whom the federal juvenile procedures are totally inadequate. They include young men from the Miami area attempting to smuggle cocaine in their intestines, despite the obvious dangers of doing so. They include a former Marine naval aviator who claimed to have once flown covert missions for the Nicaraguan contras; a recently-laid-off Canadian worker smuggling marijuana stuffed in PVC pipe secreted in the walls of his motor home; and a former sheriff from the deep South along with his 80-plus-year-old sidekick, a retired produce man. They include a biker couple from New Mexico coming to Zapata, Texas, for a 500-pound cocaine deal; a 67-year-old grandmother delivering a pound of black tar heroin in her purse; a quadriplegic travelling in a motor home with his own nurse; a retired rancher with a quintuple heart bypass; and a married couple with small children convicted in a drug conspiracy, he the promoter and she the bookkeeper. Increasingly, they include commercial truck drivers sent to the border to deliver legitimate cargo in connection with our ever-growing trade to the south, who succumb to the temptation of returning north with an illegitimate but much more lucrative cargo. And they include hundreds of very ordinary men and women whose common denominators are usually a sixth-grade education or less and very modest job skills.

In short, the federal drug defendant can be almost anyone, and the motive is simple and obvious: money, more money than can be earned in months or sometimes even years of legitimate work. As I've been told many times by defendants, "It just seemed easy."

Confinement

What options does a federal district judge have in sentencing a drug defendant? The answer is "not many." Because of a series of amendments to the drug statutes beginning in 1984, combined with the creation of sentencing guidelines effective in late 1987, the reality is that, with few exceptions, a drug defendant in federal court is going

to a federal prison and most likely for a significant amount of time. The sentences are driven almost entirely by the type and quantity of the narcotic. While in theory small quantities could result in a sentence of probation or a so-called split sentence, at least in our area – and I suspect we are not alone in this regard – federal prosecutors do not even bother with smaller quantities, relegating such cases to state courts if they are prosecuted at all. For example, in my division, marijuana cases involving less than 60 kilograms (132 pounds) are generally referred to state court where the defendant usually can expect to receive probation and a fine.

The federal sentencing guidelines at least allow for a certain amount of reasoned flexibility. The ultimate guideline score – or level – can be adjusted for such things as the defendant's acceptance of responsibility and whether the defendant's participation in the overall scheme can be deemed minor or minimal in comparison with "the average participant" in a similar case. By statute, however, if a certain quantity of narcotics is involved, a defendant must receive a specified mandatory minimum sentence regardless of the guideline score and regardless of his or her personal history and background. A mandatory minimum sentence of five years in prison, without probation or parole, becomes applicable when the levels reach 100 grams of heroin, 500 grams of cocaine, only five grams of "crack," or 100 kilograms of marijuana. Larger quantities or a prior narcotics conviction can result in a mandatory minimum sentence of 10 or even 20 years. It is this system combined with the dramatic increase in the number of drug cases filed in federal court that has caused – among other things – the looming crisis in the federal prison system.

There is one notable escape hatch for a federal defendant facing a lengthy prison term. I mention it only in passing because it is a topic that has generated intense debate and controversy among judges, sentencing commissioners, prosecutors, and defense counsel, and could by itself justify considerable discussion. Both the guidelines and a federal statute allow a court to depart downward, below the sentence that would otherwise be imposed, even below a mandatory minimum sentence, if the government files a motion indicating to the court that the defendant has given substantial assistance in the investigation or prosecution of another person who has committed an offense. Properly used, these provisions are obviously a significant law enforcement tool, probably one of the most useful means of reaching beyond the "mule" and penetrating the hierarchy of any given drug organization. At the same time, however, such motions can be subject to abuse and necessarily inject into the sentencing

process a vast area of discretion that Congress otherwise thought we judges should not have.

Probation

The classic alternative to federal prison, whether for the petty drug offender or for the defendant who has given substantial cooperation, is probation. Statistics in recent years confirm that fewer than ten percent of drug defendants are being granted probation. When imposed, a sentence of probation is generally for a period of between three to five years. Mandatory conditions of probation are that the defendant not commit another crime and not possess illegal controlled substances during the period of probation. By statute, there are some 20 other suggested conditions, including support of dependents, payment of restitution, working at a steady job, performing community service, reporting periodically to the probation office, and undergoing drug or alcohol counseling. Breach of a condition of probation can yield revocation and imposition of a prison sentence.

Supervised Release

While probation is now an endangered specie, at least in federal drug cases, it has a relatively young sibling called "supervised release," which came into being in approximately 1986 but is rapidly growing.

The Sentencing Reform Act of 1984, striving for "truth in sentencing," abolished parole and adopted a system of determinate sentencing. The concept of supervised release was originally conceived for the primary purpose of assisting a prisoner's transition back into society after his or her release from prison. Along the way, however, Congress added "protection of the public" as a relevant purpose and provided that the term of supervised release could be revoked under the same procedures governing probation revocation. Today, therefore, by statute, the mandatory and permissible conditions of supervised release are the same as those for probation. The difference, of course, is that probation is imposed in lieu of a prison sentence while a supervised release term is imposed in addition to a prison sentence. I frequently tell defendants that being on supervised release is essentially being on "probation after confinement." Like probation, violation of conditions of supervised release can lead to revocation and a return to prison, even though the defendant has already served his original sentence in full.

Revocation of supervised release terms has become a rapidly growing portion of court dockets, and this trend will inevitably continue, because imposition of a supervised release term is essentially mandatory in all drug cases. Also, unlike probationers, supervised releasees are persons returning to their communities after being away in confinement, often for a significant period of time. In that sense, they can be compared with parolees under the old system, whose revocation rate was always significantly higher than that of probationers.

There are four special conditions of probation or supervised release that I believe are worthy of mention in the time remaining.

Community Service

The first is community service. In my experience, this feature is most useful as an alternative to a fine in the case of low income or indigent defendants, but that is not always true. Just last month, for example, the press reported that a colleague of mine in Dallas who was sentencing a white-collar defendant in an environmental case ordered the defendant to invest six million dollars to develop a program to reduce lead contamination of children. More commonly, community service means that a defendant is directed to perform services without compensation for a civic or non-profit organization for a specified number of hours. In my community of Laredo, we have 20 agencies that will accept and monitor services from our defendants. Obviously, the much larger metropolitan areas have even more agencies. Properly administered, the work of the defendant is intensively supervised both by the agency to which he is assigned and by the probation office. My probation officers strongly believe that community service encourages self-discipline and a feeling of self-worth and that it can be a most effective tool in the proper circumstance.

Community Treatment Facility

Assignment to a community treatment facility, sometimes known as a halfway house, is another sentencing option. These facilities historically have been used by the Bureau of Prisons to assist inmates in the last several weeks of their incarceration to integrate gradually into the community. However, assignment to a halfway house can also be made by the court as a condition of probation or supervised release. The resident of a halfway house is not only encouraged but virtually required to go into the community

to seek and obtain gainful employment. In the evenings and on weekends, however, he or she is restricted to quarters, hopefully to receive occasional in-house counseling. Unfortunately, many communities do not have a quality community treatment facility approved by the Bureau of Prisons, and even fewer such facilities are available for women. Also, the Bureau of Prisons requires a defendant to pay 25 percent of his/her gross income while staying at the halfway house. This may pose a problem for low income heads-of-families.

Home Confinement

Home confinement is the same basic concept as the halfway house, except that the defendant's own residence is used. Generally, the defendant must remain home at all times except when at work or at school, attending drug counseling sessions, or attending to certain specific functions such as medical treatment. All of the defendant's activities are set down on a prearranged schedule with the probation officer. In a low-intensity case or when the technology is not available, this condition is enforced primarily by the threat of sanctions for its breach combined with periodic spot checks by the probation officer, personally and by telephone. In a high-intensity case, and assuming the technology is available and the budget permits, electronic monitoring is an added enforcement device. Almost 90 percent of the probation offices use electronic monitoring to some extent. The Southern District of Texas contracts with a company from Boulder, Colorado, at the cost of six dollars per day per client. This is significantly less than the cost of a halfway house and incomparably less than the cost of a prison cell. Briefly, electronic monitoring involves placing on the defendant a plastic anklet that serves as a radio transmitter sending signals to a black box known as a "Home Monitoring Unit (HMU)" which is hooked into the defendant's home telephone. The HMU communicates by telephone wire with a computer in Colorado. If the defendant exceeds the set range during a time when he or she is supposed to be at home, the violation is noted by the computer operator in Colorado and relayed to the assigned probation officer in Texas. This can be another extremely useful device in the proper circumstance. Of course, by itself, it is not foolproof and obviously does not prevent a defendant from committing further mischief if he/she chooses to do so.

Drug Counseling

Finally, I would like to say a word about drugs, the topic that has brought us together here today. The federal criminal justice system in recent years has intensified efforts to identify substance abusers, beginning with pretrial supervision and continuing until the ultimate disposition of the case. Because of those efforts, perhaps combined with an actual increase in substance abuse, the number of documented abusers being supervised in the system today has grown 60 percent since 1987.

Defendants with a drug problem may, of course, enter a treatment program voluntarily, but more often their participation is by court order. My own practice is to impose a drug counseling condition on a probationer or a supervised releasee either at the time of sentencing or at the first sign of any problem. Most probation offices are staffed with at least one drug specialist whose responsibility includes coordination of local drug aftercare programs. Treatment includes a combination of taking periodic urine specimens, individual and group counseling sessions, and referral to local resources for either inpatient or outpatient detoxification services.

Processing a steady stream of felony drug cases can give a judge a rather clear picture of the supply side of the drug problem, but the emergence of supervised release has enabled us to get a first-hand look at the demand side of the problem. Normally, a presiding judge has little contact with a defendant before trial because the time is devoted to pretrial preparation, and the Speedy Trial Act dictates that the trial be conducted rather quickly. In the old days, if a defendant were convicted, he went off to prison and thereafter was supervised by the Parole Commission until his complete release to society. Now, however, defendants coming out of prison are placed under the supervision of the court and its probation office, so their problems and violations are routinely reported to the judge. I was initially surprised to discover the number of defendants exiting prisons with an addiction problem. National statistics indicate that approximately 28 percent of offenders under supervision have a substance abuse problem. That figure may be somewhat higher in our district.

I have been convinced that, with the help of dedicated and professional probation officers, we have been able to make a real difference in the lives of many of these abusers. Unfortunately, with others it is a long, tough road involving one step forward and often two or three steps backward. Monitoring these cases would convince

any skeptic – if there are any – of how completely narcotics can dominate and destroy a person's life and personality. Unfortunately, during the severe budget crunches of the last couple of years, the funding for drug treatment by the probation offices has taken some of the hardest hits in the overall judicial budget. In our district, budget cuts have forced us to cut back drastically on the frequency of drug testing and have virtually eliminated our ability to use inpatient treatment. In fact, when combined with similar budget cutbacks by the State of Texas, I am told that the key treatment facility we have been using may have to close entirely.

I am not sure if it is still current to speak of a "war on drugs," but we are nevertheless in a battle for the minds and souls of our people whether we like it or not. Recovery from addiction is a slow and difficult process. Treating addiction is not particularly glamorous or politically rewarding. It requires patience and commitment to the long haul. Unless we are prepared to make that commitment, however, we will never solve our drug problem no matter how many persons we convict or confine.

TREATMENT OPTIONS FOR STATE OFFENDERS

THOMAS R. FITZGERALD

**Judge, Criminal Division, Circuit Court,
Cook County, Illinois**

The Honorable Thomas Fitzgerald is currently the Presiding Judge of the Criminal Division for the Cook County Circuit Court. Judge Fitzgerald has served as Assistant State's Attorney of Cook County, Circuit Court Judge in the Criminal Division, and Supervising Judge of the Traffic Division. In addition, he has taught law classes and been involved with the Trial Advocacy Program at Chicago-Kent Law School. Judge Fitzgerald attended Loyola University and received his J.D. from The John Marshall Law School.

I'd like to begin by thanking the Commission for recognizing an obvious truth. The great bulk of people whose lives are affected by drugs and violence, both defendants and victims, come into the criminal justice system not through the federal system but through the state system.

I wish I could invite you out with me to 26th and California – Chicago's version of "Bonfire of the Vanities." The Criminal Courts Building stands there. It was built in 1926 by Mayor Cermak, who later reached a certain degree of unfortunate fame when he was shot in an open car in Miami, riding with President-elect Franklin Delano Roosevelt. "The Building," as we call it, is much favored by Hollywood. You've all seen it in the opening scenes from "Hill Street Blues." The interior courtrooms are used frequently for movies that have a courtroom setting.

The Building sits on a piece of property roughly a half-mile by a quarter-mile in size. That is significant because when I began as a prosecutor in 1968, about 50 percent of that piece of property was either vacant or used for something other than court or jail facilities. As I speak to you today, every inch of it is devoted to jails. The court facilities have remained the same, but the entire property now

contains bricks and mortar, housing those awaiting trial. And it's not enough, because across California Boulevard, under construction as we speak, is a 1,600-bed facility.

When I began as a prosecutor, the court building I've described to you housed the courts and all of the support offices such as those for the prosecutors, the public defenders, the probation department, and the clerk. In 1978, a 14-story administration building was built, and the offices were moved out. So we added more courtrooms, increasing the number to 30 courts, and that number remained, with one exception I'm about to mention.

But the other numbers did not remain the same. When I began as a prosecutor in the late 1960s, there were six to seven thousand indictments a year in the Criminal Division. By 1982, that number had risen to 12,000; by 1988, the number was 21,000; by 1990, 1991, and 1992, the number was 30,000, of which approximately 45 percent are drug offenses – possession with intent to deliver, delivery, or straight possession.

By 1989, soon after I became Presiding Judge, it was very clear that we did not have enough courts simply to administer the cases coming through the system. And it was equally clear that our county board was not about to build a 30- or 40-courtroom building across California Boulevard. So, as a stopgap measure, we embarked upon a program in which we ran felony trial courts at night. I started with five courts, and they now have eight. Those felony trial courts are not preliminary hearing courts; they receive a calendar just like any other felony trial court. They begin at four o'clock in the afternoon, and I tell them not to go past midnight. So if you come to the Criminal Courts Building, you're going to see plenty of people. My first and maybe most important message to you all is that there are scores of defendants in the state system.

These numbers have impacted dramatically on our jail. If I could take you to the 14th floor of the Administration Building, you'd see how immense our jail complex is – the largest single-site jail in the country I am told. There are currently 9,000 people in that jail. And remember, we have 1,600 more across the street.

Like many other jurisdictions, we are under a federal court order that places a cap on the inmate population – one that we rarely achieve. Because our federal judge keeps insisting that we hold to the cap, it has had a dramatic impact. The judge's job when he sets bond is to consider those relevant matters – generally, the character

of the offense and the background of the defendant. But the statute does not require that in setting the bond we consider what jails the executive has provided to house people. As a result, our sheriff, an elected official, has had to decide whether to release people who cannot make the bond our judges have set. This is not a comfortable position for an elected official. The first sheriff faced with this situation unfortunately had the bonds named after him. I won't tell you his name, but it was the "sheriff's name" bond. If Fitzgerald had been the sheriff, they would have been called "Fitzgerald Bonds." This is not a real good practice for somebody who has to run for election.

But as a result, something positive came out of this. The sheriff said, "Well, if I just release people and they commit a crime, as inevitably some of them will, that's going to make it look worse. So I'm going to see what I can do to improve my risks." He began with electronic monitoring. And now we have about 1,200 people on electronic monitoring under the sheriff's program. But they've gone farther than that.

Five blocks from the courthouse, at 31st Street, is a building once used as a tuberculosis sanitarium. The sheriff took it over and opened a new division in his office called the Department of Community Corrections. He is in the process of putting in that building a day center, drug-testing facilities, and other facilities he can use for his pre-trial releasees.

The arrest of an addicted person is an intervention in that person's life, and not a very pleasant one. It's not a voluntary intervention, but it's an intervention. Traditionally, you wait until after conviction to provide any treatment. The sheriff hopes to have a drug-testing unit within his day center to provide treatment options for the people he's going to have to release. He would like to begin the process as close to the intervention event as possible. If treatment begins shortly after the intervention event, its chances of ultimate success are much greater.

As the sheriff develops these programs, we have recognized through our Principal's Committee and our Coordinating Council that it doesn't make a lot of sense for different agencies to perform the same tasks and spend money to duplicate efforts such as electronic monitoring and the day center. So, we are going to take those same pre-trial release programs and in the appropriate cases use them as conditions of probation after conviction.

What options do judges in state court have when dealing with people who come before us? We live in a state where mandatory minimum sentences have been a way of life since 1978. If things today were as in 1978, I don't think I would have that much of a complaint. But in each legislative session since 1978 those offenses that carry a mandatory minimum have been increased.

In the area of drugs, that has happened simply by reducing the amount that triggers the mandatory minimums. In Illinois, the delivery of 15 grams of cocaine or possession with intent to deliver triggers a mandatory six-year sentence. With cocaine, the possession with intent or the delivery of one gram or less involves a possible four-year sentence in the penitentiary.

When I listen to the federal judges here, I don't really think that they deal with only one gram – Chief Judge Moran told me about a two-and-a-half-ton cocaine case. But I don't know that we ever really stop to think about what one gram is. I have a way of sharing with you what it is. For those of you who had coffee this morning and used either Sweet N' Low or sugar, the packet that you used was a one-gram packet. So that is the amount that very often triggers a penitentiary sentence.

If I can back up a little bit to show you how these things build on each other, it is not unusual in any large urban area for the police to arrest street dealers who are dealing with these small amounts of cocaine. They are inevitably addicts themselves. The sheriff, in evaluating who he's going to have to release on a given day, looks at an armed robber, a murderer, a rapist, and somebody who has delivered less than a gram cocaine. And it's pretty obvious who he's going to release.

That person is released and, being an addict and having at that point no support, he is back on the same street corner that night committing the same crime. He is arrested and maybe released again. Now he knows he's in trouble, so he doesn't come to court – and he picks up a bail-jump indictment. That person is now looking at a minimum nine-year sentence for that conduct. It has to be consecutive because there's a bail jump involved. The bail jump is the same class of felony as the original felony. He'd now have three Class II felonies – three times three consecutive sentences is nine years.

So all of us are faced with the reality of mandatory minimums. We are left, then, with those crimes in which probation and drug

treatment are available. I know of only one instance in which a crime that is "non-probationable" also is available for drug treatment, and I'll mention that later. We'll talk about the drug treatment option first.

Under Illinois law, a qualified defendant can elect to be treated as a drug offender, a drug addict. If that election is made, the person is set for an examination by our TASC Unit, which stands for Treatment Alternative for Street Crimes. (Our people have changed the name to Treatment Alternative for Special Clients. I don't know if that makes treatment easier, but that's what they've done.) Once the evaluation is completed, the case comes back to the judge who can put the person into either a directed treatment program or an open mandate. Generally, we choose the open mandate, which permits the treatment community to decide which treatment will be used. Frequently what we're dealing with is the need for residential treatment, one of the most frustrating things a sentencing judge faces.

The judge puts a person in this program, but because a bed is not available, the person remains in jail. If the person is released from jail, he will go out and commit a drug offense because, after all, he is a drug addict. It's not a big surprise. So, frequently the people have to be kept in jail awaiting the bed to open, and that period can be several weeks, maybe even several months. And that is happening in a jail that's under a federal court order to maintain its population level. However, if the person goes into the treatment program as a condition of probation, and if the person is successful in the program, he has completed that condition of probation. If he is unsuccessful, the probation can be violated, and the person can be sentenced to the penitentiary.

One of the greatest changes in understanding treatment that has occurred with me personally, and I think with many people in my world, is this: as a young prosecutor, even as a once-young judge, if the person failed once my view was, "Well, you had your chance, and you blew it." It was only in more recent years that I began to understand that the whole course of treatment almost presupposes some failures along the way. And we urge our judges to string it out as long as possible to give the person as much chance as possible to be successful in the treatment. Keep in mind that the treatment option is not only for those who are charged with drug offenses; it's also for people charged with any criminal offense where probation is an option.

I mentioned that there was one offense carrying a mandatory penitentiary sentence for which the person could go into drug treatment. That offense is residential burglary. I'm involved in a great debate in our state about the mandatory minimum sentence on residential burglary, which in Illinois is four years. Those who seek more options for the judges point out that a residential burglary can involve an 18-year-old who goes into his neighbor's kitchen, grabs a radio, and goes out the door. The proponents say, "Well, that never happens because the prosecutors always take care of it." Nevertheless, that is the case. But we do have this one release mechanism with residential burglary where the person can be put into treatment.

For circumstances in which the person cannot be released directly into the treatment program, we sometimes look to other resources that exist in our probation department. In addition to our normal treatment facilities, we have intensive drug probation provided by our probation department. And we can occasionally move somebody out of jail into intensive drug probation where they are supervised within the probation department rather than in the standard community; and when a bed opens up, we can move them into the treatment community. But even that is extremely dangerous, as anybody who's worked with addicts knows.

Examining the range of sentencing options, we begin with cases in which there are no options. But we do have a probation department that has a wide range of options for us. Again, as a young prosecutor, I had jail or probation. Probation meant you came in every 30 days and checked in with the probation officer and, hopefully, somebody pulled your rap sheet every once in awhile to see if you've been arrested again.

But now we've come a lot farther than that, and we have a whole range of services that are available to people. We have a community service program – as a matter of fact, at a couple of different levels, we have what I call a "soft" community service program where the person goes out and works with a private agency.

Then we have a more difficult community service program with the Department of Streets and Sanitation of the City of Chicago, one we developed four years ago. It was always my hope and my idea that with this program we could take a low-level street dealer who was maybe a hero to the other young people in his community and send him on a garbage truck back out to the community in which he was selling drugs, or to shovel muck out of the sewer, or to cut weeds in a field and demonstrate that maybe it wasn't all that glamorous.

It's not a program that has included a great number of people, but it's a program that has been very successful.

In addition, we have a home confinement unit. Because the jail is so packed with pre-trial detainees, this option has become very important to us. We also have a very successful intensive probation program. But the program I am most proud of is called "Project Safe Way," under which we went into an abandoned YMCA on the west side of Chicago and created a regional probation office. This particular community was relatively small, perhaps ten square blocks, but had many clients. The probation office brought in TASC and other services, and the probation office works right out of this building in the middle of their community. And I think that, based on this experience, if you can develop probation services in large urban areas, that is a marvelous way of doing it.

As I've listened to this wonderful program over the past couple of days, I've had some thoughts that I'd like to share with you. The first, although not new, was wonderfully expressed by the Attorney General Wednesday night: the criminal justice system cannot solve all of society's problems. It is not equipped to do it. It does not have the mechanisms to do it. It always fails when assigned to do it and then gets blamed for failing. I think you who are the leaders in each of your communities in the area should send that message whenever possible.

The second thing involves the enormity of the task before us all, not just as a criminal justice system but as a society. I've shared with you some of the numbers in our court. The only way I know to deal with those numbers is one case at a time. And I suggest to all of us, let's not be paralyzed by the enormity of the task. Let's do what we can do – and that's to deal with one case at a time. If you save one life, you've made a major contribution.

That's what we can do and that ought to be our challenge.

FEDERAL CORRECTIONS APPROACH TO TREATMENT

KATHLEEN M. HAWK

Director, Federal Bureau of Prisons

Kathleen M. Hawk, recently appointed Director of the Federal Bureau of Prisons, oversees the operations of 72 federal institutions and six regional offices located throughout the U.S. Dr. Hawk is a career public administrator with the Department of Justice. She has held many positions with several different federal correctional institutions, including Psychologist, Chief of Psychology Services, Associate Warden, and Warden. She also has held top-level positions at the Staff Training Academy in Glynn, Georgia. Dr. Hawk received her Bachelor of Arts degree in Psychology from Wheeling Jesuit College and both her M.A. and ED.D. in Counseling and Rehabilitation from West Virginia University.

I would like to express my appreciation to the Sentencing Commission for this outstanding Symposium. The quality and variety of presentations have been excellent, and I am honored to be included as a panel member.

I would like to spend a few minutes describing some characteristics of the federal inmate population as they relate to drug abuse and violence and then discuss the Bureau's efforts to curtail and treat these behaviors – particularly through our Drug Abuse Treatment Program and also our "Anger Management" programs.

Eighteen percent of all current offenses for which federal inmates are incarcerated are crimes of direct and real violence – such as homicide, manslaughter, robbery, rape, or aggravated assault. An even greater percentage have past convictions for violent offenses and current and past convictions for possession of weapons. A 1991 survey of a representative sample of the Bureau of Prisons' sentenced inmate population demonstrates a strong association between drug and alcohol abuse and the likelihood of committing a violent offense.

Of the approximately 65,000 sentenced inmates in our custody in 1991, 54 percent of inmates serving time for a violent offense – twice the percentage of those incarcerated for property offenses – said they had used drugs in the month prior to arrest or were under the influence of alcohol at the time of their current offense. The association is equally strong for those with past convictions for violent offenses and the use of a weapon during the current offense.

The relationship between drugs and violence is much more complex, however, than simply this direct correlation between drug use and violent offenses. Drug-abusing behaviors co-exist with criminal activity, often spawn it, sometimes require it, generally intensify it, and frequently attract it. The two are very closely linked.

The Bureau of Prisons' current population is 85,000, with 76,000 of those in our 72 Bureau facilities. The remaining inmates are housed in contract facilities administered by the Bureau. Sixty percent of our offenders are serving time for drug offenses. But not all drug offenders are drug abusers, and many drug abusers are confined for offenses other than drug offenses. Every inmate who enters the BOP is screened for drug abuse history. Our screening has determined that 30 percent of our inmates possess a moderate-to-severe drug abuse problem. Quick arithmetic determines that is over 20,000 inmates in our institutions on any day with a moderate to severe drug abuse problem.

The BOP has provided drug treatment in various forms for decades. But with the Drug Abuse Act of 1986, with increased emphasis on and resources for drug treatment, we have totally redesigned our drug treatment programs with the help of the National Institute on Drug Abuse (NIDA) and by reviewing drug treatment programs around the country to determine what works.

The Bureau of Prisons has developed a Drug Abuse Treatment Program that addresses inmate drug abuse by attempting to identify, confront, and alter those inmate attitudes, values, and thinking patterns that lead to criminal and drug-using behavior as well as the angry, often violent actions that become an increasingly large part of that lifestyle. And our current program has an essential transitional component that continues with the inmates as they return to their home communities.

The entire drug abuse program in the Bureau is designed to take into account individual inmate's circumstances and needs. Upon

entry into a Bureau facility, an inmate's records are assessed to determine whether the inmate has:

- A history of drug abuse,
- A drug-related offense, or
- A judicial recommendation to participate in a drug treatment program.

If an inmate's record reveals any of these elements, the inmate is required to participate in a 40-hour Drug Education Program, which is available in every Bureau institution. This program reviews the effects of drug abuse and helps inmates identify high-risk behaviors associated with drug abuse in their lives.

In addition, as part of the standard psychological screening, inmates are interviewed about their past drug use to determine their need for drug treatment.

Participants in drug education are introduced to other elements of the Bureau's drug treatment regimen, and those who need further treatment are encouraged to volunteer for the Bureau's Residential Drug Treatment Program. We have long debated the issue of voluntary versus mandatory drug treatment, and we feel very strongly that the individual inmate's willingness to admit his or her own problem and therefore volunteer is a very important element of effective and successful drug treatment.

It is quite difficult to motivate incarcerated individuals to volunteer for treatment. Few inmates facing five, ten, 15, or 20 years in prison, where drugs are generally not available, possess a compelling desire to enter drug treatment. Unlike many state correctional systems, the Bureau can no longer offer early parole to inmates who successfully complete a drug-treatment program. As a result, drug education is of fundamental importance in motivating inmates to enter long-term treatment.

This lack of an external incentive, when coupled with other realities of institution life, makes drug treatment for inmates in prison a real challenge. Inmates, once in the drug-free prison environment, often deny they have a drug problem. Many tend to get caught up in the prison subculture, which characterizes seeking treatment as a sign of personal weakness or perhaps an inappropriate and unnecessary submission to authority. Therefore, for many offenders, delaying the

availability of drug treatment until one is incarcerated is far too late, emphasizing the benefits of treatment as an alternative to incarceration.

But, returning to the residential programs within our institutions, currently 30 Bureau institutions operate residential treatment programs (modified-therapeutic communities), with a total of 2,850 beds available. The programs are nine months or 12 months long. Treatment in all 30 residential programs is provided four hours a day, five days a week. The remainder of the day is spent in education, work skills training, recreation, and other such programs. Each drug program is staffed by a Ph.D. psychologist who supervises drug treatment specialists, each of whom carries a caseload of no more than 24 inmates.

The strategies used in the Bureau's drug treatment program place the responsibility for change on the individual by demanding compliance with the rules and regulations of treatment, by encouraging the inmate to accept ownership of the norms of treatment, and by motivating the inmate to make a firm commitment to positive change.

We have found that these treatment objectives mesh well with traditional individual and group therapy as well as with positive skill-building techniques. Treatment strategies are based on two premises:

- The inmate is responsible for his or her behavior.
- The inmate can change his or her behavior.

The treatment regimen encourages the acceptance of personal responsibility by addressing inmates' thoughts and feelings, allowing them to review their past behavior and learn new ways to replace self-defeating patterns with honesty, responsibility, tolerance, and respect. A number of skill-building approaches are employed to help accomplish these goals:

- Rational-Emotive/Rational-Behavioral Therapy, in which inmates learn about the impact of beliefs on behavior and learn to distinguish rational from irrational beliefs.
- Confronting the Criminal Personality, which focuses on correcting "criminal-thinking patterns."

- Communication and Interpersonal Relationship Skill-Building.
- Relapse Prevention. (Each inmate develops an individual relapse-prevention plan that follows him or her through the institution and into the community.)
- Wellness Education, which reinforces the benefits of choosing a healthy lifestyle – including exercise, smoking-cessation, and low-fat diets.
- Release Planning, which teaches job-seeking skills and discusses matters that affect job seeking, such as realistic expectations about finding the perfect job or the feelings of frustration and rejection that result from not being offered a particular job.

It is important to note that four of the Bureau's 30 residential treatment units are located in institutions housing female inmates. Many women come to prison deeply entrenched in drug-taking and drug-seeking lifestyles and with histories of family violence and sexual abuse. For these women, the treatment environment can become a safe setting in which to explore their past behaviors and develop positive relational skills in the context of addiction and recovery.

In addition to the 30 residential programs, non-residential drug counseling is available to inmates in every Bureau institution. Inmates with drug problems who have minimal time remaining on their sentences, have serious mental health problems, or are unable to transfer to one of the Bureau's residential units, can seek treatment through the institution's Psychology Services staff.

In non-residential programs, a licensed psychologist develops an individualized treatment plan based on a thorough assessment of the inmate. Treatment often includes individual and group therapy. Twelve-Step and Rational Recovery Groups are also available to provide treatment support for recovering substance-dependent inmates.

When an inmate is transferred from an institution to a Community Corrections Center ("halfway house"), or released from custody to the supervision of the U.S. Probation Service as Judge Kazen described, his or her final relapse-prevention plan is forwarded to the community supervising authority to ensure continuity. Once in the community, graduates of the residential programs (and other inmates

referred for transitional services) are required to participate in treatment.

Treatment is provided through community-based providers whose treatment regimen is similar to the Bureau's. This ensures consistency in treatment and supervision. Bureau Transitional Services managers ensure that the inmate is complying with the treatment plan and remaining free of drugs by monitoring inmate progress and through regular urinalysis.

In 1991, the Bureau signed an interagency agreement with the National Institute on Drug Abuse to measure program outcomes. This evaluation will assess program effectiveness and assist the Bureau in determining:

- The optimum time in an inmate's sentence to provide treatment.
- The most effective duration of treatment programming inside the institution.
- The most effective treatment staff-to-inmate ratio.

We anticipate a preliminary evaluation in Fiscal Year 1994.

I want to spend just a minute reviewing what we refer to as "anger management" programs, which address another aspect of many inmates' propensity to violence. There are two such programs currently in operation at our institutions.

The first, in use at 17 institutions, is a cognitive behavioral program on anger management. Using small groups under the supervision of staff psychologists, inmates discuss the nature of anger, its causes, and proven methods to reduce it.

A variation of this program, known as "Cage Your Rage," is in use at two of our institutions. This program is based on a cognitive behavioral group process initially designed by staff of the Correctional Service of Canada and endorsed by the American Correctional Association, which produced a workbook for participants. We are working with ACA to develop a video for use in the group process.

The second approach to anger management, "Alternatives to Violence," has been used at two of our institutions and at other jail and prison systems around the country. This program involves introductory seminars, derived from the Quaker religious tradition,

which impart the principles of non-violent conflict resolution. Advanced seminars deal with effective communication, consensus building, and mediation skills and focus on the concepts of power, stereotyping, fear, and forgiveness.

Obviously, in addition to their benefits to the inmates, programs such as these have great potential value for correctional managers, helping us maintain security and good order in our institutions.

Given the growing overcrowding in correctional systems, driven by changes in sentencing laws and other factors as well as the generally longer periods of incarceration for violent offenders, corrections populations are becoming increasingly violent. We are seeing larger numbers of instances of assaults and homicides in our institutions than we have had historically.

Thus, we view the continued development and implementation of model programs that interrupt the drug abuse-violence cycle as vital. And I think a critical factor is that resources continue to be available to us and to all of the correctional systems around the country so we can offer the programs when we do have the inmates as a captive audience – these extended programs that obviously are much more staff intensive than simply the traditional programs that are offered throughout the institutions.

STATE CORRECTIONS APPROACH TO TREATMENT

HARRY K. SINGLETARY

Secretary, Florida Department of Corrections

Harry Singletary is Secretary for the Florida Department of Corrections, currently supervising more than 46,000 inmates and 100,000 probationers. His career began in Illinois where he devoted his attention to juvenile corrections. He served as a Regional Director and later as Assistant Secretary for the Florida Department of Corrections. In 1992, Secretary Singletary received the American Correctional Association's E.R. Cass Correctional Achievement Award. He received his B.A. from Eckerd College in St. Petersburg, Florida, and his M.A. from the University of Chicago.

I am honored to address this gathering and to provide information I hope will be helpful to the objectives of this Symposium. I intend to focus my remarks primarily upon Florida's response to the substance abuse problem as it has impacted upon our criminal justice systems.

In 1992, one of every three persons committed to the Florida Department of Corrections was incarcerated as a direct result of drug involvement. This rate considered only the offenders' primary offense and did not reflect those inmates who were incarcerated for property crimes committed to support a drug habit. This figure also did not include offenders who committed other crimes while under the influence of drugs. Had these factors been computed into the equation, it is estimated that the number of drug-related admissions would approach 85 percent.

Let me give you some figures for the State of Florida. The Florida Department of Corrections houses approximately 50,000 inmates and has another 122,000 people under community supervision. We operate 46 prisons, 62 smaller community facilities, and 155 probation and parole offices with 23,000 employees. And

there are 35,000 individuals in Florida's county jail system today, not counting those on bail in misdemeanor probation.

Last year alone, 33,700 individuals entered the prison system, while 33,900 were released. We have an emergency release mechanism that requires that for every individual coming into the system, we have to let one out. I tell people all the time, "I'm not the Secretary of the Department of Corrections. I'm the Secretary of the Department of Release." And, all we do is release people back into the community.

Fifty percent of our admissions are recidivists. And since 1987, we've built 27,000 prison beds at a cost of about \$500 million. If we were to eliminate early release, the Florida Department of Corrections would need 96,000 prison beds by the year 1997-98, which is about a \$1 billion construction program. And you're talking about \$1 billion or more to operate them once they are brought on-line.

While the picture may appear bleak, let me tell you what I feel good about, what our Governor has done, and what the Florida legislature passed.

The drug problem in the communities of our state has been the primary engine fueling the enormous growth experienced by Florida's correctional system.

In 1991, the Florida Legislature passed the Community Corrections Partnership Act. Associated with the Act are several intermediate punishment features that focus on front-end alternatives to incarceration.

First, the legislature authorized the development of specialized probation caseloads designed exclusively to manage drug offenders. Officers are trained to use community treatment resources in conjunction with money from federal block grant funding for testing and associated treatment. Drug offender probation can provide the legal framework in which the judiciary may impose special conditions for treatment participation. These conditions may include some of the less restrictive options, but may also include housing in drug treatment facilities. The Department also has supported local drug court initiatives that directly affect sentencing of offenders to drug offender probation. This support illustrates a more flexible and cooperative approach designed to reduce barriers to local initiatives.

The approach also leads to jointly developed initiatives, matching available resources to specific offender groups.

Second, the legislature has funded the establishment of community-based, non-secure drug treatment facilities. These facilities are designed to provide 24-hour-per-day housing and supervision of offenders, employing a very specific program concept. Lasting six months, placement in the non-secured drug treatment facility exposes the offender to a two-month initial intensive drug treatment effort where liberties are extremely curtailed. Offenders are not permitted to leave the facility except under the most extraordinary of emergency circumstances.

Following the two-month intensive treatment effort, offenders are permitted to secure employment in the community. They must spend their non-working hours at the facility. The program also includes treatment overlay during this four-month period.

Offenders are subject to random urinalysis during the period of time they are involved in facility programming, and while on work release are required to reimburse certain costs associated with the operation of the program. In addition, the program requires offenders to satisfy or work toward the satisfaction of other monetary obligations imposed by the court, such as victim restitution and court costs.

Our initial evaluation of this effort has been encouraging in several ways. To begin with, the facilities have been well-received by judges.

As evidenced by a 90 percent true diversion rate, we are finding that judges are placing the correct population into the programs. In addition, the outcome data suggest that less than 20 percent of those completing the program subsequently recidivate. These outcome data should be qualified, noting that our study period up to now has been relatively short. What is clear, however, is that given credible programs, judges will use them. The outcome data, coupled with the relatively low cost of \$32 per day per offender, clearly suggest that certain groups of offenders are more effectively and efficiently punished by community-based sanctions than by prison commitment.

Aside from the diversion and outcome information, what we have learned from our non-secure effort is related to the managing of these types of sanctions. Two lessons should be followed:

1. Develop an evaluation approach and make it a part of the culture of the effort; use program administrators at the highest levels to conduct training of line staff and mid-level managers to instill the philosophy, goals, and objectives that the evaluation will ultimately test.
2. Provide an ethically and fiscally sound approach to the process leading to contract award; follow-up with highly credible contract oversight utilizing skilled field staff.

Third, the legislature has authorized the establishment of Florida's first secure drug treatment facility which will operate much like a traditional therapeutic community. The program anticipates a length of stay of at least nine months during which participants will receive an intensive array of treatment interventions specifically developed to address the behavioral issues associated with the severely addicted.

To date, the Department has implemented the non-secure treatment facility package with existing contracts for 680 beds. Because of budget considerations, the Department has not yet contracted for the first 90-bed secure facility, but expects to do so in the near future.

Another issue associated with the Community Corrections Partnership Act is the work camp concept. While not new in a programmatic sense, it is new in that the facility is state funded but county operated. The state funds the work camp's construction and operation, and the program is operated by the counties through their county correctional authorities or the sheriff's authority. The 256-bed prototype facility is a shared facility in which half of the beds are allocated for traditional county inmates, and the other half are to be reserved for true state prison diversions. A variety of efforts must come into play before a work camp contract may be awarded, but essentially the work camp notion represents a true incarcerative intermediate sanction between what might be called "street supervision" and "state prison commitment."

It should be noted that each of the previously mentioned sanctions or programs have statutorily identified populations which were designated to avoid the net-widening problem so often experienced with intermediate sanctions.

One additional feature of the Community Corrections Partnership Act, while not necessarily an intermediate sanction, is the awarding

of assistance funds to counties through a process that involves county correctional planning committees. The assistance funds, which are to be managed by contract, may be utilized by county governments for a variety of programmatic efforts of their choice. These funds are targeted to increase innovative local efforts. An example would be the Drug Courts concept. In Florida, we recently awarded Escambia County \$100,000 for the establishment of a drug court where the funding will aid the establishment or enhancement of treatment efforts. Another example is Palm Beach County which received funding to assist them in their drug farm follow-up effort.

In effect, the Community Corrections Partnership Act is a serious attempt to create a cooperative environment to address the needs of different segments of the community and different levels of government. Of particular significance to the Department of Corrections, of course, is the impact the Act has on prison admissions and the subsequent allocation of state prison beds for offenders who represent the most serious risk to the community.

The Department has taken a very active role in lobbying Florida lawmakers to revise sentencing policy so that offenders who present a low-risk to the community may serve their sentences under supervision that uses community facilities and other applied sanctions.

For offenders the circuit courts have sentenced to prison, an array of substance abuse programs have been implemented. Most of our programs began by means of a Bureau of Justice Assistance grant in 1987. Over time, a tier structure was developed, essentially a hierarchy of treatment opportunities primarily based on the length of time the offender is projected to be in custody. The foundation of the program is the therapeutic community concept of treatment. All of our treatment programs reflect this commitment in various ways.

Institutional programs currently number 55 at 47 locations. Within the course of a year, operating at capacity, these programs can provide substance abuse programming for nearly 13,000 inmates. Components of the multi-tiered program are:

- Tier I, a 40-hour educational program designed to provide the participating inmate an overview of substance abuse, including history, pharmacology, and its negative physiology, psychological, and sociological effects. Additionally, Tier I introduces the participant to the basics of group treatment.

- Tier II is an institutionally based, intensive, short-term (8-10 week) modified therapeutic community program. It is specifically designed for the treatment of the addicted offender whose sentence length precludes participation in long-term programming. Inmate participants work and are housed together within a community atmosphere. Adjusting to and accepting responsibility enables the inmate to work his or her way through the program to successful completion. The intent and design of the tier system is that, ideally, upon successful completion of Tier II, the inmate will be referred to a community work release Tier IV program.
- Tier III is an institutionally based, full-service therapeutic community program of six-to-12 months in length. Inmate participants work and are housed together within these communities. An inmate's progress in the program is based upon his or her realizing and accepting community responsibility and responding to treatment. As is the case with Tier II, successful completion of the program ideally leads to participation in a Tier IV community work release program.

A specialized component was necessary to address inmates who would be in custody for only a few months. The Drug Treatment Center concept is a short-term program (four-to-five months); it is an intensive, modified therapeutic community. Appropriately assessed and designated inmates are transferred to this program directly from the reception centers. Their sentence structures are such that either they reach their release date at the time of their projected program completion, or they are eligible for the Tier IV program upon the completion of the Drug Treatment Center. Approximately 2,600 inmates annually receive treatment by this means, participating in programs located at six different locations.

Day/Night treatment is the newest treatment option for inmates. It is a non-residential program that provides a structured schedule of treatment services five days per week on a part-time schedule. Services provided in this structured out-patient setting are consistent with services provided in residential programs except that the Day/Night program is conducted during the day, evening, or weekend to accommodate the inmate's institutional work schedule. Each day or night treatment program serves approximately 40 inmates every four to six months and requires two contracted counselors for staffing.

Tier IV was designed as the aftercare/relapse prevention component of the tier continuum. The program is located at community work release centers. These programs run for approximately eight to ten weeks and include group interaction as well as individualized planning for treatment continuation.

We have conducted several studies about the outcomes of these programs. The results have been encouraging and have demonstrated that our efforts in the treatment area are paying off. For example, results of a psychological study conducted on a sample of inmates who participated in the treatment programs showed a significant improvement in the participants' psychological profiles and a reduction in their psychological symptoms.

Another study compared the rate of recommitment among inmates who participated in the treatment to those who did not. It found that inmates who were treated in these programs are less likely to return to the system. In fact, their rate of return was 14 percent lower than that of their untreated counterparts.

In planning and managing correctional substance abuse programs, administrators, planners, policy makers, community leaders, treatment staff, and others should address the following six essential areas:

1. **Assessment.** Assess offenders' needs for supervision, control, and services, especially with regard to substance abuse treatment. Assessment is the specific diagnostic process that determines both specific treatment needs and risk.
2. **Programming.** Provide a range of quality programs to meet offenders' control, supervision, and treatment needs both while incarcerated and while under community supervision. Programming for offenders with substance abuse problems should be an integral part of all institutional and community-based activities.
3. **Linkages.** Provide linkages to assure effective communication across the entire correctional system, including community-based agencies, for transmitting information and coordinating services. For linkage on the policy level, agencies should develop agreements to conduct joint training and joint informational meetings or forums for correctional treatment providers. On the operational level, linkages can include joint staff meetings and goal setting for offenders.

4. Human Resources. Recruit and retrain qualified staff to provide substance abuse programming. Qualified staff at all levels are essential for effective correctional substance abuse treatment and to provide a safe and secure environment.
5. Environment. Develop a safe, drug-free, productive environment that promotes offender change and provides safety for staff, offenders, and the public. Prerequisites for an effective correctional treatment program are: a secure and orderly environment program, a program of detection, and a program of enforcement.
6. Accountability. Apply accountability measures to substance abuse programs. The worth of correctional substance abuse programs can be measured in terms of the need for the programs, the program's integrity and the program's results.

To summarize, there are effective treatment programs for offenders that counter the "nothing works" beliefs held in previous years. Rather than competing, security and treatment should co-exist and complement each other. There is a need for careful assessment and proper placement of offenders in the most potentially helpful programs. Systematic approaches and linkages should be established to provide a continuation of information and services. A variety of accountability, evaluation, and criteria procedures – not just recidivism – should be used to measure the success of programs.

A recent legislative session called by the Governor has resulted in the total restructuring of Florida's sentencing guidelines system. Several key provisions of the legislation will require the Florida Department of Corrections to become intimately involved in the development and implementation of this new system. Our probation and parole staff, for example, will likely be providing scoresheet information as well as capturing all relevant data so that a continuing analysis of sentencing practices can be observed and shared. It is significant to note that this legislation requires any changes in sentencing policy to be linked to revenue dedicated to support the policy. The most encouraging thing, however, is the fact that Florida has taken a significant step forward in realizing that sentencing policy is only appropriate when matched with available resources.

Our sentencing reform this year was very important. We changed our sentencing guidelines. We changed the way in which habitual offenders and career criminals were handled. We incorporated a lot of minimum mandatories within the sentencing

guidelines, so that at present we don't have many minimum mandates existing outside the guidelines. Our sentencing reform will help eliminate disparity because 74 percent of those in Florida classified as habitual offenders were Black.

The Florida Department of Corrections has strived to plan and implement a system of comprehensive institutional and community-based programs. By this means, a functional, cost-effective continuum of care for offenders – from the point of entry into the criminal justice system, during the period of incarceration if necessary, and during post-release supervision – may be provided. By this means, the Department hopes to equip offenders with the knowledge and social skills necessary to lead a drug-free life. I believe that a viable working module has been developed that would offer the offender the opportunity and the means to make the transition to becoming a productive member of our community.

In the 1990s, I think we need a call to action if we're going to have a secure and safe environment. And that will call for courage. It's going to call for character. And it's going to call for commitment.

I'm reminded of what Martin Luther King said (to paraphrase): "If a man or woman has nothing worth dying for, they're not fit to live." That deals with the courage we're going to need. Secondly, he said, "The measure of a man or a woman is not where they stand in times of comfort and convenience, but where they stand in times of controversy." That would describe what our character would be. And finally, he said, "If you can't fly, run. If you can't run, walk. If you can't walk, crawl, but for God's sake, keep on moving." And that describes commitment, constant purpose, and perseverance.

One of the things we in this field need to do is step forward. And, we need a balanced approach. We can't lock everybody up, and we can't treat everybody, and the criminal justice system cannot be expected to do the whole job of eliminating drugs and crime in this society. When we get an opportunity, we need to step out, show courage, show character and also show commitment.

QUESTIONS & ANSWERS

Judge Mazzone: We have just a little time for questions. Julie Stewart.

Julie Stewart: Thank you. My name is Julie Stewart. I run an organization called Families Against Mandatory Minimums, which is pretty self explanatory.

My question is for either Judge Kazen or Dr. Hawk. The other day I received a call from a mother whose daughter has spent two years in a federal prison on a drug offense. The daughter is now out under supervised release, and the mother is concerned that the daughter is, in fact, going back to using drugs. Her supervised release conditions are very lenient; she has to meet with the probation officer once every three months, and she sends a report to the officer every other month. The mother called me to say, "What can I do?" She is afraid to call the probation officer because, as you said, the release can be revoked, and she could be sent back to prison. So, it's kind of a question of, "How do we address this?"

Judge Kazen: If what the mother says is true, that's a serious failure on the part of that office. Through the Administrative Office and the Judicial Conference Committee on Criminal Law, we have been intensifying efforts to get the supervision aspect of probation to work. Historically, probation officers worked on the front end of the process. Their job was to evaluate the person for sentencing and write pre-sentence reports. That was pretty much the end of their responsibilities, and ours. But when we got into the supervised release afterwards, they had to relearn that process of active supervision. Getting back to your example, that's a terrible rate of supervision. Mailing in a notice once every three months is not supervision at all. Somebody's dropping the ball awfully bad there. That's not a good answer, but that's my answer.

Julie Stewart: So I should tell the mother to trust the probation officer, hopefully?

Judge Kazen: There are some people here who would probably love to talk to you about this.

Judge Mazzone: Let's ask a probation officer. And I know just the one I want to ask. Where is Francesca Bowman?

Francesca Bowman: I think that it may be that the officer has evaluated this person as someone who doesn't need a lot of supervision. The problem right now with the probation system is that we're understaffed and overworked, so we do a risks/needs evaluation on people when they first come in. This person may not be perceived as someone who needs a lot of supervision. So I think that the woman you're describing should call the officer and express her concern that her daughter is getting back into drug use.

It's important for the officer to know the whole family, to communicate with them, and to know what the problems are. So, yes, encourage her to call the officer. It's not going above anybody's head or getting her daughter into trouble. She should do that.

Can I ask a question of Judge Kazen about supervised release and numbers of people that have come out? They say that 28 percent are violating supervised release. Is there any further thought on turning over the responsibility for violations of supervised release to an outside third-party agency such as a reconstructed Parole Commission or some other such agency? I know there was some discussion a few years ago, and then it was thought not to be a good idea. Maybe now it's a better idea.

Judge Kazen: At the time, the judiciary opposed that. Whether it's up for discussion again, I don't know. Ideally, I would oppose that change because I take a personal interest in my defendants. I put them in that spot. If they come back with problems, I'd like to work with them, not throw them off into some separate bureau. But the idea may be resurrected again, just out of need – I don't know.

We don't usually talk about this, but we all have to be aware that to the extent that we're trying to help substance abusers on supervised release, all of us are working on kind of a black market. There's a statute that says, "If you are on supervised release or on probation and you are in possession of narcotics, you immediately go back to jail for a third of the term." All of the circuit courts have held that if you are found with a dirty urine specimen, you are necessarily in possession of narcotics. Otherwise, how did you get the dirty urine specimen? That's intellectually tidy, but what that means is that anybody who relapses or has any kind of drug problem should instantly come to court and go back to jail, finish the final revocation, and go out in the streets. That's so bad that, frankly, the whole system is really bending

that in one way or another. But it does cause a crisis of conscience for judges and probation officers, because that is not the letter of the law. And if anything ever came out of a conference like this, it ought to be to go to our friends in Congress that see the real problem and ask them to please get that very simplistic legislation off the books.

Francesca Bowman: That's true.

I must say, though, the Bureau of Prisons has done a wonderful thing in instituting this intensive drug treatment program in conjunction with mandatory revocation. It's been very good in our district, and our clients have responded. The idea of having a two-tier program – a 12-month program and a nine-month program – has provided some kind of a motivation for our clients to say, "I'll volunteer for the nine-month program if you don't recommend to the judge that I do the 12-month program." So, it's been quite good.

Harry Singletary: We have six drug courts in Florida, and we have one in Miami, one in Broward County. These programs intentionally make it difficult to go to prison just for substance abuse. If you have a dirty urine, they send you back to the county jail for a few days, and then put you back in the treatment program. There are individuals whose first five urines are dirty and whose next 25 are clean. In the state of Florida, which probably has as severe a drug problem as anybody, recognizing that there are people who have substance abuse problems and become criminals, we have decided to treat them a lot differently than those people who have open-air markets and are using and making that a part of their daily merchandising of the drug.

Questioner: This panel presents a good opportunity to address a very fundamental state/federal balance question. The federal philosophy in Congress seems to be one of concurrent jurisdiction over drug offenses or firearm offenses – that we need to make an example out of every 50th or 100th offender in the federal system and send the others off to state systems. And I wonder if you would care to comment about what that does to the effectiveness of both systems in sending a message of certainty and deterrence. Is this moving the ball forward overall?

Judge Fitzgerald: If you were to look at the numbers involved, you would see that it is simply impossible for the federal courts to take over any significant amount of the business that is now done in state courts. As I noted, in our Northern District Court, Chief Judge Moran tells me they have now 600 cases pending, a third of which are drug cases. That's 200 cases. As of June 1, I have pending eight

felony drug counts alone, and there are other drug cases in our system, almost 4,000 cases pending. And to suggest that moving a few cases over to federal district court is going to make any meaningful difference, I don't believe that it will. And I think that if you have limited dollars to spend, maybe the better place to spend them is by providing further treatment communities on the state side for those people who are involved in the lower level drug cases.

Judge Mazzone: Mr. Mullen.

Rod Mullen: Thank you. I just wanted to share a comment with Mr. Singletary. I was speaking with the Director of the California Department of Corrections, which is distinguished by having even more drug abusers in its prison systems than Florida. California has experienced very, very severe budget shortfalls for the past two or three years. We're running a drug program in a medium security institution, a very violent institution, that has all the gangs involved. The Director pointed out to me that each stabbing we have costs \$85,000, so that if you prevent 12 stabbings a year, each year you've paid for your program. So, there's another way of looking at some of these expenses. The amount of violence in our institutions, as I'm sure you would agree, is large and becoming larger, and a much greater problem.

Good drug treatment programs are also good violence prevention programs in institutions. They could really almost pay for themselves on that basis alone. Would you comment on that?

Harry Singletary: The greatest threat to any security inside the prison system is idleness, which includes no treatment programs at all. Idle hands are the devil's workshop. My biggest fear is not having enough to do, and over the last ten years all types of programs have been limited. We need not only to provide drug treatment, but we also need to educate people. The average person that comes in is reading at the 6.5 grade level. So, there are a lot of things we need to do.

And, we need to understand – I think that our legislators understood – that we need to invest. We've been telling them that as the Director of California said, "That by investing in reduction in violence, you invest in a safer institution and you reduce costs."

And there are a lot of other things you could do. We're looking at programs with the Quakers; we're looking at the Pacific Institute; we're looking at increasing educational programs, providing business

learning. We're doing everything we can to equip the individual to leave. You could have an individual who has straightened up his drug treatment problem; but if he can't read, then you've got a tremendous problem. And we've also seen a lot of people with psychological problems who have come in here, so we have tried to develop a mental health treatment program. So, it's a multi-tiered problem. But you're right. If you could stop the violence, you would save a lot of medical costs and overtime at the hospital. When you have a lot of violence, other inmates start arming themselves and there is the potential for great violence within the system.

Friday Morning Session: TREATMENT AND POLICY OPTIONS

Panel Six: Approaches to the Problems of Drugs and Violence

Mathea Falco

Author, Lecturer

Reuben M. Greenberg

Chief of Police, Charleston, South Carolina

Kurt L. Schmoke

Mayor, Baltimore, Maryland

Joseph D. McNamara

Research Fellow, Hoover Institution

Moderator:

Julie E. Carnes

Commissioner, U.S. Sentencing Commission

Our final panel in the Symposium focuses on "Approaches to the Problems of Drugs and Violence." It is perhaps appropriate that we turn at this stage to a discussion of several broad philosophical issues and policy options that relate to the problems of drug abuse and violence in American society. Speakers on this panel will address the effectiveness of demand reduction and supply reduction of drugs, legalization and/or decriminalization of drugs, and gun control as one solution to the problem of violence.

DEMAND REDUCTION

MATHEA FALCO

Author, Lecturer

Mathea Falco is currently a Senior Scholar, Carnegie Corporation of New York. Formerly, Ms. Falco had been Director of Health Policy for the Department of Public Health, New York Hospital-Cornell Medical Center. She has served as Chief Counsel and Staff Director for the Senate Judiciary Committee Juvenile Delinquency Subcommittee; Special Assistant to the President of the Drug Abuse Council in Washington, D.C.; and Assistant Secretary of State for International Narcotics Matters, U.S. Department of State. She has published numerous articles about domestic and international drug policies. Among her recent works is the book, The Making of a Drug-Free America: Programs That Work. Ms. Falco received her B.A. from Radcliffe College and her J.D. from Yale Law School.

Since the early decades of this century, Americans have believed that foreigners are chiefly to blame for the nation's drug problems. The Harrison Narcotic Act of 1914, which outlawed heroin and cocaine, effectively defined drug abuse as foreign in origin, best dealt with by supply reduction and law enforcement efforts. This supply-side approach, which continues to dominate drug policy, assumes that curtailing drug availability will drive up prices, forcing drug users to stop or to seek treatment. In this view, increased prices also deter new users from trying drugs.

Unfortunately, supply control initiatives have failed to reduce drug addiction and drug crime in the United States while costing American taxpayers more than \$100 billion since 1981.¹ Despite these massive expenditures, heroin and cocaine are now more available than ever at

¹ This estimate is based on a Rand Corporation calculation of drug enforcement expenditures for 1989, which found that state and local governments spent slightly more than twice as much as the federal government. Federal drug enforcement spending amounted to about \$35 billion from 1981 to 1992. Assuming the Rand ratio provides a reasonable measure, total federal, state, and local drug enforcement spending for the period would have exceeded \$100 billion.

cheaper prices. In New York City, a teenager can buy a vial of crack for \$5, less than the cost of admission to the movies.

In 1991, the National Household Survey reported that 26 million people acknowledged using illegal drugs; of that group, 13 million admitted using at least once a month. The National Academy of Science's Institute of Medicine estimates that 5.5 million Americans are serious drug abusers in need of treatment. Drug offenses have more than doubled since 1985, and the United States now has the highest rate of incarceration in the world. The majority of the nation's 1.2 million prison and jail inmates have histories of drug addiction.

What progress has been made in combatting drug abuse in the United States comes from reduced demand, not reduced supply. The decline in marijuana and cocaine use among better-educated Americans in recent years reflects the power of health concerns and negative social attitudes toward drugs. We have learned a great deal about reducing drug abuse and drug crime in recent years, but we have not yet begun to apply what we know on a national scale. It is time to build a new strategy that focuses on reducing demand through prevention, education, treatment, law enforcement, and community organization. Key elements of this strategy would include:

Effective Prevention Programs That Reach Every American Family, School, and Community

The Office of Management and Budget estimates that drug abuse costs our country \$300 billion a year, including government anti-drug programs as well as the costs of crime, health care, accidents, and lost productivity. For example, the costs of keeping 1.2 million Americans behind bars – half of whom are there for drug-related reasons – exceeds \$20 billion a year.

Many of the most effective prevention programs are not expensive compared to the costs of prison construction, high-tech interdiction equipment, and law enforcement hardware. For example, two of the most promising school programs, Life Skills Training (LST) and Students Taught Awareness and Resistance (STAR), cost about \$15 to \$25 per pupil, including classroom materials and teacher training. They reduce new smoking and marijuana use by half and drinking by one-third, and these results are sustained for at least three years. Yet, many school districts do not have access to research data and continue to pour federal dollars into curricula that have failed to produce proven results.

Federal and state governments should provide current information and practical guidance to school districts in how their prevention dollars might most effectively be spent. For example, the "social influences" model, on which LST and STAR are based, teaches children to recognize the powerful influence advertising, peer pressure, and the desire to fit in socially have on their behavior. The programs help the children practice specific strategies for avoiding or leaving situations in which others are taking drugs, drinking, or smoking. The approach recognizes that young adolescents fear rejection from their peers and helps them understand that not "everybody" is taking illegal drugs.

For children who do not attend school regularly, prevention must be provided through community organizations like the Boys and Girls Clubs, which provide supervised recreation, education, and prevention training. But these programs reach only a tiny fraction of the children who are at very high risk of becoming drug abusers. The federal government should provide prevention funding directly to local communities to develop their own programs and strategies through their churches, clubs, and other organizations.

Much has been learned from evaluations about directions that should be further explored. We know prevention must begin early, before children become involved with drugs. We know that they must be taught the skills to resist social pressures. We also know that even the best school programs do not inoculate children against drugs for the rest of their lives. Thus, successful prevention efforts must expand beyond the classroom to include the larger environment that shapes our attitudes toward drugs – families, neighborhoods, businesses, the media.

The national advertising campaign launched by the Partnership for a Drug-Free America in 1987 has shown positive results in changing attitudes about marijuana and cocaine, particularly in locations where the ads are frequently seen. The Partnership has recently developed local efforts that rely largely on donated time to reinforce school and community prevention programs. The power of advertising is also reflected in California's major anti-smoking campaign, supported by cigarette taxes. In 1991, smoking in that state dropped by 17 percent, more than twice the national average decline. As many communities have discovered, the media can play a key role in extending the reach of prevention efforts.

Drug Treatment for All Those Who Need It

Most Americans don't realize that treatment works. Success rates are higher for people with stable families, employment, and outside interests and lower for those who suffer from serious depression and anxiety. National studies report that the most important factor is length of time in treatment. One-third of those who stay in treatment longer than three months are still off drugs a year later. The success rate jumps to two-thirds, or even higher with some programs, when treatment lasts a year or longer.

Yet, treatment has been a low priority nationwide since the early 1980s as drug enforcement dominated state and federal spending. In 1991, treatment received 14 percent of the \$10.5 billion federal drug budget compared to 25 percent ten years earlier, well before the cocaine epidemic created millions of new addicts. The impact of this shift is painfully obvious in most cities, where addicts often face waits of six months before they can get help.

In an extensive review of treatment in 1990, the National Academy of Science's Institute of Medicine reported that private programs receive 40 percent of all treatment spending but provide only one-quarter of the nation's treatment capacity. Of the 5.5 million American drug abusers who require treatment, as many as 4.2 million must rely on public programs. Because of the shortage of drug treatment funds, fewer than 20 percent of those who need treatment are able to get it at any one time.

Intensive Drug Treatment Within the Criminal Justice System

Criminal offenders are more deeply involved in drug abuse than any other group in the nation. Without treatment, nine out of ten return to crime and drugs after prison, and the majority will be rearrested within three years. Extensive studies have shown that therapeutic communities inside prisons reduce recidivism by a third to a half after inmates return to society. The most effective programs are extremely rigorous, demanding far more than passive incarceration, and cost only \$5,000 to \$8,000 a year for each inmate.

Yet treatment is still very scarce. The GAO reported in 1991 that more than three-quarters of all state prison inmates are drug abusers – at least 500,000 offenders – but only ten percent receive any help. In

federal prisons, the GAO found that only 364 of the 41,000 with severe drug problems are participating in intensive treatment programs.

Within prisons, priority should be given to treating offenders with serious heroin and cocaine problems since they are responsible for the largest proportion of predatory crimes. Intensive residential drug treatment, which has proven effective in reducing recidivism among this group, is the most cost-effective approach, according to the National Academy of Science's Institute of Medicine (IOM). The IOM estimates that there are at least 350,000 prison inmates and 750,000 offenders on probation and parole who need this kind of treatment.

In 1991, a Rand Corporation study found that community supervision programs for offenders on parole or probation – regardless of their offense – will fail unless drug treatment is provided. The more intensive and structured the treatment, the more likely it is to be effective. But because treatment of any sort is woefully inadequate, offenders must compete with non-criminal addicts for limited treatment space. Some cities, like Miami, have created special programs that provide immediate treatment for drug offenders, which have shown good results. The cost per offender is less than \$1,000, compared to \$16,000 for one year's incarceration in the county jail. But in most cities, drug offenders do not get treatment, although most would participate if treatment were available.

Law Enforcement That Focuses on Community Safety

Police departments in many cities are helping citizens reclaim their streets, keeping up the pressure on pushers, and employing the "hassle" factor to discourage trafficking. Community-based law enforcement that actively engages neighborhood residents can make a lasting difference. Breaking up street drug markets is more effective – and less costly – than massive interdiction efforts in making drugs expensive and difficult to find. The active presence of police officers in drug-infested neighborhoods increases the "hassle" factor that drug dealers and buyers face. Even if drug prices remain unchanged, increasing search time to make a deal can discourage drug use and drive dealers away. Confiscating automobiles, houses, and other assets involved in drug deals is proving a powerful deterrent – often more powerful than the threat of arrest – and attractive to hard-pressed local governments in need of revenue.

In 1992, the U.S. spent \$3 billion on interdiction and international control programs. These programs have not only failed to curtail the

availability of drugs in this country, they often exacerbate human rights abuses and corruption among foreign government officials. These billions would be better spent in our own country, expanding prevention, treatment, and community-based law enforcement.

Community Coalitions to Fight Substance Abuse

Business and civic leaders are forging coalitions in many cities to develop new strategies and to leverage resources for a concerted attack on the problem. These coalitions bridge the traditional divisions and rivalries between private and public or city and county drug programs, and often become advocates for changed priorities in state and local governments. Some are led by businesses concerned about employee absenteeism, productivity, safety, and higher insurance rates caused by wide-spread drug and alcohol abuse in the work force. Comprehensive employee assistance programs (EAP), which have been widely adopted by the nation's largest corporations, are much less available among smaller businesses. Community coalitions are often able to provide help for these businesses by creating consortia that then purchase services at lower rates.

Research on New, More Effective Approaches

Most of the drug enforcement policy decisions of the past decade have been based on political necessity rather than on careful research. Funding has not been available to evaluate the relative effectiveness of various approaches, even though American taxpayers are now spending more than \$20 billion a year on drug enforcement.

Prevention and treatment research have also been very limited. New models of treatment are urgently needed to respond to changing patterns of drug abuse, and those that have been developed require continuing evaluation.

Because research rarely produces immediate, highly visible results in the war on drugs, it has not received sustained political support. But without assured funding, long-term research cannot be undertaken. Billions more dollars will be wasted unless both demand reduction and supply control strategies are systematically evaluated.

Conclusion

U.S. drug policy is dominated by the view that drug abuse is primarily a law-enforcement problem best addressed by supply control

strategies. Unfortunately, experience demonstrates that these strategies are generally ineffective, even if billions are spent in trying to wipe out foreign drug production and seal the borders. A relatively small volume of drugs can supply our entire drug market. A 20-square-mile field of opium poppies produces enough heroin to meet annual American demand. Four Boeing 747 cargo planes or 13 trailer trucks can supply American cocaine consumption for a year. Even if the governments of Peru and Bolivia were able to curtail cocaine production – which is highly unlikely given current conditions – neighboring Andean countries could rapidly replace these sources. Indeed, coca cultivation has already expanded into Brazil, Colombia, and Ecuador.

In the past decade, we have learned that substance abuse is driven more by demand than supply. We know that health concerns and social attitudes play a powerful role in changing behavior. New approaches to prevention can substantially reduce alcohol and drug experimentation among children. We know that three out of four addicts can learn to live without drugs if treatment is highly structured and sustained for a year or longer and if meaningful alternatives are available. Within the criminal justice system, treatment can reduce recidivism among drug offenders by a third to a half.

We have learned that the answer to America's drug problem is in demand reduction, here at home, in our families, churches, schools, and communities. But can we translate this knowledge into effective federal policy?

We should no longer measure success by the numbers of drug seizures but whether our children are using more drugs, and not by the numbers of arrests but whether in fact we feel safer on our streets, and most of all not by the numbers of radar balloons that float above the border between Arizona and Mexico but whether we have more drug-addicted babies born this year than last year.

We know what to do. We have the tools. A lot of very brave people have been blazing the path these last decades. But it is time we begin to use what we know and to go forward to create a new vision.

SUPPLY REDUCTION

REUBEN M. GREENBERG

Chief of Police, Charleston, South Carolina

Chief Reuben Greenberg is Chief of the Charleston Police Department. He was formerly the Undersheriff of the San Francisco County Sheriff's Department; Major with the Savannah, Georgia, Police Department; Chief of Police in OpaLocka, Florida; Chief Deputy Sheriff in Orange County, Florida; and Deputy Director of the Florida Department of Law Enforcement. Chief Greenberg has taught Sociology at California State University, Hayward; Political Science at the University of North Carolina at Chapel Hill; and Criminal Justice at Florida International University. He has appeared on national television shows and has authored numerous police-related articles and a book, Let's Take Back Our Streets. Chief Greenberg received his B.A. from San Francisco State University and Masters Degrees, both in Public Administration and in City Planning, from the University of California, Berkeley.

One day about nine years ago, three drug dealers came to the Central Investigations Unit of the Charleston Police Department and said, "You know, you've got a really bad armed robbery problem on the east side of town, and we'd like to help you resolve it." We were shocked that drug dealers would come and tell us about an armed robbery problem. We were further surprised to learn that armed robberies were occurring in that area. So, we checked our records, and while we found one or two robberies here and there, we didn't have a record of a real problem.

Subsequently, we did some intelligence work and discovered that, indeed, there were numerous armed robberies taking place near the interstate. What had happened was that victims weren't reporting them because the victims were on their way to buy drugs. Because the robbers knew these people were in that neighborhood for that purpose and because the robbers knew these people weren't going to report a crime to the police, these potential buyers were being robbed at gun point.

People had gun barrels placed in their nostrils and their ears. Armed robbers were playing Russian roulette with them. And, of course, the robbers were taking all their money. Occasionally, a car would be stolen or somebody would be beaten badly enough that they would report it, but the record as a whole didn't show it as a serious problem. But based on the information from the drug dealers, we determined that it was a serious problem. And they made it easy for us, giving us the names of the persons who were robbing these people.

The drug dealers had an incentive, of course. These armed robbers were ruining their business. People were becoming afraid to come and buy drugs because they were being pistol-whipped, robbed at gun point, and threatened if they didn't have enough money. So people became afraid to go there. And the dealers were losing business. They were running a retail business, and retail businesses depend upon volume. If volume drops, the profits drop, and they go out of business. Because they didn't want to go out of business, they wanted the police to help them remove the people who were intercepting the money that was going to be used to buy their product.

One of our officers said, "You know, if armed robbers can impact the drug dealers' business in such a negative fashion unintentionally, then we ought to be able to do it intentionally." Something else happened that helped us crystallize a game plan. A neighboring community across the harbor arrested a long-time drug dealer. This fellow had been arrested numerous times by all the different local agencies. The night he was arrested, there were lots of police officers and deputy sheriffs lined up outside the jail, all trying to get their prisoners booked in. This dealer thought that he'd take advantage of the hectic situation. Even though he was handcuffed behind his back, he was able to push the police officer and knock him off guard. He then took off running down the street. The police officer chased after him, of course. This dealer ran into the street and was struck by a truck and was killed. So the problem of that dealer's trafficking was no longer an issue.

We felt pretty good – for one day. The very next night, there was another drug dealer standing on the corner that had belonged to the first drug dealer, selling just as freely as could be. And we realized then, even if this dealer were to receive the death penalty, it really wasn't going to do us any good as long as that locale was a profitable place to sell drugs. So, the key to it was to destroy that location as a place where one could sell drugs and make money.

Street level drug dealing is a retail business, albeit illegal, on the local level. Most sales are for \$5, \$10, \$25, and \$50. Businesses of this kind, to be profitable, depend on volume. If you reduce the volume, you reduce the profits, and if you reduce the profits enough, the business will fail. Now, our objective was not to eliminate all drugs from the face of the Earth. It would be a good thing to do, but we didn't feel that in Charleston, South Carolina, we had those kinds of resources.

So we decided that we would do something else; we would go after the customer. We had always before gone after the drug dealer. We had employed all types of schemes. We had arrested some individuals 50 times. I don't know why we did that because I've never met a district attorney that would prosecute more than four, five, maybe six drug cases. You might have 100 cases against a dealer, and the district attorney is still going to pick out the best five or six cases out of that 100, and those are the ones he's going to prosecute. So we decided we're just going to give the district attorney six or seven really good cases, and then forget about the others and hope the criminal justice system, through its machinations and so forth, would eventually take them off the street. We were going to target the customers, and we were going to do that in a very interesting way.

We decided that we were going to go after these buyers using top-notch, physically fit, uniformed officers. While we had 31 highly intense drug markets in our city, we didn't have the personnel to deal with all locations. So we chose five locations that were in close proximity to each other. We put five officers, one at each location, on the street corners with the drug dealers. And we came to learn a lot about their business. We learned they couldn't go across town, like everybody said they would do, because they would lose their customers. And, as one dealer pointed out, "That's how you get killed, moving across town to somebody else's turf." The dealers were already ensconced in their particular locale where they had set up their particular retail business.

We also learned that the dealers didn't communicate with their customers very much. Most didn't know their customers' names, and the customers didn't know their names. All the customers knew was that on that street corner, a person wearing a red cap, a black jacket, or certain types of other kinds of clothing would sell drugs. And, so, the customer/buyer relationship was not a very strong one. We felt that if we could break that relationship, perhaps these people would

stop selling drugs. Later, we discovered that that was, indeed, the case.

We decided to place our officers 40 feet away from the transaction sites; that was the ACLU agreement we made in Mobile, Alabama – the officer in uniform would stand 40 feet away from the drug dealer. That way, if the dealer wanted to have a conversation, he could do so without being interfered with by the police, and he wouldn't be subject to harassment.

And so we set up in that manner, and some interesting things happened. Nobody came up to the drug dealer, even to say hello. We didn't say anything to the dealers; we didn't try to arrest them. We knew they had drugs on them, because we'd already arrested them six, seven, eight times before. We were just waiting for them to go through the system. The criminal justice process will take care of that person sooner or later. And customers would come around in their cars, and would try to make that connection. They'd come around the block one time. They'd come around a second time. And one of our officers, using a little box camera, would go up and take a flash picture. We always used a flash to let these people coming around in the automobiles know photographs had been taken of them. If the drug dealer went down to the next block, we went down to the next block. We found that he really couldn't travel more than a block or so to a different spot because he'd either enter another person's territory and get killed for it, perhaps, or his market wouldn't be able to find him.

So we applied a similar strategy to some of the crack houses. Instead of kicking the doors in, we simply placed an officer on his beat out in front of the particular crack house. We didn't stop anybody from going in; we wanted them to go in. We became interested when they came out. And what happened is that people did not go in. And, if they did go in, they for sure wouldn't come out. Because they didn't know what we knew; they didn't know what kind of probable cause to arrest we had.

Some of the officers were quite innovative. Two or three would get together; one would go to the front door; one would go the side yard; and one would walk around to the back yard. They were always in uniform because we wanted them to know it was the police. One officer would have a piece of paper, which would be folded over, and he'd knock on the door. And the dealers and buyers would think it was a search warrant, and, of course, they wouldn't open the door; they'd start flushing toilets and everything else. At that point, we had

no probable cause whatsoever to enter; then the windows would open; drugs would be thrown out into the yard. Once this happened, we'd have probable cause to go in. And we used this strategy many times, and it worked almost every time because they couldn't be sure whether we had a search warrant or not; they just couldn't absolutely be sure. And it worked very well.

Now, clearly, this particular program was not based on arrest. If you arrest a street level drug dealer, he spends four hours in the slammer, and then he's back out on the street with another stash, selling just as wildly as ever. And even if he's had all these arrests, he's likely to get probation for the third or the fourth or the fifth or the sixth time.

We had decided that we were not just going to destroy a dealer, but were going to destroy a business. Our objective was to destroy that illegal, retail business called street level drug selling in the same way that the street level drug dealers destroyed so many other businesses. The reason why "Joe's" butcher shop went out of business was not because he started selling bad meat; it was because his customers became afraid to come into the area. The reason why "Dorothy's Boutique" went out of business or "Helen's Beauty Salon" went out of business in that neighborhood was because the drug dealers had taken over the neighborhood. The kinds of people they had there in that particular neighborhood, and who were attracted by those drug dealers, were not the kind that the salon or boutique customers wanted to encounter as they parked their cars, many of which were broken into.

So we went in, we occupied, and then we did something that turned out to be very good for the community, but was selfishly inspired. We cleaned up the area. We brought prisoners from the jail and had them pick up trash, eradicate all graffiti, and board up old buildings. Now, as I said, that was good for the community. Why did we do that? We did it to improve the working conditions of our officers out on the beat. They got tired of standing around flies and dead animals in the street, half-eaten food in the gutter, and so forth. They asked us, "Can't you give us some relief." So we said, "Sure," and by giving them relief from this bad physical environment, we also gave relief to people in the community.

We were successful in reducing the amount of drugs changing hands in the area, although the decrease was not as much as we would have liked. But our main objective was to reduce the violence, and in the last five years we've had one drive-by shooting. Our best

estimate, and it's a conservative one, is that we eliminated about 30 percent of the street level drug dealers, not because they were arrested – they'd been arrested many times and weren't eliminated. It was because they went out of business for the same reason Eastern Airlines went out of business; they couldn't make any money. It just wasn't profitable to be out there, the volume had been cut so much.

People said, "Oh, you've got to cover these dealers 24 hours a day." Wrong. They don't sell drugs 24 hours a day. It turns out that they went to sleep just like everybody else does, and during that period of time, they weren't selling drugs.

We also found out that, at least in our community, 80 percent of the drugs were sold between six o'clock at night and two o'clock in the morning, on Thursday, Friday, and Saturday. Our officers work a four-day week so we added Wednesday. So Wednesday, Thursday, Friday, and Saturday, from six o'clock at night until about two in the morning, our objective was to stop that dealer from selling drugs. The market was there on Sunday, Monday, and Tuesday; we didn't have the resources to do anything about that, but most of the demand is not at that particular time. The demand for these recreational users is typically toward the end of the week, and that's where we put the time on the job. That's when we were effective. We didn't have to do it 24 hours a day; we didn't have to do it seven days a week.

You could see what would happen if you owned a movie theater and a local ordinance was passed that you could only open a movie theater on Monday, Tuesday, and Wednesday. What would happen? That business would fail because the recreational time available to watch movies is toward the end of the week. So, if you reduce their ability to operate during the end of the week, you'd, in effect, have eliminated that movie theater business. They can't make it worthwhile with a schedule like that. That's how we approached the drug business.

Now this approach has two important advantages. Number one, as I said, it's not arrest based, so there isn't a lot of paperwork. There aren't a lot of court appearances, and a lot of jail space isn't taken up. And the people that were targeted and photographed were not the drug dealers. We've already got their pictures dozens of times. We're now looking at the doctors, the lawyers, police officers, plumbers, carpenters who we caught coming to purchase illegal drugs. The objective we had was a very narrow one; it was to reduce the incidence of violence on the street. And we have been able to do that.

A PUBLIC HEALTH STRATEGY

KURT L. SCHMOKE

Mayor, Baltimore, Maryland

In 1991, Mayor Schmoke was elected to his second term as Mayor of Baltimore. Earlier in his career, spending a year on President Carter's White House Domestic Policy staff, Mayor Schmoke returned to Baltimore to become an Assistant U.S. Attorney specializing in narcotics and white collar crime. He was elected State's Attorney for Baltimore, the chief prosecuting office of the city. Throughout his involvement in local and federal government, Mayor Schmoke has continuously focused on the city and citizens of Baltimore. He graduated from Yale University with a degree in History, attended Oxford University as a Rhodes Scholar, and received a law degree from Harvard Law School.

I'm very pleased to join this distinguished panel for a discussion on policy options to reduce drug abuse and violence. All of us have been in the criminal justice and drug-fighting trenches for a long time. And, to at least some extent, we've all fought this battle with the standard tools of the trade: police, prosecution, and jails and then more police, more prosecution, and more jails.

But by any fair measure, those tools have not worked. Some drug use among some of the middle class may be lessening, but that has more to do with social pressure and health warnings than law enforcement. Inner city drug use has not decreased. The supply of drugs has not diminished, and drug-related violence is on the increase.

There are, however, solutions to the problems of drugs and violence. The first is realism; we are not going to be able to eliminate all drug use. The second is a national human services and education agenda that offers young people a promising future. And the third is a public health strategy for drug abuse.

Because this is a symposium about drugs and violence in America, I'm going to confine my remarks to the third solution and give a fuller explanation of why I believe we need a new strategy and new generals to fight the war on drugs.

Let me start by saying that we may have some new generals. Attorney General Janet Reno supports treatment on demand, special drug courts, and less use of mandatory minimum sentences. In addition, President Clinton appointed former New York Police Commissioner Lee Brown as the head of the Office of National Drug Control Policy and has placed him in the Cabinet. That is a good sign, as is President Clinton's and Director Brown's emphasis on treatment. Right now, almost 70 percent of the money the federal government spends on drug abuse goes toward law enforcement. The rest goes to treatment, education, and prevention. If national policy switches those allocations to 70 percent for treatment and 30 percent for law enforcement, that would be an important change in the right direction.

My interest in this subject began when I was a prosecutor and a friend of mine, who was a police officer, was killed in an undercover sting operation. His death symbolized the futility of trying to arrest and prosecute our way out of drug abuse. Then in 1988, in a speech to the U.S. Conference of Mayors and the International Association of Chiefs of Police, I said we should have a national debate on drug decriminalization. Shortly after that, a well-known congressman called me "the most dangerous man in America," and one national magazine simply referred to me as "a nice young man who had a bright future."

The point, however, is not my future, but the future of our nation if we do not come up with a new drug strategy that helps drug users without creating violent crime, an overburdened criminal justice system, and a black market that diverts billions of dollars from the legitimate economy.

I know firsthand about the problems that the war on drugs is creating in Baltimore. The murder rate has climbed steadily, in Baltimore the last two years, just as it did nationally. And in the first quarter of 1993, even though most other index crimes are down compared to the first quarter of 1992, murder is up. I should add that in 1991, approximately 45 percent of the city's homicides were drug related. The statistics for 1992 and 1993 will likely be just as bad or worse.

Let me give you a few more statistics. Between 1980 and 1992, yearly arrests for narcotics violations decreased only twice. Every other year they increased, including last year when we achieved a record of 18,779 arrests. The actual number of drug charges against adults in 1992 was much higher: 27,707, of which 68 percent were for possession. So we are aggressively enforcing our drug laws. But we are not pursuing a strategy that can end the violence or drug abuse. In a nutshell, we are being good soldiers in the war on drugs, but we are not winning. That is why when I talk about national drug policy, I usually start with three simple questions:

- Have we won the war on drugs?
- Are we winning the war on drugs?
- Will doing more of the same allow us to win in the future?

I don't think we can answer "yes" to any of these questions, which is why I believe strongly that we must fight drug abuse with a public health strategy.

This is not the same as legalization, which means the sale of drugs in the private market in the way that we now do with cigarettes and alcohol. Although there are many proponents of legalization, including such political conservatives as Milton Friedman and William F. Buckley, I don't share all of their views. Neither am I a Libertarian. I don't believe that people have an unfettered right to injure themselves.

I have in the past used the word "decriminalization" to characterize my views because I felt it was the best one-word summary of my position. However, for three reasons, I now try to avoid even that word. First, the word decriminalization is used by some interchangeably with "legalization." Second, I believe there still is an important role for law enforcement to play in preventing substance abuse. And third, I want our nation to focus on the fact that addiction is a disease to be treated, not an act to be criminalized. That is why I sometimes describe my views as "medicalization," a word that emphasizes that addiction is primarily a problem for doctors to treat, not police officers to prevent.

Although I began having my doubts about the war on drugs while I was a prosecutor, AIDS is what led me to advocate a public health strategy for drug abuse. I served on a committee of the U.S. Conference of Mayors that was looking into the ways in which AIDS

is spread. At that time it was already apparent that in cities intravenous drug users who were exchanging dirty needles were the primary source of HIV infection. Since then, the AIDS crisis in Baltimore has grown dramatically worse. According to a recent report, AIDS is now the number one killer of both young men and young women in Baltimore.

So we are not only dealing with an epidemic of drug use and violence, we're dealing with an AIDS epidemic that is being made worse by our flawed national drug control strategy – a strategy that cost \$45 billion over the last few years, yet produced only failure.

Under the public health strategy I propose, the government would set up a regulatory regime to pull addicts into the public health system. The government, not criminal traffickers, would control the price, distribution, and purity of as well as access to addictive substances as it already does with prescription drugs. This would take most of the profit out of drug trafficking. And it is profits that drive the crime. Addicts would be treated and, if necessary, maintained under medical auspices. Street crime would go down. Children would find it harder, not easier, to get their hands on drugs. And law enforcement officials would concentrate on the highest echelons of drug trafficking enterprises.

Why is a public health approach better than our current strategy? First, we cannot prosecute our way out of this problem. Tougher penalties, including state and federal mandatory minimum sentences, are not reducing crime or drug abuse. But they have led to severe jail overcrowding in both state and federal prisons. In 1990, there were 18,000 more inmates in the federal system than it was designed to hold. Also in 1990, one-third of all new incarcerations were drug offenders – up from 11.5 percent in 1977. These incarcerations are increasing the pressure to release violent offenders early.

They are also demoralizing and making invisible a large percentage of African-American men. A recent study showed that in Baltimore, 56 percent of African-American males between ages 18 and 35 are under the supervision of the criminal justice system. This means that on any given day one-half of these young men were either under arrest, incarcerated, on parole, or on probation. This sacrifice of talent, potential, and leadership is in large measure due to the war on drugs.

These young men, if addicted, are not receiving treatment. If they are selling, they are frequently doing so because they do not have

access to job training. And, if they are incarcerated, they have been all but forgotten. That is why changing our national drug strategy is a question of justice and humanity as well as a sensible public health policy. We have to ask ourselves if justice is served when those with the least money, the least education, and the least chance of achieving economic opportunity are bearing most of the burden of drug addiction, incarceration, drug-related crime, and AIDS. I don't think it is.

In addition, our drug laws are blatantly inconsistent and illogical. More than 400,000 people will die this year of cigarette-related diseases due to the abuse of nicotine. Yet, not only are cigarettes legal, we subsidize tobacco. We even allow cigarettes to be sold in vending machines, and we won't regulate them as a drug.

Nevertheless, without making cigarettes illegal, which would be an open invitation for a huge new criminal enterprise, we've found ways – primarily through public health strategies and social pressure – to reduce greatly the number of people who smoke.

Furthermore, the war on drugs is having a devastating impact on "at-risk" children. Who are these children? We used to think of them as children from economically disadvantaged communities. But now we have to add children of all social classes threatened by drugs: children caught between warring drug gangs; children deprived of a decent public education because billions of dollars are needlessly and uselessly diverted to a flawed war on drugs; children lured out of school and libraries and into the drug trade by promises of big money; children in danger of contracting AIDS at birth because one or both of their parents used an HIV-infected needle; and children denied the opportunity to learn and become productive workers because they've been incarcerated, can't find drug treatment, or both.

Recently, I've been saying that it's time to take specific steps toward a public health strategy. One part of that strategy would be a needle exchange program. Needle exchange works. That is the conclusion of many researchers at the recently concluded Ninth Annual AIDS Conference. In New Haven, Connecticut, it has reduced new infections by one-third. And in March of this year, the Government Accounting Office issued a report entitled, "Needle Exchange Programs: Research Suggests Promise as an AIDS Prevention Strategy."

Unfortunately, for the second year in a row, a House committee of the Maryland legislature voted down a bill that would have

allowed a model needle exchange program in Baltimore. Nevertheless, I'm going to look for other ways to bring needle exchange to Baltimore.

I have also called for a national commission to study how all drugs, legal and illegal, should be regulated. Joe McNamara and many others have signed a resolution calling for a commission. And I know that he and Judge Jim Gray in California are working very hard to bring this about.

There is historic precedent for this kind of commission. In 1928, Herbert Hoover, in accepting his party's nomination for President, promised to appoint a commission to study alcohol prohibition. The commission Hoover appointed was headed by a former Attorney General, George Wickersham, and consisted of 11 members who were mostly lawyers and academic professionals.

Hoover's original purpose in setting up the Commission was to achieve stricter enforcement of prohibition. During the 19 months the Commission heard evidence, incarceration rates rose steadily and construction began on six new federal prisons. Unfortunately, from Hoover's point of view, figuring out how to improve enforcement inevitably led to the question of whether enforcement was even possible.

The Commission's final report concluded that enforcing prohibition was next to impossible even though, in the words of the report, "There has been more sustained pressure to enforce this law than on the whole has been true of any other federal statute." Sound familiar? Hoover tried to hide the conclusions of the commission's majority. Walter Lippman then commented, "Everything possible was done to conceal this truth from the public It was cut out of the conclusions. It was suppressed in the official summary. What was done was to evade a direct and explicit official confession that federal prohibition is a helpless failure."

The war on drugs is also a helpless failure that is rendering ineffective our criminal justice system. We need a new policy – one that is rational, humane, just, and grounded in the field of public health. But to bring about that new policy, we must have people who are willing to challenge conventional wisdom.

That certainly describes the U.S. Sentencing Commission. You have been a voice of reason on the issues of drugs and violence, because you know that our criminal justice system cannot long

survive if it is based on myth, wishful thinking, and the blind pursuit of failure.

The time for change is now. We need a policy that works. And we need a policy that is fair. What we don't need is what we now have: a policy that creates some relief for those most capable of finding treatment and avoiding incarceration, while leaving the cities entrenched in unending violence, AIDS, and addiction – that is a prescription for social disaster. So I hope that the U.S. Sentencing Commission will support both a national commission and a public health strategy. Together, those steps can bring what the war on drugs can never bring: peace.

GUN CONTROL

JOSEPH D. MCNAMARA

Research Fellow, Hoover Institution

Joseph McNamara is a research fellow at the Hoover Institution of Stanford University, appointed in June 1991. He served for 15 years as the San Jose, California Chief of Police following his service in a similar role in Kansas City, Missouri. Dr. McNamara also spent many years with the New York City Police Department in various capacities. His career includes experience as a Criminal Justice Fellow at Harvard Law School; an instructor, adjunct professor, and lecturer at various colleges; and a consultant for the U.S. Department of Justice, the State Department, the FBI, and some of the nation's largest corporations. The author of numerous books and articles, Dr. McNamara received his doctorate in Public Administration from Harvard University.

In 1957, I was a rookie patrolman walking a foot beat in Harlem. On a sunny afternoon, I made my first arrest. It was for first degree murder, and it was a drug killing. It started as two men fought over payment for a bottle of wine. The man losing the fight went home to continue drinking and to brood, providing the premeditation that would later lead to a charge of first degree murder. Just as I turned the corner a couple of blocks away, he returned to the scene with a butcher knife and killed his opponent. It was one of approximately 7,000 murders in the United States that year. Currently, we have close to 25,000 a year.¹ We have not become a kinder and gentler society.

The drug that led to the killing in 1957 was alcohol, the murder weapon a knife, not a gun. Yet it seems to me that the details of that case of long ago offer some insights as we consider gun control and other methods to halt the growth of violence in our country.

¹ U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports for the United States 1991 26.

I got to know the defendant during the lengthy New York court process. What he had done was monstrous, killing a thirty-two-year-old man with a steady job, and condemning the victim's wife and six children to a life of welfare. Yet, the killer was not a monster, and I came to understand his motives. He had been embarrassed publicly by his opponent. While both men were Black, the incident reinforced the defendant's humiliation as a Black man in a society that severely limited opportunities available to people of color. In the value system of his peers, he had done the right thing. He had to preserve his manhood. In reality, he was far from being deterred by the threat of apprehension and punishment; he considered it unmanly to be influenced by these considerations.

Reduction in drug abuse and violence is possible only if we are able to help young people form values different from the man who took a human life. These new values must reject drugs and violence. Laws that restrict firearms will be only marginally successful in lessening violence unless these laws reflect deeper community values. To succeed in reducing the frequency of assaults and murders, we must avoid repeating past public policy mistakes. Some of these policies actually reinforce harmful values.

In the Harlem killing, both the victim and defendant lived in an environment made more violent because of the unintended and unforeseen consequences of government policies. For example, because both the victim and killer were Black, the defendant was allowed to plead guilty to second degree manslaughter. He served three years in prison and, when released, was someone to be "reckoned with," a person who had killed and who had done time. This kind of lenient sentencing was commonplace and allowed negative role models as well as dangerous people to weaken community sentiment against violence.

The police responded to ambulance calls in those days and were able to observe what other government policies had or had not accomplished. It was not unusual to see 13-year-old girls going to the hospital to have their first child – children having unwanted children. Many of these children were likely to run the streets, to get into drugs and crime, and then to join the cycle of illegitimacy, illiteracy, and welfare. Nevertheless, at the time, it was against the law publicly to display condoms or to sell them to children under 16. Abortions were illegal, and family planning assistance was unavailable. Some of the more affluent people were able to circumvent government prohibitions, but many unwanted children were born in low-income neighborhoods.

In addition, welfare assistance payments were lowered for mothers with dependent children if a male resided with them. One result was that children frequently grew up seeing a parade of men temporarily residing with their mother. In short, the value system supporting widespread illegitimate births was to some extent encouraged by government policies.

And, as Edward Banfield pointed out in the Unheavenly City, federal policies during those years also funded highway construction and low cost home mortgages.² This prompted a middle class exodus from the cities, depriving lower income people of role models and mentors as well as jobs and tax support. Simultaneously, the political domination of Congress by the pro-gun lobby blocked federal gun control legislation that could have prevented the mindless proliferation of firearms. The enormous increase in lethal weapons undermined strong laws existing in New York and a few other states.

Today, death by firearm is one of the ten leading causes of death in the United States.³ Approximately 33,000 Americans die each year from firearm murders, suicides, accidents, or justifiable homicide. In contrast, rough estimates indicate 6,000 deaths a year are caused by consumption of illegal drugs. Yet, we wage a multi-billion dollar ineffective and inhumane law enforcement war against certain chemical substances while allowing mechanical devices designed to kill human beings to be sold with little restriction. This is done despite studies showing that restricting the sale of guns results in a lower rate of homicide.

The New England Journal of Medicine reports in separate studies that gun control efforts save lives.⁴ Researchers from the University of Maryland found that a handgun control law in Washington, D.C., prevented as many as 47 deaths annually. Researchers from the Universities of Washington, British Columbia, and Tennessee concluded that restricting access to handguns reduces the risk of homicide in a community. They found that one had a 4.8 percent higher risk of being murdered with a handgun in Seattle than in Vancouver. The

2 E.C. Banfield, The Unheavenly City, The Nature and Future of Our Urban Crisis (1970).

3 W.M. Rokaw and J.A. Mercey, "Comparing Death Certificate Data with FBI Crime Reporting Statistics on U.S. Homicides," 105 Public Health Report 1990 447-455.

4 J.H. Sloan, A.L. Kellerman *et al.*, "Handgun Regulations, Crime, Assaults, and Homicide: A Tale of Two Cities," 319 The New England Journal of Medicine 1256-62 (1988).

two cities are similar in many ways except that firearm purchases are more restricted in Vancouver.

I would like to believe that if the government had realized that its policies of the past 30 years would increase pollution, damage the environment, cause more segregation, increase crime, and hasten the economic decline of cities, much of today's violence could have been avoided.

During the last two decades, the United States has embarked upon an ill-conceived war on drugs⁵ while promoting the sale of military assault rifles and other firearms that encourage a national Rambo mentality and exacerbate racial tensions. At the same time, federal policymakers voiced the slogans: "There is no such thing as a root cause of crime," and, "We should not throw money at social problems." Funding for the war on drugs and the vast prison construction it required was not viewed as throwing money; it was described as tough-minded, cost/benefit analysis.

It is past time to assess the damage. State and local governments are in a fiscal crisis, closing schools while funding construction of new jail cells. Some areas of inner cities resemble killing fields more than they do the urban neighborhoods they once were. Few people think there is less drug selling and drug use, and serious crime has risen despite the increase in the number of those incarcerated. Most troubling of all is the impact that present policies have on the values being formed by youngsters in cities. In a sense, the drug war has turned into a race war in which police officers, most of whom are White, arrest non-Whites at three to four times the rate they arrest Whites for drug violations.

According to Dean Alfred Blumstein of Carnegie-Mellon University, it constitutes a major assault upon the African-American community. Dean Blumstein did not believe that such police tactics would be tolerated against a middle class White population.⁶

Recently, The Contra Costa Times reported even higher arrest rates for Blacks in three California counties. The Times found that

5 See Milton Friedman, "The War We Are Losing," Searching for Alternatives 57 (1991). (Professor Friedman estimates that the drug war results in 10,000 additional homicides a year as well as causing other serious damage.)

6 A. Blumstein, "Making Rationality Relevant - The American Society of Criminology 1992 Presidential Address," 31 Criminology 5 (1993).

Blacks were 15 times more likely than Whites to be arrested on drug charges in Contra Costa, Alameda, and Solano counties during 1991. The study also found that the sentencing of non-Whites was more severe.⁷

As a former career policeman and police chief of two major American cities for 18 years, I wholeheartedly agree with Dean Blumstein's contention that the intense confrontations of non-Whites by police would not be tolerated by middle class Whites.

General Colin Powell told us during the Persian Gulf War that a soldier's duty is to kill the enemy. A police officer's duty is to preserve human life. Indeed, once police officers feel that they are in a war, and a particular group is the enemy, poor policing is guaranteed. It pains me to see police in a war they cannot win, a war that dehumanizes them as well as the people they confront.

The recent turmoil in Los Angeles is, perhaps, the most vivid example of what can happen. Former Los Angeles Police Chief Daryl Gates testified before the United States Senate that casual drug users should be taken out and shot. He assured the Senators that he was not being facetious. This is the attitude of an occupation-army style of policing, not that of community policing. Given such attitudes by leaders, it is not surprising to see police officers resort to the type of dehumanizing behavior seen on the Rodney King tapes. How do we measure the impact of the police chief's suggestion that drug users be shot, or of the videotapes of Rodney King's beating, on efforts to encourage positive, law-abiding values among youth, especially minority youngsters? How do we calculate the damage done by "proning out," arresting, and strip-searching hundreds of thousands of minority males each year? What is the cost of incarcerating drug users who become labeled "criminal" and whose already low employment potential plummets even further? And what kind of future criminal careers will thousands of non-violent drug entrepreneurs enjoy after serving long mandatory sentences in violent and dangerous institutions?

I have argued above that government policies of the past impeded development of positive values in poor urban areas and, in some cases, destroyed such values. This in no way negates the concept of individual

7 R. Burnson and M. Cartwright, "East Bay Drug War: Whites Do the Lines, Blacks Do the Time," *Contra Costa Times* 1 (June 6, 1993).

responsibility for one's actions, but it does refute a genetic or racist theory of criminality. While it may be empirically difficult or even impossible to isolate a "root cause" of crime, it is nevertheless evident that inner-city minority neighborhoods suffer higher rates of violence and drug abuse. Most Americans would reject the theory that such criminal behavior is racially predisposed. It follows then that the inner city conditions play a role as do those government policies affecting the urban milieu.

Blueprint For Change

The following steps should be taken to reverse the mistakes of the past:

1. National, state, and local governments should form a comprehensive plan to support local neighborhood groups in their efforts to take charge of their own lives.
2. The police, courts, sentencing formulas, and urban assistance programs should adopt the reduction of violence as a major priority.
3. Local neighborhoods should be able to declare their communities as "gun-free areas" much in the same way many schools have. Any person found in possession of a firearm in public in these communities should face a mandatory prison term, and the sentence should be increased if the firearm is used in the commission of a crime.
4. Military-type assault rifles should be banned and the Brady Bill passed as soon as possible.
5. Major emphasis should be placed on youth programs. For many poor teenagers, gangs provide the only family they have. It is within the gang that they learn to socialize, to accept responsibility, and to gain recognition. Alternatives to gangs can fulfill the same needs and prepare youngsters for lives of quality rather than for lives of crime and failure.
6. Classes on non-violent resolution of conflicts should be made mandatory in elementary and secondary schools.
7. Monies funded for the drug war should be reallocated. Seventy percent of the funding should be allocated to prevention and treatment, and 30 percent should go toward enforcement. Drug

users should be viewed as human beings in need of help, not as inhuman dangerous creatures. The police should abandon their roles as drug war soldiers and should become partners in the improvement of the quality of life in poor neighborhoods.

8. The President and the Congress should appoint a blue ribbon commission to study United States drug control policies and to recommend more effective methods of discouraging drug abuse and violence.

QUESTIONS & ANSWERS

Judge Carnes: We have a few minutes for questions, so if anyone wants to come to the center microphone to ask questions of this very distinguished panel, please come forward.

Statement: I'm from Southern California, Orange County, specifically. A year ago, I mounted an effort with gang investigators to establish uniforms in the public schools as a way of obviating gang attire, to reduce violence, and to bring safety into our schools. The effort, I am glad to say, is starting to catch on, and it's taking notice with the chiefs of police. And the people of South Central Los Angeles have given me a tremendous amount of support.

Chief Greenberg, you struck a note with me today, and I will share this with all of you. As you know, we live in a tremendous pressure cooker in Southern California; it is intolerable. We have now passed the first trial of Rodney King, and now we are facing the Reginald Denny trial. The greatest desire of the people of South Central Los Angeles is for some sort of mediation in this problem, that creativity be used in what is dispensed to these young men who are coming up on this trial. Their desire and their wish is that these young men be put in shackles and placed in the community, and that they produce and do public service in a very visual manner. They feel this would be a way to reduce the pressure cooker of what is being produced. I think that what you stated today was marvelous because these are very effective tools. It really does bring a salutary effect to the community, some self worth at the very least.

Question: This meeting has been one of the high points in my 20 years as a district judge. I serve in New York City. I try a lot of drug cases, take a lot of guilty pleas, and pass sentences. But, I'd just like to suggest, gently, that one thing seems to be missing. I think the word "morality" has been used a couple of times in passing. The phrase "value systems" has been used a lot, but no definition has been given. In public discourse, "morality" and "right and wrong" are not stylish terms. I know that huge problems like the ones we're talking about have many causes, and so you can't simplify it. But it may be worthwhile at a meeting like this, perhaps the next one, to hear from people who would be willing to discuss the question of whether the

change in the public's moral standards in this country – which I believe has occurred – has something to do with what we're talking about.

And, let me just mention without going on at length, there's been a lot of talk about violence shown on television, and I agree with that criticism, fervently. There is also a lot purveyed about sexual license and the absence of sexual standards. In our schools there's a lot of literal indoctrination about the lack of a need for any sexual standards – anything goes. Now, is that not related in some way to the question of teenage pregnancy? If the opinion makers – the television, the radio, the books, the paperbacks, the magazines – are purveying a no-holds-barred view of sex, is it surprising that weaker members of our society might take after that?

Now, I would only suggest that morality is a very hard thing to talk about; it's a hard thing to talk about in connection with government activities. But it's possible it should be talked about because it really is one of the core things that needs to be addressed.

We talk about parents nurturing – what are they supposed to teach? Are they going to teach that there are moral standards? Are they going to teach what is purveyed a lot by our intellectual and so-called leaders, that everything is relative and everything goes? So, what are the standards of morality in the society? Or are we losing them? It's not a dogmatic suggestion. It's a suggestion that maybe you could have at the next meeting somebody like James Q. Wilson, who has been a Professor of Government at Harvard, who is not a prissy bluenose, but he talks about these things.

Judge Carnes: You've raised some provocative issues. Let me ask if our panelists have any feedback. We talk about interdiction and treatment. Is there an absence of discourse on a breakdown of a value system? The question I want to ask is, are there enough mentors, enough treatment facilities, enough jails, if 14-year-old girls continue to have babies, babies that they themselves are not prepared to parent? Do any of you have a reaction?

Mayor Schmoke: One of the reasons why I continue to talk about this issue and about my critique of the national drug policy is that I do think there is a need not only for discussion of values and standards but for a consensus to be developed about what our goals are with respect to this policy. That is, what is it that we're actually trying to achieve as a society as it relates to these national drug control policies?

When people ask me about the drug problem, I usually say that the drug problem, at least in my view, is three interrelated problems. It's addiction, it's violence, and it's AIDS. Now, two of those, in my view, are clearly health problems, and one – obviously the trafficking on the street and the violence related to drug trafficking – is a crime problem. What is the strategy that we're using to try to eliminate or control those three interrelated problems?

We have to come not only to a view on what are our values, but with respect to this policy, what are the goals we want to achieve. If it is simply to make sure that people don't take substances that will harm them – if that's the goal – then we would clearly have to make cigarettes illegal or alcohol illegal. Well, we've taken that route before, and we know what problems have arisen because of that.

Is it some other goal we are trying to achieve, that we think these particular substances – marijuana, cocaine, heroin – are in and of themselves inherently bad? Is that the goal? I don't think we have a consensus in this country. Is it to become a 100 percent drug-free America, that is, to make sure that nobody is taking any drugs – is that the goal? I'm not sure that's a realistic goal to achieve.

But there is a need for us to have further discussion, to talk about where we want to go – where this Commission wants to go, where the country wants to go. We've got to have a consensus on what the goal is of this policy.

If you go up on the Hill now and ask your Congressman, "What's the goal of national drug policy?" I don't think they could tell you. I think it is very important for us to achieve a consensus – if we don't want to repeat what's been the problem since this drug war started in 1914 with the passage of the Harrison Narcotics Act. We want to get off the treadmill of the last 79 years. Let's come up with not only the values discussion but the goals discussion. I think that's very important.

Judge Carnes: Chief Greenberg would like to respond to this.

Reuben Greenberg: I don't know if I can shed a great deal of light on the problem the judge brought up. It's one that I've thought an awful lot about. I know that I'm a police officer and I work on trying to establish external controls for people's behavior. My own belief is that we can be effective – as law enforcement people, court officials, or prison system people – with probably no more than the three-to-four percent of our population that would decide, for whatever

reason, to violate various types of laws or standards of behavior or decency, whatever they may be.

In every society – whether you're talking about a tribal group, a monarchy, one that's based upon a democracy or republic system, or perhaps even communism – it's really based upon internal control, where people follow the law or follow the dictates of their particular society, assuming people understand what they are. People don't do things that are against the law, because it hurts people – because it hurts society. In other words, it's internal control, and people don't have to have a police officer or a prison officer or someone watching them.

Most of you can see this in a simple example of a traffic situation. It's three o'clock in the morning on almost any American downtown street, with very little traffic relative to other times of the day, and the light turns red. People stop. Why do they stop? They can see to the left and to the right and in every direction. And there's no police officer. But they stop because it's against the law to continue on. They follow that rule.

There are millions of people in this country who don't use drugs because it's against the law. In other words, the law itself can have an effect on stopping people from doing such things. The law can have a tremendous impact on changing behavior.

But it's in the area of internal controls, under which every society has to operate, that we have our difficulties in this country. We're not going to find very soon the kinds of things the judge talked about, because you're really talking about ethics – you're really talking about accountability. In our society, it's fashionable to blame others for your problems or for your group's problems. We are not going to find very much interest in this, because ultimately you have to start talking about, exploring various aspects of religion. And you know what a red flag that will be if you introduce that into any kind of learning process where these things are obviously not taking place.

So, I don't think our society is ready to deal with those hard problems and things that really count – away from the punitive aspects I represent but toward the kinds of things people don't do to their fellow human beings in their community, because it's bad for the community and because it hurts other people.

Question: Yes, this is directed to Chief of Police Greenberg. A great deal of the attention of this Symposium has focused on the root

causes of violence and drug abuse – and the need for fundamental change in society so that every child grows up with the belief that he or she can be someone. This kind of change, I hope, will put back in society the internal controls that were just spoken about. But, in the meantime, we have very pressing problems of out-of-control violence and raging drug abuse. The kind of program discussed in Charleston seems to be effective. The question is, is that being followed in other cities? And, could that be a model for some sort of national controls, perhaps, with the help of the additional 100,000 police officers that President Clinton is speaking about?

Reuben Greenberg: My share of those 100,000 police officers, by the way, would be six – if it was done equitably across the country.

Yes. In some places, it is. In Charleston, we have a different view of accountability than a lot of people do. For example – and this will shock some of you, but nonetheless it's true, and many people, including "60 Minutes," have come down to check it out to see if it was true and have all determined that it is – the safest place in the city of Charleston to sleep at night, or to park your automobile, is in public housing. Most cities would never tell you anything like that. If I wanted to make sure that my vehicle would be safe, I would park it in public housing because it's the safest place in the city.

This didn't happen by accident. It happened by holding people accountable for their particular behavior that negatively impacted the quality of life of their neighbors. We felt we had to do this. This was the only housing we control – we were the landlords. And it was incumbent upon us to make public housing a safe place, as it was designed to be, for people who were without means to raise their families – people who couldn't flee to the suburbs or go other places. We went through a process of doing that, and we've duplicated it in other cities as well.

It seems to me that our society is not looking to hold an individual accountable for his or her misdeeds. You hear all kinds of reasons – everything from the "Twinkie Defense" in the Dan White case to all other kinds of reasons – where you try to explain away criminal behavior. I'm very distraught, for example, that for the first time in our country, the majority of people killed were African-Americans – we're talking about killed feloniously in 1991 and 1992 – 11 percent of the population, but 51 percent of the homicides. There's got to be a solution to that, and that solution has to be found, I think, within our own community. It

can't be found someplace else. We can't depend on people from somewhere else in the country to have a great impact upon that.

In another example, in 44 percent of the reported rapes in this country, the victim is a black female. That's not right! I don't accept that. There's got to be another way; that doesn't have to be the case. And there are various other kinds of situations as well.

This is a very, very great problem. We have to deal with myriad problems in our society. And we're able to accommodate anything, or to explain away any type of criminal behavior, however terrible it might be. On the Jeffrey Dahmer case, for example, I heard a psychiatrist on one of the late night talk shows conclude that all those murders were really the fault of his grandmother who didn't buy him a tricycle in the same year all the other kids got one. He resented that from the time he was four years old, and this created the adult resentment. We're always looking for some other kinds of reasons.

I wish I could have a more direct response to you. But it seems to me that we have had some success in Charleston because we do place great stock in accountability. We do a lot of things that are so simple. And I tell other people they don't cost any money – you don't have to pass any laws.

For example, we could decide in this country, starting at this meeting, that it's a good thing to have kids in school and off the street during school hours. We decided that in Charleston. We went back to something old fashioned. Would you believe that we have truant officers in the city of Charleston? They work for the police department. Truant officers! Every kid on the streets between eight o'clock in the morning and 2:30 in the afternoon, whether they're doing anything or not, is picked up and taken back to his or her school. And if they've been expelled or suspended, they're taken to their homes.

Guess what happened? The number of larcenies, purse-snatchings, and daytime burglaries went down 43 percent without putting anybody in jail – without bringing anybody before the court. Guess what else happened? We haven't had a single kid become the victim of a violent crime during school hours, because they're not out on the street. They're not out being victimized by others away from the school. We're taking action before they get into trouble – and not afterwards through the criminal justice system. It's a good thing to have them in class.

You could do that. I don't know any state that doesn't have truancy laws. I've studied it as much as I can. I can't find any bad things about having these kids in class, or about taking them to their homes if they've been expelled or suspended. There's nothing bad about that. But why don't we do that with the police business? Because we don't have any measurement of how effective you are with doing that. We pick them all up, and when I say all, I'm talking about private school kids, tall, short, fat, skinny, Black, White, male, female, and even occasionally kids that were deservedly out of school because their school systems are out and they're visiting our city from out of state. We've picked them up as well.

Judge Carnes: We have another question.

John Coleman: Thank you very much. My name is John Coleman from the Drug Enforcement Administration, and I'd like to make a comment and then ask a question.

It's a common occurrence with people who study public policy to conclude that things occur because of strategies – or occur because particular strategies have been carried out. But, oftentimes, things occur in public policy, particular with crime and drugs, despite the best of strategies. In thinking about changing course, we should be somewhat careful, because there are some things that we have taken a great deal of time and effort, study, and consideration to develop in this country in terms of our approach to the drug problem and to crime in general. And I think these difficult challenges are probably the greatest we all have for the future.

Now, having said that, I would like to address my question to Chief McNamara. On the question of gun control, I think the majority of folks in law enforcement today believe strongly in gun control – as do, I believe, my colleagues in this room. However, I would like to ask how you can have a consistent view of advocating restricting the supply of guns to communities – thereby limiting the violence that those guns visit upon those communities – if you don't similarly feel that by restricting the drugs to those communities we can likewise restrict the amount of drug abuse in those communities? Why are these policies not compatible?

Joseph McNamara: Thank you, John. That's a good question that my friends in the NRA like to ask. The fact is that guns are quite different than chemical substances. The chemical substance transaction takes place in private, between willing sellers and dealers.

Comparative death statistics show 33,000 deaths by firearms and perhaps 6,000 by all illegal drugs combined – probably less than that in my opinion. But, you can see there's a great deal of difference in the harm caused and, as Mayor Schmoke mentioned, we're not even talking about AIDS spreading through the use of hypodermic needles. But, the drug user, fundamentally, is making a decision of what to put into their blood stream. That is a personal decision.

The person killed by a firearm, by a mechanical device that is manufactured to kill, often has no choice in that decision, outside of the suicides. There are so many accidents, so many homicides, and so much violence that the presence of a firearm turns a verbal argument into a potential homicide.

By contrast, probably 20 million Americans use cannabis. There's never been a cannabis murder that we know of, outside of dealers in their commercial turf wars.

So, I think there are very clear distinctions – and also in enforceability, in that firearms are much easier to enforce the law against. But the basic philosophical difference is that drug use is primarily harmful only to the user; the presence of firearms puts us all in grave danger.

Judge Carnes: Before we leave, Chief Greenberg says I simply must let him respond to the legalization question. Since I'm afraid he'll get a truant officer after me, I will let him do so.

Reuben Greenberg: I'd just like to say that this whole idea – particularly for somebody who works down in the trenches – of legalizing or decriminalizing drugs is very, very seductive. On the surface it seems to solve so many problems and redirects so many monied resources to other things. But, there are some wrinkles in it as well.

Every study I've seen has indicated that if we decriminalize the use of the drugs we have now – we're talking about marijuana, cocaine, methamphetamine, heroin, I think there were five different drugs – we would have a 20 to 30 percent permanent increase in the use of those drugs. If you remember, there are – believe it or not – millions of people who obey the law because it's the law. If it were otherwise, this country would be in much worse shape than it is – simply because it's the law and that's the drug laws as well.

A lot of social and pathological problems would come from decriminalizing drugs. It would have some benefits, and I think those benefits have been described very ably for you here. However, there'd be some increase, one would assume, in the number of accidents or persons under the influence of these other drugs who operate airplanes, trains, taxis, automobiles, buses, just like we have with alcohol. I mean, part of that 20 to 30 percent increase would increase those numbers as well.

What benefit would it be to cocaine babies? Would it make any difference that a baby developed under the influence of illegal cocaine or legalized cocaine? When are we going to say, "Well, you've had enough?" Are we going to give people narcotics until they're overdosed? At some point you've got to say, "No more!" Well, at that point, the black market starts again.

I haven't heard anyone suggest that 12-year-olds should be permitted to utilize any of these decriminalized substances, and somebody is going to want to provide it to 12-year-olds. And, if they want to do that, then some police officer, some enforcement person from someplace is going to have to make some effort to prevent 12-, 13-, and 14-year-olds from getting that particular drug.

Also, many of the criminals we're talking about are criminals first – and drug use is just an aspect of their behavior, just one of many other illegal things they do, and not necessarily the cause of their drug behavior. I would be the first to tell you that a drug addict will steal more to satisfy his drug habit – no question about that. But it doesn't mean that he suddenly becomes a law abiding individual if drugs are legalized. And that's what's forgotten about. Most of these people started anti-social activities – committed crimes, burglary, and in many cases, assault as well – when they were younger, before they ever knew what cocaine was, before they ever knew what crack was, or even marijuana.

And there are other kinds of things on which we need to focus beyond simply taking away the drugs, and suddenly everybody is living very, very happily ever after. I think the situation is much more complex than that. While there are certain advantages to this very, very seductive idea, there are also some unknowns and some very clear disadvantages as well.

Judge Carnes: I think Dr. McNamara wants to respond quickly to that.

Joseph McNamara: I am not one who has advocated decriminalization or legalization. However, I do think that the idea that we should consider whether there isn't a better way of doing this should not be put down by what my friend and colleague, Reuben, has just said. We don't know how many more people might use drugs. Some people clearly use drugs because they are illegal. We know that, and we don't know what would happen. After prohibition, consumption of alcohol rose slightly, then stayed steady for years, and then declined recently as was earlier mentioned here.

So, I think there are dimensions to this and value systems that are at work that we simply don't know a lot about because of the very illegality of these drugs. Certainly, there would always be laws, as there are with cigarettes and alcohol, against children using them, against people abusing them, or driving under the influence – and those laws should be vigorously enforced. But I might point out, for example, the fact that drunks being legally prohibited from purchasing alcohol doesn't lead to wholesale bootlegging and violence such as occurred during prohibition when it was illegal.

So, I think this is a complex area, and there are lots of societal harms that are caused by the illegality itself that have to be weighed against changes in public policy. And I think it's really time to get an objective commission that would represent the arguments that Reuben makes and consider some of the arguments on the other side.

Statement: Yesterday, we started this Symposium by identifying drug addiction as a disease. It seems to me that fundamentally this is a medical problem. I don't think that medical problems are resolvable within the context of the criminal justice system. And if we choose law enforcement and criminalization as the prescription, it seems to me we ought to approach it as all doctors do. You go to the doctor, you have a disease, he gives you some medicine. The side effects are intolerable, so he takes you off the medicine. It seems to me that the side effects of our current approach have demonstrated themselves to be so intolerable that it is critical that we do have the new approach. And I certainly hope that something comparable to the Wickersham Commission, which Mayor Schmoke talked about, or somebody takes a look at what we're doing, because what we're doing now is a colossal boondoggle.

LUNCHEON ADDRESS

WILLIAM H. REHNQUIST

Chief Justice of the United States

Chief Justice Rehnquist presides over the Supreme Court of the United States, nominated to that position in 1986 by President Reagan. President Nixon nominated him as an Associate Justice of the Supreme Court of the United States in 1971. Chief Justice Rehnquist was formerly Assistant Attorney General, Office of Legal Counsel, Department of Justice. He has also worked in private practice and clerked for Justice Robert H. Jackson of the Supreme Court of the United States. The Chief Justice has contributed numerous articles on legal subjects to various periodicals. He received B.A., M.A., and LL.B. from Stanford University and a M.A. from Harvard University.

I welcome this opportunity to address this Symposium on Drugs and Violence in America. Surely there is no graver national problem that confronts our country than this one. And it has an immediacy about it that other great national questions – how to bring the budget deficit under control, how to improve our balance of trade – simply do not have. How we resolve these other important national questions will have an effect on us all, but it will be an indirect one over a period of time. But the problem of drugs and violence is brought home to all of us in every part of the country on a daily basis.

You have been exposed to a variety of perspectives at this Symposium – you have heard from those who are on the front line, those who are engaged in research, and those who are engaged in law enforcement. You have heard advocates discussing demand reduction, supply reduction, decriminalization, and gun control. The very wide variety of these perspectives shows first, that the law by itself is not going to solve the problem of drugs and violence; and second, that the way the law deals with various aspects of this problem ultimately raises questions of public policy which must be decided, not by lawyers, judges, or other experts, but by the popularly elected branches of government.

The judicial perspective on the problem is a limited one. Judges see the law in action on a daily basis in a way that few others do, and they can give us the benefit of their opinions based on that experience. Most judges have opinions on the broader public policy questions which are not derived from that experience but which we often feel quite free to expound to those who will listen nonetheless. But this latter category of judicial opinion should be viewed with the same respectful skepticism that should attend the consideration of all such opinions.

Judges, therefore, have no unique insights on the ultimate questions of public policy discussed in this Symposium. But we do have rather solid factual information about how the war on drugs has affected the federal judiciary. More federal drug crimes have been created, more federal resources have been directed toward their prosecution, and the former division of prosecutorial authority between state and federal governments has been blurred, with more and more "street crimes" – once the province of the state courts – prosecuted in the federal system. One consequence of these efforts has been the near transformation of some federal courts into what might be called national narcotics courts, as more and more of the federal courts' resources and attention are directed to meeting the demands the drug war has placed on the system.

Make no mistake about it, those demands have been profound. Raw numbers tell part of the story. From 1980 until 1990, total criminal case filings rose by 60 percent while drug cases increased 290 percent. Twenty-five percent of all federal criminal cases are now drug cases, and they are often the most time-consuming and complex criminal cases handled by the courts. Although the criminal docket is now only 15 percent of the total federal court docket, it requires 48 percent of judges' total trial time. In some districts, 80 percent of the trials held are criminal trials. These figures show, in the words of the Federal Courts Study Committee, that drug filings not only increase the federal workload, they distort it. Because drug and related violent crime prosecutions take a larger portion of the limited time available, they foreclose the time judges and court personnel can spend on their civil docket, which is at an all-time high. Consequently, many federal courts struggle to handle their civil dockets in a timely and effective manner, and more and more are unable to do so.

During the same period that the war on drugs began in earnest, another dramatic and sweeping reform occurred in the administration of federal criminal justice. With the Sentencing Reform Act of 1984,

Congress sought to create a system that would significantly reduce the previously unfettered discretion vested in federal district judges to set sentences. The Act, and the guidelines it created, have profoundly affected the federal courts. Because of their complexity, the guidelines mean that a sentencing hearing before a federal trial judge, which might have taken five or ten minutes a decade ago, could take an hour or more today.

The trial courts are not the only part of the federal courts affected by the sentencing guidelines. The guidelines provide for appeals of sentences imposed in the federal trial courts; before the guidelines, only convictions could be appealed. Since the implementation of the guidelines, appeals have increased markedly. This year 22 percent of criminal appeals challenged the sentence only, and another 45 percent challenged both the conviction and the sentence. Appeals in criminal cases have risen from 38,000 in 1988 to more than 46,000 today, thus imposing a significant burden on already overworked courts of appeals.

The guidelines have transformed other parts of the federal court system as well. The federal probation officer's pre-sentence report is now much more complex, and its contents are subject to challenge in court. Since the guidelines were promulgated, the number of persons who receive a term of federal probation has declined, but the number of persons served by the probation system on a term of supervised release has more than doubled in the past three years and will continue to rise as a greater number of those sentenced under the guidelines are released from prison.

Finally, the sentencing guidelines have affected the work of Criminal Justice Act panel attorneys and other defense counsel who provide defense services to indigent defendants. Defense counsel must be experts on the guidelines, knowledgeable about amendments, and able to use the guidelines to benefit the client. The guidelines have thus led to a 21 percent increase in hours worked by panel attorneys since the guidelines were implemented. Money for federal public defenders and CJA panel attorneys comes out of the Judiciary's budget, and we have seen recurrent crises, the latest this fiscal year, because the judiciary's fund for CJA attorneys has been exhausted before the end of the fiscal year.

Based upon the meetings I have attended and conversations with many federal judges, I would say that the issues of greatest concern to federal judges right now are the current system of sentencing criminal defendants and the increasing tendency of Congress to

federalize criminal offenses previously regarded as in the domain of the states. Both concerns are very much related to the war on drugs.

Much of the former concern, I believe, relates not so much to the sentencing guidelines in general, but to subsequently enacted mandatory minimum sentences for various crimes, particularly those having to do with drug offenses. These mandatory minimum sentences are perhaps a good example of the law of unintended consequences. There is a respectable body of opinion that these mandatory minimums impose unduly harsh punishment for first-time offenders – particularly for "mules" who played only a minor role in drug distribution schemes. Be that as it may, the mandatory minimums have also led to an inordinate increase in the federal prison population and will require huge expenditures to build new prison space. Mandatory minimums have also shifted some of the discretion to prosecutors in the charging of offenses and overall have required the Sentencing Commission to draft guidelines sentences to accommodate the mandatory minimum provisions, thereby skewing the guidelines toward overall greater severity in sentencing.

Mandatory minimum sentences have also fueled the trend toward federalizing crimes. Because federal laws often provide stricter sentences for drug possession and distribution than their state counterparts, state and federal prosecutors funnel more and more of their drug cases into the federal courts. Other federal initiatives, including assets forfeiture policies and a threefold increase in the number of assistant United States attorneys across the nation, encouraged these efforts. Similar federalization efforts have taken place in the area of firearms offenses. The political combination of creating a federal offense and attaching a mandatory minimum became a veritable siren song for Congress, and bills have been proposed to federalize handgun crimes, violence against women, failure to pay child support, and carjacking. Some of these were successfully enacted, others remain pending in the Congress.

Continuation of the last decade's trends in sentencing policy and federalization of crime will have a serious impact on the justice system and the federal courts. No doubt Kathleen Hawk, Director of the Federal Bureau of Prisons, has informed you of the enormous resources it will take to build and operate the prisons that will be necessary unless the current trends in federal incarceration slow down. Staggering amounts of resources will also be necessary to run the federal courts system unless we reach a different allocation of jurisdiction that both supports state efforts and preserves federalism.

And the federal courts will be changed, perhaps irrevocably, unless the current federalization trends are halted.

Federal judges must realize, and the great majority of them do, that Congress and the Executive will make the final decision on legislative matters affecting the structure, jurisdiction, and docket of the federal courts. But they believe that these policymakers' decisions will be better informed if the judiciary is consulted, and its views taken into account, before any such decisions are made. The judiciary recognizes that it is hardly immune from change or the need to adjust to meet society's changing needs. Indeed, it has constantly evolved throughout the more than two centuries of its existence, and must and will be prepared for continued evolution.

A majority of federal judges in a recent survey went on record opposing the current regime of sentencing criminal defendants, and many have not hesitated to vocalize their strong disagreement with any sentencing scheme that departs from the halcyon ways of the past. But the majority, I believe, draws the distinction between sentencing guidelines that channel discretion and a system of mandatory minimums that leaves no discretion or flexibility. The legislative background of the sentencing guidelines themselves differs dramatically from that of the mandatory minimums. The sentencing guidelines are the result of the Sentencing Reform Act of 1984, and were the subject of congressional consideration for several years before then. They were enacted because of Congress' profound dissatisfaction with the widely varying sentences imposed by different district judges for very much the same offenses. There is almost no likelihood that Congress will return matters to where they stood before the Sentencing Reform Act. Guidelines sentencing – albeit with some modifications perhaps – will be with us for the foreseeable future.

Mandatory minimums, on the other hand, are frequently the result of floor amendments to demonstrate emphatically that legislators want to "get tough on crime." Just as frequently they do not involve any careful consideration of the effect they might have on the sentencing guidelines as a whole. Indeed, it seems to me that one of the best arguments against any more mandatory minimums, and perhaps against some of those that we already have, is that they frustrate the careful calibration of sentences, from one end of the spectrum to the other, which the sentencing guidelines were intended to accomplish.

But here, too, let me impart a word of caution. Strong arguments can be made against mandatory minimums on the ground that they skew the sentencing guidelines in a way that was not fully foreseen; arguments may also be made against them on the ground that they punish minor offenders too severely. But this latter argument, unlike the effect of the minimums on the sentencing guidelines, is not an argument of unintended consequences, but strictly of policy. If Congress chooses not to revisit the question, or revisits it and after full consideration decides that these are appropriate penalties, that is for it to decide. People with specialized knowledge in various fields should have their views considered, but the basic question of what is an appropriate sentence for a particular offense is not capable of resolution by any objective measure; it is a policy question, and it must be decided by Congress.

I sense a reasonable possibility that Congress will be persuaded to take a second look at mandatory minimum sentences and their effect on the sentencing guidelines. There also appears to be a recognition in some parts that the federalization trend has gone too far. Senator Joseph R. Biden, Jr., Chair of the Senate Judiciary Committee, recently spoke at the Third Circuit Judicial Conference of the need to develop a principled basis for determining federal criminal jurisdiction. Senator Orrin Hatch has joined him in that call, and has also remarked to an audience of judges that he is rethinking his previous strong support for mandatory minimum sentences. Representatives William Hughes and Howard Coble, both members of the House Judiciary Committee, recently attended an interbranch seminar on Federal-State Challenges to the Administration of Justice sponsored by the Brookings Institution, where each expressed his sense that the federal government had overreacted to and over-federalized crime in order to avoid the dreaded political charge of being "soft on crime." Both also supported the sentiment of the seminar's participants, which was to reexamine mandatory minimums and their impact on both the sentencing guidelines and federal-state criminal jurisdiction. Attorney General Janet Reno has also pledged to reexamine the Justice Department's policies on federalism, allocation of prosecutorial resources, and the charging policies of federal prosecutors. In addition, she, too, has called for a reassessment of mandatory minimum sentences.

As I indicated earlier, judges, like other people, have their own opinions – and they vary from one judge to another – as to how to deal comprehensively with the problem of drugs and violence in our country. But the basic questions of whether there should be some

decriminalization of drugs, of whether there should be more reliance on alternatives to incarceration for those who are convicted of drug crimes, and similar questions cannot be and should not be committed to judges, lawyers, or any other body of specialized experts. One would hope that the people's representatives to whom these questions ultimately are committed would listen carefully to students of every discipline who have something to contribute on the subject. But these ultimate questions of policy under our system must be – and indeed in a democracy they should be – decided by the elected representatives of the people.

CLOSING REMARKS

A. DAVID MAZZONE

Commissioner, U.S. Sentencing Commission

Thank you, Mr. Chief Justice, for your wise and thoughtful comments on the problems of federalizing every crime about which the media and the public become alarmed.

First, I have to set the record straight. It has been mentioned here that I am the person behind this Symposium. Not so, my friends, not so. What I said to our Staff Director, Phyllis Newton, one day was, "Let's have some lunch," and she thought I said, "Let's have a conference." Now, maybe it's my Boston accent, but this is, my friends, a Commission project. Every member of this Commission – Billy Wilkins, Ilene Nagel, Mike Gelacak, Julie Carnes, and our former Commissioners who are here with us today, George MacKinnon and Helen Corrothers – were enthusiastic about the Symposium and insistent that we go forward with it. We talked together, we worked together, we developed the program together. We all played a specific role. So, it is not my Symposium.

We all know that behind every membership, there is staff. To Staff Director, Phyllis Newton, her deputy, Paul Martin, Linda Maxfield, and Dr. Gordon Waldo, I want to record the appreciation and gratitude of the Commissioners for the work they have done in putting this Symposium together.

Now, I was asked to give a summary and to make some brief, concluding remarks. On the subject of brevity, I want to repeat a story that illustrates what brief means to me.

I was home alone one night, and one of our daughters, Jan, called from college. She asked for her mother, and I said, "Gee, Jan, she's not home." And Jan said, "Oh, that's too bad. I wanted to ask her a question." I said, "Well, ask me." And she said, "Daddy, I don't want to know that much about it." Well, that's what brief means in some cases. Today, we want to know much more about "it" – in this case drugs and violence in America. We've started the process, and we've learned some things. Perhaps we have relearned some things we already

knew. I think Mike Gelacak said it well: "We would like to bottle what we have accomplished here at this meeting."

In this room, I believe – from the Chief Justice to every practitioner and every probation officer and judge we have the finest collection of minds ever assembled on this topic, to make a difference. We have people we've not seen before, and we have here from the ABA a special representative, Jack Driscoll, who is chairing the Special Committee of the ABA on the drug crisis. We want to work with the ABA in the future. We can't bottle this Symposium, but we can keep moving forward with your help.

When we started, we asked ourselves, "Why are we doing it? What are we trying to achieve? Who are we trying to reach? What will be different after the Symposium?"

Well, the "why" is pretty easy. We've been specifically instructed by Congress in the statute to: 1) report on advances in knowledge of human behavior as it affects criminal behavior; and 2) measure the effectiveness of sentencing, penal and correctional practices. These are the issues on which we want to report.

We want also to respond to Congress' invitation to tell them more, and two days won't do it. In the future, we plan to form task forces consisting of practitioners, policymakers, and academicians to examine in depth some of the specific and some of the larger issues we heard here yesterday and today. We expect this Symposium to produce specific recommendations on discrete policy issues, specific potential legislation, research agendas, and specific prevention and treatment alternatives.

This is a beginning. We're all looking for the same things: a reduction in crime, a reduction in drugs, a reduction in violence. We need to work together, as every speaker has said. We cannot make progress without the right hand knowing what the left hand is doing. We all have a role to play, but let's not fall all over each other as we try to make progress. This will not be a course for the short-winded.

Finally, the Commission will send to all of you a complete record of what we have done over the past few days. When you've had a chance to think about the issues we've discussed here, and everything settles in your mind, and if you're inclined to do so, we welcome your thoughts and your ideas.

On behalf of the Commission, I thank you all for coming.



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